

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1643
By: Shapiro
Education
4/18/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research shows that if a student had an effective teacher for five years in a row, the increased learning provided by the teacher would be sufficient to close the gap between low and middle income students, yet there is a shortage of effective teachers and an achievement gap exists. Texas lacks a quality evaluation of teacher effectiveness. Similarly, the only evaluation of educator preparation programs consists of passing rates on certification exams, not measures that indicate the teacher's effectiveness with students.

C.S.S.B. 1643 improves the evaluation process for educators to include improved student performance, teacher qualifications, and the overall level of effectiveness achieved in the classroom.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Educator Certification via the State Board of Education is modified in SECTION 1 (Section 21.041, Education Code) and SECTION 3 (Sections 21.045 and 21.0451, Education Code) of this bill.

Rulemaking authority is expressly granted to the State Board of Educator Certification via the State Board of Education in SECTION 1 (Section 21.041, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 21.0452, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.041, Education Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Requires the State Board for Educator Certification (board) to propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.

(d) Authorizes the board to 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. Prohibits a fee under this subsection from exceeding 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 this subchapter.

SECTION 2. Amends Section 21.043, Education Code, as follows:

Sec. 21.043. New heading: ACCESS TO INFORMATION. (a) Creates this subsection from existing text.

(b) Requires a document evaluating the performance of a teacher or administrator to be provided to the Texas Education Agency (TEA) or board for purposes of this subchapter on request by TEA or the board, notwithstanding Section 21.355.

Requires TEA or the board, as appropriate, to take appropriate measures to maintain confidentiality of the document.

SECTION 3. Amends Subchapter B, Chapter 24, Education Code, by amending Section 21.045 and adding Sections 21.0451 and 21.0452, as follows:

Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS. (a) Requires the board to propose 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 certain information, including achievement, including improvement of achievement, 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 contributing status in the Teacher Retirement System of Texas for at least three years after certification in comparison to similar programs.

(b) Requires the annual report to contain, at a minimum, the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3) (regarding the performance of students taught by beginning teachers), and certain additional information, disaggregated by sex and ethnicity. Makes a conforming change.

(c) Authorizes the board to 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.

(d) Requires the board to propose rules establishing standards for the designation of high-performance educator preparation programs as exemplary.

Sec. 21.0451. SANCTIONS UNDER ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS. (a) Requires the board to propose rules for the sanction of educator preparation programs that do not meet accountability standards. Authorizes the rules to provide for TEA to take any necessary action, including one or more of certain actions. Requires the rules to provide for TEA 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 TEA is required to provide the opportunity for a hearing before the effective date of the closure.

(b) Authorizes any action authorized or required to be taken against an educator preparation program under Subsection (a) to also be taken with regard to a particular field of certification authorized to be offered by an educator preparation program.

(c) Authorizes a conservator or board of managers appointed under Subsection (a) to take certain actions.

(d) Requires a permissive revocation under Subsection (a)(1) or required revocation under Subsection (a)(2) to be effective for a period of at least two years. Authorizes the program to seek renewed approval to prepare educators for state certification after two years.

(e) Requires the costs of technical assistance required under Subsection (a)(1)(A) or the costs associated with the appointment of a minor, conservator, or board of managers under Subsections (a)(1)(C), (D), or (E) to be paid by the sponsor of the educator preparation program.

Sec. 21.0452. REVIEW OF EDUCATOR PREPARATION PROGRAMS. (a) Requires the board and the Texas Higher Education Coordinating Board (THECB) to conduct a review and assessment of the performance of educator preparation programs and issue reports of the resulting evaluations of the programs. Authorizes the review and assessment to be conducted in conjunction with an independent entity with experience and expertise in research regarding effective instructional techniques and the preparation of educators.

(b) Requires the commissioner of education (commissioner) to adopt rules necessary to implement this section. Deletes existing text relating to the appointment of a certain oversight team, a certain program, and the findings of the oversight team regarding the program.

SECTION 4. Amends Section 21.054, Education Code, by adding Subsection (d), as follows:

(d) Requires continuing education for a teacher to include activities for professional development that provide knowledge and skills to improve instructional effectiveness that are linked to certain areas.

SECTION 5. Amends Section 21.351, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (e), as follows:

(a) Requires the recommended appraisal process and criteria on which to appraise the performance of teachers to be based on observable, job-related behavior and address at least certain considerations, including teachers' qualifications.

(a-1) Requires the recommended appraisal process to provide that consideration of a majority of a teacher's appraisal consists of the consideration of the achievement of the teacher's students under Subsection (a)(2) using certain criteria, and at least 25 percent of a teachers appraisal be based on quantifiable measures of the achievement of the teachers students provided that certain circumstances exist.

(e) Requires a teacher employed under a probationary contract to be appraised more frequently than a teacher employed under a term contract or continuing contract under the recommended appraisal process.

SECTION 6. Amends Section 21.352(a), Education Code, effective September 1, 2010, to require each school district to use an appraisal process and performance criteria approved by the commissioner as meeting applicable standards established by the commissioner.

SECTION 7. Amends Subchapter H, Chapter 21, Education Code, by adding Section 21.3531, as follows:

Sec. 21.3531. TEACHER PERFORMANCE IMPROVEMENT PLAN; CONSEQUENCES OF UNSATISFACTORY OR DEFICIENT APPRAISAL. (a) Requires the teacher's supervisor, in consultation with the appraiser and the teacher, to develop a performance improvement plan for the teacher that includes at least certain information if a teacher receives an overall unsatisfactory appraisal or an appraisal that identifies important instructional deficiencies related to student achievement and continues employment with the district.

(b) Requires a school district to discharge the teacher or decline to renew the teacher's contract, as applicable, in the manner provided by this chapter if the teacher receives an unsatisfactory appraisal for three consecutive years.

SECTION 8. Amends Section 21.354, Education Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Requires the appraisal of a principal or assistant principal to include consideration of certain information.

(f) Requires the recommended appraisal process to provide that the majority of an appraisal of a principal or assistant principal to be based on consideration of student performance under Subsection (e)(2) using certain criteria, and at least 25 percent of the portion of the appraisal based on student performance to be based on objective, quantifiable measures of the achievements of students at the principal's or assistance principal's campus.

SECTION 9. Requires the commissioner to adopt revised recommended appraisal processes in compliance with Sections 21.351 and 21.354, Education Code, as amended by this Act, not later than September 1, 2008, develop training for school districts regarding use of the revised recommended appraisal processes not later than September 1, 2009, provide the training developed under Subdivision (2) of this section to appropriate school district personnel not later than September 1, 2010, and complete implementation of the revised recommended appraisal processes not later than September 1, 2010.

(b) Requires the commissioner, in revising the recommended appraisal process in compliance with section 21.351 and 21.354, Education Code, as amended by this Act, to seek the participation and assistance of appropriate stakeholders in the appraisal process, including certain educators, administrators, and representatives.

SECTION 10. Effective date: upon passage or September 1, 2007, except as otherwise provided by this Act.