

By: Villalba

H.B. No. 354

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of teacher performance contracts for classroom teachers and an increased basic allotment for school districts that adopt those contracts.

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

SECTION 1. Chapter 21, Education Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. TEACHER PERFORMANCE CONTRACTS

Sec. 21.371. TEACHER PERFORMANCE CONTRACTS. (a) A school district may adopt teacher performance contracts under this subchapter for use in the district for the purpose of providing specific guidance to classroom teachers on improving performance.

(b) A district that adopts teacher performance contracts under this subchapter must use a teacher performance contract evaluation system described by Section 21.372.

(c) A teacher performance contract under this subchapter is a supplemental agreement between the district and teacher and does not affect the requirements under this chapter to employ a teacher under a probationary, continuing, or term contract.

Sec. 21.372. TEACHER PERFORMANCE CONTRACT EVALUATION SYSTEM. (a) A teacher performance contract evaluation system consists of an appraisal process and performance criteria adopted in accordance with Section 21.352(a)(2) that include evaluation based on:

1 (1) observation of the teacher's performance;

2 (2) student achievement results, as measured by
3 student growth and performance on multiple tests and school growth
4 and performance on state assessment instruments administered under
5 Section 39.023; and

6 (3) research-based, age-appropriate surveys
7 administered to students about the teacher's performance.

8 (b) The evaluation system described by this section must
9 provide that a classroom teacher's performance on each criteria
10 listed in Subsection (a)(1), (2), or (3) is weighted not less than
11 15 percent of the teacher's appraisal.

12 (c) The evaluation system described by this section must
13 provide not fewer than eight performance levels to which a
14 classroom teacher may be assigned based on the teacher's appraisal.

15 Sec. 21.373. ADDITIONAL COMPENSATION BASED ON APPRAISAL
16 PERFORMANCE LEVEL. (a) A teacher performance contract must
17 provide for additional compensation for a classroom teacher
18 assigned a performance level under the evaluation system described
19 by Section 21.372 that indicates the teacher's performance exceeds
20 the performance expected at the teacher's level of experience.

21 (b) The contract must ensure that the salary of a teacher
22 described by Subsection (a) exceeds the compensation the teacher is
23 entitled to under the minimum salary schedule provided by Section
24 21.402.

25 Sec. 21.374. CERTAIN EMPLOYMENT RENEWAL PROHIBITED. (a) A
26 school district that adopts teacher performance contracts under
27 this subchapter may not renew the employment contract of a

1 classroom teacher employed under a probationary contract who is
2 assigned the minimum performance level based on the teacher's
3 appraisal for the school year, except as otherwise provided by
4 Subsection (b).

5 (b) The board of trustees of a school district may take
6 specific action to renew the employment of a teacher who is employed
7 under a probationary contract and is assigned the minimum
8 performance level based on the teacher's appraisal for the school
9 year.

10 Sec. 21.375. COMMISSIONER APPROVAL. The commissioner shall
11 approve a school district for purposes of the adjustment in the
12 district's basic allotment provided by Section 42.101(d) if the
13 commissioner determines that:

14 (1) the district has met the requirements for teacher
15 performance contracts provided by this subchapter; and

16 (2) the teacher performance contracts adopted by the
17 district satisfy any commissioner rules adopted to ensure that
18 teacher performance contracts are likely to improve the district's:

19 (A) recruitment of effective classroom teachers;

20 (B) retention of effective classroom teachers;

21 and

22 (C) student performance.

23 Sec. 21.376. RULES. The commissioner may adopt rules to
24 implement this subchapter.

25 SECTION 2. Section 42.101, Education Code, is amended by
26 adding Subsection (d) to read as follows:

27 (d) Notwithstanding any other provision of this section,

1 for a school district that adopts teacher performance contracts
2 under Subchapter H-1, Chapter 21, and receives commissioner
3 approval under Section 21.375, the basic allotment to which the
4 district would otherwise be entitled under this section is
5 increased by the amount that results from the following formula:

$$I = \$50 \times (PCE/TE)$$

7 where:

8 "I" is the amount by which the district's basic allotment is
9 increased under this subsection;

10 "PCE" is the number of classroom teachers employed by the
11 district that have entered a teacher performance contract with the
12 district; and

13 "TE" is the total number of classroom teachers employed by
14 the district.

15 SECTION 3. This Act applies beginning with the 2018-2019
16 school year.

17 SECTION 4. This Act takes effect December 1, 2017.