

By: Zaffirini

S.B. No. 32

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Teachers' Excellence Program.

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

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

SUBCHAPTER N. TEXAS TEACHERS' EXCELLENCE PROGRAM

Sec. 21.651. DEFINITIONS. In this subchapter:

(1) "Certification" means certification by the National Board for Professional Teaching Standards.

(2) "Certification examination" means the National Board for Professional Teaching Standards certification examination.

(3) "Program" means the Texas Teachers' Excellence Program.

Sec. 21.652. ESTABLISHMENT OF PROGRAM. The State Board for Educator Certification shall establish the Texas Teachers' Excellence Program to encourage teachers to become certified by the National Board for Professional Teaching Standards. Under the program:

(1) the State Board for Educator Certification shall:

(A) provide or authorize training to assist teachers in meeting certification requirements;

(B) provide to teachers financial assistance as provided by this subchapter to assist teachers in earning

1 certification;

2 (C) provide information to teachers about the
3 program, including the scholarships, stipends, and other
4 assistance available under the program; and

5 (D) provide staff to assist the applicant review
6 committee under Section 21.654; and

7 (2) school districts shall pay stipends to teachers
8 who hold certification.

9 Sec. 21.653. ELIGIBILITY. A teacher is eligible for
10 financial assistance under Section 21.655 if the teacher:

11 (1) is employed as a classroom teacher in this state;

12 (2) meets the eligibility requirements for
13 certification established by the National Board for Professional
14 Teaching Standards;

15 (3) applies to participate in the program on a form
16 developed by the State Board for Educator Certification for that
17 purpose; and

18 (4) meets other requirements adopted by the State
19 Board for Educator Certification.

20 Sec. 21.654. APPLICANT REVIEW COMMITTEE. (a) Each year,
21 the applicant review committee shall review the applications of all
22 teachers who apply to participate in the program and, from among the
23 applicants, select not more than 500 eligible teachers to receive
24 financial assistance under Section 21.655.

25 (b) The committee is composed of 15 members:

26 (1) five of whom are appointed by the State Board for
27 Educator Certification;

1 (2) five of whom are appointed by the commissioner;
2 and

3 (3) five of whom are appointed by the State Board of
4 Education.

5 (c) Members serve staggered terms of six years, with the
6 terms of one-third of the members expiring on February 1 of each
7 even-numbered year.

8 (d) The commissioner shall appoint the presiding officer
9 from among the members of the committee.

10 (e) The committee shall meet at least once each year in
11 Austin on a date determined by the presiding officer and may hold
12 other meetings as necessary at the call of the presiding officer or
13 of at least two-thirds of the members of the committee.

14 (f) A member of the committee is not entitled to
15 compensation. A member of the committee is entitled to
16 reimbursement of actual and necessary expenses incurred in
17 conducting the business of the committee.

18 Sec. 21.655. FINANCIAL ASSISTANCE; LEAVE. (a) The State
19 Board for Educator Certification shall pay the application fee for
20 the certification examination for each teacher selected by the
21 applicant review committee and shall provide to each of those
22 teachers a scholarship of \$500 to pay other expenses of applying
23 for certification.

24 (b) A teacher selected by the committee is entitled to three
25 days of leave to prepare the application for certification in
26 addition to any other leave to which a teacher is entitled under
27 this code or district policy.

1 Sec. 21.656. REIMBURSEMENT. (a) A teacher who receives
2 financial assistance under Section 21.655 but fails to complete
3 training for the certification examination, to take the
4 certification examination, or to teach at least one school year in a
5 public school in this state after earning certification shall
6 reimburse the State Board for Educator Certification for the money
7 received under Section 21.655 unless the board determines that the
8 teacher is not required to pay reimbursement because the teacher's
9 failure is due to extenuating circumstances. A teacher may appeal
10 the board's decision to the commissioner in the manner and within
11 the period prescribed by the commissioner.

12 (b) A teacher who completes training for certification but
13 fails to perform satisfactorily on the certification examination is
14 not required to pay reimbursement under this section.

15 Sec. 21.657. SALARY STIPENDS. In addition to the minimum
16 salary to which a teacher is entitled under Section 21.402 and any
17 additional salary amount the school district employing a teacher
18 pays, the district shall pay:

19 (1) an annual stipend of \$4,000 to each classroom
20 teacher who is certified by the National Board for Professional
21 Teaching Standards; and

22 (2) an additional stipend of \$2,000 to each teacher
23 described by Subdivision (1) who works at least 50 hours during a
24 school year as a mentor providing assistance to other public school
25 teachers attempting to earn certification.

26 Sec. 21.658. FUNDING. The program, including salary
27 stipends under Section 21.657, shall be funded using state money

1 appropriated for that purpose and gifts, grants, and donations
2 received for that purpose.

3 SECTION 2. (a) If the Act of the 78th Legislature, Regular
4 Session, 2003, relating to nonsubstantive additions to and
5 corrections in enacted codes takes effect, Section 822.201(b),
6 Government Code, as amended by Chapters 118, 834, and 1301, Acts of
7 the 77th Legislature, Regular Session, 2001, is reenacted and
8 amended to read as follows:

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

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

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

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

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

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

1 (4) performance pay awarded to an employee by a school
2 district as part of a total compensation plan approved by the board
3 of trustees of the district and meeting the requirements of
4 Subsection (e), including salary stipends paid under Section
5 21.657, Education Code;

6 (5) the benefit replacement pay a person earns under
7 Subchapter H, Chapter 659, [~~as added by Chapter 417, Acts of the~~
8 ~~74th Legislature, 1995,~~] except as provided by Subsection (c);

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

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

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

16 (b) If the Act of the 78th Legislature, Regular Session,
17 2003, relating to nonsubstantive additions to and corrections in
18 enacted codes does not take effect, Section 822.201(b), Government
19 Code, as amended by Chapters 118, 834, and 1301, Acts of the 77th
20 Legislature, Regular Session, 2001, is reenacted and amended to
21 read as follows:

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

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

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

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

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

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

14 (4) performance pay awarded to an employee by a school
15 district as part of a total compensation plan approved by the board
16 of trustees of the district and meeting the requirements of
17 Subsection (e), including salary stipends paid under Section
18 21.657, Education Code;

19 (5) the benefit replacement pay a person earns under
20 Subchapter H, Chapter 659, [~~as added by Chapter 417, Acts of the~~
21 ~~74th Legislature, 1995,~~] except as provided by Subsection (c);

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

27 (7) amounts by which the member's salary is reduced or

1 that are deducted from the member's salary as authorized by
2 Subchapter J, Chapter 659; and

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

5 SECTION 3. (a) Initial appointees to the applicant review
6 committee under Section 21.654, Education Code, as added by this
7 Act, take office February 1, 2004.

8 (b) The State Board for Educator Certification shall
9 designate one of its initial appointees to the applicant review
10 committee to serve a term expiring February 1, 2006, two of its
11 initial appointees to serve terms expiring February 1, 2008, and
12 two of its initial appointees to serve terms expiring February 1,
13 2010. The commissioner of education shall designate two of the
14 commissioner's initial appointees to the applicant review
15 committee to serve terms expiring February 1, 2006, one of the
16 commissioner's initial appointees to serve a term expiring February
17 1, 2008, and two of the commissioner's initial appointees to serve
18 terms expiring February 1, 2010. The State Board of Education shall
19 designate two of its initial appointees to the applicant review
20 committee to serve terms expiring February 1, 2006, two of its
21 initial appointees to serve terms expiring February 1, 2008, and
22 one of its initial appointees to serve a term expiring February 1,
23 2010. Thereafter, members of the committee serve terms of six years
24 in accordance with Section 21.654, Education Code, as added by this
25 Act.

26 SECTION 4. This Act takes effect September 1, 2003.