ATTACHMENT II
Text of Adopted Amendment to 19 TAC

Chapter 102. Educational Programs

Subchapter FF. Commissioner's Rules Concerning Educator Award Programs

§102.1073. District Awards for Teacher Excellence.

(a) Establishment of program.

(1) In accordance with the Texas Education Code (TEC), §21.702, the District Awards for Teacher Excellence (DATE) is established as an annual grant program under which a school district may receive a program grant from the Texas Education Agency (TEA) for the purpose of providing awards to classroom teachers , principals, and district employees in the manner provided by the TEC, §21.705. Provisions regarding implementation of the program are described in this section.

(2) Funds from this program will be distributed to each selected school district or open-enrollment charter school that submitted an approved local awards plan developed in accordance with the TEC, §21.704, and subsection (e) of this section.

(b) Definitions.

(1) Awards--Tangible benefits awarded to classroom teachers, principals, and district employees in accordance with the district local awards plan. Awards may be monetary such as checks or deposits with a 401K or similar plan or other forms such as privileges, travel, [~~professional development,~~] equipment, and other valuable considerations.

(2) [~~(1)~~] Classroom teacher--As defined in the TEC, §5.001(2).

(3) [~~(2)~~] Contingency plan--An outline of alternative strategies to redistribute a school district's remaining grant funds after the school district's approved local awards plan has been implemented.

(4) [~~(3)~~] Districtwide--Every campus within the school district.

(5) Grant award--Funds the TEA makes available to districts for grant purposes.

(6) [~~(4)~~] Local awards plan--A plan developed by a school district in accordance with the TEC, §21.704, and subsection (e) of this section that sets forth procedures for the school district's use of DATE grant funds.

(7) [~~(5)~~] Meaningful, objective performance measures--Quantifiable measures that have a standardized definition and are measured and reported in the same way for every campus/school district and in the same way from year to year.

(8) [~~(6)~~] Part I funds--Grant funds used to award classroom teachers and principals who positively impact student academic improvement, growth, and/or achievement.

(9) [~~(7)~~] Part II funds--Grant funds used on awards and stipends for classroom teachers, staff, principals, and other activities such as teacher induction and mentoring support to improve student achievement and instructional personnel recruitment and retention.

(10) Principal--The lead administrator at a public school campus who holds a standard principal certificate, as specified in Chapter 241 of this title (relating to Principal Certificate) , or the lead campus administration officer of a charter school as specified in the charter and in compliance with §100.1011(19) of this title (relating to Definitions) and §100.1104 of this title (relating to Training for Campus Administrative Officers) .

(11) [~~(8)~~] School district--For the purpose of this section, the definition of school district includes an open-enrollment charter school.

(12) [~~(9)~~] Selected campus--A campus identified by a school district to receive grant funds when the district awards program is not implemented districtwide.

(13) [~~(10)~~] Target campus--A selected campus that meets criteria specified in program requirements established by the commissioner of education that designate a campus as having low or underperforming student academic achievement and low student academic improvement rates. Additional criteria may take into account difficulty in finding and retaining qualified and effective teachers relative to the state or district averages. Criteria used for selection of a target campus must relate directly to the goals and performance measures of the local awards plan.

(c) District eligibility.

(1) A school district is eligible to apply for grant funds for the DATE program if the school district:

(A) completes and submits a Notice of Intent to Apply to the TEA by a date established by the commissioner;

(B) complies with all assurances in the Notice of Intent to Apply and grant application;

(C) develops a local awards plan for the district;

(D) participates in the required technical assistance activities established by the commissioner;

(E) agrees to participate for no less than two consecutive grant cycles; and

[~~(F) agrees to complete required activities during a planning year and during implementation year(s) on a timeline set forth in the program requirements established by the commissioner; and~~]

(F) [~~(G)~~]complies with any other activities set forth in the program requirements.

(2) An eligible school district must submit an application in a form prescribed by the commissioner.

(A) Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application.

(B) The commissioner may waive any eligibility requirements specified in this subsection. All waiver requests must be submitted, along with a completed application, to the TEA and meet the requirements of the TEC, §7.056.

(d) Notification. The TEA will notify each applicant in writing of its selection or non-selection to receive a grant under the DATE program.

(e) Local awards plan.

(1) In accordance with the TEC, §21.704, a school district that intends to participate in the DATE program and that meets the requirements specified in the TEC, Chapter 21, Subchapter O, and this section is required to submit a local awards plan to the TEA for approval. The TEA may only approve a local awards plan that meets the program requirements specified in the TEC, §21.705, and this section.

(2) A local awards plan must:

(A) be developed by 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 the TEC, Chapter 11, Subchapter F . The majority of the members must be teachers or principals ;

(B) be submitted with evidence of significant teacher involvement in developing the plan demonstrated by, but not limited to, providing the names of the teachers serving on the selected district-level planning and/or decision-making committee , the campus majority vote count for selected campuses, and an assurance of the vote from the school district superintendent in the completed application [~~, the campus majority vote count for selected~~

campuses, and an assurance of the vote from the school district superintendent in the completed application] ;

(C) define the criteria and any formulas for awards computation for qualifying educators. [that will be used to identify which teachers, of those eligible, will receive awards.] The criteria must be quantifiable and applicable to established meaningful, objective performance measures. The criteria must address student academic improvement, growth, and/or achievement;

[(D) establish meaningful, objective performance measures, as defined in subsection (b)(5) of this section, for the school district and the selected campuses. At least one measure must relate to student academic improvement, growth, and/or achievement;]

(D) [(E)] identify campus participation districtwide or for selected campuses, as defined in subsection (b) of this section. If the school district identifies selected campuses then : [more than half of the selected campuses must be target campuses, as defined in subsection (b) of this section;] [;]

(i) a majority of classroom teachers assigned to a campus that is selected by the district-level planning and/or decision-making committee to participate in the program must approve participation to be included in the local awards plan; and

(ii) more than half of the selected campuses must be target campuses, as defined in subsection (b) of this section;

[(i) a majority of classroom teachers assigned to a campus that is selected by the district-level planning and/or decision-making committee to participate in the program must approve participation to be included in the local awards plan; and]

[(ii) more than half of the selected campuses must be target campuses, as defined in subsection (b) of this section;]

(E) [(F)] establish teacher and principal eligibility requirements that are consistent for no less than two consecutive grant cycles [. Educators shall not be excluded from awards based on retirement status] ;

(F) [(G)] make information available to staff and the public before the beginning of the period on which the awards will be based on the methodology used to determine award amounts and timelines for the duration of a school district's participation in the grant program; and

(G) [(H)] include a contingency plan designed to redistribute any remaining, unawarded Part I and Part II program funds, in accordance with the percentage distributions specified in the TEC, §21.705, and subsection (h) of this section.

(3) A school district must act pursuant to its local school board policy for submitting a local awards plan and grant application to the TEA.

[(3) The local school board must approve the local awards plan, changes to the local awards plan, and the grant application prior to submission to the TEA. A school district must act pursuant to its local school board policy for submitting a local awards plan and grant application to the TEA.]

(4) A local decision to approve and submit a district local awards plan and grant application may not be appealed to the commissioner.

[(4) A decision by a local school board to approve and submit its local awards plan and grant application may not be appealed to the commissioner.]

(5) [(3)] [(5)] A school district may renew its local awards plan for three consecutive school years without resubmitting a full grant application to the TEA.

(6) [(4)] [(6)] A school district may amend, with a majority vote by the selected district-level planning and/or decision-making committee and with TEA approval, its local awards plan in accordance

with subsections (c) and (h) of this section for each school year the school district receives a program grant.

(f) Conditions of operation.

(1) A school district must identify performance measures in the application for the success of the local awards plan. The performance measures:

(A) must directly relate to the school district goals and criteria for selecting targeted campuses;

(B) must include measures of student academic improvement, growth, and/or achievement;

(C) may relate to improved teacher and principal attrition, migration, and quality;

(D) must include targets for school district performance and specifically for target campuses, if the district program is not districtwide; and

(E) must be in accordance with program guidelines established by the commissioner.

[~~(2) A school district may not reduce the number of previously established performance measures at any time during the school district's participation in the DATE grant.~~]

[~~(3) A school district may not remove a performance measure from the local awards plan earlier than two grant cycles from the time the performance measure was established for the purposes of the grant.~~]

(2) [~~(4)~~] Each performance measure must be set at a level that reflects improvement from current performance for the school district and among target campuses.

(3) [~~(5)~~] If a school district fails to meet performance measures, the [~~school district must submit a plan to the TEA for approval by the commissioner addressing how the district will modify its local awards plan to meet performance measures. The~~] commissioner may require the school district to participate in required technical assistance [~~in modifying its local awards plan~~] .

(4) [~~(6)~~] If a school district fails to meet performance measures or other TEA requirements, the commissioner may disqualify a school district from receiving a grant award from the DATE program the subsequent grant year.

[~~(7) A school district shall demonstrate and provide information to the TEA, in the application, on the following:~~]

[~~(A) a strategic plan for decreasing dependence on the state funds to assure long-term sustainability of the program after the DATE grant funds expire;~~]

[~~(B) an ongoing process for evaluating the local awards plan and activities to be performed under the DATE grant, including measurement of progress toward the approved goals and measurable objectives to help improve program performance and support sustainability; and~~]

[~~(C) efforts to identify additional cash and in-kind contributions to support and sustain the activities of the local awards plan.~~]

(5) [~~(8)~~] A school district must maintain [~~campus teacher~~] attendance records, meeting minutes, or other similar evidence of significant [~~teacher~~] involvement from participating campuses [~~required to hold a majority vote for approval of the local awards plan~~] .

(g) Amount of grant awards.

(1) In accordance with the TEC, §21.703, each school district with a TEA-approved local awards plan is entitled to a grant award in an amount determined by the commissioner.

(2) In accordance with the TEC, §21.703(a)(2)(B), an award determination will be based on the average daily attendance (ADA) of participating districts in relation to the total number of eligible and applying districts.

(3) Award amounts may vary from one year to the next.

[~~(4) A school district must provide a 15% cash or in-kind match. Matching funds must be used to supplement or support activities identified in the district grant application and local awards plan. The commissioner may disqualify a school district from current and future grant awards for the DATE program and recover allocated grant funds if a school district fails to allocate or provide matching funds. A decision to disqualify a school district or recover funds is final and may not be appealed.~~]

(h) Award payments.

(1) A school district must distribute a specified percentage of its program grant award to eligible classroom teachers and principals districtwide or on selected campuses who meet the local awards plan criteria in accordance with the TEC, §21.705, and this section. Each grant award must be spent in two parts.

(A) Part I funds must make up at least 60% of the total grant allocation and be used to award classroom teachers and principals who meet the local awards plan criteria. Awards under this subsection:

(i) may be used only for classroom teachers and principals that positively impact student academic improvement and/or growth; and

(ii) must be distributed in accordance with the local awards plan developed in accordance with subsection (e) of this section.

(B) Part II funds must make up the remaining amount of the funds, a maximum of 40% of the total grant allocation. In accordance with the TEC, §21.705, Part II funds can be used for other allowable activities as identified in program requirements.

(2) A school district may choose to exclude a teacher or a principal on a selected campus from receiving an award except involuntarily transferred teachers or principals or [~~retired~~] teachers and principals no longer on the selected campus who retired at the end of the school year . In such an instance, the local awards plan must reflect the district policies with regard to such a teacher or principal at the program start date. A decision to exclude certain teachers or principals from receiving an award may not be appealed to the commissioner.

(3) Annual award amounts should be valued at [~~equal to or greater than~~] $3,000 or more , unless otherwise determined by the district planning committee. [~~local school board.~~] All eligible educators must have the opportunity to earn minimum [~~Minimum~~] awards valued at [~~must be~~] no less than $1,000 per educator [~~teacher~~] identified under Part I funds. Local decisions regarding [~~A local school board decision on~~] award amounts are [~~per teacher is~~] final and may not be appealed to the commissioner.