

By: Delisi

H.B. No. 96

A BILL TO BE ENTITLED

AN ACT

relating to an instructional excellence program in public schools to provide for educator leadership, collaboration, and long-term career paths.

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

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

SUBCHAPTER P. INSTRUCTIONAL EXCELLENCE PROGRAM

Sec. 21.751. DEFINITIONS. In this subchapter:

(1) "Career teacher" means a classroom teacher who:

(A) has been awarded a bachelor's degree;

(B) holds an appropriate certificate issued as provided by Subchapter B by the State Board for Educator Certification; and

(C) has performed successfully on elementary or secondary subject matter and professional knowledge assessment instruments, as determined by the commissioner.

(2) "Program" means the instructional excellence program.

Sec. 21.752. ESTABLISHMENT AND PURPOSE OF PROGRAM. (a) The commissioner by rule shall establish an instructional excellence program under which a school district may receive a grant from the agency in the manner provided by this subchapter. The rules must allow school districts flexibility in administering the program at

1 the district level.

2 (b) The purpose of the program is to provide career teachers
3 with:

4 (1) multiple career paths and options for career
5 advancement with corresponding increases in responsibility,
6 compensation, and leadership duties;

7 (2) performance evaluations and career advancement on
8 the basis of standards agreed to by career teachers at
9 participating campuses;

10 (3) performance bonuses awarded on the basis of
11 superior classroom instructional performance and improved student
12 performance; and

13 (4) frequent, regularly scheduled, collaborative
14 professional development so that career teachers can achieve
15 superior professional learning and growth.

16 Sec. 21.753. SCHOOL DISTRICT PARTICIPATION IN PROGRAM;
17 GRANT AWARDS. (a) Using a program application developed by the
18 agency, a school district may apply to the agency on behalf of one
19 or more campuses in the district for the campuses to participate in
20 the program. A district may apply on behalf of a campus only if a
21 majority or supermajority, as specified by commissioner rule, of
22 career teachers assigned to the campus approve the campus's
23 participation in the program.

24 (b) The commissioner by rule shall establish standards for
25 selecting school districts to participate in the program. A
26 district that is selected by the agency to participate in the
27 program is entitled to a grant award in an amount determined by the

1 commissioner. In addition to using grant funds received under this
2 section, a district may use local funds to provide performance
3 bonuses and stipends to eligible teachers and principals under this
4 subchapter.

5 Sec. 21.754. DISTRICT-LEVEL AND CAMPUS-LEVEL COMMITTEES.

6 (a) A district-level committee, in coordination with campus-level
7 committees established for each participating campus in the
8 district, shall:

9 (1) administer the program at the district level;

10 (2) select career teachers and principals to receive
11 performance bonuses under Section 21.755; and

12 (3) select career teachers to become mentors under
13 Section 21.756 and master teachers under Section 21.757.

14 (b) In administering the program, the district-level and
15 campus-level committees shall solicit advice from career teachers
16 at participating campuses.

17 Sec. 21.755. ANNUAL PERFORMANCE BONUS. (a) A school

18 district that is selected to participate in the program may provide
19 an annual performance bonus to:

20 (1) a career teacher assigned to a participating
21 campus in an amount not to exceed \$5,000; and

22 (2) a principal assigned to a participating campus in
23 an amount not to exceed \$4,000.

24 (b) A career teacher is eligible to receive a performance
25 bonus under this section if:

26 (1) the teacher performs successfully on at least four
27 classroom evaluations over the course of the most recent school

1 year that are:

2 (A) conducted in an effective manner by multiple
3 individuals, including the campus principal and, if available, a
4 master teacher; and

5 (B) evaluated against research-based rubrics
6 that use planning, instructional, and learning environment
7 standards to measure teacher performance; and

8 (2) the teacher's students perform successfully on
9 assessment instruments administered under Subchapter B, Chapter
10 39, as demonstrated through value-added performance improvement:

11 (A) for the entire campus; and

12 (B) in the teacher's particular class.

13 (c) In selecting a career teacher to receive a performance
14 bonus under this section, a school district shall give equal
15 consideration to the criteria specified by Subsections (b)(1) and
16 (2).

17 (d) A principal is eligible to receive a performance bonus
18 under this section if the principal demonstrates excellence as
19 determined by value-added student performance improvement for the
20 entire campus on assessment instruments administered under
21 Subchapter B, Chapter 39.

22 (e) A career teacher who receives a performance bonus under
23 this section may also receive a mentor stipend under Section 21.756
24 or a master teacher stipend under Section 21.757.

25 Sec. 21.756. MENTOR STIPEND. (a) A career teacher may
26 apply to become a mentor of other career teachers assigned to the
27 campus to which the mentor teacher is assigned. A career teacher

1 who is selected to become a mentor is entitled to an annual stipend
2 in an amount not to exceed \$5,000.

3 (b) A career teacher is eligible to become a mentor under
4 this section if the teacher:

5 (1) has at least two years of successful teaching
6 experience with a record of superior classroom instruction and
7 communication skills and excellence in assisting other teachers, as
8 demonstrated through a work portfolio and one or more classroom
9 demonstrations; and

10 (2) displays through student data the teacher's
11 ability to assist students in improving student performance using
12 specific instructional strategies.

13 (c) To the extent practicable, in selecting career teachers
14 to serve as mentors, a school district shall ensure that there is at
15 least one mentor available for every 10 career teachers assigned to
16 a participating campus.

17 Sec. 21.757. MASTER TEACHER STIPEND. (a) A career teacher
18 may apply to become a master teacher at the campus to which the
19 teacher is assigned. A master teacher:

20 (1) serves as a mentor for other career teachers and
21 mentors; and

22 (2) develops instructional strategy models for use by
23 other teachers.

24 (b) A career teacher who is selected to become a master
25 teacher is entitled to an annual stipend in an amount not to exceed
26 \$15,000.

27 (c) A career teacher is eligible to become a master teacher

1 under this section if the teacher:

2 (1) has at least five years of successful teaching
3 experience, as demonstrated through performance evaluations,
4 career advancement, and a work portfolio;

5 (2) displays expertise in subject matter content and
6 curriculum development, student instruction, assessment instrument
7 analysis, mentoring, and professional development as demonstrated
8 through the possession of a postgraduate degree, advanced training,
9 or relevant career experience;

10 (3) displays through student data the teacher's
11 ability to assist students in improving student performance using
12 specific instructional strategies;

13 (4) displays instructional expertise through model
14 teaching, team teaching, video presentations, and improvement in
15 student performance; and

16 (5) contributes to the teaching profession as
17 demonstrated through relevant research projects, publications,
18 university-level teaching experience, presentations, and awards.

19 (d) In addition to the criteria specified by Subsection (c),
20 a school district may give preference in selecting as a master
21 teacher a career teacher who:

22 (1) holds a National Board for Professional Teaching
23 Standards certificate;

24 (2) has been selected as teacher of the year at the
25 campus, district, or state level; or

26 (3) has been awarded a postgraduate degree.

27 (e) To the extent practicable, in selecting career teachers

1 to serve as master teachers under this section, a school district
2 shall ensure that there is at least one master teacher available for
3 every 15 career teachers assigned to a participating campus.

4 Sec. 21.758. RULES. The commissioner shall adopt rules
5 necessary to administer this subchapter.

6 SECTION 2. Section 822.201(b), Government Code, is amended
7 to read as follows:

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

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

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

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

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

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

27 (4) performance pay awarded to an employee by a school

1 district as part of a total compensation plan approved by the board
2 of trustees of the district and meeting the requirements of
3 Subsection (e);

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

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

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

11 (8) a merit salary increase made under Section 51.962,
12 Education Code; and

13 (9) stipends and performance bonuses paid to teachers
14 and principals in accordance with Subchapter P, Chapter 21,
15 Education Code.

16 SECTION 3. As soon as practicable after the effective date
17 of this Act, the commissioner of education shall:

18 (1) adopt rules for establishing and administering the
19 instructional excellence program under Subchapter P, Chapter 21,
20 Education Code, as added by this Act; and

21 (2) make the instructional excellence program
22 available for school district participation.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect on the 91st day after the last day of the

1 legislative session.