

By: Dutton

H.B. No. 2941

A BILL TO BE ENTITLED

AN ACT

relating to improving the quality of teachers employed by a school district, teacher performance appraisals, and the hiring of mentor teachers.

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

SECTION 1. Subchapter A, Chapter 21, Education Code, is amended by adding Sections 21.008 and 21.009 to read as follows:

Sec. 21.008. TEACHER QUALITY PLAN. (a) Each school district may adopt a plan to increase teacher quality in the district as provided by this section. The plan must address the district's efforts to improve teacher quality and performance, including:

- (1) teacher performance appraisals;
- (2) professional development opportunities;
- (3) peer mentoring opportunities;
- (4) career advancement opportunities; and
- (5) decisions relating to compensation.

(b) A plan adopted under this section must require a teacher's appraisal and performance to be a substantial factor in decisions regarding:

- (1) the professional development and peer mentoring opportunities available to the teacher;
- (2) the teacher's career advancement; and
- (3) the teacher's compensation.

1 (c) In determining the career advancement and compensation
2 of a teacher, a school district must consider:

3 (1) the number of years of teaching experience;

4 (2) the applicable minimum monthly salary for the
5 teacher under Section 21.402;

6 (3) the district's teacher quality plan;

7 (4) the appraisal criteria adopted by the district;

8 and

9 (5) the most recent appraisal of the teacher.

10 (d) A school district shall review the district's teacher
11 quality plan adopted under this section at least once every five
12 years, and shall revise the plan as necessary.

13 (e) If a district adopts a teacher quality plan under this
14 section, the district must submit a report detailing the plan to the
15 commissioner not later than September 1 of each year. The
16 commissioner shall make each report submitted under this subsection
17 available to the public on the agency's Internet website.

18 Sec. 21.009. TEACHER QUALITY GRANT PROGRAM. (a) The
19 commissioner shall establish a grant program to assist school
20 districts that have adopted a teacher quality plan under Section
21 21.008. The program must assist districts in:

22 (1) recruiting high-quality teachers;

23 (2) hiring peer mentors under Section 21.458(a-1);

24 (3) defraying teacher costs associated with obtaining
25 relevant certifications or training; and

26 (4) implementing programs to improve the quality of
27 teachers in the district.

1 (b) From available agency funds and any additional funds
2 appropriated for this purpose, the commissioner shall make grants
3 as provided by this section. In making grants to school districts,
4 the commissioner shall give preference to districts proposing to
5 use the funds at high-need campuses.

6 (c) A school district may apply to the commissioner for a
7 grant under this section. The commissioner may approve the
8 application only if the district:

9 (1) applies within the period and in the manner
10 required by rule adopted by the commissioner; and

11 (2) agrees to use each grant only for a purpose
12 described under Subsection (a).

13 (d) A grant a school district receives under this section is
14 in addition to any funding the district receives under Chapter 42.
15 A district to which Chapter 41 applies is entitled to a grant under
16 this section. The commissioner shall distribute funds under this
17 section as soon as practicable after the grant is approved, in a
18 manner determined by the commissioner.

19 (e) This section does not create a property right to a
20 grant. A school district is entitled to a grant to carry out the
21 purposes of this section only to the extent the commissioner makes
22 the grant in accordance with this section and only to the extent
23 sufficient state funds are available for those purposes.

24 (f) A decision of the commissioner concerning the amount of
25 money to which a school district is entitled under this section is
26 final and may not be appealed. Each district shall, in the manner
27 and at the time prescribed by the commissioner, provide to the

1 commissioner proof acceptable to the commissioner of the teacher
2 quality plan for which a grant awarded under this section is being
3 used.

4 (g) The commissioner may audit the expenditure of money
5 appropriated for purposes of this section. A district's use of the
6 money appropriated for purposes of this section shall be verified
7 as part of the district audit under Section 44.008.

8 (h) Any money received by a teacher as the result of a grant
9 awarded under this section is not considered in determining whether
10 the district is paying the teacher the minimum monthly salary under
11 Section 21.402.

12 (i) The commissioner may adopt rules for the distribution of
13 grants to school districts under this section and any other rules as
14 necessary to implement this section.

15 SECTION 2. Section 21.351(a), Education Code, is amended to
16 read as follows:

17 (a) The commissioner shall adopt a recommended appraisal
18 process and criteria on which to appraise the performance of
19 teachers. The criteria must be based on measures of a teacher's
20 performance and observable, job-related behavior, including:

21 (1) teachers' implementation of discipline management
22 procedures; ~~and~~

23 (2) the academic performance of teachers' students;

24 (3) classroom observations of the teacher; and

25 (4) data related to the teacher's professional efforts
26 and accomplishments, including:

27 (A) the number of certifications issued to the

1 teacher by a board, institution of higher education, or relevant
2 state or national organization;

3 (B) the number of continuing education courses
4 and programs completed by the teacher;

5 (C) mentoring duties performed by the teacher;
6 and

7 (D) any other objectively measurable efforts
8 related to professional engagement and growth made by the teacher.

9 SECTION 3. Section 21.352, Education Code, is amended by
10 amending Subsections (a) and (c) and adding Subsection (g) to read
11 as follows:

12 (a) In appraising teachers, each school district shall use:

13 (1) the appraisal process and performance criteria
14 developed by the commissioner under Section 21.351(a), conformed to
15 the district's teacher quality plan if adopted by the district; or

16 (2) an appraisal process and performance criteria:

17 (A) developed by the district- and campus-level
18 committees established under Section 11.251;

19 (B) containing the items described by Section
20 21.351(a) [~~Sections 21.351(a)(1) and (2)~~]; and

21 (C) adopted by the board of trustees.

22 (c) An [~~Except as otherwise provided by this subsection,~~]
23 appraisal must be done at least once during each school year. [~~A~~
24 ~~teacher may be appraised less frequently if the teacher agrees in~~
25 ~~writing and the teacher's most recent evaluation rated the teacher~~
26 ~~as at least proficient, or the equivalent, and did not identify any~~
27 ~~area of deficiency. A teacher who is appraised less frequently~~

1 ~~than annually must be appraised at least once during each period of~~
2 ~~five school years.]~~ The district shall maintain a [~~written~~] copy of
3 the evaluation of each teacher's performance in the teacher's
4 personnel file. Each teacher is entitled to receive a written or
5 electronic copy of the evaluation promptly on its completion.
6 After receiving a [~~written~~] copy of the evaluation, a teacher is
7 entitled to a second appraisal by a different appraiser or to submit
8 a written rebuttal to the evaluation to be attached to the
9 evaluation in the teacher's personnel file. The evaluation and any
10 rebuttal may be given to another school district at which the
11 teacher has applied for employment at the request of that district.

12 (g) The commissioner shall develop training to assist and
13 provide support to school administrators to successfully implement
14 a teacher appraisal process under this section.

15 SECTION 4. Section 21.458, Education Code, is amended by
16 adding Subsection (a-1) to read as follows:

17 (a-1) A school district may contract with a retired
18 classroom teacher or a retired education professional to provide
19 mentoring to teachers in the district under this section. A mentor
20 teacher hired under this subsection must:

- 21 (1) comply with Subsections (b)(1) and (2); and
22 (2) meet the qualifications required under Subsection
23 (b)(3).

24 SECTION 5. This Act applies beginning with the 2017-2018
25 school year.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2017.