

By: Creighton, et al.

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 (c-1), (c-2), (d-1), (d-2), and (d-3) 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) and except as provided by Subsection (c-1), 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]~~. A classroom teacher's designation under this subsection is valid until the earlier of:

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

(2) September 1, 2028.

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

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

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

(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) for principals and assistant principals, implement:

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

(B) a compensation system based on performance;

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

(3) implement for all classroom teachers a

compensation plan based on performance that:

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

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

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

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

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

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

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

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

(7) 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 (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

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

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

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

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

(2) is educationally disadvantaged;

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

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

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

(6) is or ever has been in:

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

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

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

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

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

(C) an emergency medical first responder under Section 3106.004, Government Code; 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 7. Section 48.112, Education Code, is amended by amending Subsections (c), (d), and (i) and adding Subsections (d-1) and (g-1) to read as follows:

(c) For each classroom teacher with a teacher designation under Section 21.3521 employed by a school district, the school district is entitled 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 [~~\$32,000~~] as determined under Subsection (d), for each master teacher;

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

(3) \$5,000 [~~\$3,000~~], or an increased amount not to exceed \$15,000 [~~\$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.

(d) 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):

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

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

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

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

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

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

(i) A district shall annually certify that:

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

(A) at least 90 percent of each allotment 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.