

By: Lozano

H.B. No. 2121

A BILL TO BE ENTITLED

AN ACT

relating to educator retention at certain public schools.

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

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

SUBCHAPTER R. EDUCATOR RECRUITMENT AND RETENTION PROGRAM

Sec. 21.851. DEFINITION. In this subchapter, "program" means the educator recruitment and retention program.

Sec. 21.852. EDUCATOR RECRUITMENT AND RETENTION PROGRAM. The commissioner by rule shall establish an educator recruitment and retention program under which school districts, in accordance with local plans approved by the commissioner, receive program grants from the agency for the purpose of providing stipends to recruit and retain classroom teachers and principals with proven records of success in improving student performance who are assigned to campuses at which the district has experienced difficulty assigning or retaining classroom teachers.

Sec. 21.853. EDUCATOR RECRUITMENT AND RETENTION FUND; AMOUNT OF GRANT AWARD. Each state fiscal year, the commissioner shall deposit an amount determined by the General Appropriations Act to the credit of the educator recruitment and retention fund in the general revenue fund. Each state fiscal year, the agency shall use funds in the educator recruitment and retention fund to provide a qualifying school district a grant in an amount determined by:

1 (1) dividing the amount of money available for
2 distribution in the educator recruitment and retention fund by the
3 total number of students in average daily attendance in qualifying
4 districts for that fiscal year; and

5 (2) multiplying the amount determined under
6 Subdivision (1) by the number of students in average daily
7 attendance in the district.

8 Sec. 21.854. LOCAL PLANS. (a) A district-level committee
9 for a school district that intends to participate in the program,
10 such as the district-level planning and decision-making committee
11 established under Subchapter F, Chapter 11, shall develop a local
12 plan for the district. The local plan may provide for
13 participation in the program by all campuses in the district at
14 which the district has experienced difficulty assigning or
15 retaining classroom teachers or for participation in the program by
16 only certain of those campuses, as selected by the district-level
17 committee.

18 (b) A school district shall submit a local plan to the
19 agency for approval. The plan must be submitted together with
20 evidence of significant classroom teacher involvement in the
21 development of the plan.

22 (c) A local plan must provide for classroom teachers and
23 principals eligible to receive stipends under the plan to be
24 notified of the specific criteria and any formulas on which the
25 stipends will be based.

26 (d) A school district whose local plan is approved by the
27 agency to receive a program grant under this subchapter may renew

1 the plan for three consecutive school years without resubmitting
2 the plan to the agency for approval. A school district may amend a
3 local plan for approval by the agency for each school year the
4 district receives a program grant.

5 Sec. 21.855. STIPEND PAYMENTS. A school district must use
6 all grant funds awarded to the district under this subchapter to
7 provide stipends to recruit and retain classroom teachers and
8 principals with proven records of success in improving performance
9 who are assigned to campuses at which the district has experienced
10 difficulty assigning or retaining classroom teachers.

11 SECTION 2. Section 56.353, Education Code, is amended by
12 amending Subsections (a), (b), and (c) and adding Subsections (a-1)
13 and (e) to read as follows:

14 (a) Teach for Texas repayment assistance is available only
15 to a person who applies for the assistance and who:

16 (1) is certified in a teaching field identified by the
17 commissioner of education as experiencing a critical shortage of
18 teachers in this state in the year in which the person receives the
19 assistance and has for at least one year taught full-time at, and is
20 currently teaching full-time at, the preschool, primary, or
21 secondary level in a public school in this state in that teaching
22 field; or

23 (2) is a certified educator who has for at least one
24 year taught full-time at, and is currently teaching full-time at,
25 the preschool, primary, or secondary level at [in] a public school
26 campus in this state at which it is difficult to attract or retain
27 educators, as [in a community] identified by the commissioner of

1 education for ~~[as experiencing a critical shortage of teachers in]~~
2 the year in which the person receives the assistance.

3 (a-1) For purposes of Subsection (a)(2), the commissioner
4 of education each year shall identify public school campuses in
5 this state at which it is difficult to attract or retain educators.
6 In identifying campuses, the commissioner of education may rely on
7 any appropriate indicator, including:

8 (1) the educator retention rate at the campus; and

9 (2) the average amount of teaching experience
10 possessed by educators at the campus.

11 (b) The coordinating board in awarding repayment assistance
12 shall give priority to applicants described by Subsection (a)(2)
13 ~~[who demonstrate financial need].~~

14 (c) After an applicant described by Subsection (a)(2)
15 receives loan repayment assistance for the first year of the period
16 of eligibility prescribed by Subsection (d), the coordinating board
17 shall give additional priority to the applicant's request for
18 assistance during subsequent years of eligibility if the applicant
19 continues to teach at a school campus identified by the
20 commissioner of education in accordance with Subsection (a)(2). To
21 the extent feasible, the coordinating board shall provide the
22 applicant with greater amounts of loan repayment assistance each
23 year that the applicant continues to teach at a school campus
24 identified by the commissioner in accordance with Subsection
25 (a)(2). ~~[If the money available for loan repayment assistance in a~~
26 ~~period for which assistance is awarded is insufficient to provide~~
27 ~~assistance to all eligible applicants described by Subsection (b),~~

1 ~~the coordinating board shall establish priorities for awarding~~
2 ~~repayment assistance to address the most critical teacher shortages~~
3 ~~described by Subsection (a).]~~

4 (e) Notwithstanding any other provision of this section,
5 the coordinating board may continue to give priority to a renewal
6 applicant over a first-time applicant for any renewal applicant who
7 initially received loan repayment assistance under this subchapter
8 before September 1, 2011. This subsection expires September 1,
9 2016.

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

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

13 (1) normal periodic payments of money for service the
14 right to which accrues on a regular basis in proportion to the
15 service performed;

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

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

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

27 (B) the benefit options in the cafeteria plan are

1 limited to one or more options that provide deferred compensation,
2 group health and disability insurance, group term life insurance,
3 dependent care assistance programs, or group legal services plans;

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

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

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

12 (7) amounts by which the member's salary is reduced or
13 that are deducted from the member's salary as authorized by
14 Subchapter J, Chapter 659;

15 (8) a merit salary increase made under Section 51.962,
16 Education Code;

17 (9) amounts received under the educator recruitment
18 and retention program under Subchapter R, Chapter 21, Education
19 Code, or the relevant parts of the educator excellence awards
20 program under Subchapter O, Chapter 21, Education Code, or a
21 mentoring program under Section 21.458, Education Code, that
22 authorize compensation for service;

23 (10) salary amounts designated as health care
24 supplementation by an employee under Subchapter D, Chapter 22,
25 Education Code; and

26 (11) to the extent required by Sections 3401(h) and
27 414(u)(2), Internal Revenue Code of 1986, differential wage

1 payments received by an individual from an employer on or after
2 January 1, 2009, while the individual is performing qualified
3 military service as defined by Section 414(u), Internal Revenue
4 Code of 1986.

5 SECTION 4. Not later than December 1, 2012, the Texas
6 Education Agency shall:

7 (1) evaluate the effect of the programs implemented
8 under Subchapter O, Chapter 21, Education Code, and Subchapter R,
9 Chapter 21, Education Code, as added by this Act, on educator
10 retention at school district campuses at which districts have had
11 difficulty assigning or retaining educators; and

12 (2) report the results of the evaluation to each
13 member of the legislature.

14 SECTION 5. Not later than December 1, 2012, the Texas Higher
15 Education Coordinating Board shall:

16 (1) evaluate the effect of the Teach for Texas loan
17 repayment assistance program implemented under Subchapter O,
18 Chapter 56, Education Code, on educator retention at school
19 district campuses at which districts have had difficulty assigning
20 or retaining educators; and

21 (2) report the results of the evaluation to each
22 member of the legislature.

23 SECTION 6. This Act takes effect September 1, 2011.