

Chapter 102. Educational Programs

Subchapter FF. Commissioner's Rules Concerning Educator Award Programs

§102.1073. Educator Excellence Innovation Program.

- (a) Establishment of program.
- (1) In accordance with the Texas Education Code (TEC), §21.702, the Educator Excellence Innovation Program (EEIP) is established as a grant program under which a school district may receive a competitive program grant from the Texas Education Agency (TEA) for the purposes of systematically transforming educator quality and effectiveness through improved and innovative school district-level recruitment, preparation, hiring, induction, evaluation, professional development, strategic compensation, career pathways, and retention; of systematically transforming district administrative practices to improve quality, effectiveness, and efficiency; and of using enhanced educator and administrative quality and effectiveness to improve student learning and academic performance in the manner provided by the TEC, §21.706. Provisions regarding implementation of the program are described in this section.
 - (2) Funds from this program will be distributed on a competitive basis to those selected school districts or open-enrollment charter schools that submitted an approved local educator excellence innovation plan developed in accordance with the TEC, §21.704, and subsection (e) of this section.
- (b) Definitions.
- (1) Districtwide--Every campus within the school district.
 - (2) Early hiring practices--District or local campus practices that attempt to ensure that staffing decisions for instruction-based personnel, including the discovery and filling of imminent vacancies, occur as early as possible, and no later than April 1, in preparation for the subsequent school year so that appropriate recruitment, induction, and support services can be provided to potential new hires.
 - (3) Grant award--Funds the TEA makes available to districts for grant purposes.
 - (4) Learning communities--Two or more educators, including classroom teachers, principals, assistant principals, instructional coaches, master teachers, mentors, district or campus content specialists, or any other position dedicated to instructional growth and improved student learning and academic performance, that collaborate regularly within the school week and throughout the school year on instructional growth, content delivery, and the needs of student populations.
 - (5) Local educator excellence innovation 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 EEIP grant funds.
 - (6) School district--For the purpose of this section, the definition of school district includes an open-enrollment charter school.
 - (7) Selected campus--A campus identified by a school district to receive grant funds when the district innovation program is not implemented districtwide.
- (c) District eligibility.
- (1) A school district is eligible to apply for grant funds for the EEIP if the school district:
 - (A) completes and submits a Notice of Intent to Apply to the TEA by a date established by the commissioner of education;
 - (B) complies with all assurances in the Notice of Intent to Apply and grant application;
 - (C) develops a local educator excellence innovation plan for the district;

- (D) participates in the required technical assistance activities established by the commissioner, including but not limited to establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
 - (E) agrees to participate for four years; 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.
- (3) Priority will be given to those districts that receive federal funding under Title I of the Elementary and Secondary Education Act of 1965 (20 United States Code, §6301, et seq.) and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.
- (d) Notification. The TEA will notify each applicant in writing of its selection or non-selection to receive a grant under the EEIP program.
- (e) Local educator excellence innovation plan.
- (1) In accordance with the TEC, §21.704, a school district that intends to participate in the EEIP and that meets the requirements specified in the TEC, Chapter 21, Subchapter O, and this section is required to submit a local educator excellence innovation plan to the TEA for approval. The TEA may only approve on a competitive basis a local educator excellence innovation plan that meets the program requirements specified in the TEC, §21.706, and this section.
 - (2) A local educator excellence innovation plan must:
 - (A) be developed by the district-level planning and decision-making committee under the TEC, Chapter 11, Subchapter F, for a school district that intends to participate in the program;
 - (B) be designed to carry out each purpose of the program as described by the TEC, §21.7011;
 - (C) identify campus participation districtwide or for selected campuses, as defined in subsection (b) of this section;
 - (D) describe the process for the following:
 - (i) recruiting and hiring new teachers:
 - (I) from the ranks of high-achieving recent college graduates and high-performing education preparation programs; or
 - (II) with a proven record of success in improving student learning and academic performance during prior teaching experience; and
 - (ii) adopting early hiring practices;
 - (E) describe the process for preparing teachers new to the district to succeed with the campus's student population, including providing meaningful, robust mentorship and professional collaboration opportunities for the purpose of improving student learning and academic performance;
 - (F) describe the process for providing timely and frequent diagnostic feedback to teachers on both pedagogical and professional performance based on multiple measures for the purpose of improving student learning and academic performance;

- (G) describe the process for aligning embedded, contextual professional development opportunities within the school week to multiple measures of student learning and academic performance and teacher performance, including observation and evaluation results, so teachers can efficiently improve their practice for the purpose of improving student learning and academic performance;
 - (H) establish strategic career pathways for professional educators that provide for non-administrative opportunities and responsibilities; and
 - (I) establish compensation plans to recruit and retain effective teachers or highly successful former teachers and deploy them meaningfully to support campus collaboration and pedagogical improvement for the purpose of improving student learning and academic performance.
- (3) A school district must act pursuant to its local school board policy for submitting a local educator excellence innovation plan and grant application to the TEA.
 - (4) A local decision to approve and submit a district local educator excellence innovation plan and grant application may not be appealed to the commissioner.
 - (5) A school district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to the TEA.
 - (6) A school district may amend, with the TEA approval, its local educator excellence innovation plan in accordance with subsections (c) and (h) of this section for each school year the school district receives a program grant.
 - (7) A school district may apply to the commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed in the TEC, §21.7061(a).
 - (8) If a district applies for a waiver in accordance with the TEC, §21.7061, then:
 - (A) the application for the waiver must demonstrate:
 - (i) why waiving the identified section of the TEC is necessary to carry out the purposes of the program as described by the TEC, §21.7011;
 - (ii) approval for the waiver by a vote of a majority of the members of the school district board of trustees;
 - (iii) approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and
 - (iv) evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting;
 - (B) the commissioner shall notify in writing each district that applies for a waiver under this subsection whether the application has been granted or denied not later than April 1 of the year in which the application is submitted; and
 - (C) a waiver granted under this subsection expires when the waiver is no longer necessary to carry out the purposes of the program as described by the TEC, §21.7011, in accordance with the district's local educator excellence innovation plan.
- (f) Conditions of operation.
 - (1) A school district must identify performance measures in the application for the success of the local educator excellence innovation plan. The performance measures must:
 - (A) directly relate to the program purposes as specified in the TEC, §21.7011;
 - (B) include measures of student learning and academic performance and growth;

- (C) relate to improved teacher performance, growth, support, and retention;
 - (D) include targets for school district performance, and specifically for selected campuses if the district program is not districtwide, that align to the components of the indices that comprise the state academic accountability system; and
 - (E) be in accordance with program guidelines established by the commissioner.
- (2) If a school district fails to faithfully implement the local educator excellence innovation plan as approved by the TEA, the commissioner may disqualify a school district from receiving a grant award from the EEIP the subsequent grant year.
- (3) If a school district fails to accurately keep and appropriately report performance measures or other EEIP requirements, the commissioner may disqualify a school district from receiving a grant award from the EEIP the subsequent grant year.
- (g) Amount of grant awards.
- (1) In accordance with the TEC, §21.703, each school district selected to receive a competitively awarded grant under the EEIP is entitled to an award in an amount determined by considerations such as:
 - (A) the scope of the approved educator excellence innovation plan;
 - (B) the number of campuses within a district participating in the approved educator excellence innovation plan and the student enrollment of those campuses; and
 - (C) other considerations to allow for the successful implementation of the district's approved educator excellence innovation plan.
 - (2) Award amounts may vary from one year to the next.
- (h) Award payments.
- (1) A school district may use grant funds awarded to the district under this program only to carry out purposes of the program as described by the TEC, §21.7011, in accordance with the district's local educator excellence innovation plan.
 - (2) The use of grant funds may include, but is not limited to:
 - (A) implementation and administration of a high-quality mentoring program for teachers in a teacher's first three years of classroom teaching using mentors who meet the qualifications prescribed by the TEC, §21.458(b);
 - (B) implementation of a teacher evaluation system using multiple measures that include:
 - (i) the results of classroom observations, which may include student comments;
 - (ii) the degree of student educational growth and learning; and
 - (iii) the results of teacher self-evaluations;
 - (C) to the extent permitted under the TEC, Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development;
 - (D) establishment of an alternative teacher compensation or retention system;
 - (E) implementation of incentives designed to reduce teacher turnover;
 - (F) funding for campus non-teaching positions dedicated to acting as coaches or master teachers to facilitate leadership team meetings and educator meetings designed to promote and implement proven strategies in the classroom and provide formative feedback to educators on a weekly basis;
 - (G) funding for instructional coaches; and

- (H) implementation of strategies designed to bring prestige to the teaching profession, which may include but are not limited to establishing career pathways.

Statutory Authority: The provisions of this §102.1073 issued under Texas Education Code, §§21.702, 21.703, 21.7061, and 21.707.

Source: The provisions of this §102.1073 adopted to be effective November 18, 2013, 38 TexReg 8202.