ATTACHMENT I

Statutory Citations Relating to Amendment to 19 TAC Chapter 102, Educational Programs, Subchapter FF, Commissioner's Rules Concerning Educator Award Programs, §102.1073, District Awards for Teacher Excellence

Texas Education Code (TEC), Chapter 21, Educators, Subchapter O, Educator Excellence Awards Program

TEC, §21.701. Definition.

In this subchapter, "program" means the educator excellence awards program.

TEC, §21.702. Educator Excellence Awards Program.

(a) The commissioner by rule shall establish an educator excellence awards program under which school districts, in accordance with local awards plans approved by the commissioner, receive program grants from the agency for the purpose of providing awards to district employees in the manner provided by Section 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 awards plan under Section 21.704.

(c) In adopting rules under this section, the commissioner shall include rules governing eligibility for and participation by an open-enrollment charter school in the program.

TEC, §21.703. Educator Excellence Fund; Amount of Grant Award, as amended by House Bill 3646, 81st Texas Legislature, 2009.

(a) Each state fiscal year, the commissioner shall deposit an amount determined by the General Appropriations Act [~~the sum of $1,000 multiplied by the number of classroom teachers in this state~~] to the credit of the educator excellence fund in the general revenue fund. Each state fiscal year, the agency shall use [~~:~~

[~~(1) not more than $100 million of the funds in the educator excellence fund to provide grant awards under the awards for student achievement program established under Subchapter N; and~~

[~~(2) any remaining~~] funds in the educator excellence fund to provide a qualifying school district a grant in an amount determined by:

(1) [~~(A)~~] dividing the amount of [~~remaining~~] 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) [~~(B)~~] multiplying the amount determined under Subdivision (1) [~~Paragraph (A)~~] by the number of students in average daily attendance in the district.

(b) Subsection (a) applies beginning with the state fiscal year beginning September 1, 2008. In the state fiscal year beginning September 1, 2007, the commissioner shall deposit $840 multiplied by the number of classroom teachers in this state to the credit of the educator excellence fund in the general revenue fund. The agency shall use:

(1) not more than $100 million of the funds in the educator excellence fund to provide grant awards under the awards for student achievement program established under Subchapter N; and

(2) any remaining funds in the educator excellence fund to provide a qualifying school district a grant in an amount determined by:

(A) dividing the amount of remaining 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

(B) multiplying the amount determined under Paragraph (A) by the number of students in average daily attendance in the district.

(c) Subsection (b) and this subsection expire September 1, 2008.

(d) Notwithstanding Subsection (a) [~~or (b)~~], the agency may use funds in the educator excellence fund as necessary to conduct or contract with another entity to conduct the evaluation required under Section 21.706. This subsection expires June 1, 2011.

TEC, §21.704. Local Awards Plans, as amended by House Bill 3646, 81st Texas Legislature, 2009.

(a) 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 awards plan for the district. The local 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.

(b) If appropriate, the district-level committee may use a campus incentive plan developed for a campus in the district under Subchapter N in whole or in part as part of the local awards plan submitted under this section. Notwithstanding Section 21.705, the commissioner by rule shall allow a campus that receives funding under Subchapter N and that is included in a district's local awards plan under this section to use grant funds received under this subchapter as additional money to be spent in the manner provided by Subchapter N.

(c) A school district shall submit a local awards plan to the agency for approval. The plan must be submitted together with evidence of significant teacher involvement in the development of the plan.

(c-1) A local awards plan must 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 awards plan that meets program guidelines adopted by the commissioner under Section 21.702 and that satisfies this section and Section 21.705.

(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 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 awards plan for approval by the agency for each school year the district receives a program grant.

TEC, §21.705. Award Payments, as amended by House Bill 3646, 81st Texas Legislature, 2009.

A school district must use at least 60 percent of grant funds awarded to the district under this subchapter to directly award classroom teachers and principals who effectively improve student achievement as determined by meaningful, objective measures. The remaining funds must be used only to:

(1) provide teacher induction and mentoring support, including stipends to effective mentors or teacher coaches;

(2) provide stipends to classroom teachers who are certified in a subject that is designated by the commissioner as commonly experiencing a critical shortage of teachers;

(3) provide stipends to classroom teachers who are certified under Subchapter B in the main subject area in which they teach;

(4) provide stipends to recruit and retain classroom teachers and principals with proven records of success for improving student performance who are assigned to campuses at which the district has experienced difficulty assigning or retaining teachers;

(5) [~~provide stipends to classroom teachers who hold postgraduate degrees;~~

[~~(6) provide awards to principals who effectively increase student performance as determined by objective measures;~~

[~~(7)~~] provide awards to other campus employees who demonstrate excellence; [~~or~~]

(6) [~~(8)~~]implement the components of a Teacher Advancement Program (TAP), including:

(A) an instructionally focused accountability system; and

(B) the adjustment of teaching schedules to permit ongoing applied professional growth ; or

(7) provide funding for previously developed incentive programs.

TEC, §21.706. Evaluation of Awards for Students Achievement and Education Excellence Awards Programs, as amended by House Bill 3646, 81st Texas Legislature, 2009.

(a) Using funds from the educator excellence fund created under Section 21.703, the agency shall conduct or contract with another entity to conduct a comprehensive evaluation of the [~~awards for student achievement program established under Subchapter N and the educator excellence awards~~] program [~~established under this subchapter~~]. The evaluation must include:

(1) a descriptive analysis of the design and implementation of the [~~awards for student achievement program and the educator excellence awards~~] program at participating campuses or school districts, including detailed descriptions of the models and approaches used by the campuses or districts in distributing incentive awards to classroom teachers;

(2) detailed information regarding the distribution of incentive awards to classroom teachers under the [~~awards for student achievement program and the educator excellence awards~~] program, including the measurements used by the campuses or districts in determining the amounts of incentive awards to distribute to classroom teachers;

(3) a comprehensive, quantitative analysis of the impact of the [~~awards for student achievement program and the educator excellence awards~~] program at participating campuses or districts, including the impact of the various incentive award distribution models used by the campuses or districts on key outcomes in the program [~~programs~~]; and

(4) a summary of the approaches used by participating campuses or districts in distributing grant funds that are not specifically designated for distribution as incentive awards for classroom teachers and an assessment of whether those funds are used effectively by the participating campuses or districts.

(b) Not later than December 1, 2008, the agency shall prepare and deliver to each member of the legislature a report describing the interim results of the evaluation conducted in accordance with this section. Not later than December 1, 2010, the agency shall prepare and deliver to each member of the legislature a report describing the final results of the evaluation.

(c) This section expires June 1, 2011.

TEC, §21.707. Rules.

The commissioner shall adopt rules necessary to administer this subchapter.