

By: Shapleigh

S.B. No. 18

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a bonus for certain new public school classroom
3 teachers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. (a) This Act may be cited as the "Texas Teacher
6 Excellence Act of 2004."

7 (b) The link between student achievement and teacher
8 quality is well documented in educational studies and literature.
9 Teacher qualifications, such as academic degrees and excellence,
10 are highly predictive of student performance. This state should
11 continue to maintain high and rigorous standards for what
12 accomplished teachers should know and be able to do. Meanwhile,
13 school districts across the state are experiencing teacher
14 shortages in a number of areas, including mathematics, science,
15 bilingual education, early education, and special education.
16 Effective teachers who are capable of inspiring significantly
17 greater learning gains for students in areas with critical
18 shortages of teachers should be rewarded for those skills. Bonuses
19 for highly qualified teachers in critical shortage areas would
20 provide an incentive for beginning candidates to choose one of
21 those areas. The Texas Teacher Excellence Act of 2004 seeks to
22 attract the most qualified teachers to the regions of the state
23 experiencing the greatest need.

24 SECTION 2. Subchapter I, Chapter 21, Education Code, is

1 amended by adding Section 21.415 to read as follows:

2 Sec. 21.415. BONUS FOR CERTAIN NEW CLASSROOM TEACHERS. (a)
3 Subject to available funds, a person employed by a school district
4 for the first time as a classroom teacher is entitled to a bonus of
5 \$5,000 if:

6 (1) the person graduated in the top 10 percent of the
7 person's graduating class at a public or private senior college or
8 university with a grade point average of at least 3.5 on a
9 four-point scale or an equivalent grade point average;

10 (2) the district is determined by the commissioner in
11 accordance with commissioner rule to have a critical shortage of
12 teachers qualified to teach mathematics, science, special
13 education, bilingual education, early reading, or any other area
14 designated by commissioner rule as an area that has a critical
15 shortage of teachers; and

16 (3) before the bonus is paid, the person enters into a
17 written contract with the district under which the person agrees
18 to:

19 (A) teach in the district for at least three
20 consecutive school years in an area listed or designated under
21 Subdivision (2); or

22 (B) reimburse the total amount of the bonus.

23 (b) A bonus under this section shall be paid using funds
24 appropriated for that purpose and distributed by the commissioner
25 to each school district to which Subsection (a)(2) applies. A
26 person is entitled to a bonus under this section only to the extent
27 sufficient state funds are appropriated for that purpose. If state

1 funds are appropriated but are insufficient to fully fund the
2 bonuses, the commissioner shall reduce the amount paid for the
3 bonuses to each district to which Subsection (a)(2) applies, and
4 the district shall reduce the amount of the bonus the district pays
5 to each person entitled to a bonus under this section
6 proportionately so that each person receives the same amount of
7 money.

8 (c) A decision of the commissioner concerning the amount of
9 money to which a school district is entitled under this section is
10 final and may not be appealed. Each district shall, in the manner
11 and at the time prescribed by the commissioner, provide to the
12 commissioner proof acceptable to the commissioner of the employment
13 of a person entitled to a bonus under this section.

14 (d) The commissioner may audit the expenditure of money
15 appropriated for purposes of this section. A school district's use
16 of the money appropriated for purposes of this section shall be
17 verified as part of the district audit under Section 44.008.

18 (e) A bonus a teacher receives under this section is not
19 considered in determining whether the district is paying the
20 teacher the minimum monthly salary under Section 21.402.

21 (f) In addition to rules adopted under Subsection (a), the
22 commissioner may adopt any other rule necessary to administer this
23 section.

24 SECTION 3. Section 822.201(b), Government Code, is amended
25 to read as follows:

26 (b) "Salary and wages" as used in Subsection (a) means:

27 (1) normal periodic payments of money for service the

1 right to which accrues on a regular basis in proportion to the
2 service performed;

3 (2) amounts by which the member's salary is reduced
4 under a salary reduction agreement authorized by Chapter 610;

5 (3) amounts that would otherwise qualify as salary and
6 wages under Subdivision (1) but are not received directly by the
7 member pursuant to a good faith, voluntary written salary reduction
8 agreement in order to finance payments to a deferred compensation
9 or tax sheltered annuity program specifically authorized by state
10 law or to finance benefit options under a cafeteria plan qualifying
11 under Section 125, ~~[of the]~~ Internal Revenue Code of 1986, if:

12 (A) the program or benefit options are made
13 available to all employees of the employer; and

14 (B) the benefit options in the cafeteria plan are
15 limited to one or more options that provide deferred compensation,
16 group health and disability insurance, group term life insurance,
17 dependent care assistance programs, or group legal services plans;

18 (4) performance pay awarded to an employee by a school
19 district as part of a total compensation plan approved by the board
20 of trustees of the district and meeting the requirements of
21 Subsection (e);

22 (5) the benefit replacement pay a person earns under
23 Subchapter H, Chapter 659, except as provided by Subsection (c);

24 (6) stipends paid to teachers in accordance with
25 Section 21.410, 21.411, or 21.412~~[, or 21.413]~~, Education Code, or
26 Section 21.413, Education Code, as added by Chapter 430, Acts of the
27 78th Legislature, Regular Session, 2003, and bonuses paid to

1 teachers in accordance with Section 21.415, Education Code;

2 (7) amounts by which the member's salary is reduced or
3 that are deducted from the member's salary as authorized by
4 Subchapter J, Chapter 659; and

5 (8) a merit salary increase made under Section 51.962,
6 Education Code.

7 SECTION 4. This Act applies beginning with the 2004-2005
8 school year.

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect on the 91st day after the last day of the
14 legislative session.