

By: Moody

H.B. No. 3495

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to educator financial incentives and salary contingencies  
3 based on student performance on certain assessment instruments.

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

5 SECTION 1. Subchapter I, Chapter 21, Education Code, is  
6 amended by adding Section 21.418 to read as follows:

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

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

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

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

19 SECTION 2. Section 21.702(b), Education Code, is amended to  
20 read as follows:

21 (b) In establishing the program, the commissioner shall  
22 adopt program guidelines in accordance with this subchapter for a  
23 school district to follow in developing a local awards plan under  
24 Section 21.704. The guidelines must prohibit a school district

1 from making awards on the basis of student performance on an  
2 assessment instrument administered under Chapter 39, as prohibited  
3 under Section 21.418.

4 SECTION 3. This Act applies beginning with the 2013-2014  
5 school year.

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