

BILL ANALYSIS

S.B. 1356
By: Hughes
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The coronavirus pandemic has slowed the academic progress of Texas school children, and the state will need all available resources to help these students make up lost ground. It has been suggested that the membership of active and retired teacher associations could serve as such a resource for public school districts' recruitment of tutors. S.B. 1356 seeks to establish a tutoring program under Texas Education Agency oversight to maximize the benefit of these teachers' experience. The bill provides for commissioner of education approval of nonprofit teacher associations and organizations seeking to participate in the program, provides for the dissemination of program information to prospective tutors, and sets out other provisions relating to the program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1356 amends the Education Code to authorize a member of a nonprofit teacher organization to participate in a tutoring program to provide supplemental instruction to students in kindergarten through grade 12 on an individualized or small-group basis. The bill requires such a person to meet the following eligibility criteria:

- be an active or retired teacher;
- apply for the position in a manner specified by the nonprofit organization;
- designate in the application whether the person plans to provide tutoring for compensation, on a volunteer basis, or both and whether the person plans to do so in-person, online, or both; and
- not be included in the registry of persons who are not eligible for employment by a public school based on certain criminal history background information or a record of certain misconduct.

The bill requires the Texas Education Agency to provide equivalent access to the registry of persons ineligible for employment by a public school to applicable nonprofit teacher organizations for this purpose.

S.B. 1356 requires each public school district superintendent or the superintendent's designee to oversee the tutoring program within the district. The bill authorizes a district to use any available state or federal funds to provide compensation to a participant who is providing tutoring for compensation under the program. If an active or retired teacher who has been approved for

participation in the program contacts a district to provide tutoring to students in the district, the district must do the following, depending on the basis on which the teacher offers the tutoring services:

- use the services of a teacher who is providing the services on a volunteer basis; or
- employ a teacher who is providing the services for compensation if the district has state or federal funds for purposes of the program.

S.B. 1356 requires each participating nonprofit organization to provide to the organization's members, at least quarterly, a description of the tutoring program, guidance on how to participate, and the contact information of each person who oversees the program for the district in which the member resides and any adjacent districts.

S.B. 1356 amends the Government Code to prohibit the Teacher Retirement System of Texas (TRS) from withholding a monthly benefit payment for a retiree if the retiree is employed in a Texas public educational institution as a tutor in the tutoring program. The bill requires TRS to regularly provide information in an electronic format to members and retirees regarding the tutoring program, including general information regarding the program and a statement directing members and retirees who want to participate in the program to contact their local districts for further guidance. The bill requires TRS to provide this information to members and retirees regardless of whether the member or retiree retired from employment before, on, or after the bill's effective date. The bill's provisions apply beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.