

BILL ANALYSIS

Senate Research Center

H.B. 411
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Education
5/17/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, Texas students' performance on tests in the areas of math and science are below the national average. In order to improve the test scores, some advocates believe that a "Master Science" program needs to be developed to identify effective instructional practices for those subjects. H.B. 411 establishes a master science teacher certificate for teachers at elementary through high schools levels, and provides for a stipend for teachers holding a master science teacher certificate.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 21.413, Education Code) and SECTION 4 (Section 29.089, Education Code) of this bill.

Rules are required to be proposed by the State Board for Educator Certification in SECTION 6 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 21, Education Code, by adding Section 21.0484, as follows:

Sec. 21.0484. MASTER SCIENCE TEACHER CERTIFICATION. (a) Requires the State Board for Educator Certification (SBEC) to establish a master of science teacher certificate to teach science at each of certain grade levels to ensure that there are teachers with special training to work with other teachers and with students in order to improve student science performance.

(b) Requires SBEC to issue the appropriate master of science teacher certificate to each eligible person.

(c) Requires a person to meet certain requirements to be eligible for a master of science teacher certificate.

(d) Requires the prescribed course of instruction to be developed by SBEC in consultation with science faculty members at institutions of higher education.

SECTION 2. Amends Subchapter I, Chapter 21, Education Code, by adding Section 21.413, as follows:

Sec. 21.413. MASTER SCIENCE TEACHER GRANT PROGRAM. (a) Requires the commissioner of education (commissioner) to establish a master science teacher grant program to encourage certain activities from teachers.

(b) Requires the commissioner, from funds appropriated for the purpose, to make grants to school districts as provided by this section to pay stipends to selected certified master science teachers who teach at high-need campuses.

(c) Requires the commissioner to annually identify each high-need campus in a school district using criteria established by the commissioner by rule, including performance on the science assessment instrument administered under Section

39.023 (Adoption and Administration of Instruments). Requires the commissioner to also use the criteria to rank campuses in order of greatest need.

(d) Authorizes a school district to apply to the commissioner for grants for each high-need campus identified by the commissioner to be used to pay stipends to certified master science teachers in accordance with this section. Provides that each grant is in the amount of \$5,000, unless reduced under Subsection (g) or (i). Requires the commissioner to approve the application if the district meets certain criteria.

(e) Provides that a stipend under Subsection (d)(2) is in the amount of \$5,000, unless reduced under Subsection (g) or (i).

(f) Requires the commissioner to adopt rules for the distribution of grants to school districts following the year of the initial grant. Provides that a district that has been approved for a grant to pay a stipend to a certified master science teacher is not required to reapply for a grant for two consecutive school years following the year of the initial grant if the district meets certain criteria.

(g) Requires the commissioner to reduce payments to a school district proportionately to the extent a teacher does not meet the requirements for the entire school year. Requires a district that employs more certified master science teachers than the number of grants available under this section to select the certified master science teachers to whom to pay stipends based on a policy adopted by the board of trustees of the district, except that a district is required to pay a stipend for two additional consecutive school years to a teacher the district has selected for and paid a stipend under Subsection (d)(2), and for whom the district receives a grant under this section for those years. Provides that a decision of a district under this subsection is final and is prohibited from being appealed. Prohibits the district from apportioning among teachers a stipend paid for with a grant the district receives under this section. Authorizes the district to use local money to pay additional stipends in amounts determined by the district.

(h) Provides that a grant a school district receives under this section is in addition to any funding the district receives under Chapter 42 (Foundation School Program). Requires the commissioner to distribute funds under this section with the Foundation School Program payment to which the district is entitled as soon as practicable after the end of the school year as determined by the commissioner. Provides that a district to which Chapter 41 (Equalized Wealth Level) applies is entitled to the grants paid under this section. Requires the commissioner to determine the timing of the distribution of grants to a district that does not receive Foundation School Program payments.

(i) Provides that this section does not create a property right to a grant or stipend. Provides that a school district is entitled to a grant to carry out the purposes of this section only to the extent the commissioner makes the grant in accordance with this section and only to the extent sufficient state funds are appropriated for those purposes. Requires the commissioner, if state funds are appropriated but are insufficient to fully fund a grant, to reduce the grant paid to each district and requires the district to reduce the stipend the district pays to each teacher under this section proportionately so that each selected teacher receives the same amount of money.

(j) Provides that a decision of the commissioner concerning the amount of money to which a school district is entitled under this section is final and is prohibited from being appealed. Requires each district to provide the commissioner proof acceptable to the commissioner of the master science teacher certification of a teacher to whom the district is paying a stipend under this section.

(k) Authorizes the commissioner to audit the expenditure of money appropriated for purposes of this section. Requires a district's use of the money appropriated for purposes of this section to be verified as part of the district audit under Section 44.008 (Annual Audit; Report).

(l) Provides that a stipend a teacher receives under this section is not considered in determining whether the district is paying the teacher a minimum monthly salary under Section 21.402 (Minimum Salary Schedule for Certain Professional Staff).

(m) Authorizes the commissioner to adopt other rules as necessary to implement this section.

SECTION 3. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.456, as follows:

Sec. 21.456. SCIENCE TRAINING. (a) Requires the commissioner to develop and have approved by the board training materials and other teacher training resources for a school district to use in assisting science teachers in developing certain skills.

(b) Requires the training materials and other teacher training resources required under Subsection (a), to address, to the extent practicable, instructional approaches designed to reduce any identified disparities in student science performance between groups of students.

(c) Requires the commissioner to develop materials and resources under this section in consultation with appropriate faculty members at institutions of higher education.

(d) Requires the commissioner to make the training materials and other teacher training resources required under Subsection (a) available to science teachers through a variety of certain mechanisms.

(e) Requires the commissioner to use funds appropriated for the purpose to administer this section.

SECTION 4. Amends Subchapter C, Chapter 29, Education Code, by adding Section 29.089, as follows:

Sec. 29.089. AFTER-SCHOOL AND SUMMER INTENSIVE SCIENCE INSTRUCTION PROGRAMS. (a) Authorizes a school district to provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide science instruction to certain students.

(b) Requires the board of trustees of a school district, before providing a program under this section, to adopt a policy for certain issues.

(c) Requires the commissioner, by rule, to take certain actions regarding a district's funding.

(d) Requires a program under this section to be paid for with funds appropriated for the purpose.

SECTION 5. (a) Provides that if the Act of the 78th Legislature, Regular Session, 2003, relating to renumbering or relettering certain provisions of enacted codes takes effect, Section 822.201(b), Government Code (Membership Requirement) as amended by Chapters 118, 834, and 1301, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to delete existing text relating to the definition of "salary and wages" as used in Subsection (a). Makes a conforming change relating to the addition of Sections 21.412 and 21.413, Education Code.

(b) Provides that if the Act of the 78th Legislature, Regular Session, 2003, relating to renumbering and relettering certain provisions of enacted codes does not take effect, Section 822.201(b), Government Code (Membership Requirement) as amended by Chapters 118, 834, and 1301, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to amend the definition of “salary and wages” to reflect changes made to the Education Code by the 77th Legislature. Makes conforming and nonsubstantive changes.

SECTION 6. (a) Requires SBEC to propose rules establishing requirements and prescribing an examination for master science teacher certification as required by Section 21.0484 (Master Science Teacher Certification), Education Code, as added by this Act, not later than January 1, 2005.

(b) Requires the commissioner, beginning with the 2005-2006 school year, to pay grants under Section 21.413 (Master Science Teacher Grant Program), Education Code, as added by this Act and requires school districts receiving grants to pay stipends to certified master science teachers under Section 21.413 (Master Science Teacher Grant Program), Education Code, as added by this Act.

SECTION 7. Effective date: September 1, 2003.

LIST OF COMMITTEE AMENDMENTS

Committee Amendment No 1:

Amends H.B. 411 by adding a new SECTION 5 and renumbering the following sections appropriately:

SECTION 5, Section 39.023(a), Education Code, is amended to read as follows:

39.023. Adoption and Administration of Instruments.

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. All students, except students assessed under Subsection (b) or (1) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grades eight through 11 with the aid of technology on any assessment instruments that include algebra;

(2) reading, annually in grades three through nine;

(3) writing, including spelling and grammar, in grades four and seven;

(4) English language arts, in grade 10;

(5) social studies, in grades eight and 10; ~~and~~

(6) science, in grades five, eight and 10; and

(7) any other subject and grade required by federal law.