

By: Patrick, Allen, Ratliff, Villalba,  
Aycock

H.B. No. 1751

Substitute the following for H.B. No. 1751:

By: Allen

C.S.H.B. No. 1751

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the public school educator excellence innovation  
3 program.

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

5 SECTION 1. The heading to Subchapter O, Chapter 21,  
6 Education Code, is amended to read as follows:

7 SUBCHAPTER O. EDUCATOR EXCELLENCE INNOVATION [~~AWARDS~~] PROGRAM

8 SECTION 2. Section 21.701, Education Code, is amended to  
9 read as follows:

10 Sec. 21.701. DEFINITION. In this subchapter, "program"  
11 means the educator excellence innovation [~~awards~~] program.

12 SECTION 3. Subchapter O, Chapter 21, Education Code, is  
13 amended by adding Section 21.7011 to read as follows:

14 Sec. 21.7011. PURPOSES. The purposes of the educator  
15 excellence innovation program are to:

16 (1) systemically transform:

17 (A) educator quality and effectiveness through  
18 improved and innovative school district-level recruitment,  
19 preparation, hiring, induction, evaluation, professional  
20 development, strategic compensation, career pathways, and  
21 retention; and

22 (B) district administrative practices to improve  
23 quality, effectiveness, and efficiency; and

24 (2) use the enhanced educator and administrative

1 quality and effectiveness to improve student learning and student  
2 academic performance, especially the learning and academic  
3 performance of students enrolled in districts that:

4 (A) receive federal funding under Title I of the  
5 Elementary and Secondary Education Act of 1965 (20 U.S.C. Section  
6 6301 et seq.); and

7 (B) have at a majority of district campuses a  
8 student enrollment of which at least 50 percent is educationally  
9 disadvantaged.

10 SECTION 4. The heading to Section 21.702, Education Code,  
11 is amended to read as follows:

12 Sec. 21.702. EDUCATOR EXCELLENCE INNOVATION [~~AWARDS~~]  
13 PROGRAM.

14 SECTION 5. Sections 21.702(a) and (b), Education Code, are  
15 amended to read as follows:

16 (a) The commissioner by rule shall establish the [~~an~~  
17 ~~educator excellence awards~~] program under which school districts,  
18 in accordance with local educator excellence innovation [~~awards~~]  
19 plans approved by the commissioner, receive competitive program  
20 grants from the agency for carrying out the purposes of the program  
21 as described [~~purpose of providing awards to district employees in~~  
22 ~~the manner provided~~] by Section 21.7011 [~~21.705~~].

23 (b) In establishing the program, the commissioner shall  
24 adopt program guidelines in accordance with this subchapter for a  
25 school district to follow in developing a local educator excellence  
26 innovation [~~awards~~] plan under Section 21.704.

27 SECTION 6. Section 21.703, Education Code, is amended to

1 read as follows:

2           Sec. 21.703. EDUCATOR EXCELLENCE INNOVATION FUND; AMOUNT OF  
3 GRANT AWARD. [~~(a)~~] Each state fiscal year, the commissioner shall  
4 deposit an amount determined by the General Appropriations Act to  
5 the credit of the educator excellence innovation fund in the  
6 general revenue fund. Each state fiscal year, the agency shall use  
7 money [~~funds~~] in the educator excellence innovation fund to provide  
8 each [~~a qualifying~~] school district approved on a competitive basis  
9 under this subchapter with a grant in an amount determined by the  
10 agency in accordance with commissioner rule [+

11           ~~[(1) dividing the amount of money available for~~  
12 ~~distribution in the educator excellence fund by the total number of~~  
13 ~~students in average daily attendance in qualifying districts for~~  
14 ~~that fiscal year; and~~

15           ~~[(2) multiplying the amount determined under~~  
16 ~~Subdivision (1) by the number of students in average daily~~  
17 ~~attendance in the district].~~

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

20           Sec. 21.704. LOCAL EDUCATOR EXCELLENCE INNOVATION [~~AWARDS~~]  
21 PLANS. (a) A district-level committee for a school district that  
22 intends to participate in the program, such as the district-level  
23 planning and decision-making committee established under  
24 Subchapter F, Chapter 11, shall develop a local educator excellence  
25 innovation [~~awards~~] plan for the district. The local educator  
26 excellence innovation [~~awards~~] plan may provide for all campuses in  
27 the district to participate in the program or only certain campuses

1 selected by the district-level committee. [~~A majority of classroom~~  
2 ~~teachers assigned to a campus that is selected by the~~  
3 ~~district-level committee to participate in the program must approve~~  
4 ~~participation to be included in the local awards plan.]~~

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

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

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

27 (e) [~~The agency shall make model local awards plans~~

1 ~~available to school districts that wish to participate in the~~  
2 ~~program.~~

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

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

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

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

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

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

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

1                   (C) the results of teacher self-evaluation;

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

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

8                   Sec. 21.7061. IMPLEMENTATION FLEXIBILITY. (a)

9 Notwithstanding any other provision of this code and subject to  
10 Subsection (b), a school district may apply to the commissioner in  
11 writing in accordance with commissioner rule for a waiver to exempt  
12 the district or one or more district campuses from Subchapter H or J  
13 or from Section 21.402, as specified in the waiver application, but  
14 only if the waiver is required to carry out purposes of the program  
15 as described by Section 21.7011, in accordance with the district's  
16 local educator excellence innovation plan.

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

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

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

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

27                   (d) Neither the board of trustees of a school district nor

1 the district superintendent may compel a waiver of rights under  
2 this section.

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

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

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