

Amend CSHB 5 by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.418 to read as follows:

Sec. 21.418. CERTAIN INCENTIVES AND SALARY CONTINGENCIES PROHIBITED. (a) Subject to Subsection (b), a school district may not:

(1) offer or reward a financial incentive to an educator that is contingent on student performance on an assessment instrument administered under Chapter 39; or

(2) make any portion of an educator's salary contingent on student performance on an assessment instrument administered under Chapter 39.

(b) This section does not affect the use of any federal funds disbursed for a purpose otherwise prohibited under Subsection (a).

(b) This section applies beginning with the 2013-2014 school year.

SECTION \_\_\_\_\_. (a) Section 21.702(b), Education Code, is amended to read as follows:

(b) In establishing the program, the commissioner shall adopt program guidelines in accordance with this subchapter for a school district to follow in developing a local awards plan under Section 21.704. The guidelines must prohibit a school district from making awards on the basis of student performance on an assessment instrument administered under Chapter 39, as prohibited under Section 21.418.

(b) This section applies beginning with the 2013-2014 school year.