

## **BILL ANALYSIS**

Senate Research Center

H.B. 1751  
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Education  
5/17/2013  
Committee Report (Amended)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Research has consistently supported the notion that teacher quality is directly linked to student achievement. It is also true that students in underserved and economically disadvantaged schools are least likely to have an effective teacher in their classroom, although these students are most in need. Established in 2006, the District Awards for Teaching Excellence was enacted with the intent 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 singularly change behavior. In order to improve teacher recruitment and retention, the strategy must be far more comprehensive.

H.B. 1751 recognizes this approach by broadening the goals and establishing the Educator Excellence Innovation Program which aims to systemically transform educator quality and effectiveness, and district administrative practices, to improve student learning and academic performance of a district's most educationally disadvantaged or underserved students. This competitive program challenges local districts to establish a comprehensive innovation plan that includes high-quality mentoring, teacher evaluation that relies on multiple measures, restructuring the school day and year for professional development, and strategies that address teacher compensation and retention. Interested districts have the opportunity to develop, through committee, a local plan for all or some campuses within the district to be submitted to the Texas Education Agency on a competitive basis. With approval of the majority of school board members, teachers, and staff on interested campuses, districts may seek a waiver for flexibility to implement such programs.

H.B. 1751 amends current law relating to the public school educator excellence innovation program.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education (commissioner) is modified in SECTION 5 (Section 21.702, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner in SECTION 6 (Section 21.703, Education Code) and SECTION 8 (Section 21.7061, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Subchapter O, Chapter 21, Education Code, to read as follows:

#### **SUBCHAPTER O. EDUCATOR EXCELLENCE INNOVATION PROGRAM**

SECTION 2. Amends Section 21.701, Education Code, to redefine "program" in this subchapter.

SECTION 3. Amends Subchapter O, Chapter 21, Education Code, by adding Section 21.7011, as follows:

Sec. 21.7011. PURPOSES. Provides that the purposes of the educator excellence innovation program (program) are to:

(1) systemically transform:

(A) 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

(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. Amends the heading to Section 21.702, Education Code, to read as follows:

Sec. 21.702. EDUCATOR EXCELLENCE INNOVATION PROGRAM.

SECTION 5. Amends Sections 21.702(a) and (b), Education Code, as follows:

(a) Requires the commissioner of education (commissioner) by rule to establish the program under which school districts, in accordance with local educator excellence innovation plans approved by the commissioner, receive competitive program grants from the Texas Education Agency (TEA) for carrying out the purposes of the program as described by Section 21.7011, rather than requiring the commissioner by rule to establish an educator excellence awards program under which school districts, in accordance with local awards plans approved by the commissioner, receive program grants from TEA for the purpose of providing awards to district employees in the manner provided by Section 21.705 (Award Payments).

(b) Changes a reference to a local awards plan to a local educator excellence innovation plan.

SECTION 6. Amends Section 21.703, Education Code, as follows:

Sec. 21.703. New heading: EDUCATOR EXCELLENCE INNOVATION FUND; AMOUNT OF GRANT AWARD. (a) Requires the commissioner, each state fiscal year, to deposit an amount determined by the General Appropriations Act to the credit of the educator excellence innovation fund in the general revenue fund. Requires TEA, each state fiscal year, to use money in the educator excellence innovation fund to provide each school district approved on a competitive basis under this subchapter with a grant in an amount determined by TEA in accordance with commissioner rule. Deletes existing text requiring TEA, each state fiscal year, to use funds in the educator excellence fund to provide a qualifying school district a grant in an amount determined by 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 multiplying that amount by the number of students in average daily attendance in the district.

(b) Requires TEA, not later than April 1 of each state fiscal year, to provide written notice to each school district that will be provided a grant under this section that the district will be provided the grant and the amount of that grant.

SECTION 7. Amends Section 21.704, Education Code, as follows:

Sec. 21.704. New heading: LOCAL EDUCATOR EXCELLENCE INNOVATION PLANS. (a) Requires the district-level planning and decision-making committee established under Subchapter F (District-Level and Site-Based Decision-Making), Chapter 11 (School Districts), in a school district that intends to participate in the program, rather than requiring 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, to develop a local educator excellence innovation plan, rather than a local awards plan, for the district. Deletes existing text requiring that a majority of classroom teachers assigned to a campus that is selected by the district-level committee to participate in the program approve participation to be included in the local awards plan. Makes conforming and nonsubstantive changes.

(c) Requires a school district to submit a local educator innovation plan, rather than a local awards plan, to TEA for approval. Deletes existing text requiring that the plan be submitted together with evidence of significant teacher involvement in the development of the plan. Makes a nonsubstantive change.

(c-1) Requires that a local educator excellence innovation plan be designed to carry out each purpose of the program as described by Section 21.7011. Deletes existing text requiring that a local awards plan 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) Authorizes TEA to approve only a local educator excellence innovation plan, rather than a local awards plan, that meets program guidelines adopted by the commissioner under Section 21.702 and that satisfies this section and Section 21.706, rather than this section and Section 21.705. Requires TEA, 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, to 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 can be compared and evaluated.

(e) Redesignates existing Subsection (f) as Subsection (e) and makes conforming changes.

Deletes existing Subsection (e) requiring TEA to make model local awards plans available to school districts that wish to participate in the program.

SECTION 8. Amends Subchapter O, Chapter 21, Education Code, by adding Sections 21.706 and 21.7061, as follows:

Sec. 21.706. INNOVATION PLAN PAYMENTS; AUTHORIZED GENERAL AND SPECIFIC USES. Authorizes a school district to 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 is authorized to 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) (relating to requiring the

commissioner to adopt certain rules regarding mentors, including rules concerning the duties and qualifications of a teacher who serves as a mentor);

(2) implementation of a teacher evaluation system using multiple measures that include the results of classroom observation, which may include student comments, the degree of student educational growth and learning, and the results of teacher self-evaluation;

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

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

(5) implementation of incentives designed to reduce teacher turnover.

Sec. 21.7061. IMPLEMENTATION FLEXIBILITY. (a) Authorizes a school district, notwithstanding any other provision of this code and subject to Subsection (b), 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 Section 21.352(a)(2)(B) (relating to requiring school districts to use a certain appraisal process and certain performance criteria in appraising teachers), 21.353 (Appraisal on Basis of Classroom Teaching Performance), 21.354(d) (relating to prohibiting school district funds from being used to pay an administrator under certain circumstances), 21.3541(g) (relating to requiring each school district to appraise a principal annually), 21.402 (Minimum Salary Schedule for Certain Professional Staff), 21.451 (Staff Development Requirements), or 21.458 (Mentors), as specified in the waiver application. Requires that the district's application for a waiver under this section demonstrate that the waiver is necessary 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) Requires that the application specifying the provision for which the waiver is sought, before an application for a waiver is submitted to the commissioner under Subsection (a), be approved by a vote of a majority of the members of the school district board of trustees, and a majority of the educators employed at each campus for which the waiver is sought.

(b-1) Requires that voting for purposes of Subsection (b) be conducted in accordance with commissioner rule, during the school year, and in a manner that ensures that all educators entitled to vote have a reasonable opportunity to participate in the voting.

(c) Requires the commissioner to grant or deny an application under this section based on standards adopted by commissioner rule. Requires the commissioner to notify in writing each district that applies for a waiver under this section whether the application has been granted or denied not later than April 1 of the year in which the application is submitted.

(d) Provides that neither the board of trustees of a school district nor the district superintendent is authorized to compel a waiver of rights under this section.

(e) Provides that a waiver granted under this section expires when the waiver is no longer necessary to carry out the purposes of the program as described by Section 21.7011, in accordance with the district's local educator excellence innovation plan.

SECTION 9. Repealer: Section 21.705 (Award Payments), Education Code.

SECTION 10. Provides that this Act applies beginning with the 2014-2015 school year.

SECTION 11. Effective date: upon passage or September 1, 2013.

**SUMMARY OF COMMITTEE CHANGES**

Amends Section 21.7061, page 6, line 20, by striking "21.402,".