

By: Grusendorf

H.B. No. 411

A BILL TO BE ENTITLED

AN ACT

relating to improvement of science instruction and student performance in public schools.

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

SECTION 1. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0484 to read as follows:

Sec. 21.0484. MASTER SCIENCE TEACHER CERTIFICATION. (a) To ensure that there are teachers with special training to work with other teachers and with students in order to improve student science performance, the board shall establish:

(1) a master science teacher certificate to teach science at elementary school grade levels;

(2) a master science teacher certificate to teach science at middle school grade levels; and

(3) a master science teacher certificate to teach science at high school grade levels.

(b) The board shall issue the appropriate master science teacher certificate to each eligible person.

(c) To be eligible for a master science teacher certificate, a person must:

(1) hold a teaching certificate issued under this subchapter;

(2) have at least three years of teaching experience;

(3) satisfactorily complete a knowledge-based course

1 of instruction on the science of teaching children science that  
2 includes training in science instruction and professional peer  
3 mentoring techniques that, through scientific testing, have been  
4 proven effective;

5 (4) perform satisfactorily on the appropriate master  
6 science teacher certification examination prescribed by the board;  
7 and

8 (5) satisfy any other requirements prescribed by the  
9 board.

10 (d) The course of instruction prescribed under Subsection  
11 (c)(3) shall be developed by the board in consultation with science  
12 faculty members at institutions of higher education.

13 SECTION 2. Subchapter I, Chapter 21, Education Code, is  
14 amended by adding Section 21.413 to read as follows:

15 Sec. 21.413. MASTER SCIENCE TEACHER GRANT PROGRAM. (a) The  
16 commissioner shall establish a master science teacher grant program  
17 to encourage teachers to:

18 (1) become certified as master science teachers; and

19 (2) work with other teachers and with students in  
20 order to improve student science performance.

21 (b) From funds appropriated for the purpose, the  
22 commissioner shall make grants to school districts as provided by  
23 this section to pay stipends to selected certified master science  
24 teachers who teach at high-need campuses.

25 (c) The commissioner shall annually identify each high-need  
26 campus in a school district using criteria established by the  
27 commissioner by rule, including performance on the science

1 assessment instrument administered under Section 39.023. The  
2 commissioner shall also use the criteria to rank campuses in order  
3 of greatest need.

4 (d) A school district may apply to the commissioner for  
5 grants for each high-need campus identified by the commissioner to  
6 be used to pay stipends to certified master science teachers in  
7 accordance with this section. Unless reduced under Subsection (g)  
8 or (i), each grant is in the amount of \$5,000. The commissioner  
9 shall approve the application if the district:

10 (1) applies within the period and in the manner  
11 required by rule adopted by the commissioner; and

12 (2) agrees to use each grant only for the purpose of  
13 paying a year-end stipend to a master science teacher:

14 (A) who holds the appropriate certificate issued  
15 under Section 21.0484;

16 (B) who teaches in a position prescribed by the  
17 district at a high-need campus identified by the commissioner;

18 (C) whose primary duties include:

19 (i) teaching science; and

20 (ii) serving as a science teaching mentor  
21 to other teachers for the amount of time and in the manner  
22 established by the district and by rule adopted by the  
23 commissioner; and

24 (D) who satisfies any other requirements  
25 established by rule adopted by the commissioner.

26 (e) Unless reduced under Subsection (g) or (i), a stipend  
27 under Subsection (d)(2) is in the amount of \$5,000.

1       (f) The commissioner shall adopt rules for the distribution  
2 of grants to school districts following the year of the initial  
3 grant. A district that has been approved for a grant to pay a  
4 stipend to a certified master science teacher is not required to  
5 reapply for a grant for two consecutive school years following the  
6 year of the initial grant if the district:

7           (1) continues to pay a stipend as provided by  
8 Subsection (g); and

9           (2) notifies the commissioner in writing, within the  
10 period and in the manner prescribed by the commissioner, that the  
11 circumstances on which the grant was based have not changed.

12       (g) The commissioner shall reduce payments to a school  
13 district proportionately to the extent a teacher does not meet the  
14 requirements under Subsection (d)(2) for the entire school year. A  
15 district that employs more certified master science teachers than  
16 the number of grants available under this section shall select the  
17 certified master science teachers to whom to pay stipends based on a  
18 policy adopted by the board of trustees of the district, except that  
19 a district shall pay a stipend for two additional consecutive  
20 school years to a teacher the district has selected for and paid a  
21 stipend for a school year, who remains eligible for a stipend under  
22 Subsection (d)(2), and for whom the district receives a grant under  
23 this section for those years. A decision of the district under this  
24 subsection is final and may not be appealed. The district may not  
25 apportion among teachers a stipend paid for with a grant the  
26 district receives under this section. The district may use local  
27 money to pay additional stipends in amounts determined by the

1 district.

2 (h) A grant a school district receives under this section is  
3 in addition to any funding the district receives under Chapter 42.  
4 The commissioner shall distribute funds under this section with the  
5 Foundation School Program payment to which the district is entitled  
6 as soon as practicable after the end of the school year as  
7 determined by the commissioner. A district to which Chapter 41  
8 applies is entitled to the grants paid under this section. The  
9 commissioner shall determine the timing of the distribution of  
10 grants to a district that does not receive Foundation School  
11 Program payments.

12 (i) This section does not create a property right to a grant  
13 or stipend. A school district is entitled to a grant to carry out  
14 the purposes of this section only to the extent the commissioner  
15 makes the grant in accordance with this section and only to the  
16 extent sufficient state funds are appropriated for those purposes.  
17 If state funds are appropriated but are insufficient to fully fund a  
18 grant, the commissioner shall reduce the grant paid to each  
19 district and the district shall reduce the stipend the district  
20 pays to each teacher under this section proportionately so that  
21 each selected teacher receives the same amount of money.

22 (j) A decision of the commissioner concerning the amount of  
23 money to which a school district is entitled under this section is  
24 final and may not be appealed. Each district shall, in the manner  
25 and at the time prescribed by the commissioner, provide to the  
26 commissioner proof acceptable to the commissioner of the master  
27 science teacher certification of a teacher to whom the district is

1 paying a stipend under this section.

2 (k) The commissioner may audit the expenditure of money  
3 appropriated for purposes of this section. A district's use of the  
4 money appropriated for purposes of this section shall be verified  
5 as part of the district audit under Section 44.008.

6 (l) A stipend a teacher receives under this section is not  
7 considered in determining whether the district is paying the  
8 teacher the minimum monthly salary under Section 21.402.

9 (m) The commissioner may adopt other rules as necessary to  
10 implement this section.

11 SECTION 3. Subchapter J, Chapter 21, Education Code, is  
12 amended by adding Sections 21.456 and 21.457 to read as follows:

13 Sec. 21.456. SCIENCE TRAINING. (a) The commissioner shall  
14 develop training materials and other teacher training resources for  
15 a school district to use in assisting science teachers in  
16 developing:

17 (1) expertise in the appropriate science curriculum;  
18 and

19 (2) comprehension of the instructional approaches  
20 that, through scientific testing, have been proven effective in  
21 improving student science skills.

22 (b) The commissioner shall develop materials and resources  
23 under this section in consultation with appropriate faculty members  
24 at institutions of higher education.

25 (c) The commissioner shall make the training materials and  
26 other teacher training resources required under Subsection (a)  
27 available to science teachers through a variety of mechanisms,

1 including distance learning, mentoring programs, small group  
2 inquiries, computer-assisted training, and mechanisms based on  
3 trainer-of-trainer models.

4 (d) The commissioner shall use funds appropriated for the  
5 purpose to administer this section.

6 Sec. 21.457. PROFESSIONAL DEVELOPMENT INSTITUTES IN  
7 SCIENCE. (a) The commissioner shall develop and make available  
8 professional development institutes for teachers who provide  
9 instruction in science to students at the fifth through eighth  
10 grade levels.

11 (b) A professional development institute developed under  
12 this section must address:

13 (1) the underlying science skills required to be  
14 taught at the relevant grade levels; and

15 (2) science instruction techniques that, through  
16 scientific testing, have been proven effective.

17 (c) The commissioner shall develop professional development  
18 institutes under this section in consultation with science faculty  
19 members at institutions of higher education.

20 (d) The commissioner shall adopt criteria for selection of  
21 teachers authorized to attend a professional development institute  
22 developed under this section.

23 (e) From funds appropriated for the purpose, the  
24 commissioner shall pay a stipend to each teacher who completes a  
25 professional development institute developed under this section.  
26 The commissioner shall determine the amount of the stipend paid  
27 under this subsection.

1 SECTION 4. Subchapter A, Chapter 28, is amended by adding  
2 Section 28.008 to read as follows:

3 Sec. 28.008. SCIENCE DIAGNOSIS. (a) Using funds  
4 appropriated for the purpose, the commissioner shall develop and  
5 make available assessment instruments that a school district may  
6 use to diagnose student science skills. In developing the  
7 assessment instruments, the commissioner shall consider all  
8 assessment methods available through advanced technology,  
9 including methods using the Internet or other computer resources to  
10 provide immediate assessment of a student's skills.

11 (b) The results of assessment instruments required under  
12 Subsection (a) may not be used for purposes of appraisals and  
13 incentives under Chapter 21 or accountability under Chapter 39.

14 SECTION 5. Subchapter C, Chapter 29, Education Code, is  
15 amended by adding Section 29.089 to read as follows:

16 Sec. 29.089. AFTER-SCHOOL AND SUMMER INTENSIVE SCIENCE  
17 INSTRUCTION PROGRAMS. (a) A school district may provide an  
18 intensive after-school program or an intensive program during the  
19 period that school is recessed for the summer to provide science  
20 instruction to:

21 (1) students who are not performing at grade level in  
22 science to assist those students in performing at grade level;

23 (2) students who are not performing successfully in a  
24 science course to assist those students in successfully completing  
25 the course; or

26 (3) students other than those described by Subdivision  
27 (1) or (2), as determined by the district.



1        (b) Before providing a program under this section, the board  
2 of trustees of a school district must adopt a policy for:

3            (1) determining student eligibility for participating  
4 in the program that:

5                    (A) prescribes the grade level or course a  
6 student must be enrolled in to be eligible; and

7                    (B) provides for considering teacher  
8 recommendations in determining eligibility;

9            (2) ensuring that parents of or persons standing in  
10 parental relation to eligible students are provided notice of the  
11 program;

12            (3) ensuring that eligible students are encouraged to  
13 attend the program;

14            (4) ensuring that the program is offered at one or more  
15 locations in the district that are easily accessible to eligible  
16 students; and

17            (5) measuring student progress on completion of the  
18 program.

19        (c) The commissioner by rule shall:

20            (1) prescribe a procedure that a school district must  
21 follow to apply for and receive funding for a program under this  
22 section;

23            (2) adopt guidelines for determining which districts  
24 receive funding if there is not sufficient funding for each  
25 district that applies;

26            (3) require each district providing a program to  
27 report student performance results to the commissioner within the

1 period and in the manner prescribed by the rule; and

2 (4) based on district reports under Subdivision (3)  
3 and any required analysis and verification of those reports,  
4 disseminate to each district in this state information concerning  
5 instructional methods that have proved successful in improving  
6 student performance in science.

7 (d) A program provided under this section shall be paid for  
8 with funds appropriated for that purpose.

9 SECTION 6. (a) If the Act of the 78th Legislature, Regular  
10 Session, 2003, relating to nonsubstantive additions to and  
11 corrections in enacted codes takes effect, Section 822.201(b),  
12 Government Code, as amended by Chapters 118, 834, and 1301, Acts of  
13 the 77th Legislature, Regular Session, 2001, is reenacted and  
14 amended to read as follows:

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

16 (1) normal periodic payments of money for service the  
17 right to which accrues on a regular basis in proportion to the  
18 service performed;

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

21 (3) amounts that would otherwise qualify as salary and  
22 wages under Subdivision (1) but are not received directly by the  
23 member pursuant to a good faith, voluntary written salary reduction  
24 agreement in order to finance payments to a deferred compensation  
25 or tax sheltered annuity program specifically authorized by state  
26 law or to finance benefit options under a cafeteria plan qualifying  
27 under Section 125 of the Internal Revenue Code of 1986, if:

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

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

7 (4) performance pay awarded to an employee by a school  
8 district as part of a total compensation plan approved by the board  
9 of trustees of the district and meeting the requirements of  
10 Subsection (e);

11 (5) the benefit replacement pay a person earns under  
12 Subchapter H, Chapter 659, [~~as added by Chapter 417, Acts of the~~  
13 ~~74th Legislature, 1995,~~] except as provided by Subsection (c);

14 (6) stipends paid to teachers in accordance with  
15 Section 21.410, 21.411, 21.412, or 21.413, Education Code;

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

19 (8) a merit salary increase made under Section 51.962,  
20 Education Code.

21 (b) If the Act of the 78th Legislature, Regular Session,  
22 2003, relating to nonsubstantive additions to and corrections in  
23 enacted codes does not take effect, Section 822.201(b), Government  
24 Code, as amended by Chapters 118, 834, and 1301, Acts of the 77th  
25 Legislature, Regular Session, 2001, is reenacted and amended to  
26 read as follows:

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

1           (1) normal periodic payments of money for service the  
2 right to which accrues on a regular basis in proportion to the  
3 service performed;

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

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

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

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

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

23           (5) the benefit replacement pay a person earns under  
24 Subchapter H, Chapter 659, [~~as added by Chapter 417, Acts of the~~  
25 ~~74th Legislature, 1995,~~] except as provided by Subsection (c);

26           (6) stipends paid to teachers in accordance with  
27 Section 21.410, Education Code; Section 21.411, Education Code, as

1 added by Chapter 834, Acts of the 77th Legislature, Regular  
2 Session, 2001; Section 21.411, Education Code, as added by Chapter  
3 1301, Acts of the 77th Legislature, Regular Session, 2001; or  
4 Section 21.413, Education Code;

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

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

10 SECTION 7. (a) The State Board for Educator Certification  
11 shall propose rules establishing requirements and prescribing an  
12 examination for master science teacher certification as required by  
13 Section 21.0484, Education Code, as added by this Act, not later  
14 than January 1, 2005.

15 (b) Beginning with the 2005-2006 school year:

16 (1) the commissioner of education shall pay grants  
17 under Section 21.413, Education Code, as added by this Act; and

18 (2) school districts receiving grants shall pay  
19 stipends to certified master science teachers under Section 21.413,  
20 Education Code, as added by this Act.

21 SECTION 8. This Act takes effect September 1, 2003.