

By: Shapleigh

S.B. No. 84

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a bonus for certain new public school classroom  
3 teachers.

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

5 SECTION 1. (a) This Act may be cited as the "Texas Teacher  
6 Excellence Act of 2005."

7 (b) The link between student achievement and teacher  
8 quality is well documented in educational studies and literature.  
9 Teacher qualifications, such as academic degrees and excellence,  
10 are highly predictive of student performance. This state should  
11 continue to maintain high and rigorous standards for what  
12 accomplished teachers should know and be able to do. Meanwhile,  
13 school districts across the state are experiencing teacher  
14 shortages in a number of areas, including mathematics, science,  
15 bilingual education, early education, and special education.  
16 Effective teachers who are capable of inspiring significantly  
17 greater learning gains for students in areas with critical  
18 shortages of teachers should be rewarded for those skills. Bonuses  
19 for highly qualified teachers in critical shortage areas would  
20 provide an incentive for beginning candidates to choose one of  
21 those areas. The Texas Teacher Excellence Act of 2005 seeks to  
22 attract the most qualified teachers to the regions of the state  
23 experiencing the greatest need.

24 SECTION 2. Subchapter I, Chapter 21, Education Code, is

1 amended by adding Section 21.415 to read as follows:

2 Sec. 21.415. BONUS FOR CERTAIN NEW CLASSROOM TEACHERS. (a)  
3 Subject to available funds, a person employed as a classroom  
4 teacher for the first time is entitled to a bonus of \$5,000 if:

5 (1) the person graduated in the top 10 percent of the  
6 person's graduating class at a public or private senior college or  
7 university with a grade point average of at least 3.5 on a  
8 four-point scale or an equivalent grade point average;

9 (2) the commissioner, in accordance with commissioner  
10 rule, determines the district employing the person has a critical  
11 shortage of teachers qualified to teach mathematics, science,  
12 special education, bilingual education, early reading, or any other  
13 area designated by commissioner rule as an area that has a critical  
14 shortage of teachers; and

15 (3) before the bonus is paid, the person enters into a  
16 written contract with the district under which the person agrees  
17 to:

18 (A) teach in the district for at least three  
19 consecutive school years in an area listed or designated under  
20 Subdivision (2); or

21 (B) reimburse the total amount of the bonus.

22 (b) A bonus under this section shall be paid using funds  
23 appropriated for that purpose and distributed by the commissioner  
24 to each school district to which Subsection (a)(2) applies. A  
25 person is entitled to a bonus under this section only to the extent  
26 sufficient state funds are appropriated for that purpose. If state  
27 funds are appropriated but are insufficient to fully fund the

1 bonuses, the commissioner shall reduce the amount paid for the  
2 bonuses to each district to which Subsection (a)(2) applies, and  
3 the district shall reduce the amount of the bonus the district pays  
4 to each person entitled to a bonus under this section  
5 proportionately so that each person receives the same amount of  
6 money.

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

13 (d) The commissioner may audit the expenditure of money  
14 appropriated for purposes of this section. A school district's use  
15 of the money appropriated for purposes of this section shall be  
16 verified as part of the district audit under Section 44.008.

17 (e) A bonus a teacher receives under this section is not  
18 considered in determining whether the district is paying the  
19 teacher the minimum monthly salary under Section 21.402.

20 (f) In addition to rules adopted under Subsection (a), the  
21 commissioner may adopt any other rule necessary to administer this  
22 section.

23 SECTION 3. Section 822.201(b), Government Code, is amended  
24 to read as follows:

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

26 (1) normal periodic payments of money for service the  
27 right to which accrues on a regular basis in proportion to the

1 service performed;

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

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

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

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

17 (4) performance pay awarded to an employee by a school  
18 district as part of a total compensation plan approved by the board  
19 of trustees of the district and meeting the requirements of  
20 Subsection (e);

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

23 (6) stipends paid to teachers in accordance with  
24 Section 21.410, 21.411, or 21.412~~[, or 21.413]~~, Education Code, or  
25 Section 21.413, Education Code, as added by Chapter 430, Acts of the  
26 78th Legislature, Regular Session, 2003, and bonuses paid to  
27 teachers in accordance with Section 21.415, Education Code;

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

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

6           SECTION 4. This Act applies beginning with the 2005-2006  
7 school year.

8           SECTION 5. This Act takes effect September 1, 2005.