

BILL ANALYSIS

C.S.H.B. 1751
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Research has consistently supported the notion that teacher quality is directly linked to student achievement and that students in underserved and economically disadvantaged schools are least likely to have an effective teacher in their classroom, even though these students are most in need. The educator excellence awards program was created to encourage public school districts to adopt locally developed strategic compensation plans that would incentivize teachers to work in hard-to-staff schools and subject areas. However, research has since shown that strategic compensation does not, by itself, change behavior. Interested parties assert that the strategy must be far more comprehensive to improve teacher recruitment and retention.

C.S.H.B. 1751 seeks to transform educator quality and effectiveness, and district administrative practices, to improve the learning and academic performance of a district's most educationally disadvantaged or underserved students.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 5, 6, and 8 of this bill.

ANALYSIS

C.S.H.B. 1751 amends the Education Code to replace the educator excellence awards program with the educator excellence innovation program. The bill establishes that the purposes of the educator excellence innovation program are to systemically transform educator quality and effectiveness through improved and innovative school district-level recruitment, preparation, hiring, induction, evaluation, professional development, strategic compensation, career pathways, and retention and district administrative practices to improve quality, effectiveness, and efficiency and to use the enhanced educator and administrative quality and effectiveness to improve student learning and student academic performance, especially the learning and academic performance of students enrolled in districts that receive federal funding under Title 1 of the federal Elementary and Secondary Education Act of 1965 and have at a majority of district campuses a student enrollment of which at least 50 percent is educationally disadvantaged.

C.S.H.B. 1751 makes the following provisions, currently applicable to the awards program, applicable instead to the innovation program: provisions relating to establishment of the program by rule of the commissioner of education, provisions relating to the method for funding the program and determining the amount of a grant provided to a school district under the program, and provisions relating to the local plans developed by a district-level committee and submitted to the Texas Education Agency (TEA) for a school district that intends to participate in the program. The bill requires TEA, from among the local plans submitted and depending on the amount of money available for distribution in the educator excellence innovation fund, to approve plans that most comprehensively and innovatively address the purposes of the program so that the effectiveness of various plans in achieving those purposes can be compared and evaluated. The bill specifies that under the program each school district receives a competitive

grant from TEA and that a school district is approved under the program on a competitive basis. The bill establishes that the grant is in an amount determined by TEA in accordance with commissioner rule, rather than an amount determined using a certain formula. The bill removes statutory provisions relating to teacher participation in the development of a local plan submitted to TEA.

C.S.H.B. 1751 repeals statutory provisions relating to payments under the awards program. The bill instead authorizes a school district to use grant funds awarded to the district under the innovation program only to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan, and sets out the methods or procedures authorized to be included in the plan. The bill authorizes a district to apply to the commissioner in writing in accordance with commissioner rule for a waiver to exempt the district or one or more district campuses from statutory provisions relating to educator appraisals and incentives, staff development, and the minimum salary schedule for certain professional staff, as specified in the waiver application, but only if the waiver is required to carry out purposes of the program in accordance with the district's local educator excellence innovation plan. The bill requires an application for a waiver specifying the provision of law for which the waiver is sought, before the application is submitted to the commissioner, to be approved by a vote of a majority of the members of the school district board of trustees and a majority of the teachers and other staff members at each campus for which the waiver is sought. The bill requires the commissioner to grant or deny an application based on standards adopted by commissioner rule. The bill prohibits the board of trustees of a school district and the district superintendent from compelling a waiver of rights. The bill's provisions apply beginning with the 2014-2015 school year.

C.S.H.B. 1751 repeals Section 21.705, Education Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1751 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. The heading to Subchapter O, Chapter 21, Education Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 21.701, Education Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Subchapter O, Chapter 21, Education Code, is amended by adding Section 21.7011 to read as follows: <u>Sec. 21.7011. PURPOSES. The purposes of the educator excellence innovation program are to:</u> <u>(1) systemically transform:</u> <u>(A) educator quality and effectiveness through improved and innovative school</u>	SECTION 3. Subchapter O, Chapter 21, Education Code, is amended by adding Section 21.7011 to read as follows: <u>Sec. 21.7011. PURPOSES. The purposes of the educator excellence innovation program are to:</u> <u>(1) systemically transform:</u> <u>(A) educator quality and effectiveness through improved and innovative school</u>

district-level recruitment, preparation, hiring, induction, evaluation, professional development, strategic compensation, career pathways, and retention; and
(B) district administrative practices to improve quality, effectiveness, and efficiency; and
(2) use the enhanced educator and administrative quality and effectiveness to improve student learning and student academic performance, especially the learning and academic performance of a district's most educationally disadvantaged or educationally underserved students.

SECTION 4. The heading to Section 21.702, Education Code, is amended.

SECTION 5. Sections 21.702(a) and (b), Education Code, are amended.

SECTION 6. Section 21.703, Education Code, is amended to read as follows:
Sec. 21.703. EDUCATOR EXCELLENCE INNOVATION FUND; AMOUNT OF GRANT AWARD. ~~[(a)]~~ Each state fiscal year, the commissioner shall deposit an amount determined by the General Appropriations Act to the credit of the educator excellence innovation fund in the general revenue fund. Each state fiscal year, the agency shall use money ~~[funds]~~ in the educator excellence innovation fund to provide a ~~[qualifying]~~ school district approved on a competitive basis under this subchapter with a grant in an amount determined by:

- (1) dividing the amount of money available for distribution in the educator excellence innovation fund by the total number of students in average daily attendance in the approved [qualifying] districts for that fiscal year; and
- (2) multiplying the amount determined under Subdivision (1) by the number of

district-level recruitment, preparation, hiring, induction, evaluation, professional development, strategic compensation, career pathways, and retention; and
(B) district administrative practices to improve quality, effectiveness, and efficiency; and
(2) use the enhanced educator and administrative quality and effectiveness to improve student learning and student academic performance, especially the learning and academic performance of students enrolled in districts that:
(A) receive federal funding under Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.); and
(B) have at a majority of district campuses a student enrollment of which at least 50 percent is educationally disadvantaged.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Section 21.703, Education Code, is amended to read as follows:
Sec. 21.703. EDUCATOR EXCELLENCE INNOVATION FUND; AMOUNT OF GRANT AWARD. ~~[(a)]~~ Each state fiscal year, the commissioner shall deposit an amount determined by the General Appropriations Act to the credit of the educator excellence innovation fund in the general revenue fund. Each state fiscal year, the agency shall use money ~~[funds]~~ in the educator excellence innovation fund to provide each ~~[a-qualifying]~~ school district approved on a competitive basis under this subchapter with a grant in an amount determined by the agency in accordance with commissioner rule[=
[(1) dividing the amount of money available for distribution in the educator excellence fund by the total number of students in average daily attendance in qualifying districts for that fiscal year; and
[(2) multiplying the amount determined under Subdivision (1) by the number of students in average daily attendance in the

students in average daily attendance in the district.

SECTION 7. Section 21.704, Education Code, is amended to read as follows:

Sec. 21.704. LOCAL EDUCATOR EXCELLENCE INNOVATION

~~[AWARDS]~~ PLANS. (a) A district-level committee for a school district that intends to participate in the program, such as the district-level planning and decision-making committee established under Subchapter F, Chapter 11, shall develop a local educator excellence innovation [awards] plan for the district. The local educator excellence innovation [awards] plan may provide for all campuses in the district to participate in the program or only certain campuses selected by the district-level committee. ~~[A majority of classroom teachers assigned to a campus that is selected by the district-level committee to participate in the program must approve participation to be included in the local awards plan.]~~

(c) A school district must [shall] submit a local educator excellence innovation [awards] plan to the agency for approval. ~~[The plan must be submitted together with evidence of significant teacher involvement in the development of the plan.]~~

(c-1) A local educator excellence innovation [awards] plan must be designed to carry out each purpose of the program as described by Section 21.7011 ~~[provide for teachers and principals eligible to receive awards under the plan to be notified of the specific criteria and any formulas on which the awards will be based before the beginning of the period on which the awards will be based].~~

(d) The agency may approve only a local educator excellence innovation [awards] plan that meets program guidelines adopted by the commissioner under Section 21.702 and that satisfies this section and Section 21.706 [21.705]. From among the local educator excellence innovation plans submitted and depending on the amount of money available for distribution in the educator excellence innovation fund, the agency shall approve plans that most comprehensively and innovatively address the purposes of the program as described by Section 21.7011.

district].

SECTION 7. Section 21.704, Education Code, is amended to read as follows:

Sec. 21.704. LOCAL EDUCATOR EXCELLENCE INNOVATION

~~[AWARDS]~~ PLANS. (a) A district-level committee for a school district that intends to participate in the program, such as the district-level planning and decision-making committee established under Subchapter F, Chapter 11, shall develop a local educator excellence innovation [awards] plan for the district. The local educator excellence innovation [awards] plan may provide for all campuses in the district to participate in the program or only certain campuses selected by the district-level committee. ~~[A majority of classroom teachers assigned to a campus that is selected by the district-level committee to participate in the program must approve participation to be included in the local awards plan.]~~

(c) A school district must [shall] submit a local educator excellence innovation [awards] plan to the agency for approval. ~~[The plan must be submitted together with evidence of significant teacher involvement in the development of the plan.]~~

(c-1) A local educator excellence innovation [awards] plan must be designed to carry out each purpose of the program as described by Section 21.7011 ~~[provide for teachers and principals eligible to receive awards under the plan to be notified of the specific criteria and any formulas on which the awards will be based before the beginning of the period on which the awards will be based].~~

(d) The agency may approve only a local educator excellence innovation [awards] plan that meets program guidelines adopted by the commissioner under Section 21.702 and that satisfies this section and Section 21.706 [21.705]. From among the local educator excellence innovation plans submitted and depending on the amount of money available for distribution in the educator excellence innovation fund, the agency shall approve plans that most comprehensively and innovatively address the purposes of the program as described by Section 21.7011 so that the effectiveness of various plans in achieving those purposes

(e) ~~[The agency shall make model local awards plans available to school districts that wish to participate in the program.~~

~~[(f)] A school district whose local educator excellence innovation [awards] plan is approved by the agency to receive a program grant under this subchapter may renew the plan for three consecutive school years without resubmitting the plan to the agency for approval. A school district may amend a local educator excellence innovation [awards] plan for approval by the agency for each school year the district receives a program grant.~~

SECTION 8. Subchapter O, Chapter 21, Education Code, is amended by adding Sections 21.706 and 21.7061 to read as follows:

Sec. 21.706. INNOVATION PLAN PAYMENTS; AUTHORIZED GENERAL AND SPECIFIC USES. A school district may use grant funds awarded to the district under this subchapter only to carry out purposes of the program as described by Section 21.7011, in accordance with the district's local educator excellence innovation plan, which may include the following specific methods or procedures:

(1) implementation and administration of a high-quality mentoring program for teachers in a teacher's first three years of classroom teaching using mentors who meet the qualifications prescribed by Section 21.458(b);

(2) implementation of a teacher evaluation system using multiple measures that include:

(A) the results of classroom observation, which may include student comments;

(B) the degree of student educational growth and learning; and

(C) the results of teacher self-evaluation;

(3) to the extent permitted under Subchapter C, Chapter 25, restructure of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development; and

(4) establishment of an alternative teacher compensation or retention system.

Sec. 21.7061. IMPLEMENTATION FLEXIBILITY. (a) Notwithstanding any other provision of this code and subject to

can be compared and evaluated.

(e) ~~[The agency shall make model local awards plans available to school districts that wish to participate in the program.~~

~~[(f)] A school district whose local educator excellence innovation [awards] plan is approved by the agency to receive a program grant under this subchapter may renew the plan for three consecutive school years without resubmitting the plan to the agency for approval. A school district may amend a local educator excellence innovation [awards] plan for approval by the agency for each school year the district receives a program grant.~~

SECTION 8. Subchapter O, Chapter 21, Education Code, is amended by adding Sections 21.706 and 21.7061 to read as follows:

Sec. 21.706. INNOVATION PLAN PAYMENTS; AUTHORIZED GENERAL AND SPECIFIC USES. A school district may use grant funds awarded to the district under this subchapter only to carry out purposes of the program as described by Section 21.7011, in accordance with the district's local educator excellence innovation plan, which may include the following specific methods or procedures:

(1) implementation and administration of a high-quality mentoring program for teachers in a teacher's first three years of classroom teaching using mentors who meet the qualifications prescribed by Section 21.458(b);

(2) implementation of a teacher evaluation system using multiple measures that include:

(A) the results of classroom observation, which may include student comments;

(B) the degree of student educational growth and learning; and

(C) the results of teacher self-evaluation;

(3) to the extent permitted under Subchapter C, Chapter 25, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development; and

(4) establishment of an alternative teacher compensation or retention system.

Sec. 21.7061. IMPLEMENTATION FLEXIBILITY. (a) Notwithstanding any other provision of this code and subject to

Subsection (b), a school district may apply to the commissioner in writing in accordance with commissioner rule for a waiver to exempt the district or one or more district campuses from all or one or more specified provisions of this chapter, including Section 21.402.

(b) Before an application is submitted to the commissioner under Subsection (a), the application must be approved by a vote of:

(1) a majority of the members of the school district board of trustees; and

(2) a majority of the teachers and other staff members at each campus for which the waiver is sought.

(c) The commissioner shall grant or deny an application under this section based on standards adopted by commissioner rule.

(d) Neither the board of trustees of a school district nor the district superintendent may compel a waiver of rights under this section.

SECTION 9. Section 21.705, Education Code, is repealed.

SECTION 10. This Act applies beginning with the 2014-2015 school year.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Subsection (b), a school district may apply to the commissioner in writing in accordance with commissioner rule for a waiver to exempt the district or one or more district campuses from Subchapter H or J or from Section 21.402, as specified in the waiver application, but only if the waiver is required to carry out purposes of the program as described by Section 21.7011, in accordance with the district's local educator excellence innovation plan.

(b) Before an application for a waiver is submitted to the commissioner under Subsection (a), the application specifying the provision or subchapter for which the waiver is sought must be approved by a vote of:

(1) a majority of the members of the school district board of trustees; and

(2) a majority of the teachers and other staff members at each campus for which the waiver is sought.

(c) The commissioner shall grant or deny an application under this section based on standards adopted by commissioner rule.

(d) Neither the board of trustees of a school district nor the district superintendent may compel a waiver of rights under this section.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.