

By: Delisi

H.B. No. 101

A BILL TO BE ENTITLED

AN ACT

relating to an awards for student achievement program at certain public school campuses.

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. AWARDS FOR STUDENT ACHIEVEMENT PROGRAM

Sec. 21.651. DEFINITION. In this subchapter, "program" means the awards for student achievement program.

Sec. 21.652. ESTABLISHMENT OF PROGRAM. (a) The commissioner by rule shall establish an awards for student achievement program under which an eligible campus may receive a grant from the agency in the manner provided by this subchapter.

(b) In establishing the program, the commissioner shall adopt program guidelines in accordance with this subchapter for a campus to follow in developing a campus incentive plan under Section 21.654.

Sec. 21.653. CAMPUS ELIGIBILITY. (a) Except as provided by Subsection (b), a campus is eligible to apply for and may receive a program grant if the campus:

(1) is ranked by the agency in the top half of this state's elementary school campuses, middle or junior high school campuses, high school campuses, or campuses for students of all grade levels, as applicable, in the percentage of educationally

1 disadvantaged students enrolled at the campus; and

2 (2) is rated exemplary or recognized under Section  
3 39.072 or ranked in the top quartile of campuses in comparable  
4 improvement, as defined by Section 39.051(c), in mathematics or  
5 reading.

6 (b) This subsection applies only to a registered  
7 alternative education campus that has a student enrollment of at  
8 least 30 students and is rated under alternative education  
9 accountability procedures. A campus to which this subsection  
10 applies is eligible to apply for and may receive a program grant if  
11 the campus is ranked by the agency in the top third of elementary  
12 school campuses, middle or junior high school campuses, high school  
13 campuses, or campuses for students of all grade levels, as  
14 applicable, in the percentage of educationally disadvantaged  
15 students enrolled at the campus who perform successfully, as  
16 determined under Section 39.024, on assessment instruments  
17 administered under Section 39.023.

18 Sec. 21.654. CAMPUS INCENTIVE PLAN. (a) A campus-level  
19 decision-making body, such as the campus-level planning and  
20 decision-making committee established under Subchapter F, Chapter  
21 11, for each eligible campus that intends to participate in the  
22 program shall develop a campus incentive plan for the campus that:

23 (1) is designed to reward teachers who have a positive  
24 impact on improving student achievement;

25 (2) meets all program guidelines adopted by the  
26 commissioner under Section 21.652; and

27 (3) describes how grant funds will be distributed.

1       (b) A district-level committee, such as the district-level  
2 planning and decision-making committee established under  
3 Subchapter F, Chapter 11:

4           (1) must approve the campus incentive plan developed  
5 under Subsection (a) before the plan is submitted to the agency; and

6           (2) shall approve the plan if the district-level  
7 committee determines that the plan meets program guidelines adopted  
8 by the commissioner under Section 21.652.

9       (c) A school district shall, on behalf of an eligible  
10 campus, submit a campus incentive plan to the agency for approval.  
11 The plan must be submitted together with:

12           (1) evidence of significant classroom teacher  
13 involvement in the development of the plan presented through the  
14 campus-level decision-making body's meeting attendance records or  
15 minutes or other appropriate means;

16           (2) letters from at least three classroom teachers  
17 assigned to the eligible campus describing the teachers' support  
18 for and involvement in developing the plan; and

19           (3) evidence that the plan:  
20                   (A) has been made available for public viewing;  
21 and

22                   (B) has been presented to the public at a  
23 regularly scheduled board of trustees meeting or will be presented  
24 at a regularly scheduled board meeting on a date specified, as  
25 applicable.

26       (d) The agency may approve only a campus incentive plan that  
27 meets program guidelines adopted by the commissioner under Section

1 21.652 and satisfies this section. The agency may negotiate with a  
2 school district to ensure that activities proposed in the campus  
3 incentive plan the district submits meet program guidelines.

4 Sec. 21.655. AMOUNT OF PROGRAM GRANT AWARD. (a) Each  
5 eligible campus whose campus incentive plan is approved by the  
6 agency under Section 21.654 is entitled to a grant award in an  
7 amount determined by the commissioner.

8 (b) Grants from funds appropriated for the program shall be  
9 awarded beginning with the 2006-2007 school year and may not exceed  
10 \$100 million in the 2006-2007 school year except as expressly  
11 authorized by the General Appropriations Act or other law. This  
12 subsection expires September 1, 2007.

13 Sec. 21.656. INCENTIVE PAYMENTS TO CLASSROOM TEACHERS. (a)  
14 An eligible campus must use 75 percent of a grant award received  
15 under Section 21.655 to provide incentive payments to classroom  
16 teachers assigned to the campus. To the extent practicable, the  
17 campus shall pay a classroom teacher an incentive payment in an  
18 amount of not less than \$3,000 or more than \$10,000.

19 (b) In distributing incentive payments to classroom  
20 teachers under this section, an eligible campus:

21 (1) may distribute an incentive payment only to a  
22 classroom teacher who:

23 (A) demonstrates success in improving student  
24 achievement using objective, quantifiable measures, such as local  
25 benchmarking systems, portfolio assessments, end-of-course  
26 assessments, and value-added assessments; and

27 (B) successfully collaborates with other faculty

1 and with staff in a manner that contributes to improving overall  
2 student achievement at the campus; and

3 (2) may consider a classroom teacher's:

4 (A) assignment to teach a subject that:

5 (i) has been designated by the commissioner  
6 as a subject historically experiencing a critical shortage of  
7 teachers or a high teacher turnover rate; or

8 (ii) is a subject for which the district in  
9 which the campus is located has a shortage of teachers; or

10 (B) demonstration of ongoing initiative,  
11 commitment, professionalism, and involvement in an activity that  
12 directly results in improved student achievement, including  
13 working with students outside of assigned class hours, creating a  
14 program that involves parents, and personalizing the learning  
15 environment for each student.

16 Sec. 21.657. DISTRIBUTION OF OTHER PROGRAM FUNDS. (a) An  
17 eligible campus must use 25 percent of a grant award received under  
18 Section 21.655 to provide for:

19 (1) incentive payments to campus employees other than  
20 classroom teachers, such as principals, assistant principals,  
21 teachers who are not eligible for an incentive payment under  
22 Section 21.656, counselors, speech therapists, instructional  
23 coaches, teacher's aides, nurses, librarians, members of the  
24 custodial staff, or other campus employees who have contributed to  
25 improved student achievement;

26 (2) professional development for classroom teachers  
27 who:

1           (A) do not receive an incentive payment under  
2 Section 21.656; and

3           (B) would benefit from professional development  
4 to develop or enhance skills and behaviors described under Section  
5 21.656(b);

6           (3) reimbursement or funding for a professional  
7 development activity that directly contributes to improved  
8 classroom instruction and student achievement;

9           (4) signing bonuses for classroom teachers new to the  
10 campus who are teaching subjects that have been designated by the  
11 commissioner as historically experiencing a critical shortage of  
12 teachers;

13           (5) a teacher mentoring program;

14           (6) an activity that supports new teacher induction  
15 programs, including:

16                   (A) common planning time and collaboration;

17                   (B) a professional development activity; and

18                   (C) standards-based evaluations;

19           (7) an activity that supports common planning time and  
20 curriculum development;

21           (8) a program that has been proven to recruit and  
22 retain highly effective teachers;

23           (9) an activity that creates or furthers the goals of  
24 an incentive system designed to improve student achievement;

25           (10) stipends for teachers who participate in an  
26 after-school or Saturday program that directly contributes to  
27 improved classroom instruction and student achievement;

1           (11) additional funding for feeder campuses that,  
2 because they are not assigned performance ratings under Chapter 39,  
3 do not qualify to participate in the program, such as campuses that  
4 serve kindergarten through grade two, to implement an activity  
5 described by this section; and

6           (12) any other program that directly contributes to  
7 improved student achievement.

8           (b) A campus may not use any of a grant award received under  
9 Section 21.655 to provide for an incentive payment to an employee  
10 whose primary responsibility, as determined in accordance with  
11 commissioner rule, is supervision of an athletic activity.

12           Sec. 21.658. RULES. The commissioner shall adopt rules  
13 necessary to administer this subchapter.

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

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

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

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

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

1 under Section 125, ~~[of the]~~ Internal Revenue Code of 1986, if:

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

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

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

12 (5) the benefit replacement pay a person earns under  
13 Subchapter H, Chapter 659, 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; and

21 (9) amounts received under the awards for student  
22 achievement program under Subchapter N, Chapter 21, Education Code.

23 SECTION 3. As soon as practicable after the effective date  
24 of this Act, the commissioner of education shall adopt rules for  
25 establishing and administering the awards for student achievement  
26 program under Subchapter N, Chapter 21, Education Code, as added by  
27 this Act. The commissioner shall make the awards for student



1 achievement program available for campus participation not later  
2 than the 2006-2007 school year.

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