

## **BILL ANALYSIS**

C.S.H.B. 3421  
By: Eissler  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Now is the time to focus on the area that matters most – the effectiveness of teachers to create excellence in the classroom across Texas. Just as Texas public schools are held accountable for the performance of their students, educator preparation programs should be held responsible for the performance of their graduates.

This bill seeks to improve teacher preparation in order to increase the supply of more effective teachers. This bill expands the type of information the board collects relating to educator preparation programs to better assess a program's effectiveness in training new teachers. If a program is not meeting accreditation standards, the bill sets up a process to ensure that appropriate remedial steps are taken and/or appropriate sanctions are invoked.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 1 and SECTION 3 of this bill, and to the Commissioner of Education in Section 3 of this bill.

### **ANALYSIS**

Note: Unless otherwise specified, statutory references in this BILL ANALYSIS are to the Education Code.

The bill provides that the State Board for Educator Certification (board) shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed as described by the following paragraph, is adequate to cover the cost of administration of Subchapter B (CERTIFICATION OF EDUCATORS ) of Chapter 21.

The bill provides that the board may propose a rule adopting a fee for the approval or renewal of approval of an educator preparation program, or for the addition of a certificate or field of certification to the scope of a program's approval. Such a fee may not exceed the amount necessary, as determined by the board, to provide for the administrative cost of approving, renewing the approval of, and appropriately ensuring the accountability of educator preparation programs under Subchapter B of Chapter 21.

The bill provides that the Texas Education Agency (agency) shall provide the board with access to data obtained under the Public Education Information Management System (PEIMS), and that, notwithstanding Section 21.355, a document evaluating the performance of a teacher or administrator shall be provided to the agency or board for purposes of Subchapter B of Chapter 21 on request by the agency or board. The agency or board, as appropriate, shall take appropriate measures to maintain confidentiality of the document.

The bill amends 21.045 (ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS) by adding the following provisions: The board may propose rules establishing minimum standards for approval or renewal of approval of educator preparation programs, certification fields authorized to be offered by an educator preparation program, or physical locations at which an educator preparation program operates. The board shall propose rules establishing standards for the designation of high-performance educator preparation programs as exemplary.

The bill provides that the board shall propose rules for the sanction of educator preparation programs that do not meet accountability standards and shall annually review the accreditation status of each educator preparation program. The rules may provide for the agency to take any necessary action, including one or more of the following actions: requiring the program to obtain technical assistance approved by the agency or board; requiring the program to obtain professional services under contract with another person; appointing a monitor to participate in and report to the board on the activities of the program; appointing a conservator to direct the operations of the program; if a program is rated as unacceptable under the Accountability System for Educator Preparation, appointing a board of managers to exercise the powers and duties of the governing body of the program with respect to the program; and if a program has been rated as unacceptable under the Accountability System for Educator Preparation for two consecutive rating periods, revoking the approval of the program and ordering the program to be closed, provided that the board or agency must provide the opportunity for a hearing before the effective date of the closure, and shall provide for the agency to revoke the approval of the program and order the program to be closed if the program has been rated as unacceptable under the Accountability System for Educator Preparation for three consecutive rating periods, provided that the board or agency must provide the opportunity for a hearing before the effective date of the closure. The bill further provides that any action authorized or required to be taken against an educator preparation program as specified above may also be taken with regard to a particular field of certification authorized to be offered by an educator preparation program.

The bill provides that a conservator or board of managers appointed as specified in the above provisions may direct any action to be taken by the educator preparation program; disapprove any action taken by the educator preparation program; or take any action on behalf of the educator preparation program, and that a permissive revocation or required revocation must be effective for a period of at least two years. After two years, the program may seek renewed approval to prepare educators for state certification.

The bill provides that the costs of technical assistance required or the costs associated with the appointment of a monitor, conservator, or board of managers shall be paid by the sponsor of the educator preparation program.

The bill provides that the board and the Texas Higher Education Coordinating Board biennially shall conduct a review and assessment of the performance of educator preparation programs and issue reports of the resulting evaluations of the programs. The review and assessment may be conducted in conjunction with an independent entity with experience and expertise in research regarding effective instructional techniques and the preparation of educators, and that the Commissioner of Education shall adopt rules necessary to implement this provision.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute significantly revised and expanded upon the provisions of the original bill. There are so many differences between the two bills that the only way to clearly illustrate such differences is to describe the provisions of the original in detail, which will allow the reader to compare the provisions of the original to those of the substitute.

The original bill provided that the Commissioner of Education (commissioner) shall adopt rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on information that is disaggregated with respect to sex and ethnicity and that includes: results of the certification examinations prescribed under Section 21.048(a); performance based on the appraisal system for beginning teachers adopted by the board; performance of students taught by beginning teachers for the first three years following certification, as determined on the basis of the measure of annual improvement under Section 39.034 and any other factor considered appropriate by the commissioner; and perseverance of beginning teachers in the profession, as determined on the basis of the number of beginning

teachers who maintain active status in the Teacher Retirement System of Texas for at least five years after certification.

The original bill provided that each educator preparation program shall submit data elements as required by the commissioner for an annual performance report to ensure access and equity. At a minimum, the annual report must contain the performance data as specified above, other than the data relating to performance of students taught by beginning teachers for the first three years following certification, as determined on the basis of the measure of annual improvement under Section 39.034 and any other factor considered appropriate by the commissioner, and the following information, disaggregated by sex and ethnicity:

- the number of candidates who apply;
- the number of candidates admitted;
- the number of candidates retained;
- the number of candidates completing the program;
- the number of candidates employed in the profession after completing the program; and
- the number of candidates retained in the profession.

The bill provides that the commissioner shall appoint an oversight team of educators to make recommendations and provide assistance to educator preparation programs that do not meet accreditation standards. If, after one year, an educator preparation program has not fulfilled the recommendations of the oversight team, the commissioner shall appoint a person to administer and manage the operations of the program. Promptly on appointment, the person shall, on behalf of the managed program, pursue tentative agreements with other educator preparation programs for the acceptance into those programs of the managed program's students if the approval of the managed program is subsequently revoked. If the program does not improve after two years, the commissioner shall revoke the approval of the program to prepare educators for state certification. Such revocation must be effective for a period of at least one year. After one year, the program may seek renewed approval to prepare educators for state certification.

As noted above, the provision and the substitute differ so significantly that they are not susceptible to a provision-by-provision comparison. Therefore, to illustrate the differences between the two bills, the provisions of the substitute, as set forth in the ANALYSIS section above, are hereby incorporated by reference into this COMPARISON OF ORIGINAL TO SUBSTITUTE section.