

By: Shapiro

S.B. No. 1643

A BILL TO BE ENTITLED

AN ACT

1
2 relating to educator preparation programs and to training,
3 continuing education, appraisal, and employment of public school
4 teachers and administrators.

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

6 SECTION 1. Section 21.045, Education Code, is amended by
7 amending Subsections (a), (b), and (d) and adding Subsection (e) to
8 read as follows:

9 (a) The commissioner [~~board~~] shall adopt [~~propose~~] rules
10 establishing standards to govern the approval and continuing
11 accountability of all educator preparation programs based on
12 information that is disaggregated with respect to sex and ethnicity
13 and that includes:

14 (1) results of the certification examinations
15 prescribed under Section 21.048(a); [~~and~~]

16 (2) performance based on the appraisal system for
17 beginning teachers adopted by the board;

18 (3) performance of students taught by beginning
19 teachers for the first three years following certification, as
20 determined on the basis of the measure of annual improvement under
21 Section 39.034 and any other factor considered appropriate by the
22 commissioner; and

23 (4) perseverance of beginning teachers in the
24 profession, as determined on the basis of the number of beginning

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

3 (b) Each educator preparation program shall submit data
4 elements as required by the commissioner [~~board~~] for an annual
5 performance report to ensure access and equity. At a minimum, the
6 annual report must contain the performance data from Subsection
7 (a), other than the data required for purposes of Subsection
8 (a)(3), and the following information, disaggregated by sex and
9 ethnicity:

- 10 (1) the number of candidates who apply;
11 (2) the number of candidates admitted;
12 (3) the number of candidates retained;
13 (4) the number of candidates completing the program;
14 (5) the number of candidates employed in the
15 profession after completing the program; and
16 (6) the number of candidates retained in the
17 profession.

18 (d) The commissioner [~~executive director of the board~~]
19 shall appoint an oversight team of educators to make
20 recommendations and provide assistance to educator preparation
21 programs that do not meet accreditation standards. If, after one
22 year, an educator preparation program has not fulfilled the
23 recommendations of the oversight team, the commissioner [~~executive~~
24 ~~director~~] shall appoint a person to administer and manage the
25 operations of the program. Promptly on appointment, the person
26 shall, on behalf of the managed program, pursue tentative
27 agreements with other educator preparation programs for the

1 acceptance into those programs of the managed program's students if
2 the approval of the managed program is subsequently revoked. If
3 the program does not improve after two years, the commissioner
4 ~~[board]~~ shall revoke the approval of the program to prepare
5 educators for state certification.

6 (e) A revocation under Subsection (d) must be effective for
7 a period of at least one year. After one year, the program may seek
8 renewed approval to prepare educators for state certification.

9 SECTION 2. Section 21.054, Education Code, is amended by
10 adding Subsection (d) to read as follows:

11 (d) Continuing education for a teacher must be
12 evidence-based and linked to:

13 (1) any areas identified in a teacher's appraisal as
14 needing improvement;

15 (2) any areas identified by a teacher for achievement
16 of specific professional goals for improvement; and

17 (3) the subject area taught by the teacher, as
18 appropriate to generate improvement in pedagogy or subject area
19 expertise.

20 SECTION 3. Section 21.351, Education Code, is amended by
21 amending Subsection (a) and adding Subsections (a-2) and (e) to
22 read as follows:

23 (a) The commissioner shall adopt a recommended appraisal
24 process and criteria on which to appraise the performance of
25 teachers. The criteria must be based on observable, job-related
26 behavior and address at least the following considerations [~~7~~
27 ~~including~~]:

1 (1) teachers' implementation of discipline management
2 procedures; ~~and~~

3 (2) the performance of teachers' students; and

4 (3) teachers' qualifications, including advanced
5 degrees, professional experience in relevant subject areas, and
6 continuing education or professional development relating to
7 pedagogy and relevant subject area expertise.

8 (a-2) The recommended appraisal process must provide that
9 consideration of criteria relating to student performance under
10 Subsection (a)(2) constitutes a majority of a teacher's appraisal.
11 Additionally, the recommended appraisal process must provide that
12 the portion of a teacher's appraisal that concerns student
13 performance is conducted in accordance with the following
14 guidelines:

15 (1) at least 25 percent of that portion of the
16 appraisal must be based on objective, quantifiable measures of the
17 achievement and progress of the teacher's students, such as state
18 assessment instruments, local benchmarking systems, portfolio
19 assessments, and value-added assessments;

20 (2) at least 10 percent of that portion of the
21 appraisal must be based on the overall performance or progress of
22 students enrolled at the teacher's campus;

23 (3) measures of student progress must be used whenever
24 possible; and

25 (4) observable measures of student performance may be
26 used when appropriate.

27 (e) Under the recommended appraisal process, a teacher

1 employed under a probationary contract must be appraised more
2 frequently than a teacher employed under a term contract or
3 continuing contract.

4 SECTION 4. Subchapter H, Chapter 21, Education Code, is
5 amended by adding Section 21.3531 to read as follows:

6 Sec. 21.3531. TEACHER PERFORMANCE IMPROVEMENT PLAN;
7 CONSEQUENCES OF UNSATISFACTORY APPRAISAL. (a) If a teacher
8 receives an unsatisfactory appraisal, the teacher's supervisor, in
9 consultation with the appraiser and the teacher, shall develop a
10 performance improvement plan for the teacher that includes at least
11 the following information:

12 (1) the areas in which the teacher is in need of
13 assistance and improvement;

14 (2) requirements or recommendations for the teacher
15 regarding evidence-based professional improvement activities that
16 have been proven to result in improvement in the areas identified
17 under Subdivision (1), and the evidence that will be used to
18 determine whether the teacher successfully completes the required
19 or recommended activities;

20 (3) requirements for changes in the teacher's
21 behavior, and the evidence that will be used to determine whether
22 the teacher's behavior changes in the manner required; and

23 (4) a specific timeline for completion of the
24 performance improvement plan.

25 (b) If a teacher employed under a term contract receives an
26 unsatisfactory appraisal for two consecutive years, a school
27 district may decline to renew the teacher's contract in the manner

1 provided by this chapter or, if the teacher has achieved some level
2 of improvement, develop an additional performance improvement plan
3 for the teacher under this section.

4 (c) If a teacher employed under a continuing contract
5 receives an unsatisfactory appraisal for two consecutive years, the
6 teacher may be employed by the district during the subsequent
7 school year only under a term contract, notwithstanding Section
8 21.154. The teacher is entitled to a hearing and a right to appeal
9 in the same manner as a teacher who is discharged or suspended
10 without pay under Section 21.156.

11 (d) If a teacher receives an unsatisfactory appraisal for
12 three consecutive years, a school district shall decline to renew
13 the teacher's contract in the manner provided by this chapter.

14 SECTION 5. Section 21.354, Education Code, is amended by
15 amending Subsection (e) and adding Subsection (f) to read as
16 follows:

17 (e) The appraisal of a principal or assistant principal
18 shall include consideration of:

19 (1) the performance of a principal's or assistant
20 principal's campus on the indicators established under Section
21 39.051 and the campus's objectives established under Section
22 11.253, including performance gains of the campus and the
23 maintenance of those gains;

24 (2) the performance of students at the principal's or
25 assistant principal's campus, based on objective, quantifiable
26 measures of the student achievement and progress, such as state
27 assessment instruments, local benchmarking systems, portfolio

1 assessments, and value-added assessments, and using measures of
2 student progress whenever possible;

3 (3) the discipline management procedures used by the
4 principal or assistant principal;

5 (4) efforts by the principal or assistant principal to
6 involve parents in the educational process; and

7 (5) the instructional leadership and support provided
8 to staff on the principal's or assistant principal's campus.

9 (f) The majority of an appraisal of a principal or assistant
10 principal must be based on consideration of student performance
11 under Subsection (e)(2), and at least 25 percent of the portion of
12 the appraisal based on student performance must be based on
13 objective, quantifiable measures, as described by Subsection
14 (e)(2).

15 SECTION 6. The commissioner of education shall:

16 (1) adopt revised recommended appraisal processes in
17 compliance with Sections 21.351 and 21.354, Education Code, as
18 amended by this Act, not later than September 1, 2008;

19 (2) develop training for school districts regarding
20 use of the revised recommended appraisal processes not later than
21 September 1, 2009;

22 (3) provide the training developed under Subdivision
23 (2) of this section to appropriate school district personnel not
24 later than September 1, 2010; and

25 (4) complete implementation of the revised
26 recommended appraisal processes not later than September 1, 2010.

27 SECTION 7. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.