

1-1 By: Grusendorf (Senate Sponsor - Ellis) H.B. No. 411
1-2 (In the Senate - Received from the House April 25, 2003;
1-3 April 28, 2003, read first time and referred to Committee on
1-4 Education; May 20, 2003, reported favorably, as amended, by the
1-5 following vote: Yeas 5, Nays 0; May 20, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: West

1-7 Amend HB 411, by adding a new Section 5, as follows and renumber the
1-8 following sections appropriately:

1-9 SECTION 5, Section 39.023(a), Education Code is amended to read as
1-10 follows:

1-11 39.023 Adoption and Administration of Instruments

1-12 (a) The agency shall adopt or develop appropriate
1-13 criterion-referenced assessment instruments designed to assess
1-14 essential knowledge and skills in reading, writing, mathematics,
1-15 social studies, and science. All students, except students
1-16 assessed under Subsection (b) or (l) or exempted under Section
1-17 39.027, shall be assessed in:

1-18 (1) mathematics, annually in grades three through seven without
1-19 the aid of technology and in grades eight through 11 with the aid of
1-20 technology on any assessment instruments that include algebra;

1-21 (2) reading, annually in grades three through nine;

1-22 (3) writing, including spelling and grammar, in grades four and
1-23 seven;

1-24 (4) English language arts, in grade 10;

1-25 (5) social studies, in grades eight and 10; ~~and~~

1-26 (6) science, in grades five, eight and 10; and

1-27 (7) any other subject and grade required by federal law.

1-28 A BILL TO BE ENTITLED
1-29 AN ACT

1-30 relating to improvement of science instruction and student
1-31 performance in public schools.

1-32 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-33 SECTION 1. Subchapter B, Chapter 21, Education Code, is
1-34 amended by adding Section 21.0484 to read as follows:

1-35 Sec. 21.0484. MASTER SCIENCE TEACHER CERTIFICATION. (a)
1-36 To ensure that there are teachers with special training to work with
1-37 other teachers and with students in order to improve student
1-38 science performance, the board shall establish:

1-39 (1) a master science teacher certificate to teach
1-40 science at elementary school grade levels;

1-41 (2) a master science teacher certificate to teach
1-42 science at middle school grade levels; and

1-43 (3) a master science teacher certificate to teach
1-44 science at high school grade levels.

1-45 (b) The board shall issue the appropriate master science
1-46 teacher certificate to each eligible person.

1-47 (c) To be eligible for a master science teacher certificate,
1-48 a person must:

1-49 (1) hold a teaching certificate issued under this
1-50 subchapter;

1-51 (2) have at least three years of teaching experience;

1-52 (3) satisfactorily complete a knowledge-based course
1-53 of instruction on the science of teaching children science that
1-54 includes training in science instruction and professional peer
1-55 mentoring techniques that, through scientific testing, have been
1-56 proven effective;

1-57 (4) perform satisfactorily on the appropriate master
1-58 science teacher certification examination prescribed by the board;
1-59 and

1-60 (5) satisfy any other requirements prescribed by the
1-61 board.

1-62 (d) The course of instruction prescribed under Subsection

2-1 (c)(3) shall be developed by the board in consultation with science
 2-2 faculty members at institutions of higher education.

2-3 SECTION 2. Subchapter I, Chapter 21, Education Code, is
 2-4 amended by adding Section 21.413 to read as follows:

2-5 Sec. 21.413. MASTER SCIENCE TEACHER GRANT PROGRAM. (a) The
 2-6 commissioner shall establish a master science teacher grant program
 2-7 to encourage teachers to:

2-8 (1) become certified as master science teachers; and
 2-9 (2) work with other teachers and with students in
 2-10 order to improve student science performance.

2-11 (b) From funds appropriated for the purpose, the
 2-12 commissioner shall make grants to school districts as provided by
 2-13 this section to pay stipends to selected certified master science
 2-14 teachers who teach at high-need campuses.

2-15 (c) The commissioner shall annually identify each high-need
 2-16 campus in a school district using criteria established by the
 2-17 commissioner by rule, including performance on the science
 2-18 assessment instrument administered under Section 39.023. The
 2-19 commissioner shall also use the criteria to rank campuses in order
 2-20 of greatest need.

2-21 (d) A school district may apply to the commissioner for
 2-22 grants for each high-need campus identified by the commissioner to
 2-23 be used to pay stipends to certified master science teachers in
 2-24 accordance with this section. Unless reduced under Subsection (g)
 2-25 or (i), each grant is in the amount of \$5,000. The commissioner
 2-26 shall approve the application if the district:

2-27 (1) applies within the period and in the manner
 2-28 required by rule adopted by the commissioner; and

2-29 (2) agrees to use each grant only for the purpose of
 2-30 paying a year-end stipend to a master science teacher:

2-31 (A) who holds the appropriate certificate issued
 2-32 under Section 21.0484;

2-33 (B) who teaches in a position prescribed by the
 2-34 district at a high-need campus identified by the commissioner;

2-35 (C) whose primary duties include:

2-36 (i) teaching science; and

2-37 (ii) serving as a science teaching mentor
 2-38 to other teachers for the amount of time and in the manner
 2-39 established by the district and by rule adopted by the
 2-40 commissioner; and

2-41 (D) who satisfies any other requirements
 2-42 established by rule adopted by the commissioner.

2-43 (e) Unless reduced under Subsection (g) or (i), a stipend
 2-44 under Subsection (d)(2) is in the amount of \$5,000.

2-45 (f) The commissioner shall adopt rules for the distribution
 2-46 of grants to school districts following the year of the initial
 2-47 grant. A district that has been approved for a grant to pay a
 2-48 stipend to a certified master science teacher is not required to
 2-49 reapply for a grant for two consecutive school years following the
 2-50 year of the initial grant if the district:

2-51 (1) continues to pay a stipend as provided by
 2-52 Subsection (g); and

2-53 (2) notifies the commissioner in writing, within the
 2-54 period and in the manner prescribed by the commissioner, that the
 2-55 circumstances on which the grant was based have not changed.

2-56 (g) The commissioner shall reduce payments to a school
 2-57 district proportionately to the extent a teacher does not meet the
 2-58 requirements under Subsection (d)(2) for the entire school year. A
 2-59 district that employs more certified master science teachers than
 2-60 the number of grants available under this section shall select the
 2-61 certified master science teachers to whom to pay stipends based on a
 2-62 policy adopted by the board of trustees of the district, except that
 2-63 a district shall pay a stipend for two additional consecutive
 2-64 school years to a teacher the district has selected for and paid a
 2-65 stipend for a school year, who remains eligible for a stipend under
 2-66 Subsection (d)(2), and for whom the district receives a grant under
 2-67 this section for those years. A decision of the district under this
 2-68 subsection is final and may not be appealed. The district may not
 2-69 apportion among teachers a stipend paid for with a grant the

3-1 district receives under this section. The district may use local
 3-2 money to pay additional stipends in amounts determined by the
 3-3 district.

3-4 (h) A grant a school district receives under this section is
 3-5 in addition to any funding the district receives under Chapter 42.
 3-6 The commissioner shall distribute funds under this section with the
 3-7 Foundation School Program payment to which the district is entitled
 3-8 as soon as practicable after the end of the school year as
 3-9 determined by the commissioner. A district to which Chapter 41
 3-10 applies is entitled to the grants paid under this section. The
 3-11 commissioner shall determine the timing of the distribution of
 3-12 grants to a district that does not receive Foundation School
 3-13 Program payments.

3-14 (i) This section does not create a property right to a grant
 3-15 or stipend. A school district is entitled to a grant to carry out
 3-16 the purposes of this section only to the extent the commissioner
 3-17 makes the grant in accordance with this section and only to the
 3-18 extent sufficient state funds are appropriated for those purposes.
 3-19 If state funds are appropriated but are insufficient to fully fund a
 3-20 grant, the commissioner shall reduce the grant paid to each
 3-21 district and the district shall reduce the stipend the district
 3-22 pays to each teacher under this section proportionately so that
 3-23 each selected teacher receives the same amount of money.

3-24 (j) A decision of the commissioner concerning the amount of
 3-25 money to which a school district is entitled under this section is
 3-26 final and may not be appealed. Each district shall, in the manner
 3-27 and at the time prescribed by the commissioner, provide to the
 3-28 commissioner proof acceptable to the commissioner of the master
 3-29 science teacher certification of a teacher to whom the district is
 3-30 paying a stipend under this section.

3-31 (k) The commissioner may audit the expenditure of money
 3-32 appropriated for purposes of this section. A district's use of the
 3-33 money appropriated for purposes of this section shall be verified
 3-34 as part of the district audit under Section 44.008.

3-35 (l) A stipend a teacher receives under this section is not
 3-36 considered in determining whether the district is paying the
 3-37 teacher the minimum monthly salary under Section 21.402.

3-38 (m) The commissioner may adopt other rules as necessary to
 3-39 implement this section.

3-40 SECTION 3. Subchapter J, Chapter 21, Education Code, is
 3-41 amended by adding Section 21.456 to read as follows:

3-42 Sec. 21.456. SCIENCE TRAINING. (a) The commissioner shall
 3-43 develop and have approved by the board training materials and other
 3-44 teacher training resources for a school district to use in
 3-45 assisting science teachers in developing:

3-46 (1) expertise in the appropriate science curriculum;
 3-47 and

3-48 (2) comprehension of the instructional approaches
 3-49 that, through scientific testing, have been proven effective in
 3-50 improving student science skills.

3-51 (b) To the extent practicable, the training materials and
 3-52 other teacher training resources required under Subsection (a)
 3-53 shall address instructional approaches designed to reduce any
 3-54 identified disparities in student science performance between
 3-55 groups of students.

3-56 (c) The commissioner shall develop materials and resources
 3-57 under this section in consultation with appropriate faculty members
 3-58 at institutions of higher education.

3-59 (d) The commissioner shall make the training materials and
 3-60 other teacher training resources required under Subsection (a)
 3-61 available to science teachers through a variety of mechanisms,
 3-62 including distance learning, mentoring programs, small group
 3-63 inquiries, computer-assisted training, and mechanisms based on
 3-64 trainer-of-trainer models.

3-65 (e) The commissioner shall use funds appropriated for the
 3-66 purpose to administer this section.

3-67 SECTION 4. Subchapter C, Chapter 29, Education Code, is
 3-68 amended by adding Section 29.089 to read as follows:

3-69 Sec. 29.089. AFTER-SCHOOL AND SUMMER INTENSIVE SCIENCE

4-1 INSTRUCTION PROGRAMS. (a) A school district may provide an
 4-2 intensive after-school program or an intensive program during the
 4-3 period that school is recessed for the summer to provide science
 4-4 instruction to:

4-5 (1) students who are not performing at grade level in
 4-6 science to assist those students in performing at grade level;

4-7 (2) students who are not performing successfully in a
 4-8 science course to assist those students in successfully completing
 4-9 the course; or

4-10 (3) students other than those described by Subdivision
 4-11 (1) or (2), as determined by the district.

4-12 (b) Before providing a program under this section, the board
 4-13 of trustees of a school district must adopt a policy for:

4-14 (1) determining student eligibility for participating
 4-15 in the program that:

4-16 (A) prescribes the grade level or course a
 4-17 student must be enrolled in to be eligible; and

4-18 (B) provides for considering teacher
 4-19 recommendations in determining eligibility;

4-20 (2) ensuring that parents of or persons standing in
 4-21 parental relation to eligible students are provided notice of the
 4-22 program;

4-23 (3) ensuring that eligible students are encouraged to
 4-24 attend the program;

4-25 (4) ensuring that the program is offered at one or more
 4-26 locations in the district that are easily accessible to eligible
 4-27 students; and

4-28 (5) measuring student progress on completion of the
 4-29 program.

4-30 (c) The commissioner by rule shall:

4-31 (1) prescribe a procedure that a school district must
 4-32 follow to apply for and receive funding for a program under this
 4-33 section;

4-34 (2) adopt guidelines for determining which districts
 4-35 receive funding if there is not sufficient funding for each
 4-36 district that applies;

4-37 (3) require each district providing a program to
 4-38 report student performance results to the commissioner within the
 4-39 period and in the manner prescribed by the rule; and

4-40 (4) based on district reports under Subdivision (3)
 4-41 and any required analysis and verification of those reports,
 4-42 disseminate to each district in this state information concerning
 4-43 instructional methods that have proved successful in improving
 4-44 student performance in science.

4-45 (d) A program provided under this section shall be paid for
 4-46 with funds appropriated for that purpose.

4-47 SECTION 5. (a) If the Act of the 78th Legislature, Regular
 4-48 Session, 2003, relating to renumbering or relettering certain
 4-49 provisions of enacted codes takes effect, Section 822.201(b),
 4-50 Government Code, as amended by Chapters 118, 834, and 1301, Acts of
 4-51 the 77th Legislature, Regular Session, 2001, is reenacted and
 4-52 amended to read as follows:

4-53 (b) "Salary and wages" as used in Subsection (a) means:

4-54 (1) normal periodic payments of money for service the
 4-55 right to which accrues on a regular basis in proportion to the
 4-56 service performed;

4-57 (2) amounts by which the member's salary is reduced
 4-58 under a salary reduction agreement authorized by Chapter 610;

4-59 (3) amounts that would otherwise qualify as salary and
 4-60 wages under Subdivision (1) but are not received directly by the
 4-61 member pursuant to a good faith, voluntary written salary reduction
 4-62 agreement in order to finance payments to a deferred compensation
 4-63 or tax sheltered annuity program specifically authorized by state
 4-64 law or to finance benefit options under a cafeteria plan qualifying
 4-65 under Section 125 of the Internal Revenue Code of 1986, if:

4-66 (A) the program or benefit options are made
 4-67 available to all employees of the employer; and

4-68 (B) the benefit options in the cafeteria plan are
 4-69 limited to one or more options that provide deferred compensation,

group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

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

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

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

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

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

(b) If the Act of the 78th Legislature, Regular Session, 2003, relating to renumbering or relettering certain provisions of enacted codes does not take effect, Section 822.201(b), Government Code, as amended by Chapters 118, 834, and 1301, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

(6) stipends paid to teachers in accordance with Section 21.410, Education Code; Section 21.411, Education Code, as added by Chapter 834, Acts of the 77th Legislature, Regular Session, 2001; Section 21.411, Education Code, as added by Chapter 1301, Acts of the 77th Legislature, Regular Session, 2001; or Section 21.413, Education Code;

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

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

SECTION 6. (a) The State Board for Educator Certification shall propose rules establishing requirements and prescribing an examination for master science teacher certification as required by Section 21.0484, Education Code, as added by this Act, not later than January 1, 2005.

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

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

(2) school districts receiving grants shall pay stipends to certified master science teachers under Section 21.413,

6-1 Education Code, as added by this Act.

6-2 SECTION 7. This Act takes effect September 1, 2003.

6-3 * * * * *