

A BILL TO BE ENTITLED

AN ACT

relating to stipends for public school teachers assigned to campuses serving a high percentage of low-income students.

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

SECTION 1. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.418 to read as follows:

Sec. 21.418. STIPEND FOR TEACHERS AT CAMPUSES SERVING LOW-INCOME STUDENTS. (a) Each classroom teacher assigned to a campus at which at least 75 percent of the students are educationally disadvantaged is entitled to an annual stipend of \$1,500.

(b) A stipend a teacher receives under this section:

(1) is in addition to the regular salary to which a teacher is otherwise entitled under the district's salary schedule; and

(2) is not considered in determining whether the district is paying the teacher the minimum monthly salary under Section 21.402.

(c) A stipend a teacher receives under this section shall be paid using funds appropriated for that purpose. The commissioner shall distribute the funds to each school district with one or more campuses described by Subsection (a). A teacher is entitled to a stipend under this section only to the extent sufficient state funds are appropriated for that purpose. If state funds are

1 appropriated but are insufficient to fully fund the stipends:

2 (1) the commissioner shall reduce the amount paid for
3 the stipends to each district with one or more campuses described by
4 Subsection (a); and

5 (2) the district shall reduce the amount of the
6 stipend the district pays to each teacher entitled to a stipend
7 under this section proportionately so that each teacher receives
8 the same amount of money.

9 (d) A decision of the commissioner concerning the amount of
10 money to which a school district is entitled under this section is
11 final and may not be appealed. Each district shall, in the manner
12 and at the time prescribed by the commissioner, provide to the
13 commissioner proof acceptable to the commissioner of the employment
14 of a teacher entitled to a stipend under this section.

15 (e) The commissioner may adopt rules necessary to
16 administer this section.

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

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

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

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

25 (3) amounts that would otherwise qualify as salary and
26 wages under Subdivision (1) but are not received directly by the
27 member pursuant to a good faith, voluntary written salary reduction

1 agreement in order to finance payments to a deferred compensation
2 or tax sheltered annuity program specifically authorized by state
3 law or to finance benefit options under a cafeteria plan qualifying
4 under Section 125, ~~[of the]~~ Internal Revenue Code of 1986, if:

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

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

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

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

17 (6) stipends paid to teachers in accordance with
18 Section 21.410, 21.411, or 21.412~~[, or 21.413]~~, Education Code,
19 Section 21.413, Education Code, as added by Chapter 430, Acts of the
20 78th Legislature, Regular Session, 2003, or Section 21.418,
21 Education Code;

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

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

27 SECTION 3. This Act applies beginning with the 2005-2006

1 school year.

2 SECTION 4. This Act takes effect September 1, 2005.