

1-1 By: Seliger, Campbell S.B. No. 893  
 1-2 (In the Senate - Filed March 3, 2015; March 9, 2015, read  
 1-3 first time and referred to Committee on Education; March 30, 2015,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 10, Nays 1; March 30, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Garcia	X			
1-12 Huffines	X			
1-13 Kolthorst	X			
1-14 Rodríguez	X			
1-15 Seliger	X			
1-16 Taylor of Collin	X			
1-17 West		X		
1-18				

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 893 By: Seliger

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to public school teacher performance appraisals,  
 1-23 continuing education, professional development, career  
 1-24 advancement, and compensation.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter A, Chapter 21, Education Code, is  
 1-27 amended by adding Section 21.009 to read as follows:

1-28 Sec. 21.009. TEACHER DEVELOPMENT FRAMEWORK. (a) The  
 1-29 commissioner by rule shall adopt a teacher development framework to  
 1-30 be used by a school district in making decisions regarding  
 1-31 teachers, including decisions related to:

- 1-32 (1) appraisals of performance;
- 1-33 (2) professional development opportunities;
- 1-34 (3) career advancement; and
- 1-35 (4) compensation.

1-36 (b) The teacher development framework must require that  
 1-37 decisions regarding a teacher's professional development  
 1-38 opportunities, career advancement, and compensation include the  
 1-39 teacher's appraisal as a substantial factor. Decisions regarding  
 1-40 career advancement for a teacher must be based on consecutive  
 1-41 appraisals of the teacher from at least two consecutive years, if  
 1-42 available.

1-43 (c) The commissioner shall appoint a committee composed of  
 1-44 educators and other stakeholders to assist the commissioner in  
 1-45 reviewing and revising the teacher development framework at least  
 1-46 once every five years.

1-47 SECTION 2. Section 21.054, Education Code, is amended by  
 1-48 amending Subsection (a) and adding Subsections (a-1) and (d-1) to  
 1-49 read as follows:

1-50 (a) The board shall propose rules establishing processes [~~a~~  
 1-51 ~~process~~] for:

- 1-52 (1) identifying continuing education courses and  
 1-53 programs that fulfill educators' continuing education  
 1-54 requirements; and
- 1-55 (2) enabling an educator to provide feedback to the  
 1-56 board regarding a course or program completed by the educator.

1-57 (a-1) The feedback received by the board regarding a  
 1-58 continuing education course or program completed by an educator  
 1-59 must be accessible to the public.

1-60 (d-1) Continuing education requirements for a classroom

2-1 teacher must provide that a significant percentage of the training  
 2-2 required every five years includes instruction designed to advance  
 2-3 any knowledge and skill identified in the teacher's appraisal as  
 2-4 needing improvement.

2-5 SECTION 3. Section 21.203(a), Education Code, is amended to  
 2-6 read as follows:

2-7 (a) ~~The [Except as provided by Section 21.352(c), the]~~  
 2-8 employment policies adopted by a board of trustees must require a  
 2-9 written evaluation of each teacher at annual or more frequent  
 2-10 intervals. The policies adopted by the board may include the use of  
 2-11 peer-to-peer review and other measures involving the participation  
 2-12 of teachers in the evaluation process. The board must consider the  
 2-13 most recent evaluations before making a decision not to renew a  
 2-14 teacher's contract if the evaluations are relevant to the reason  
 2-15 for the board's action.

2-16 SECTION 4. Section 21.351, Education Code, is amended by  
 2-17 amending Subsections (a), (b), and (d) and adding Subsection (a-1)  
 2-18 to read as follows:

2-19 (a) The commissioner shall adopt a recommended appraisal  
 2-20 process and criteria on which to appraise the performance of  
 2-21 teachers. The criteria must be based on measures of a teacher's  
 2-22 performance [observable, job-related behavior], including:

2-23 (1) the teacher's [teachers'] implementation of  
 2-24 discipline management procedures; [and]

2-25 (2) the academic performance of the teacher's  
 2-26 students;

2-27 (3) teaching standards that articulate expected  
 2-28 teacher knowledge, understanding, skill, and practice to ensure  
 2-29 student educational growth in academics;

2-30 (4) classroom observations; and

2-31 (5) data related to the teacher's efforts, both  
 2-32 individually and as part of collaborative settings, to improve the  
 2-33 teacher's professional performance, as evident in the teacher's  
 2-34 level of professional engagement and growth [the performance of  
 2-35 teachers' students].

2-36 (a-1) In adopting criteria relating to the academic  
 2-37 performance of a teacher's students as required by Subsection  
 2-38 (a)(2), the commissioner shall include measures of student  
 2-39 educational growth based on academics. The measures of student  
 2-40 educational growth adopted by the commissioner under this  
 2-41 subsection may not be limited to examining the performance of the  
 2-42 teacher's students on assessment instruments required under  
 2-43 Section 39.023 but must include other measures of student  
 2-44 educational growth.

2-45 (b) The commissioner shall solicit and consider the advice  
 2-46 of teachers and other stakeholders in developing the recommended  
 2-47 appraisal process and performance criteria.

2-48 (d) Under the recommended appraisal process, appraisal for  
 2-49 teachers must be detailed by category of professional skill and  
 2-50 characteristic and must provide for separate ratings for each  
 2-51 category. The appraisal process shall guarantee a conference  
 2-52 between the teacher and the appraiser. The conference shall be  
 2-53 diagnostic and prescriptive with regard to improvement and  
 2-54 professional development [remediation] needed in overall  
 2-55 performance and by category.

2-56 SECTION 5. Sections 21.352(a) and (c), Education Code, are  
 2-57 amended to read as follows:

2-58 (a) In appraising teachers, each school district shall use:

2-59 (1) the appraisal process and performance criteria  
 2-60 developed by the commissioner, in conformity with:

2-61 (A) the teacher development framework described  
 2-62 by Section 21.009; and

2-63 (B) the measures described by Section 21.351(a);

2-64 or

2-65 (2) an appraisal process and performance criteria[+]  
 2-66 [~~(A) developed by the district and campus-level~~  
 2-67 ~~committees established under Section 11.251,~~

2-68 [~~(B)~~] containing the items described by Section  
 2-69 [Sections] 21.351(a) [~~(1) and (2)~~], and

3-1                                    [~~(C)~~] adopted by the board of trustees.  
 3-2                    (c) Appraisal [~~Except as otherwise provided by this~~  
 3-3 ~~subsection, appraisal]~~ must be done at least once during each  
 3-4 school year. [~~A teacher may be appraised less frequently if the~~  
 3-5 ~~teacher agrees in writing and the teacher's most recent evaluation~~  
 3-6 ~~rated the teacher as at least proficient, or the equivalent, and did~~  
 3-7 ~~not identify any area of deficiency. A teacher who is appraised~~  
 3-8 ~~less frequently than annually must be appraised at least once~~  
 3-9 ~~during each period of five school years.] The district shall  
 3-10 maintain a [~~written~~] copy of the evaluation of each teacher's  
 3-11 performance in the teacher's personnel file. Each teacher is  
 3-12 entitled to receive a written or electronic copy of the evaluation  
 3-13 promptly on its completion. After receiving a [~~written~~] copy of the  
 3-14 evaluation, a teacher is entitled to a second appraisal by a  
 3-15 different appraiser or to submit a written rebuttal to the  
 3-16 evaluation to be attached to the evaluation in the teacher's  
 3-17 personnel file. The evaluation and any rebuttal may be given to  
 3-18 another school district at which the teacher has applied for  
 3-19 employment at the request of that district.~~

3-20                    SECTION 6. The heading to Section 21.402, Education Code,  
 3-21 is amended to read as follows:

3-22                    Sec. 21.402. MINIMUM SALARY [~~SCHEDULE~~] FOR CERTAIN  
 3-23 PROFESSIONAL STAFF.

3-24                    SECTION 7. Section 21.402(a), Education Code, as effective  
 3-25 until September 1, 2017, is amended to read as follows:

3-26                    (a) Except as provided by Subsection (f), a school district  
 3-27 must pay each [~~classroom teacher,~~] full-time librarian, full-time  
 3-28 school counselor certified under Subchapter B, or full-time school  
 3-29 nurse not less than the minimum monthly salary, based on the  
 3-30 employee's level of experience in addition to other factors, as  
 3-31 determined by commissioner rule, determined by the following  
 3-32 formula:

$$MS = SF \times FS$$

3-33 where:

3-34                    "MS" is the minimum monthly salary;

3-35                    "SF" is the applicable salary factor specified by  
 3-36 Subsection (c); and

3-37                    "FS" is the amount, as determined by the commissioner  
 3-38 under Subsection (b), of the basic allotment as provided by Section  
 3-39 42.101(a) or (b) for a school district with a maintenance and  
 3-40 operations tax rate at least equal to the state maximum compressed  
 3-41 tax rate, as defined by Section 42.101(a).

3-42                    SECTION 8. Section 21.402(a), Education Code, as effective  
 3-43 September 1, 2017, is amended to read as follows:

3-44                    (a) Except as provided by Subsection (e-1) or (f), a school  
 3-45 district must pay each [~~classroom teacher,~~] full-time librarian,  
 3-46 full-time school counselor certified under Subchapter B, or  
 3-47 full-time school nurse not less than the minimum monthly salary,  
 3-48 based on the employee's level of experience in addition to other  
 3-49 factors, as determined by commissioner rule, determined by the  
 3-50 following formula:

$$MS = SF \times FS$$

3-51 where:

3-52                    "MS" is the minimum monthly salary;

3-53                    "SF" is the applicable salary factor specified by  
 3-54 Subsection (c); and

3-55                    "FS" is the amount, as determined by the commissioner  
 3-56 under Subsection (b), of the basic allotment as provided by Section  
 3-57 42.101(a) or (b) for a school district with a maintenance and  
 3-58 operations tax rate at least equal to the state maximum compressed  
 3-59 tax rate, as defined by Section 42.101(a).

3-60                    SECTION 9. Section 21.402, Education Code, is amended by  
 3-61 adding Subsection (a-1) and amending Subsections (c-1), (f), and  
 3-62 (h) to read as follows:

3-63                    (a-1) Each school district shall pay a minimum monthly  
 3-64 salary to each classroom teacher that is not less than \$2,754. A  
 3-65 district may pay a higher monthly salary based on criteria that are  
 3-66 not inconsistent with the teacher development framework adopted by  
 3-67 the commissioner under Section 21.009.  
 3-68  
 3-69

4-1 (c-1) Notwithstanding Subsections (a) and (b), each school  
 4-2 district shall pay a monthly salary to each [~~classroom teacher,~~  
 4-3 full-time speech pathologist, full-time librarian, full-time  
 4-4 school counselor certified under Subchapter B, and full-time school  
 4-5 nurse that is at least equal to the following monthly salary or the  
 4-6 monthly salary determined by the commissioner under Subsections (a)  
 4-7 and (b), whichever is greater:

4-8	Years of	Monthly
4-9	Experience	Salary
4-10	0	2,732
4-11	1	2,791
4-12	2	2,849
4-13	3	2,908
4-14	4	3,032
4-15	5	3,156
4-16	6	3,280
4-17	7	3,395
4-18	8	3,504
4-19	9	3,607
4-20	10	3,704
4-21	11	3,796
4-22	12	3,884
4-23	13	3,965
4-24	14	4,043
4-25	15	4,116
4-26	16	4,186
4-27	17	4,251
4-28	18	4,313
4-29	19	4,372
4-30	20 & Over	4,427

4-31 (f) Notwithstanding Subsection (a), a [~~teacher or~~  
 4-32 librarian who received a career ladder supplement on August 31,  
 4-33 1993, is entitled to at least the same gross monthly salary the  
 4-34 [~~teacher or~~] librarian received for the 1994-1995 school year as  
 4-35 long as the [~~teacher or~~] librarian is employed by the same district.

4-36 (h) In this section, "gross monthly salary" must include the  
 4-37 amount a [~~teacher or~~] librarian received that represented a career  
 4-38 ladder salary supplement under Section 16.057, as that section  
 4-39 existed January 1, 1993.

4-40 SECTION 10. Sections 21.403(a), (c), and (d), Education  
 4-41 Code, are amended to read as follows:

4-42 (a) A [~~teacher,~~] librarian, school counselor, or nurse  
 4-43 shall advance one step on the minimum salary schedule under Section  
 4-44 21.402 for each year of experience as a [~~teacher,~~] librarian,  
 4-45 school counselor, or nurse until step 20 is reached.

4-46 (c) The commissioner shall adopt rules for determining the  
 4-47 experience for which a [~~teacher,~~] librarian, school counselor, or  
 4-48 nurse is to be given credit in placing the [~~teacher,~~] librarian,  
 4-49 school counselor, or nurse on the minimum salary schedule. A  
 4-50 district shall credit the [~~teacher,~~] librarian, school counselor,  
 4-51 or nurse for each year of experience without regard to whether the  
 4-52 years are consecutive.

4-53 (d) As long as a [~~teacher or~~] librarian who received a  
 4-54 career ladder supplement is employed by the same school district,  
 4-55 the [~~teacher or~~] librarian is entitled to:

4-56 (1) placement on the minimum salary schedule at the  
 4-57 step above the step on which the librarian [~~teacher~~] would  
 4-58 otherwise be placed, if the [~~teacher or~~] librarian received a  
 4-59 career ladder supplement for level two of the career ladder on  
 4-60 August 31, 1993; or

4-61 (2) placement on the minimum salary schedule at the  
 4-62 step two steps above the step on which the librarian [~~teacher~~] would  
 4-63 otherwise be placed, if the [~~teacher or~~] librarian received a  
 4-64 career ladder supplement for level three of the career ladder on  
 4-65 August 31, 1993.

4-66 SECTION 11. Section 21.4031(a)(2), Education Code, is  
 4-67 amended to read as follows:

4-68 (2) "Service record" means a school district document  
 4-69 that indicates the total years of service provided to the district

5-1 by a [~~classroom teacher,~~] librarian, school counselor, or nurse.

5-2 SECTION 12. Section 21.4031(b), Education Code, is amended  
5-3 to read as follows:

5-4 (b) On request by a [~~classroom teacher,~~] librarian, school  
5-5 counselor, or nurse or by the school district employing one of those  
5-6 individuals, a school district that previously employed the  
5-7 individual shall provide a copy of the individual's service record  
5-8 to the school district employing the individual. The district must  
5-9 provide the copy not later than the 30th day after the later of:

5-10 (1) the date the request is made; or

5-11 (2) the date of the last day of the individual's  
5-12 service to the district.

5-13 SECTION 13. The heading to Subchapter J, Chapter 21,  
5-14 Education Code, is amended to read as follows:

5-15 SUBCHAPTER J. EDUCATOR PROFESSIONAL [STAFF] DEVELOPMENT AND  
5-16 TRAINING

5-17 SECTION 14. The heading to Section 21.451, Education Code,  
5-18 is amended to read as follows:

5-19 Sec. 21.451. EDUCATOR PROFESSIONAL [STAFF] DEVELOPMENT AND  
5-20 TRAINING REQUIREMENTS.

5-21 SECTION 15. Sections 21.451(a), (b), (c), (d), and (g),  
5-22 Education Code, are amended to read as follows:

5-23 (a) The professional [staff] development opportunities, not  
5-24 including the training described by Subsection (c), provided by a  
5-25 school district to an educator other than a principal must [be]:

5-26 (1) be designed to increase the effectiveness of  
5-27 classroom instruction and improve student achievement;

5-28 (2) be conducted in accordance with standards  
5-29 developed by the district;

5-30 (3) enable an educator to advance knowledge and skills  
5-31 identified as needing improvement in the educator's appraisal;

5-32 (4) include a range of instructional formats,  
5-33 including intensive and sustained in-class coaching, collaborative  
5-34 learning, and blended learning;

5-35 (5) enable an educator to select the content and  
5-36 format of the educator's professional development opportunities;  
5-37 and

5-38 (6) be [~~(2)~~] designed to improve education in the  
5-39 district.

5-40 (b) The professional [staff] development described by  
5-41 Subsection (a) must include opportunities that address:

5-42 (1) [~~be predominantly~~] campus-based performance  
5-43 objectives; and

5-44 (2) performance objectives of individual educators  
5-45 established as part of educator appraisals[~~, related to achieving~~  
5-46 campus performance objectives established under Section 11.253,  
5-47 and developed and approved by the campus-level committee  
5-48 established under Section 11.251].

5-49 (c) For professional [staff] development under Subsection  
5-50 (a), a school district may use district-wide training [staff  
5-51 development] developed and approved through the district-level  
5-52 decision process under Section 11.251, provided that training  
5-53 developed under this subsection does not represent the majority of  
5-54 the district's professional development opportunities.

5-55 (d) The training described by Subsection (c) [staff  
5-56 development]:

5-57 (1) may include training in:

5-58 (A) technology;

5-59 (B) conflict resolution;

5-60 (C) discipline strategies, including classroom  
5-61 management, district discipline policies, and the student code of  
5-62 conduct adopted under Section 37.001, and Chapter 37; and

5-63 (D) preventing, identifying, responding to, and  
5-64 reporting incidents of bullying; and

5-65 (2) subject to Subsection (e) and to Section 21.3541  
5-66 and rules adopted under that section, must include training based  
5-67 on scientifically based research, as defined by Section 9101, No  
5-68 Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

5-69 (A) relates to instruction of students with

6-1 disabilities; and

6-2 (B) is designed for educators who work primarily  
6-3 outside the area of special education.

6-4 (g) The professional [~~staff~~] development may include  
6-5 instruction as to what is permissible under law, including opinions  
6-6 of the United States Supreme Court, regarding prayer in public  
6-7 school.

6-8 SECTION 16. Sections 21.4511(a) and (b), Education Code,  
6-9 are amended to read as follows:

6-10 (a) From funds appropriated for that purpose in an amount  
6-11 not to exceed \$2.5 million each year, the commissioner may develop  
6-12 and award grants to school districts, regional education service  
6-13 centers, nonprofit organizations, and institutions of higher  
6-14 education for establishing and providing technical assistance and  
6-15 professional development activities in the professional [~~staff~~]  
6-16 development [~~training~~] of public school teachers and  
6-17 administrators.

6-18 (b) The professional development [~~training~~] under this  
6-19 section shall include professional development [~~training~~] relating  
6-20 to implementing curriculum and instruction that is aligned with the  
6-21 foundation curriculum described by Section 28.002(a)(1) and  
6-22 standards and expectations for college readiness, as determined by  
6-23 State Board of Education rule under Section 28.008(d).

6-24 SECTION 17. The heading to Section 21.453, Education Code,  
6-25 is amended to read as follows:

6-26 Sec. 21.453. PROFESSIONAL [~~STAFF~~] DEVELOPMENT ACCOUNT.

6-27 SECTION 18. Sections 21.453(a) and (b), Education Code, are  
6-28 amended to read as follows:

6-29 (a) The professional [~~staff~~] development account is an  
6-30 account in the general revenue fund. The account consists of gifts,  
6-31 grants, donations, appropriations for the purpose of professional  
6-32 [~~staff~~] development under this subchapter, and any other money  
6-33 transferred by law to the account. Funds in the account may be used  
6-34 only as provided by this section.

6-35 (b) The commissioner may allocate funds from the account to  
6-36 regional education service centers to provide professional [~~staff~~]  
6-37 development resources to school districts that:

6-38 (1) are rated academically unacceptable;

6-39 (2) have one or more campuses rated as academically  
6-40 unacceptable; or

6-41 (3) are otherwise in need of assistance as indicated  
6-42 by the academic performance of students, as determined by the  
6-43 commissioner.

6-44 SECTION 19. Section 21.7061(a), Education Code, is amended  
6-45 to read as follows:

6-46 (a) Notwithstanding any other provision of this code and  
6-47 subject to Subsection (b), a school district may apply to the  
6-48 commissioner in writing in accordance with commissioner rule for a  
6-49 waiver to exempt the district or one or more district campuses from  
6-50 Section 21.352(a)(2) [~~21.352(a)(2)(B)~~], 21.353, 21.354(d),  
6-51 21.3541(g), 21.451, or 21.458, as specified in the waiver  
6-52 application. The district's application for a waiver under this  
6-53 section must demonstrate that the waiver is necessary to carry out  
6-54 purposes of the program as described by Section 21.7011, in  
6-55 accordance with the district's local educator excellence  
6-56 innovation plan.

6-57 SECTION 20. Section 22.107(a), Education Code, is amended  
6-58 to read as follows:

6-59 (a) A school district shall pay each full-time district  
6-60 employee, other than an administrator or an employee entitled  
6-61 [~~subject~~] to a [~~the~~] minimum salary [~~schedule~~] under Section  
6-62 21.402, an amount at least equal to \$500.

6-63 SECTION 21. Section 38.0041(f), Education Code, is amended  
6-64 to read as follows:

6-65 (f) The training under Subsection (c) may be included in  
6-66 professional [~~staff~~] development and training under Section  
6-67 21.451.

6-68 SECTION 22. Section 42.2513(a), Education Code, is amended  
6-69 to read as follows:

7-1 (a) A school district, including a school district that is  
7-2 otherwise ineligible for state aid under this chapter, is entitled  
7-3 to state aid in an amount equal to the sum of:

7-4 (1) the product of \$500 multiplied by the number of  
7-5 full-time district employees, other than administrators or  
7-6 employees entitled ~~[subject]~~ to a ~~[the]~~ minimum salary ~~[schedule]~~  
7-7 under Section 21.402; and

7-8 (2) the product of \$250 multiplied by the number of  
7-9 part-time district employees, other than administrators.

7-10 SECTION 23. Section 823.404(a), Government Code, is amended  
7-11 to read as follows:

7-12 (a) An eligible member may establish one year of equivalent  
7-13 membership service credit for each year ~~[one or two years]~~ of work  
7-14 experience that was required for the member's certification under  
7-15 Chapter 21, Education Code, in a career or technological field for a  
7-16 maximum of two years ~~[for which the member is entitled to salary~~  
7-17 ~~step credit under Section 21.403(b), Education Code]~~.

7-18 SECTION 24. Subchapter E, Chapter 825, Government Code, is  
7-19 amended by adding Section 825.4051 to read as follows:

7-20 Sec. 825.4051. MAINTENANCE OF STATE CONTRIBUTION. (a) The  
7-21 board of trustees shall adopt and maintain a schedule based on the  
7-22 minimum salary schedule for certain professional staff under  
7-23 Section 21.402(c-1), Education Code, as that subsection existed on  
7-24 January 1, 2015, for the purposes of calculating the required state  
7-25 contribution for retirement benefits for classroom teachers under  
7-26 this subtitle.

7-27 (b) The board of trustees may adopt rules to implement this  
7-28 section.

7-29 SECTION 25. Sections 21.352(b) and 21.403(b), Education  
7-30 Code, are repealed.

7-31 SECTION 26. This Act applies beginning with the 2016-2017  
7-32 school year.

7-33 SECTION 27. (a) Sections 21.402, 21.403, 21.4031, and  
7-34 42.2513, Education Code, as amended by this Act, take effect  
7-35 September 1, 2016.

7-36 (b) Section 823.404(a), Government Code, as amended by this  
7-37 Act, and Section 825.4051, Government Code, as added by this Act,  
7-38 take effect September 1, 2016.

7-39 (c) Except as provided by Subsections (a) and (b) of this  
7-40 section, this Act takes effect immediately if it receives a vote of  
7-41 two-thirds of all the members elected to each house, as provided by  
7-42 Section 39, Article III, Texas Constitution. If this Act does not  
7-43 receive the vote necessary for immediate effect, this Act takes  
7-44 effect September 1, 2015.

7-45 \* \* \* \* \*