

By: Delisi

H.B. No. 102

A BILL TO BE ENTITLED

AN ACT

relating to a comprehensive statewide strategy for the retention and advancement of classroom teachers and certain other professional employees in public schools.

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

SECTION 1. Section 21.402, Education Code, is amended by adding Subsections (c-1), (c-2), and (c-3) and amending Subsection (d) to read as follows:

(c-1) Notwithstanding Subsection (a), for the 2006-2007 school year, a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2006-2007 school year under the district's salary schedule for the 2005-2006 school year, if that schedule had been in effect for the 2006-2007 school year, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2006-2007 school year; and

(2) depending on the employee's years of experience:

(A) \$200, if the employee has less than two years of experience;

(B) \$250, if the employee has at least two but less than five years of experience;

(C) \$300, if the employee has at least five but

1 less than 10 years of experience;

2 (D) \$350, if the employee has at least 10 but less  
3 than 15 years of experience;

4 (E) \$400, if the employee has at least 15 but less  
5 than 20 years of experience;

6 (F) \$450, if the employee has at least 20 but less  
7 than 25 years of experience; or

8 (G) \$500, if the employee has at least 25 years of  
9 experience.

10 (c-2) For purposes of Subsection (c-1), an employee's years  
11 of experience do not include any credit to which the employee is  
12 entitled under Section 21.403(b) or (d).

13 (c-3) Subsections (c-1) and (c-2) and this subsection  
14 expire September 1, 2007.

15 (d) A classroom teacher, full-time librarian, full-time  
16 counselor certified under Subchapter B, or full-time school nurse  
17 employed by a school district in the 2006-2007 [~~2000-2001~~] school  
18 year is, as long as the employee is employed by the same district,  
19 entitled to a salary that is at least equal to the salary the  
20 employee received for the 2006-2007 [~~2000-2001~~] school year.

21 SECTION 2. Subchapter J, Chapter 21, Education Code, is  
22 amended by adding Sections 21.458 and 21.459 to read as follows:

23 Sec. 21.458. MENTORS. (a) Each school district may assign  
24 a mentor teacher to each classroom teacher who has less than two  
25 years of teaching experience. A teacher assigned as a mentor must:

26 (1) teach in the same school;

27 (2) to the extent practicable, teach the same subject

1 or grade level, as applicable; and

2 (3) meet the qualifications prescribed by  
3 commissioner rules adopted under Subsection (b).

4 (b) The commissioner shall adopt rules necessary to  
5 administer this section, including rules concerning the duties and  
6 qualifications of a teacher who serves as a mentor. The rules  
7 concerning qualifications must require that to serve as a mentor a  
8 teacher must:

9 (1) complete a research-based mentor and induction  
10 training program approved by the commissioner;

11 (2) complete a mentor training program provided by the  
12 district; and

13 (3) have at least three complete years of teaching  
14 experience with a superior record of assisting students, as a  
15 whole, in achieving growth in student performance.

16 (c) From the funds appropriated to the agency for purposes  
17 of this section, the commissioner shall adopt rules and provide  
18 funding to school districts that assign mentor teachers under this  
19 section. Funding provided to districts under this section may be  
20 used only for providing:

21 (1) mentor teacher stipends;

22 (2) scheduled time for mentor teachers to provide  
23 mentoring to assigned classroom teachers; and

24 (3) mentoring support through providers of mentor  
25 training.

26 (d) In adopting rules under Subsection (c), the  
27 commissioner shall rely on research-based mentoring programs that,

1 through external evaluation, have demonstrated success.

2 Sec. 21.459. TEACHER RETENTION DEMONSTRATION PROJECTS. (a)  
3 In this section, "charter school" means an open-enrollment charter  
4 school or a college or university charter school established under  
5 Subchapter E, Chapter 12.

6 (b) From funds appropriated to the agency for purposes of  
7 this section, the commissioner may provide grants to school  
8 districts and charter schools to design and implement teacher  
9 retention demonstration projects that employ innovative,  
10 research-based practices to identify and retain highly effective  
11 teachers.

12 (c) A school district or charter school may use funds  
13 received under this section to:

14 (1) implement teacher recruitment and selection  
15 strategies focused on attracting new and experienced teachers who  
16 have deep content knowledge and a commitment to long-term  
17 participation in the teaching profession;

18 (2) implement alternative certification programs that  
19 prepare individuals who have deep content knowledge and outstanding  
20 academic or professional achievement for long-term participation  
21 in the teaching profession;

22 (3) implement induction and mentoring programs that  
23 incorporate research-based practices, including common planning  
24 times and collaboration among new and experienced teachers;

25 (4) implement campus governance models that engage  
26 teachers in leading campus management activities, including  
27 student assessment data analysis, professional development

1 planning, instructional coaching, and resource allocation;

2 (5) implement differentiated compensation plans that  
3 address teaching shortages in specific subject areas,  
4 instructional weaknesses at underperforming campuses, limited  
5 advanced academic course offerings, or other critical needs  
6 identified by the district or charter school; or

7 (6) to the extent approved by the commissioner,  
8 implement other research-based strategies designed to improve  
9 teacher retention rates.

10 (d) The commissioner shall develop and implement an  
11 evaluation plan to identify the teacher retention demonstration  
12 projects most effective in increasing the retention of effective  
13 teachers. The evaluation must include an analysis of the  
14 relationship between specific teacher preparation models and  
15 teacher effectiveness and retention. The commissioner shall  
16 disseminate evaluation findings through a statewide communication  
17 initiative.

18 SECTION 3. Chapter 21, Education Code, is amended by adding  
19 Subchapter P to read as follows:

20 SUBCHAPTER P. INSTRUCTIONAL EXCELLENCE PROGRAM

21 Sec. 21.751. DEFINITIONS. In this subchapter:

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

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

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

27 (C) has performed successfully on elementary or

1 secondary subject matter and professional knowledge assessment  
2 instruments, as determined by the commissioner.

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

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

11 (b) The purpose of the program is to provide career teachers  
12 with:

13 (1) multiple career paths and options for career  
14 advancement with corresponding increases in responsibility,  
15 compensation, and leadership duties;

16 (2) performance evaluations and career advancement on  
17 the basis of standards agreed to by career teachers at  
18 participating campuses;

19 (3) performance bonuses awarded on the basis of  
20 superior classroom instructional performance and improved student  
21 performance; and

22 (4) frequent, regularly scheduled, collaborative  
23 professional development so that career teachers can achieve  
24 superior professional learning and growth.

25 Sec. 21.753. SCHOOL DISTRICT PARTICIPATION IN PROGRAM;  
26 GRANT AWARDS. (a) Using a program application developed by the  
27 agency, a school district may apply to the agency on behalf of one

1 or more campuses in the district for the campuses to participate in  
2 the program. A district may apply on behalf of a campus only if a  
3 majority or supermajority, as specified by commissioner rule, of  
4 career teachers assigned to the campus approve the campus's  
5 participation in the program.

6 (b) The commissioner by rule shall establish standards for  
7 selecting school districts to participate in the program. A  
8 district that is selected by the agency to participate in the  
9 program is entitled to a grant award in an amount determined by the  
10 commissioner. In addition to using grant funds received under this  
11 section, a district may use local funds to provide performance  
12 bonuses and stipends to eligible teachers and principals under this  
13 subchapter.

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

15 (a) A district-level committee, in coordination with campus-level  
16 committees established for each participating campus in the  
17 district, shall:

- 18 (1) administer the program at the district level;  
19 (2) select career teachers and principals to receive  
20 performance bonuses under Section 21.755; and  
21 (3) select career teachers to become mentors under  
22 Section 21.756 and master teachers under Section 21.757.

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

26 Sec. 21.755. ANNUAL PERFORMANCE BONUS. (a) A school  
27 district that is selected to participate in the program may provide

1 an annual performance bonus to:

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

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

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

8 (1) the teacher performs successfully on at least four  
9 classroom evaluations over the course of the most recent school  
10 year that are:

11 (A) conducted in an effective manner by multiple  
12 individuals, including the campus principal and, if available, a  
13 master teacher; and

14 (B) evaluated against research-based rubrics  
15 that use planning, instructional, and learning environment  
16 standards to measure teacher performance; and

17 (2) the teacher's students perform successfully on  
18 assessment instruments administered under Subchapter B, Chapter  
19 39, as demonstrated through value-added performance improvement:

20 (A) for the entire campus; and

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

22 (c) In selecting a career teacher to receive a performance  
23 bonus under this section, a school district shall give equal  
24 consideration to the criteria specified by Subsections (b)(1) and  
25 (2).

26 (d) A principal is eligible to receive a performance bonus  
27 under this section if the principal demonstrates excellence as



1 determined by value-added student performance improvement for the  
2 entire campus on assessment instruments administered under  
3 Subchapter B, Chapter 39.

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

7 Sec. 21.756. MENTOR STIPEND. (a) A career teacher may  
8 apply to become a mentor of other career teachers assigned to the  
9 campus to which the mentor teacher is assigned. A career teacher  
10 who is selected to become a mentor is entitled to an annual stipend  
11 in an amount not to exceed \$5,000.

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

14 (1) has at least two years of successful teaching  
15 experience with a record of superior classroom instruction and  
16 communication skills and excellence in assisting other teachers, as  
17 demonstrated through a work portfolio and one or more classroom  
18 demonstrations; and

19 (2) displays through student data the teacher's  
20 ability to assist students in improving student performance using  
21 specific instructional strategies.

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

26 Sec. 21.757. MASTER TEACHER STIPEND. (a) A career teacher  
27 may apply to become a master teacher at the campus to which the

1 teacher is assigned. A master teacher:

2 (1) serves as a mentor for other career teachers and  
3 mentors; and

4 (2) develops instructional strategy models for use by  
5 other teachers.

6 (b) A career teacher who is selected to become a master  
7 teacher is entitled to an annual stipend in an amount not to exceed  
8 \$15,000.

9 (c) A career teacher is eligible to become a master teacher  
10 under this section if the teacher:

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

14 (2) displays expertise in subject matter content and  
15 curriculum development, student instruction, assessment instrument  
16 analysis, mentoring, and professional development as demonstrated  
17 through the possession of a postgraduate degree, advanced training,  
18 or relevant career experience;

19 (3) displays through student data the teacher's  
20 ability to assist students in improving student performance using  
21 specific instructional strategies;

22 (4) displays instructional expertise through model  
23 teaching, team teaching, video presentations, and improvement in  
24 student performance; and

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

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

4           (1) holds a National Board for Professional Teaching  
5 Standards certificate;

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

8           (3) has been awarded a postgraduate degree.

9       (e) To the extent practicable, in selecting career teachers  
10 to serve as master teachers under this section, a school district  
11 shall ensure that there is at least one master teacher available for  
12 every 15 career teachers assigned to a participating campus.

13       Sec. 21.758. RULES. The commissioner shall adopt rules  
14 necessary to administer this subchapter.

15       SECTION 4. Subchapter E, Chapter 42, Education Code, is  
16 amended by adding Section 42.2516 to read as follows:

17       Sec. 42.2516. ADDITIONAL STATE AID OR CREDIT AGAINST COST  
18 OF ATTENDANCE CREDITS FOR PROFESSIONAL STAFF SALARIES. (a) In this  
19 section, "professional school employee" means a person who is:

20           (1) employed by a school district as a classroom  
21 teacher, full-time librarian, full-time counselor certified under  
22 Subchapter B, Chapter 21, or full-time school nurse; and

23           (2) entitled to a minimum salary under Section 21.402.

24       (b) A school district, including a school district that is  
25 otherwise ineligible for state aid under this chapter, is entitled  
26 to state aid in an amount, as determined by the commissioner, equal  
27 to the sum of:

1           (1) \$2,000 multiplied by the number of professional  
2 school employees employed by the district with less than two years  
3 of experience;

4           (2) \$2,500 multiplied by the number of professional  
5 school employees employed by the district with at least two but less  
6 than five years of experience;

7           (3) \$3,000 multiplied by the number of professional  
8 school employees employed by the district with at least five but  
9 less than 10 years of experience;

10           (4) \$3,500 multiplied by the number of professional  
11 school employees employed by the district with at least 10 but less  
12 than 15 years of experience;

13           (5) \$4,000 multiplied by the number of professional  
14 school employees employed by the district with at least 15 but less  
15 than 20 years of experience;

16           (6) \$4,500 multiplied by the number of professional  
17 school employees employed by the district with at least 20 but less  
18 than 25 years of experience; and

19           (7) \$5,000 multiplied by the number of professional  
20 school employees employed by the district with at least 25 years of  
21 experience.

22           (c) A school district that is required to take action under  
23 Chapter 41 to reduce its wealth per student to the equalized wealth  
24 level is entitled to a credit, in the amount of state aid to which  
25 the district is entitled under this section, against the total  
26 amount required under Section 41.093 for the district to purchase  
27 attendance credits.

1        (d) A determination by the commissioner under this section  
2 is final and may not be appealed.

3        (e) The commissioner may adopt rules to implement this  
4 section.

5        SECTION 5. Section 822.201(b), Government Code, is amended  
6 to read as follows:

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

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

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

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

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

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

26            (4) performance pay awarded to an employee by a school  
27 district as part of a total compensation plan approved by the board

1 of trustees of the district and meeting the requirements of  
2 Subsection (e);

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

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

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

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

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

15 SECTION 6. Section 21.402, Education Code, as amended by  
16 this Act, and Section 42.2516, Education Code, as added by this Act,  
17 apply beginning with the 2006-2007 school year.

18 SECTION 7. As soon as practicable after the effective date  
19 of this Act, the commissioner of education shall:

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

23 (2) make the instructional excellence program  
24 available for school district participation.

25 SECTION 8. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect on the 91st day after the last day of the  
3 legislative session.