

By: Keffer of Dallas

H.B. No. 3393

A BILL TO BE ENTITLED

AN ACT

relating to contracts and evaluations of and continuing education for public school educators.

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

SECTION 1. Section 21.054, Education Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) Continuing education for principals must be based on an individual assessment of the knowledge, skills, and proficiencies necessary to perform successfully as a principal, as identified in Section 21.046. As part of a principal's compliance with continuing education requirements under this section, a principal must attend advanced management training courses or programs as prescribed by board rule. An individualized professional growth plan shall be developed as a result of the assessment and shall be used exclusively for professional growth purposes. The assessment results and the growth plan may only be released with the approval of the principal assessed. Each certified principal shall participate in the assessment process and professional growth activities at least once every five years.

(c) The board, in consultation with business schools, departments, or programs at institutions of higher education, shall propose rules to govern the approval and accountability of advanced management training courses or programs required under this

1 section. In proposing a rule under this section, the board shall  
2 require that a person conducting a course or program have  
3 recognized expertise in business management.

4 (d) The board shall propose rules that require a  
5 superintendent and principal to complete 12 cumulative hours each  
6 year of continuing education in the areas of:

7 (1) job performance evaluation of teachers;

8 (2) removal of teachers;

9 (3) due process;

10 (4) recordkeeping compliance;

11 (5) notification procedures; and

12 (6) techniques and strategies for documenting  
13 performance.

14 SECTION 2. Section 21.206(a), Education Code, is amended to  
15 read as follows:

16 (a) Not later than the 45th day before the last day of  
17 instruction in a school year, the board of trustees shall notify in  
18 writing each teacher whose contract is about to expire whether the  
19 board proposes to renew or not renew the contract. The notice must  
20 state the reason for the proposed nonrenewal and identify the  
21 requirement of the teacher's contract or the district employment  
22 policy that formed the basis for the board's proposed decision for  
23 nonrenewal.

24 SECTION 3. Section 21.207, Education Code, is amended by  
25 amending Subsection (c) and adding Subsection (d) to read as  
26 follows:

27 (c) At the hearing, the teacher may:

1 (1) be represented by a representative of the  
2 teacher's choice; and

3 (2) [~~hear the evidence supporting the reason for~~  
4 ~~nonrenewal,~~

5 [~~(3) cross-examine adverse witnesses, and~~

6 [~~(4)~~] present evidence.

7 (d) To prevail in a hearing under this section, the teacher  
8 must demonstrate that the board's decision was:

9 (1) arbitrary and capricious;

10 (2) an act of bad faith; or

11 (3) a violation of a right protected under Title VII,  
12 Civil Rights Act of 1964 (42 U.S.C. Section 2000e et seq.).

13 SECTION 4. Subchapter H, Chapter 21, Education Code, is  
14 amended by adding Section 21.3511 to read as follows:

15 Sec. 21.3511. TEACHER APPRAISAL REQUIRED. (a) A  
16 superintendent, principal, or other teacher supervisor shall  
17 appraise each teacher's performance as provided by Section 21.352.

18 (b) In appraising a teacher's performance, the appraiser  
19 shall primarily consider the effectiveness of the teacher in  
20 improving the academic performance of the teacher's students.

21 (c) The administrators of a school district and the campuses  
22 in the school district are responsible for the academic performance  
23 of the students and must ensure that effective teachers are  
24 provided. An administrator shall remove a teacher under procedures  
25 provided by this chapter if the teacher is ineffective in improving  
26 student academic performance.

27 SECTION 5. Section 21.352(c), Education Code, is amended to

1 read as follows:

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

19 SECTION 6. This Act applies beginning with the 2005-2006  
20 school year.

21 SECTION 7. This Act takes effect September 1, 2005.