

House Bill 1751
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SUBCHAPTER O. EDUCATOR EXCELLENCE
INNOVATION [AWARDS] PROGRAM

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

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

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

Sec. 21.7011. PURPOSES. The purposes of the educator excellence innovation 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.

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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

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

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

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

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

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

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SECTION 4. Same as House version.

SECTION 5. Same as House version.

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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 district].~~

(b) Not later than April 1 of each state fiscal year, the agency shall 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. Section 21.704, Education Code, is amended to read as follows:

Sec. 21.704. LOCAL EDUCATOR EXCELLENCE INNOVATION [AWARDS] PLANS. (a) In [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

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~~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 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

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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;

(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) Notwithstanding any other provision of this code and subject to Subsection (b), a school district may apply to the

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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;

(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) Notwithstanding any other provision of this code and subject to Subsection (b), a school district may apply to the

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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), 21.353, 21.354(d), 21.3541(g), 21.402, 21.451, or 21.458, as specified in the waiver application. The district's application for a waiver under this section must 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) Before an application for a waiver is submitted to the commissioner under Subsection (a), the application specifying the provision 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 educators employed at each campus for which the waiver is sought.

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

(1) in accordance with commissioner rule;

(2) during the school year; and

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

(c) The commissioner shall grant or deny an application under this section based on standards adopted by commissioner rule. The commissioner shall 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) Neither the board of trustees of a school district nor the district superintendent may compel a waiver of rights under this section.

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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), 21.353, 21.354(d), 21.3541(g), 21.451, or 21.458, as specified in the waiver application. The district's application for a waiver under this section must 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. [CA1]

(b) Before an application for a waiver is submitted to the commissioner under Subsection (a), the application specifying the provision 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 educators employed at each campus for which the waiver is sought.

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

(1) in accordance with commissioner rule;

(2) during the school year; and

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

(c) The commissioner shall grant or deny an application under this section based on standards adopted by commissioner rule. The commissioner shall 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) Neither the board of trustees of a school district nor the district superintendent may compel a waiver of rights under this section.

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(e) 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. 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.

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(e) 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. Same as House version.

SECTION 10. Same as House version.

SECTION 11. Same as House version.

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