

## **BILL ANALYSIS**

Senate Research Center

H.B. 11  
By: Dutton et al. (Creighton)  
Education  
5/9/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Teachers all over Texas are worn out. They have inherited too many responsibilities, they are often required to spend too much time on non-teaching duties, and many are leaving the profession because the burden has proven too great. Many new teachers are entering the profession with little to no experience in the classroom. As the single greatest influence on a student's achievement and progress in the school building, teachers need support.

H.B. 11 expands the Teacher Incentive Allotment (TIA) to further reward Texas' best teachers with increased compensation bonuses. Eligibility for the Teacher Incentive Allotment is also increased so that at least 50 percent of Texas teachers can earn designations that come with additional pay.

H.B. 11 provides further support for teacher workloads through the implementation of a grant program for districts that wish to rehire experienced retired teachers, but cannot afford the exorbitant retiree-rehire surcharges.

While supporting Texas teachers is paramount, considerations must also be made to properly prepare the next generation of teachers as well. Research has shown that the more time student teachers spend in classrooms before they graduate, the better the outcomes are for students and teachers alike. H.B. 11 establishes the Texas Teacher Residency Partnership Program so that student teachers, much like medical doctors, can spend more time in the classroom honing their skills alongside a mentor teacher.

H.B. 11 amends current law relating to the rights and certification of public school educators, including financial and other assistance and waivers provided to public schools by the Texas Education Agency related to public school educators, methods of instruction provided in public schools, and certain allotments under the Foundation School Program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 4 (Section 21.051, Education Code) and SECTION 12 (Sections 21.903, 21.905, and 21.908, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 9 (Section 21.3522, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 21, Education Code, by adding Section 21.010, as follows:

Sec. 21.010. TEACHER POSITION DATA COLLECTION. Requires the Texas Education Agency (TEA) to collect data from school districts and open-enrollment charter schools for the recruitment and retention of classroom teachers, including the classification, grade level, subject area, duration, and other relevant information regarding vacant teaching positions in a district or school. Authorizes the data to be

collected using the Public Education Information Management System (PEIMS) or another reporting mechanism specified by TEA.

SECTION 2. Amends Subchapter B, Chapter 21, Education Code, by adding Section 21.0411, as follows:

Sec. 21.0411. WAIVER OR PAYMENT OF CERTAIN EXAMINATION AND CERTIFICATION FEES. (a) Requires the State Board for Educator Certification (SBEC), notwithstanding a rule adopted under Section 21.041(c) (relating to requiring SBEC to propose a rule adopting a fee for the issuance and maintenance of an educator certificate that when combined with certain other fees covers the cost of the administration of Subchapter B (Educators)), for a person applying for a certification to teach established under this subchapter, to waive:

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

(2) a fee associated with the application for certification by the person.

(b) Requires SBEC to pay to a vendor that administers a certification examination required for certification to teach under this subchapter a fee assessed by that vendor for the examination of a person applying for a certification to teach established under this subchapter for the first administration of the examination to the person.

SECTION 3. Amends Section 21.044, Education Code, by adding Subsection (h), as follows:

(h) Prohibits an educator preparation program, including an educator preparation program offered by an institution of higher education, as defined by Section 61.003 (Definitions), from including instruction that incorporates the method of three-cueing, as defined by Section 28.0062(a-1), into foundational skills reading instruction.

SECTION 4. Amends Section 21.051, Education Code, by adding Subsections (f-2) and (f-3), as follows:

(f-2) Requires SBEC to propose rules as soon as practicable providing that a candidate for certification enrolled in an educator preparation program is entitled to not fewer than five candidate observations during a school year that fulfill the requirements for field-based experience if the candidate:

(1) is employed by a district of innovation with a local innovation plan developed under Section 12A.003 (Local Innovation Plan) that exempts the district from the requirements of Section 21.003 (Certification Required); and

(2) does not hold a teacher intern certificate or a probationary certificate issued under Section 21.0491 (Probationary and Standard Trade and Industrial Workforce Training Certificates).

(f-3) Provides that a candidate for certification who fulfills the requirements for field-based experience in accordance with Subsection (f-2):

(1) is authorized to be issued a standard certificate if the candidate completes all other eligibility requirements required to receive a teacher intern or probationary certification, including passing any examination required for that certification, required by SBEC, and in accordance with timelines established by SBEC rule; and

(2) is prohibited from being issued a teacher intern or probationary certificate.

SECTION 5. Amends Section 21.105, Education Code, by amending Subsection (c) and adding Subsection (g), as follows:

(c) Authorizes SBEC, subject to certain subsections, including Subsection (g), on written complaint by the employing district, to impose sanctions against a teacher employed under a probationary contract who performs certain actions.

(g) Prohibits SBEC from imposing 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) (relating to the process of resignation without penalty for a teacher employed under a probationary contract) and without the consent of the board under Subsection (b) (relating to requiring a teacher employed under a probationary contract to have the consent of the board in order to resign at any time), if the teacher's failure to comply with Subsection (a) was due to:

(1) the teacher, or a close family member of the teacher, developing a serious illness or experiencing a significant change in health condition;

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

(3) the needs of the teacher's family changing significantly 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 reasonably believing that the teacher received written permission from the school district to resign.

SECTION 6. Amends Section 21.160, Education Code, by amending Subsection (c) and adding Subsection (g) to make conforming changes.

SECTION 7. Amends Section 21.210, Education Code, by amending Subsection (c) and adding Subsection (g) to make conforming changes.

SECTION 8. Amends Sections 21.3521(a), (c), and (e), Education Code, as follows:

(a) Authorizes a school district or open-enrollment charter school, subject to Subsection (b) (relating to requiring the commissioner of education (commissioner) to establish performance and validity standards for each local optional teacher designation system that meet certain requirements) to designate a classroom teacher as a master, exemplary, 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 (Recommended Appraisal Process and Performance Criteria) or 21.352 (Local Role).

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

(e) Requires TEA to 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 of local optional teacher designation systems;
- (3) applying the performance and validity standards established by the commissioner under Subsection (b).
- (4) providing centralized support for the analysis of the results of assessment instruments administered to district or school students; and
- (5) facilitating effective communication on and promotion of local optional teacher designation systems.

SECTION 9. Amends Subchapter H, Chapter 21, Education Code, by adding Section 21.3522, as follows:

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

- (1) expand implementation of local optional teacher designation systems under Section 21.3521 (Local Optional Teacher Designation System); and
  - (2) increase the number of classroom teachers eligible for a designation under that section.
- (b) Requires that a grant awarded under this section:
- (1) meet the needs of individual school districts; and
  - (2) enable regional leadership capacity.
- (c) Authorizes the commissioner to adopt rules to establish and administer the grant program under this section.

SECTION 10. Amends Subchapter I, Chapter 21, Education Code, by adding Sections 21.416, as follows:

Sec. 21.416. EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT PROGRAM. (a) Requires the commissioner, from funds appropriated or otherwise available, to establish and administer a grant program to award funds to reimburse a school district or open-enrollment charter school that hires a teacher who retired before September 1, 2022, for the increased contributions to the Teacher Retirement System of Texas associated with hiring the retired teacher.

- (b) Authorizes the legislature, in appropriating money for grants awards under this section, to 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, 2022, before which a teacher is required to have retired for a school district or open-enrollment charter school that hires the teacher to be eligible; or
  - (2) limiting eligibility to a school district or open-enrollment charter school 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) Requires the commissioner to proportionally reduce the amount of funds awarded to school districts and open-enrollment charter schools 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) Authorizes a school district or open-enrollment charter school to use funds received under this section to make required payments under Section 825.4092 (Employer Contributions for Employed Retirees), Government Code.

SECTION 11. Amends Subchapter J, Chapter 21, Education Code, by adding Sections 21.466 and 21.467, as follows:

Sec. 21.466. **TEACHER QUALITY ASSISTANCE.** (a) Requires TEA, from funds appropriated or otherwise available for the purpose, to 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 are authorized to use to establish clear and attainable behavior expectations while proactively supporting students.

(b) Requires TEA, from funds appropriated or otherwise available, to provide grants to school districts and open-enrollment charter schools to implement initiatives developed under this section.

Sec. 21.467. **TEACHER TIME STUDY.** (a) Requires TEA, from funds appropriated or otherwise available for the purpose, to 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) Requires TEA to periodically make findings and recommendations for best practices publicly available using information from participating school districts and open-enrollment charter schools.

SECTION 12. Amends Chapter 21, Education Code, by adding Subchapter R, as follows:

#### SUBCHAPTER R. TEXAS TEACHER RESIDENCY PARTNERSHIP PROGRAM

Sec. 21.901. **DEFINITIONS.** Defines "board," "cooperating teacher," "partnership program," "partnership resident," and "qualified educator preparation program."

Sec. 21.902. ESTABLISHMENT OF PARTNERSHIP PROGRAM. (a) Requires the commissioner to establish the Texas Teacher Residency Partnership Program to enable qualified educator preparation programs to form partnerships with school districts or open-enrollment charter schools to provide residency positions to partnership residents at the district or school.

(b) Requires that the partnership program be designed to:

(1) allow partnership residents to receive field-based experience working with cooperating teachers in prekindergarten through grade 12 classrooms; and

(2) gradually increase the amount of time a partnership resident spends engaging in instructional responsibilities, including observation, co-teaching, and lead-teaching responsibilities.

Sec. 21.903. QUALIFIED EDUCATOR PREPARATION PROGRAMS. Requires SBEC to propose rules specifying the requirements for SBEC approval of an educator preparation program as a qualified educator preparation program for purposes of this subchapter. Requires the rules to require an educator preparation program to:

(1) use research-based best practices for recruiting and admitting candidates into the educator preparation program to participate in the partnership program;

(2) integrate curriculum, classroom practice, and formal observation and feedback;

(3) use multiple assessments to measure a partnership resident's progress in the partnership program; and

(4) partner with a school district or open-enrollment charter school.

Sec. 21.904. REQUIREMENTS FOR PARTICIPATING DISTRICTS AND SCHOOLS. (a) Requires a school district or open-enrollment charter school participating in the partnership program to:

(1) enter into a written agreement with a qualified educator preparation program to:

(A) provide a partnership resident with at least one school year of clinical teaching in a residency position at the district or school in the subject area and grade level for which the resident seeks certification; and

(B) pair the partnership resident with a cooperating teacher;

(2) only use money received under Section 48.157 to:

(A) implement the partnership program;

(B) provide compensation to:

(i) partnership residents in residency positions at the district or school; and

(ii) cooperative teachers who are paired with partnership residents at the district or school; and

(C) provide an amount equal to at least 10 percent of the funding received by the district or school to the qualified educator preparation program with which the district or school partners;

(3) pay at least 50 percent of the compensation paid to partnership residents using money other than money received under Section 48.157; and

(4) provide any information required by TEA regarding the district's or school's implementation of the program.

(b) Authorizes a school district or open-enrollment charter school to only pair a partnership resident with a cooperating teacher who agrees to participate in that role in a partnership program at the district or school partnership program.

(c) Prohibits a partnership resident from serving as a teacher of record, as that term is defined by Section 21.051 (Rules Regarding Field-Based Experience and Options for Field Experience and Internships).

Sec. 21.905. RESIDENCY EDUCATOR CERTIFICATE. Requires SBEC to propose rules specifying the requirements for the issuance of a residency educator certificate to a candidate who has successfully completed a qualified educator preparation program under Section 21.903. Prohibits the rules from requiring the resident to pass a pedagogy examination unless the examination tests subject-specific content appropriate for the grade and subject area for which the candidate seeks certification.

Sec. 21.906. AGENCY SUPPORT. Requires TEA to provide technical assistance, planning, and support to school districts, open-enrollment charter schools, and qualified educator preparation programs, which are required to include:

(1) providing model forms and agreements a district, school, or educator preparation program are authorized to use to comply with the requirements of this subchapter; and

(2) support for district and school strategic staffing and compensation models to incentivize participation in a partnership program.

Sec. 21.907. AUTHORITY TO ACCEPT CERTAIN FUNDS. Authorizes the commissioner to solicit and accept gifts, grants, and donations from public and private entities to use for the purposes of this subchapter.

Sec. 21.908. RULES; NEGOTIATED RULEMAKING COMMITTEE. (a) Requires SBEC to propose rules necessary to implement this subchapter, including, subject to Subsection (b), rules under Sections 21.903 and 21.905.

(b) Requires SBEC, in using negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code, for any proposed rule related to the implementation of Section 21.903 or 21.905, to appoint to the negotiated rulemaking committee persons representing institutions of higher education, as defined by Section 61.003.

(c) Requires the commissioner to adopt rules as necessary to implement this subchapter after considering the recommendations of the negotiated rulemaking committee appointed under Subsection (b).

SECTION 13. Amends Section 28.0062, Education Code, by adding Subsection (a-1) to define "three-cueing."

SECTION 14. Amends Sections 29.054(b) and (c), Education Code, as follows:

(b) Authorizes an application for an exception to be filed with TEA when a district is unable to hire a sufficient number of teachers with teaching certificates appropriate for bilingual education instruction to staff the required program. Requires that the application be accompanied by:

(1)-(2) makes no changes to these subdivisions;

(3) documentation showing that, on the basis of district records, no teacher having a teaching certificate appropriate for bilingual instruction or emergency credentials has been unjustifiably denied employment by the district within the past 36, rather than 12, months; and

(4) makes no changes to this subdivision.

(c) Provides that an exception is required to be granted under Section 29.054 on an individual district basis and is valid for three years, rather than only one year. Provides that application for an exception for a second or succeeding three-year period:

(1) creates this subdivision out of existing text and makes a nonsubstantive change; and

(2) is authorized to be for different teachers than the teachers who were included in an application for an exception for a preceding period.

SECTION 15. Amends Section 29.153(b), Education Code, as follows:

(b) Provides that a child is eligible for enrollment in a prekindergarten class under Section 29.153 (Free Prekindergarten for Certain Children) if the child is at least three years of age and:

(1)-(5) makes no changes to these subdivisions;

(6)-(7) makes nonsubstantive changes to these subdivisions; or

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

SECTION 16. Amends Section 48.108, Education Code, by adding Subsection (a-1), as follows:

(a-1) Provides that a school district is entitled, for each student in average daily attendance in prekindergarten, to an annual allotment equal to the basic allotment multiplied by 0.1 if the student is at least four years of age and eligible to enroll in a prekindergarten class under Section 29.153(b) (relating to the qualifications for eligibility for enrollment in a free prekindergarten program for certain children who are at least 3 years of age).

SECTION 17. Amends Sections 48.112(c) and (d), Education Code, as follows:

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

(1) \$12,000, or an increased amount not to exceed \$36,000, rather than \$32,000, as determined under Subsection (d), for each master teacher;

(2) \$9,000, rather than \$6,000, or an increased amount not to exceed \$25,000, rather than \$18,000, as determined under Subsection (d), for each acknowledged teacher or teacher designated as nationally board certified.



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

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

(d) Provides that the high needs and rural factor is determined by multiplying the following applicable amounts by the average of the point value assigned to each student at a district campus under Subsection (e) (relating to providing a point system for campuses based on economic factors):

(1) \$6,000, rather than \$5,000, for each master teacher;

(2) \$4,000, rather than \$3,000, for each exemplary teacher;

(3) \$2,500, rather than \$1,500, for each recognized teacher; and

(4) \$1,500 for each acknowledged teacher or teacher designated as nationally board certified.

SECTION 18. Amends Section 48.114, Education Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that a school district is entitled to an allotment to fund a mentoring program and to provide stipends for mentor teachers if:

(1) the district has implemented a mentoring program for classroom teachers under Section 21.458 (Mentors); and

(2) the mentor teachers assigned under that program complete a training program that is required or developed by TEA for mentor teachers.

Deletes existing text providing that a school district that has implemented a mentoring program for classroom teachers who have less than two years of teaching experience under Section 21.458 is entitled to an allotment as determined under Subsection (b) (relating to requiring the commissioner to adopt a formula to provide funding for schools with mentoring programs) to fund the mentoring program and to provide stipends for mentor teachers.

(d) Provides that a school district is entitled to an allotment of \$2,000 for each classroom teacher with less than two years of experience who participates in a mentoring program described by Subsection (a). Authorizes a district to receive an allotment under Section 48.114 (Mentor Program Allotment) for no more than 40 teachers during a school year, except that the commissioner is authorized to approve an application submitted by the district to receive for a school year additional allotments for additional classroom teachers, if the district has more than 40 classroom teachers who are eligible to participate in the mentoring program described by Subsection (a). Requires the commissioner, in approving applications under this subsection, to ensure the total amount provided in allotments under this section does not exceed the amount appropriated for that purpose for that school year.

SECTION 19. Amends Subchapter D, Chapter 48, Education Code, by adding Section 48.157, as follows:

Sec. 48.157. RESIDENCY PARTNERSHIP ALLOTMENT. (a) Defines "partnership program," "partnership resident," and "rural campus."

(b) Provides that the district for each partnership resident employed at a school district in a residency position under Subchapter R, Chapter 21, is entitled to an allotment equal to a base amount of \$22,000 increased by the high needs and rural factor, as determined under Subsection (c), to an amount not to exceed \$42,000.

(c) Provides that the high needs and rural factor is determined by multiplying \$5,000 by the lesser of:

(1) the average of the point value assigned to each student at a district campus under Section 48.112(e) (relating to the method for determining a point value for each student at a district campus) and (f) (relating to the method for determining a point value for each student at a rural campus); or

(2) 4.0.

(d) Provides that a district that qualifies for an allotment under this section, in addition to the funding under Subsection (b), is entitled to an additional \$2,000 for each partnership resident employed in a residency position at the district who is a candidate for special education bilingual education certification.

(e) Provides that the Texas School for the Deaf (TSD) and the Texas School for the Blind and Visually Impaired (TSBVI) are entitled to an allotment under this section. Authorizes the commissioner, if the commissioner determines that assigning point values under Subsection (c) to students enrolled in TSD or TSBVI is impractical, to use the average point value assigned for those students' home districts for purposes of calculating the high needs and rural factor.

SECTION 20. Repealer: Section 48.114(b) (relating to requiring that the commissioner adopt a formula to determine the amount each school district is entitled to for the Mentor Program Allotment), Education Code.

Repealer: Subchapter Q (Texas Teacher Residency Program), Chapter 21, Education Code.

Repealer: Section 825.4092(f) (relating to the requirement that a reporting employer is ultimately responsible for the payment of contributions for employed retirees and that an employer is prohibited from passing the cost onto the employee), Government Code, as added by Chapter 546 (S.B. 202), Acts of the 87th Legislature, Regular Session, 2021.

SECTION 21. Requires that a school district or open-enrollment charter school, immediately following the effective date of this Act, 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. Requires that 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, be increased to reflect the teacher's redesignation under Section 21.3521, Education Code, as amended by this Act.

SECTION 22. Authorizes the commissioner, until SBEC adopts rules specifying the requirements for approval of an educator preparation program as a qualified educator preparation program as required by that section, to approve a program as a qualified educator preparation program for purposes of Subchapter R, Chapter 21, Education Code, as added by this Act, if the commissioner determines that the program meets the requirements under Section 21.903, Education Code, as added by this Act, notwithstanding Section 21.903, Education Code, as added by this Act. Provides that an educator preparation program's designation as a qualified educator preparation program by the commissioner under this section remains effective until the first anniversary of the earliest effective date of a rule adopted by SBEC under Section 21.903, Education Code, as added by this Act.

SECTION 23. Provides that Sections 29.054(b) and (c), Education Code, as amended by this Act, apply beginning with the 2023–2024 school year.

SECTION 24. (a) Provides that this Act, except as provided by Subsection (b) of this section, applies beginning with the 2023–2024 school year.

(b) Provides that Section 48.108(a-1), Education Code, as added by this Act, applies beginning with the 2025–2026 school year.

SECTION 25. (a) Effective date, except as provided by Subsection (b) of this section: upon passage or September 1, 2023.

(b) Effective date, Sections 48.112(c) and (d) and 48.114, Education Code, as amended by this Act, and Sections 48.108(a-1) and 48.157, Education Code, as added by this Act: September 1, 2023.