

Chapter 102. Educational Programs

Subchapter FF. Commissioner's Rules Concerning Educator Award Programs

§102.1071. Governor's Educator Excellence Award Program--Texas Educator Excellence Grant.

- (a) Establishment of program.
 - (1) In accordance with the Texas Education Code (TEC), §21.652, the Governor's Educator Excellence Award Program--Texas Educator Excellence Grant is established as an annual grant program under which a district or open-enrollment charter school may receive a grant on behalf of an eligible campus as an award for student achievement. Provisions regarding implementation of the program are described in this section.
 - (2) Funds from this program will be distributed to a district or open-enrollment charter school, on behalf of an eligible campus, that submitted an approved campus incentive plan developed in accordance with the TEC, §21.654, and subsection (c) of this section.
- (b) Campus eligibility.
 - (1) Campus eligibility shall be determined in accordance with the TEC, §21.653.
 - (2) Each year of the grant, a new list of eligible campuses will be published by the Texas Education Agency (TEA). Academically Unacceptable campuses will not be included on this list.
 - (3) Campuses may be eligible to receive this grant multiple times.
- (c) Campus incentive plan.
 - (1) As delineated in the TEC, §21.654, a campus incentive plan must be:
 - (A) developed by each campus-level decision-making body;
 - (B) approved by its district-level committee; and
 - (C) submitted by a district on behalf of an eligible campus.
 - (2) The campus-level body developing the plan should be composed of individuals representing a diverse and broad mix of teachers, including representation from different grade levels and subject areas.
 - (3) The district may choose to provide guidance to campuses in the creation of plans.
 - (4) The TEA may consider for approval only a campus incentive plan developed, approved, and submitted in accordance with the TEC, §21.654, and this section.
 - (5) A district must act pursuant to its local school board policy for submitting a campus incentive plan and grant application to the TEA. A local school board may either vote to submit a grant application or designate the superintendent to submit the application on the board's behalf. A superintendent may act on previously delegated authority regarding the submission of the grant(s).
 - (6) A campus that has implemented an approved incentive plan may choose to renew its plan, should it be eligible for funding in subsequent years, for up to three years after the first year of implementation.
 - (7) A decision by a local school board to approve and/or submit its incentive plan and/or grant application is not appealable to the commissioner of education. A local grievance decision as to whether an award was made in compliance with the approved plan is not appealable to the commissioner of education.

- (d) Amount of program award.
 - (1) In accordance with the TEC, §21.655, each eligible campus whose campus incentive plan is approved by the TEA is entitled to a grant award in an amount determined by the commissioner of education.
 - (2) Award amounts may vary from one year to the next.
- (e) Incentive payments to classroom teachers.
 - (1) An eligible campus must distribute a specified percentage of its program grant award to classroom teachers in accordance with the TEC, §21.656.
 - (2) All funds must be used to provide incentives not previously funded with state, local, or federal funds.
 - (3) Incentives awarded under this subsection may be used only for classroom teachers. For the purposes of this subsection, the term "classroom teacher" is defined as "an educator who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting." For the purposes of this subsection, the definition of the term "classroom teacher" does not include a teacher's aide or a full-time administrator.
 - (A) Necessary functions related to the classroom teacher's instructional assignment, such as instructional planning and transition between instructional periods, should be applied to creditable classroom time. Time spent on duties unrelated to instruction should not be credited toward classroom time.
 - (B) For a school district, a classroom teacher, as defined in this subsection, must hold an appropriate certificate issued by the State Board for Educator Certification and must meet the specifications regarding instructional duties defined in this subsection. For a charter school, a classroom teacher is not required to be certified, but must meet the qualifications of the employing charter school and the specifications regarding instructional duties defined in this subsection.
 - (4) As specified in the TEC, §21.656, and further delineated in this subsection, an eligible campus receiving program funds may distribute an incentive payment only to a classroom teacher who:
 - (A) demonstrates success in improving student achievement. Measures determining a classroom teacher's success in improving student performance must allow for program administrators to evaluate teacher impact on student achievement; and
 - (B) successfully collaborates with faculty and staff to contribute to improving overall student performance on the campus. The collaboration must be measured using campus-based activities. Participation in tutoring sessions or personal-planning periods is not a sufficient measure of collaboration.
 - (5) A campus or district may choose to exclude from receiving an incentive award a teacher who has transferred or retired or who works part-time on a campus eligible to receive grant funds. In such an instance, the campus incentive plan must reflect the campus/district policies with regard to such a teacher at the program start date.
 - (6) Each individual incentive should be no less than \$3,000 and no more than \$10,000 per teacher to the extent practicable. If teacher awards are less than \$3,000 or more than \$10,000, the campus plan must include the reasons that a total possible individual award amount between \$3,000 and \$10,000 per teacher was not practicable. A local school board decision as to whether award amounts between \$3,000 and \$10,000 per teacher are practicable is final and may not be appealed to the commissioner of education.

- (f) Distribution of other program funds. An eligible campus receiving program funds must use a specified percentage of its program grant award for some or all of the provisions specified in the TEC, §21.657(a), when distributing incentive payments, including the requirements specified in paragraphs (1)-(3) of this subsection when applicable. Program funds distributed under the TEC, §21.657, may also be used to increase the total amount of funds to provide awards to classroom teachers under the TEC, §21.656.
 - (1) Stipends paid for teachers to participate in after-school or Saturday programs, as specified in the TEC, §21.657(a)(10), must be used to supplement not supplant.
 - (2) Stipends paid for teachers who hold a postgraduate degree, as specified in the TEC, §21.657(a)(12), must be for a postgraduate degree that will improve instructional abilities, excluding education administration, mid-management certification, and superintendency certification. These stipends must be used to supplement not supplant.
 - (3) Extending funding to feeder campuses, as outlined in the TEC, §21.657(a)(13), must be used to implement an activity described in the TEC, §21.657. The student population of the feeder campus shall not be used to determine campus award eligibility or the award amount.

Statutory Authority: The provisions of this §102.1071 issued under the Texas Education Code, §§21.652-21.658.

Source: The provisions of this §102.1071 adopted to be effective January 9, 2007, 32 TexReg 89.

§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, equipment, and other valuable considerations.
 - (2) Classroom teacher--As defined in the TEC, §5.001(2).
 - (3) 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) Districtwide--Every campus within the school district.
 - (5) Grant award--Funds the TEA makes available to districts for grant purposes.
 - (6) 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) 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) Part I funds--Grant funds used to award classroom teachers and principals who positively impact student academic improvement, growth, and/or achievement.

- (9) 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) School district--For the purpose of this section, the definition of school district includes an open-enrollment charter school.
 - (12) Selected campus--A campus identified by a school district to receive grant funds when the district awards program is not implemented districtwide.
 - (13) 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) 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;
 - (C) define the criteria and any formulas for awards computation for qualifying educators. 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) identify campus participation districtwide or for selected campuses, as defined in subsection (b) of this section. If the school district identifies selected campuses then:
 - (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) establish teacher and principal eligibility requirements that are consistent for no less than two consecutive grant cycles;
 - (F) 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) 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.
 - (4) A local decision to approve and submit a district local awards plan and grant application may not be appealed to the commissioner.
 - (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) 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) Each performance measure must be set at a level that reflects improvement from current performance for the school district and among target campuses.
 - (3) If a school district fails to meet performance measures, the commissioner may require the school district to participate in required technical assistance.
 - (4) 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.
 - (5) A school district must maintain attendance records, meeting minutes, or other similar evidence of significant involvement from participating campuses.
- (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, an award determination will be based on the average daily attendance 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.
- (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 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 \$3,000 or more, unless otherwise determined by the district planning committee. All eligible educators must have the opportunity to earn minimum awards valued at no less than \$1,000 per educator identified under Part I funds. To the extent necessary to maximize receipt of federal grant funding, the combined minimum award may be increased to no more than \$2,000. Local decisions regarding award amounts are final and may not be appealed to the commissioner.

Statutory Authority: The provisions of this §102.1073 issued under the Texas Education Code, §21.702 and §21.707.

Source: The provisions of this §102.1073 adopted to be effective May 28, 2008, 33 TexReg 4146; amended to be effective June 24, 2010, 35 TexReg 5189; amended to be effective November 28, 2012, 37 TexReg 9361.