

By: Seliger, Campbell

S.B. No. 893

A BILL TO BE ENTITLED

AN ACT

relating to public school teacher performance appraisals,  
continuing education, professional development, career  
advancement, and compensation.

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

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

Sec. 21.009. TEACHER DEVELOPMENT FRAMEWORK. (a) The  
commissioner by rule shall adopt a teacher development framework to  
be used by a school district in making decisions regarding  
teachers, including decisions related to:

(1) appraisals of performance;

(2) professional development opportunities;

(3) career advancement; and

(4) compensation.

(b) The teacher development framework must require that  
decisions regarding a teacher's professional development  
opportunities, career advancement, and compensation include the  
teacher's appraisal as a substantial factor. Decisions regarding  
career advancement for a teacher must be based on consecutive  
appraisals of the teacher from at least two consecutive years, if  
available.

(c) The commissioner shall:

(1) review school district practices under the teacher

1 development framework, including the use of objective measures of  
2 teaching performance; and

3 (2) review and revise the teacher development  
4 framework at least once every five years after soliciting and  
5 considering the advice of teachers and other stakeholders.

6 SECTION 2. Section 21.054, Education Code, is amended by  
7 amending Subsection (a) and adding Subsections (a-1) and (d-1) to  
8 read as follows:

9 (a) The board shall propose rules establishing processes [~~a~~  
10 ~~process~~] for:

11 (1) identifying continuing education courses and  
12 programs that fulfill educators' continuing education  
13 requirements; and

14 (2) enabling an educator to provide feedback to the  
15 board regarding a course or program completed by the educator.

16 (a-1) The feedback received by the board regarding a  
17 continuing education course or program completed by an educator  
18 must be accessible to the public.

19 (d-1) Continuing education requirements for a classroom  
20 teacher must provide that a significant percentage of the training  
21 required every five years includes instruction designed to advance  
22 any knowledge and skill identified in the teacher's appraisal as  
23 needing improvement.

24 SECTION 3. Section 21.203(a), Education Code, is amended to  
25 read as follows:

26 (a) The [~~Except as provided by Section 21.352(c), the~~]  
27 employment policies adopted by a board of trustees must require a

written evaluation of each teacher at annual or more frequent intervals. The board must consider the most recent evaluations before making a decision not to renew a teacher's contract if the evaluations are relevant to the reason for the board's action.

SECTION 4. Section 21.351, Education Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (a-1) to read as follows:

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

(1) the teacher's [~~teachers'~~] implementation of discipline management procedures; [~~and~~]

(2) the academic performance of the teacher's students;

(3) teaching standards that articulate expected teacher knowledge, understanding, skill, and practice to ensure student educational growth;

(4) data indicating the teaching and learning conditions at the teacher's school;

(5) classroom observations; and

(6) data related to the teacher's efforts, both individually and as part of collaborative settings, to improve the teacher's professional performance, as evident in the teacher's level of professional engagement and growth [~~the performance of teachers' students~~].

1        (a-1) In adopting criteria relating to the academic  
2 performance of a teacher's students as required by Subsection  
3 (a)(2), the commissioner shall include objective measures of  
4 student educational growth.

5        (b) The commissioner shall solicit and consider the advice  
6 of teachers and other stakeholders in developing the recommended  
7 appraisal process and performance criteria.

8        (d) Under the recommended appraisal process, appraisal for  
9 teachers must be detailed by category of professional skill and  
10 characteristic and must provide for separate ratings for each  
11 category. The appraisal process shall guarantee a conference  
12 between the teacher and the appraiser. The conference shall be  
13 diagnostic and prescriptive with regard to improvement and  
14 professional development ~~[remediation]~~ needed in overall  
15 performance and by category.

16        SECTION 5. Sections 21.352(a) and (c), Education Code, are  
17 amended to read as follows:

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

19                (1) the appraisal process and performance criteria  
20 developed by the commissioner, in conformity with:

21                        (A) the teacher development framework described  
22 by Section 21.009; and

23                        (B) the measures described by Section 21.351(a);

24 or

25                (2) an appraisal process and performance criteria [+]

26                        ~~[(A) developed by the district- and campus-level~~  
27 ~~committees established under Section 11.251,~~

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

3                   [~~(C)~~] adopted by the board of trustees.

4           (c) Appraisal [~~Except as otherwise provided by this~~  
5 ~~subsection, appraisal~~] must be done at least once during each  
6 school year. [~~A teacher may be appraised less frequently if the~~  
7 ~~teacher agrees in writing and the teacher's most recent evaluation~~  
8 ~~rated the teacher as at least proficient, or the equivalent, and did~~  
9 ~~not identify any area of deficiency. A teacher who is appraised less~~  
10 ~~frequently than annually must be appraised at least once during~~  
11 ~~each period of five school years.~~] The district shall maintain a  
12 [~~written~~] copy of the evaluation of each teacher's performance in  
13 the teacher's personnel file. Each teacher is entitled to receive a  
14 written or electronic copy of the evaluation promptly on its  
15 completion. After receiving a [~~written~~] copy of the evaluation, a  
16 teacher is entitled to a second appraisal by a different appraiser  
17 or to submit a written rebuttal to the evaluation to be attached to  
18 the evaluation in the teacher's personnel file. The evaluation and  
19 any rebuttal may be given to another school district at which the  
20 teacher has applied for employment at the request of that district.

21           SECTION 6. The heading to Section 21.402, Education Code,  
22 is amended to read as follows:

23           Sec. 21.402. MINIMUM SALARY [~~SCHEDULE~~] FOR CERTAIN  
24 PROFESSIONAL STAFF.

25           SECTION 7. Section 21.402(a), Education Code, as effective  
26 until September 1, 2017, is amended to read as follows:

27           (a) Except as provided by Subsection (f), a school district

1 must pay each [~~classroom teacher,~~] full-time librarian, full-time  
2 school counselor certified under Subchapter B, or full-time school  
3 nurse not less than the minimum monthly salary, based on the  
4 employee's level of experience in addition to other factors, as  
5 determined by commissioner rule, determined by the following  
6 formula:

$$MS = SF \times FS$$

8 where:

9 "MS" is the minimum monthly salary;

10 "SF" is the applicable salary factor specified by  
11 Subsection (c); and

12 "FS" is the amount, as determined by the commissioner  
13 under Subsection (b), of the basic allotment as provided by Section  
14 42.101(a) or (b) for a school district with a maintenance and  
15 operations tax rate at least equal to the state maximum compressed  
16 tax rate, as defined by Section 42.101(a).

17 SECTION 8. Section 21.402(a), Education Code, as effective  
18 September 1, 2017, is amended to read as follows:

19 (a) Except as provided by Subsection (e-1) or (f), a school  
20 district must pay each [~~classroom teacher,~~] full-time librarian,  
21 full-time school counselor certified under Subchapter B, or  
22 full-time school nurse not less than the minimum monthly salary,  
23 based on the employee's level of experience in addition to other  
24 factors, as determined by commissioner rule, determined by the  
25 following formula:

$$MS = SF \times FS$$

27 where:

1           "MS" is the minimum monthly salary;  
2           "SF" is the applicable salary factor specified by  
3 Subsection (c); and  
4           "FS" is the amount, as determined by the commissioner  
5 under Subsection (b), of the basic allotment as provided by Section  
6 42.101(a) or (b) for a school district with a maintenance and  
7 operations tax rate at least equal to the state maximum compressed  
8 tax rate, as defined by Section 42.101(a).

9           SECTION 9. Section 21.402, Education Code, is amended by  
10 adding Subsection (a-1) and amending Subsections (c-1), (f), and  
11 (h) to read as follows:

12           (a-1) Each school district shall pay a minimum monthly  
13 salary to each classroom teacher that is not less than \$2,754. A  
14 district may pay a higher monthly salary based on criteria that are  
15 consistent with the teacher development framework adopted by the  
16 commissioner under Section 21.009.

17           (c-1) Notwithstanding Subsections (a) and (b), each school  
18 district shall pay a monthly salary to each [~~classroom teacher,~~  
19 full-time speech pathologist, full-time librarian, full-time  
20 school counselor certified under Subchapter B, and full-time school  
21 nurse that is at least equal to the following monthly salary or the  
22 monthly salary determined by the commissioner under Subsections (a)  
23 and (b), whichever is greater:

24	Years of	Monthly
25	Experience	Salary
26	0	2,732
27	1	2,791

1	2	2,849
2	3	2,908
3	4	3,032
4	5	3,156
5	6	3,280
6	7	3,395
7	8	3,504
8	9	3,607
9	10	3,704
10	11	3,796
11	12	3,884
12	13	3,965
13	14	4,043
14	15	4,116
15	16	4,186
16	17	4,251
17	18	4,313
18	19	4,372
19	20 & Over	4,427

20           (f) Notwithstanding Subsection (a), a [~~teacher or~~]  
21 librarian who received a career ladder supplement on August 31,  
22 1993, is entitled to at least the same gross monthly salary the  
23 [~~teacher or~~] librarian received for the 1994-1995 school year as  
24 long as the [~~teacher or~~] librarian is employed by the same district.

25           (h) In this section, "gross monthly salary" must include the  
26 amount a [~~teacher or~~] librarian received that represented a career  
27 ladder salary supplement under Section 16.057, as that section



1 existed January 1, 1993.

2 SECTION 10. Sections 21.403(a), (c), and (d), Education  
3 Code, are amended to read as follows:

4 (a) A [~~teacher,~~] librarian, school counselor, or nurse  
5 shall advance one step on the minimum salary schedule under Section  
6 21.402 for each year of experience as a [~~teacher,~~] librarian,  
7 school counselor, or nurse until step 20 is reached.

8 (c) The commissioner shall adopt rules for determining the  
9 experience for which a [~~teacher,~~] librarian, school counselor, or  
10 nurse is to be given credit in placing the [~~teacher,~~] librarian,  
11 school counselor, or nurse on the minimum salary schedule. A  
12 district shall credit the [~~teacher,~~] librarian, school counselor,  
13 or nurse for each year of experience without regard to whether the  
14 years are consecutive.

15 (d) As long as a [~~teacher-or~~] librarian who received a  
16 career ladder supplement is employed by the same school district,  
17 the [~~teacher-or~~] librarian is entitled to:

18 (1) placement on the minimum salary schedule at the  
19 step above the step on which the librarian [~~teacher~~] would  
20 otherwise be placed, if the [~~teacher-or~~] librarian received a  
21 career ladder supplement for level two of the career ladder on  
22 August 31, 1993; or

23 (2) placement on the minimum salary schedule at the  
24 step two steps above the step on which the librarian [~~teacher~~] would  
25 otherwise be placed, if the [~~teacher-or~~] librarian received a  
26 career ladder supplement for level three of the career ladder on  
27 August 31, 1993.

SECTION 11. Section 21.4031(a)(2), Education Code, is amended to read as follows:

(2) "Service record" means a school district document that indicates the total years of service provided to the district by a ~~[classroom teacher]~~ librarian, school counselor, or nurse.

SECTION 12. Section 21.4031(b), Education Code, is amended to read as follows:

(b) On request by a ~~[classroom teacher]~~ librarian, school counselor, or nurse or by the school district employing one of those individuals, a school district that previously employed the individual shall provide a copy of the individual's service record to the school district employing the individual. The district must provide the copy not later than the 30th day after the later of:

(1) the date the request is made; or

(2) the date of the last day of the individual's service to the district.

SECTION 13. The heading to Subchapter J, Chapter 21, Education Code, is amended to read as follows:

SUBCHAPTER J. EDUCATOR PROFESSIONAL ~~[STAFF]~~ DEVELOPMENT AND TRAINING

SECTION 14. The heading to Section 21.451, Education Code, is amended to read as follows:

Sec. 21.451. EDUCATOR PROFESSIONAL ~~[STAFF]~~ DEVELOPMENT AND TRAINING REQUIREMENTS.

SECTION 15. Sections 21.451(a), (b), (c), (d), and (g), Education Code, are amended to read as follows:

(a) The professional ~~[staff]~~ development opportunities, not

1 including the training described by Subsection (c), provided by a  
2 school district to an educator other than a principal must ~~[be]~~:

3 (1) be designed to increase the effectiveness of  
4 classroom instruction and improve student achievement;

5 (2) be conducted in accordance with standards  
6 developed by the district;

7 (3) enable an educator to advance knowledge and skills  
8 identified as needing improvement in the educator's appraisal;

9 (4) include a range of instructional formats,  
10 including intensive and sustained in-class coaching, collaborative  
11 learning, and blended learning;

12 (5) enable an educator to select the content and  
13 format of the educator's professional development opportunities;  
14 and

15 (6) be ~~[(2)]~~ designed to improve education in the  
16 district.

17 (b) The professional ~~[staff]~~ development described by  
18 Subsection (a) must include opportunities that address:

19 (1) ~~[be predominantly]~~ campus-based performance  
20 objectives; and

21 (2) performance objectives of individual educators  
22 established as part of educator appraisals ~~[, related to achieving~~  
23 ~~campus performance objectives established under Section 11.253,~~  
24 ~~and developed and approved by the campus-level committee~~  
25 ~~established under Section 11.251]~~.

26 (c) For professional ~~[staff]~~ development under Subsection  
27 (a), a school district may use district-wide training ~~[staff~~

1 ~~development]~~ developed and approved through the district-level  
2 decision process under Section [11.251](#), provided that training  
3 developed under this subsection does not represent the majority of  
4 the district's professional development opportunities.

5 (d) The training described by Subsection (c) [~~staff~~  
6 ~~development~~]:

7 (1) may include training in:

8 (A) technology;

9 (B) conflict resolution;

10 (C) discipline strategies, including classroom  
11 management, district discipline policies, and the student code of  
12 conduct adopted under Section [37.001](#), and Chapter 37; and

13 (D) preventing, identifying, responding to, and  
14 reporting incidents of bullying; and

15 (2) subject to Subsection (e) and to Section [21.3541](#)  
16 and rules adopted under that section, must include training based  
17 on scientifically based research, as defined by Section 9101, No  
18 Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

19 (A) relates to instruction of students with  
20 disabilities; and

21 (B) is designed for educators who work primarily  
22 outside the area of special education.

23 (g) The professional [~~staff~~] development may include  
24 instruction as to what is permissible under law, including opinions  
25 of the United States Supreme Court, regarding prayer in public  
26 school.

27 SECTION 16. Sections [21.4511](#)(a) and (b), Education Code,

1 are amended to read as follows:

2 (a) From funds appropriated for that purpose in an amount  
3 not to exceed \$2.5 million each year, the commissioner may develop  
4 and award grants to school districts, regional education service  
5 centers, nonprofit organizations, and institutions of higher  
6 education for establishing and providing technical assistance and  
7 professional development activities in the professional [~~staff~~]  
8 development [~~training~~] of public school teachers and  
9 administrators.

10 (b) The professional development [~~training~~] under this  
11 section shall include professional development [~~training~~] relating  
12 to implementing curriculum and instruction that is aligned with the  
13 foundation curriculum described by Section 28.002(a)(1) and  
14 standards and expectations for college readiness, as determined by  
15 State Board of Education rule under Section 28.008(d).

16 SECTION 17. The heading to Section 21.453, Education Code,  
17 is amended to read as follows:

18 Sec. 21.453. PROFESSIONAL [~~STAFF~~] DEVELOPMENT ACCOUNT.

19 SECTION 18. Sections 21.453(a) and (b), Education Code, are  
20 amended to read as follows:

21 (a) The professional [~~staff~~] development account is an  
22 account in the general revenue fund. The account consists of gifts,  
23 grants, donations, appropriations for the purpose of professional  
24 [~~staff~~] development under this subchapter, and any other money  
25 transferred by law to the account. Funds in the account may be used  
26 only as provided by this section.

27 (b) The commissioner may allocate funds from the account to

1 regional education service centers to provide professional ~~[staff]~~  
2 development resources to school districts that:

- 3 (1) are rated academically unacceptable;  
4 (2) have one or more campuses rated as academically  
5 unacceptable; or  
6 (3) are otherwise in need of assistance as indicated  
7 by the academic performance of students, as determined by the  
8 commissioner.

9 SECTION 19. Section 21.7061(a), Education Code, is amended  
10 to read as follows:

11 (a) Notwithstanding any other provision of this code and  
12 subject to Subsection (b), a school district may apply to the  
13 commissioner in writing in accordance with commissioner rule for a  
14 waiver to exempt the district or one or more district campuses from  
15 Section 21.352(a)(2) ~~[21.352(a)(2)(B)]~~, 21.353, 21.354(d),  
16 21.3541(g), 21.451, or 21.458, as specified in the waiver  
17 application. The district's application for a waiver under this  
18 section must demonstrate that the waiver is necessary to carry out  
19 purposes of the program as described by Section 21.7011, in  
20 accordance with the district's local educator excellence  
21 innovation plan.

22 SECTION 20. Section 22.107(a), Education Code, is amended  
23 to read as follows:

24 (a) A school district shall pay each full-time district  
25 employee, other than an administrator or an employee entitled  
26 ~~[subject]~~ to a ~~[the]~~ minimum salary ~~[schedule]~~ under Section  
27 21.402, an amount at least equal to \$500.

SECTION 21. Section 38.0041(f), Education Code, is amended to read as follows:

(f) The training under Subsection (c) may be included in professional ~~[staff]~~ development and training under Section 21.451.

SECTION 22. Section 42.2513(a), Education Code, is amended to read as follows:

(a) A school district, including a school district that is otherwise ineligible for state aid under this chapter, is entitled to state aid in an amount equal to the sum of:

(1) the product of \$500 multiplied by the number of full-time district employees, other than administrators or employees entitled ~~[subject]~~ to a [the] minimum salary ~~[schedule]~~ under Section 21.402; and

(2) the product of \$250 multiplied by the number of part-time district employees, other than administrators.

SECTION 23. Section 823.404(a), Government Code, is amended to read as follows:

(a) An eligible member may establish equivalent membership service credit for one or two years of work experience if the work experience was required for certification under Chapter 21, Education Code, in a career or technological field ~~[for which the member is entitled to salary step credit under Section 21.403(b), Education Code]~~.

SECTION 24. Subchapter E, Chapter 825, Government Code, is amended by adding Section 825.4051 to read as follows:

Sec. 825.4051. MAINTENANCE OF STATE CONTRIBUTION. (a) The

1 board of trustees shall adopt and maintain a schedule based on the  
2 minimum salary schedule for certain professional staff under  
3 Section 21.402, Education Code, as that section existed on January  
4 1, 2015, for the purposes of calculating the required state  
5 contribution for retirement benefits for classroom teachers under  
6 this subtitle.

7       **(b)** Notwithstanding Section 825.405, an employing school  
8 district is required to pay the state's contribution only on the  
9 portion of a classroom teacher's salary that exceeds the schedule  
10 described by Subsection (a).

11       **(c)** Each biennium, the retirement system, in consultation  
12 with the Legislative Budget Board, shall undertake a study of labor  
13 market conditions among public school educators for the purpose of  
14 recommending updates to the schedule described by Subsection (a).  
15 The board of trustees shall provide the results of this study and  
16 any accompanying recommendations to the Legislative Budget Board  
17 and the comptroller not later than December 1 of each even-numbered  
18 year.

19       **(d)** The board of trustees may adopt rules to implement this  
20 section.

21       SECTION 25. Sections 21.352(b) and 21.403(b), Education  
22 Code, are repealed.

23       SECTION 26. This Act applies beginning with the 2016-2017  
24 school year.

25       SECTION 27. (a) Sections 21.402, 21.403, 21.4031, and  
26 42.2513, Education Code, as amended by this Act, take effect  
27 September 1, 2016.



1           (b) Section 823.404(a), Government Code, as amended by this  
2 Act, and Section 825.4051, Government Code, as added by this Act,  
3 take effect September 1, 2016.

4           (c) Except as provided by Subsections (a) and (b) of this  
5 section, this Act takes effect immediately if it receives a vote of  
6 two-thirds of all the members elected to each house, as provided by  
7 Section 39, Article III, Texas Constitution. If this Act does not  
8 receive the vote necessary for immediate effect, this Act takes  
9 effect September 1, 2015.