

1-1 By: Patrick, et al. (Senate Sponsor - Van de Putte) H.B. No. 1751
 1-2 (In the Senate - Received from the House May 6, 2013;
 1-3 May 7, 2013, read first time and referred to Committee on
 1-4 Education; May 17, 2013, reported favorably, as amended, by the
 1-5 following vote: Yeas 8, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Patrick	X			
1-8 Lucio	X			
1-9 Campbell	X			
1-10 Duncan	X			
1-11 Paxton			X	
1-12 Seliger	X			
1-13 Taylor	X			
1-14 Van de Putte	X			
1-15 West	X			

1-17 COMMITTEE AMENDMENT NO. 1 By: Van de Putte

1-18 Amend H.B. 1751 as follows and adjust accordingly:
 1-19 Section 21.7061, page 6, line 20, strike "21.402,"

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the public school educator excellence innovation
 1-23 program.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. The heading to Subchapter O, Chapter 21,
 1-26 Education Code, is amended to read as follows:

1-27 SUBCHAPTER O. EDUCATOR EXCELLENCE INNOVATION [~~AWARDS~~] PROGRAM

1-28 SECTION 2. Section 21.701, Education Code, is amended to
 1-29 read as follows:

1-30 Sec. 21.701. DEFINITION. In this subchapter, "program"
 1-31 means the educator excellence innovation [~~awards~~] program.

1-32 SECTION 3. Subchapter O, Chapter 21, Education Code, is
 1-33 amended by adding Section 21.7011 to read as follows:

1-34 Sec. 21.7011. PURPOSES. The purposes of the educator
 1-35 excellence innovation program are to:

1-36 (1) systemically transform:

1-37 (A) educator quality and effectiveness through
 1-38 improved and innovative school district-level recruitment,
 1-39 preparation, hiring, induction, evaluation, professional
 1-40 development, strategic compensation, career pathways, and
 1-41 retention; and

1-42 (B) district administrative practices to improve
 1-43 quality, effectiveness, and efficiency; and

1-44 (2) use the enhanced educator and administrative
 1-45 quality and effectiveness to improve student learning and student
 1-46 academic performance, especially the learning and academic
 1-47 performance of students enrolled in districts that:

1-48 (A) receive federal funding under Title I of the
 1-49 Elementary and Secondary Education Act of 1965 (20 U.S.C. Section
 1-50 6301 et seq.); and

1-51 (B) have at a majority of district campuses a
 1-52 student enrollment of which at least 50 percent is educationally
 1-53 disadvantaged.

1-54 SECTION 4. The heading to Section 21.702, Education Code,
 1-55 is amended to read as follows:

1-56 Sec. 21.702. EDUCATOR EXCELLENCE INNOVATION [~~AWARDS~~]
 1-57 PROGRAM.

1-58 SECTION 5. Sections 21.702(a) and (b), Education Code, are
 1-59 amended to read as follows:

2-1 (a) The commissioner by rule shall establish the ~~[an~~
 2-2 ~~educator excellence awards]~~ program under which school districts,
 2-3 in accordance with local educator excellence innovation ~~[awards]~~
 2-4 plans approved by the commissioner, receive competitive program
 2-5 grants from the agency for carrying out the purposes of the program
 2-6 as described ~~[purpose of providing awards to district employees in~~
 2-7 ~~the manner provided]~~ by Section 21.7011 ~~[21.705]~~.

2-8 (b) In establishing the program, the commissioner shall
 2-9 adopt program guidelines in accordance with this subchapter for a
 2-10 school district to follow in developing a local educator excellence
 2-11 innovation ~~[awards]~~ plan under Section 21.704.

2-12 SECTION 6. Section 21.703, Education Code, is amended to
 2-13 read as follows:

2-14 Sec. 21.703. EDUCATOR EXCELLENCE INNOVATION FUND; AMOUNT OF
 2-15 GRANT AWARD. (a) Each state fiscal year, the commissioner shall
 2-16 deposit an amount determined by the General Appropriations Act to
 2-17 the credit of the educator excellence innovation fund in the
 2-18 general revenue fund. Each state fiscal year, the agency shall use
 2-19 money ~~[funds]~~ in the educator excellence innovation fund to provide
 2-20 each ~~[a qualifying]~~ school district approved on a competitive basis
 2-21 under this subchapter with a grant in an amount determined by the
 2-22 agency in accordance with commissioner rule ~~[+~~

2-23 ~~](1) dividing the amount of money available for~~
 2-24 ~~distribution in the educator excellence fund by the total number of~~
 2-25 ~~students in average daily attendance in qualifying districts for~~
 2-26 ~~that fiscal year; and~~

2-27 ~~](2) multiplying the amount determined under~~
 2-28 ~~Subdivision (1) by the number of students in average daily~~
 2-29 ~~attendance in the district].~~

2-30 (b) Not later than April 1 of each state fiscal year, the
 2-31 agency shall provide written notice to each school district that
 2-32 will be provided a grant under this section that the district will
 2-33 be provided the grant and the amount of that grant.

2-34 SECTION 7. Section 21.704, Education Code, is amended to
 2-35 read as follows:

2-36 Sec. 21.704. LOCAL EDUCATOR EXCELLENCE INNOVATION ~~[AWARDS]~~
 2-37 PLANS. (a) In ~~[A district-level committee for]~~ a school district
 2-38 that intends to participate in the program, ~~[such as]~~ the
 2-39 district-level planning and decision-making committee established
 2-40 under Subchapter F, Chapter 11, shall develop a local educator
 2-41 excellence innovation ~~[awards]~~ plan for the district. The local
 2-42 educator excellence innovation ~~[awards]~~ plan may provide for all
 2-43 campuses in the district to participate in the program or only
 2-44 certain campuses selected by the district-level committee. ~~[A~~
 2-45 ~~majority of classroom teachers assigned to a campus that is~~
 2-46 ~~selected by the district-level committee to participate in the~~
 2-47 ~~program must approve participation to be included in the local~~
 2-48 ~~awards plan.]~~

2-49 (c) A school district must ~~[shall]~~ submit a local educator
 2-50 excellence innovation ~~[awards]~~ plan to the agency for approval.
 2-51 ~~[The plan must be submitted together with evidence of significant~~
 2-52 ~~teacher involvement in the development of the plan.]~~

2-53 (c-1) A local educator excellence innovation ~~[awards]~~ plan
 2-54 must be designed to carry out each purpose of the program as
 2-55 described by Section 21.7011 ~~[provide for teachers and principals~~
 2-56 ~~eligible to receive awards under the plan to be notified of the~~
 2-57 ~~specific criteria and any formulas on which the awards will be based~~
 2-58 ~~before the beginning of the period on which the awards will be~~
 2-59 ~~based].~~

2-60 (d) The agency may approve only a local educator excellence
 2-61 innovation ~~[awards]~~ plan that meets program guidelines adopted by
 2-62 the commissioner under Section 21.702 and that satisfies this
 2-63 section and Section 21.706 ~~[21.705]~~. From among the local educator
 2-64 excellence innovation plans submitted and depending on the amount
 2-65 of money available for distribution in the educator excellence
 2-66 innovation fund, the agency shall approve plans that most
 2-67 comprehensively and innovatively address the purposes of the
 2-68 program as described by Section 21.7011 so that the effectiveness
 2-69 of various plans in achieving those purposes can be compared and

3-1 evaluated.

3-2 ~~(e) [The agency shall make model local awards plans~~
3-3 ~~available to school districts that wish to participate in the~~
3-4 ~~program.~~

3-5 ~~[(f)]~~ A school district whose local educator excellence
3-6 innovation [awards] plan is approved by the agency to receive a
3-7 program grant under this subchapter may renew the plan for three
3-8 consecutive school years without resubmitting the plan to the
3-9 agency for approval. A school district may amend a local educator
3-10 excellence innovation [awards] plan for approval by the agency for
3-11 each school year the district receives a program grant.

3-12 SECTION 8. Subchapter O, Chapter 21, Education Code, is
3-13 amended by adding Sections 21.706 and 21.7061 to read as follows:

3-14 Sec. 21.706. INNOVATION PLAN PAYMENTS; AUTHORIZED GENERAL
3-15 AND SPECIFIC USES. A school district may use grant funds awarded to
3-16 the district under this subchapter only to carry out purposes of the
3-17 program as described by Section 21.7011, in accordance with the
3-18 district's local educator excellence innovation plan, which may
3-19 include the following specific methods or procedures:

3-20 (1) implementation and administration of a
3-21 high-quality mentoring program for teachers in a teacher's first
3-22 three years of classroom teaching using mentors who meet the
3-23 qualifications prescribed by Section 21.458(b);

3-24 (2) implementation of a teacher evaluation system
3-25 using multiple measures that include:

3-26 (A) the results of classroom observation, which
3-27 may include student comments;

3-28 (B) the degree of student educational growth and
3-29 learning; and

3-30 (C) the results of teacher self-evaluation;

3-31 (3) to the extent permitted under Subchapter C,
3-32 Chapter 25, restructuring of the school day or school year to
3-33 provide for embedded and collaborative learning communities for the
3-34 purpose of professional development;

3-35 (4) establishment of an alternative teacher
3-36 compensation or retention system; and

3-37 (5) implementation of incentives designed to reduce
3-38 teacher turnover.

3-39 Sec. 21.7061. IMPLEMENTATION FLEXIBILITY. (a)
3-40 Notwithstanding any other provision of this code and subject to
3-41 Subsection (b), a school district may apply to the commissioner in
3-42 writing in accordance with commissioner rule for a waiver to exempt
3-43 the district or one or more district campuses from Section
3-44 21.352(a)(2)(B), 21.353, 21.354(d), 21.3541(g), 21.402, 21.451, or
3-45 21.458, as specified in the waiver application. The district's
3-46 application for a waiver under this section must demonstrate that
3-47 the waiver is necessary to carry out purposes of the program as
3-48 described by Section 21.7011, in accordance with the district's
3-49 local educator excellence innovation plan.

3-50 (b) Before an application for a waiver is submitted to the
3-51 commissioner under Subsection (a), the application specifying the
3-52 provision for which the waiver is sought must be approved by a vote
3-53 of:

3-54 (1) a majority of the members of the school district
3-55 board of trustees; and

3-56 (2) a majority of the educators employed at each
3-57 campus for which the waiver is sought.

3-58 (b-1) Voting for purposes of Subsection (b) must be
3-59 conducted:

3-60 (1) in accordance with commissioner rule;

3-61 (2) during the school year; and

3-62 (3) in a manner that ensures that all educators
3-63 entitled to vote have a reasonable opportunity to participate in
3-64 the voting.

3-65 (c) The commissioner shall grant or deny an application
3-66 under this section based on standards adopted by commissioner rule.
3-67 The commissioner shall notify in writing each district that applies
3-68 for a waiver under this section whether the application has been
3-69 granted or denied not later than April 1 of the year in which the

4-1 application is submitted.

4-2 (d) Neither the board of trustees of a school district nor
4-3 the district superintendent may compel a waiver of rights under
4-4 this section.

4-5 (e) A waiver granted under this section expires when the
4-6 waiver is no longer necessary to carry out the purposes of the
4-7 program as described by Section 21.7011, in accordance with the
4-8 district's local educator excellence innovation plan.

4-9 SECTION 9. Section 21.705, Education Code, is repealed.

4-10 SECTION 10. This Act applies beginning with the 2014-2015
4-11 school year.

4-12 SECTION 11. This Act takes effect immediately if it
4-13 receives a vote of two-thirds of all the members elected to each
4-14 house, as provided by Section 39, Article III, Texas Constitution.
4-15 If this Act does not receive the vote necessary for immediate
4-16 effect, this Act takes effect September 1, 2013.

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