

1-1 By: Shapiro S.B. No. 1643
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Education; April 19, 2007,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 5, Nays 2; April 19, 2007, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1643 By: Shapiro

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to educator preparation programs and to training,
1-10 continuing education, appraisal, and employment of public school
1-11 teachers and administrators.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 21.041, Education Code, is amended by
1-14 amending Subsection (c) and adding Subsection (d) to read as
1-15 follows:

1-16 (c) The board shall propose a rule adopting a fee for the
1-17 issuance and maintenance of an educator certificate that, when
1-18 combined with any fees imposed under Subsection (d), is adequate to
1-19 cover the cost of administration of this subchapter.

1-20 (d) The board may propose a rule adopting a fee for the
1-21 approval or renewal of approval of an educator preparation program,
1-22 or for the addition of a certificate or field of certification to
1-23 the scope of a program's approval. A fee imposed under this
1-24 subsection may not exceed the amount necessary, as determined by
1-25 the board, to provide for the administrative cost of approving,
1-26 renewing the approval of, and appropriately ensuring the
1-27 accountability of educator preparation programs under this
1-28 subchapter.

1-29 SECTION 2. Section 21.043, Education Code, is amended to
1-30 read as follows:

1-31 Sec. 21.043. ACCESS TO INFORMATION [~~PEIMS DATA~~]. (a) The
1-32 agency shall provide the board with access to data obtained under
1-33 the Public Education Information Management System (PEIMS).

1-34 (b) Notwithstanding Section 21.355, a document evaluating
1-35 the performance of a teacher or administrator shall be provided to
1-36 the agency or board for purposes of this subchapter on request by
1-37 the agency or board. The agency or board, as appropriate, shall
1-38 take appropriate measures to maintain confidentiality of the
1-39 document.

1-40 SECTION 3. Subchapter B, Chapter 21, Education Code, is
1-41 amended by amending Section 21.045 and adding Sections 21.0451 and
1-42 21.0452 to read as follows:

1-43 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR
1-44 PREPARATION PROGRAMS. (a) The board shall propose rules
1-45 establishing standards to govern the approval and continuing
1-46 accountability of all educator preparation programs based on
1-47 information that is disaggregated with respect to sex and ethnicity
1-48 and that includes:

1-49 (1) results of the certification examinations
1-50 prescribed under Section 21.048(a); ~~and~~

1-51 (2) performance based on the appraisal system for
1-52 beginning teachers adopted by the board;

1-53 (3) achievement, including improvement in
1-54 achievement, of students taught by beginning teachers for the first
1-55 three years following certification, as determined on the basis of
1-56 the measure of annual improvement under Section 39.034 and any
1-57 other factor considered appropriate by the board; and

1-58 (4) perseverance of beginning teachers in the
1-59 profession, as determined on the basis of the number of beginning
1-60 teachers who maintain status as active contributing members in the
1-61 Teacher Retirement System of Texas for at least three years after
1-62 certification in comparison to similar programs.

1-63 (b) Each educator preparation program shall submit data

2-1 elements as required by the board for an annual performance report
 2-2 to ensure access and equity. At a minimum, the annual report must
 2-3 contain the performance data from Subsection (a), other than the
 2-4 data required for purposes of Subsection (a)(3), and the following
 2-5 information, disaggregated by sex and ethnicity:

- 2-6 (1) the number of candidates who apply;
- 2-7 (2) the number of candidates admitted;
- 2-8 (3) the number of candidates retained;
- 2-9 (4) the number of candidates completing the program;
- 2-10 (5) the number of candidates employed in the
- 2-11 profession after completing the program; and
- 2-12 (6) the number of candidates retained in the
- 2-13 profession.

2-14 (c) The board shall propose rules establishing performance
 2-15 standards for the Accountability System for Educator Preparation
 2-16 for accrediting educator preparation programs. At a minimum,
 2-17 performance standards must be based on Subsection (a). The board
 2-18 may propose rules establishing minimum standards for approval or
 2-19 renewal of approval of:

- 2-20 (1) educator preparation programs;
- 2-21 (2) certification fields authorized to be offered by
- 2-22 an educator preparation program; or
- 2-23 (3) physical locations at which an educator
- 2-24 preparation program operates.

2-25 (d) The board shall propose rules establishing standards
 2-26 for the designation of high-performance educator preparation
 2-27 programs as exemplary.

2-28 Sec. 21.0451. SANCTIONS UNDER ACCOUNTABILITY SYSTEM FOR
 2-29 EDUCATOR PREPARATION PROGRAMS. (a) The board shall propose rules
 2-30 for the sanction of educator preparation programs that do not meet
 2-31 accountability standards and shall annually review the
 2-32 accreditation status of each educator preparation program. The
 2-33 rules:

2-34 (1) may provide for the agency to take any necessary
 2-35 action, including one or more of the following actions:

- 2-36 (A) requiring the program to obtain technical
- 2-37 assistance approved by the agency or board;
- 2-38 (B) requiring the program to obtain professional
- 2-39 services under contract with another person;
- 2-40 (C) appointing a monitor to participate in and
- 2-41 report to the board on the activities of the program;
- 2-42 (D) appointing a conservator to direct the
- 2-43 operations of the program;
- 2-44 (E) if a program is rated as unacceptable under
- 2-45 the Accountability System for Educator Preparation, appointing a
- 2-46 board of managers to exercise the powers and duties of the governing
- 2-47 body of the program with respect to the program; and

2-48 (F) if a program has been rated as unacceptable
 2-49 under the Accountability System for Educator Preparation for two
 2-50 consecutive rating periods, revoking the approval of the program
 2-51 and ordering the program to be closed, provided that the board or
 2-52 agency must provide the opportunity for a hearing before the
 2-53 effective date of the closure; and

2-54 (2) shall provide for the agency to revoke the
 2-55 approval of the program and order the program to be closed if the
 2-56 program has been rated as unacceptable under the Accountability
 2-57 System for Educator Preparation for three consecutive rating
 2-58 periods, provided that the board or agency must provide the
 2-59 opportunity for a hearing before the effective date of the closure.

2-60 (b) Any action authorized or required to be taken against an
 2-61 educator preparation program under Subsection (a) may also be taken
 2-62 with regard to a particular field of certification authorized to be
 2-63 offered by an educator preparation program.

2-64 (c) A conservator or board of managers appointed under
 2-65 Subsection (a) may:

- 2-66 (1) direct any action to be taken by the educator
- 2-67 preparation program;
- 2-68 (2) disapprove any action taken by the educator
- 2-69 preparation program; or

3-1 (3) take any action on behalf of the educator
 3-2 preparation program.

3-3 (d) A permissive revocation under Subsection (a)(1) or
 3-4 required revocation under Subsection (a)(2) must be effective for a
 3-5 period of at least two years. After two years, the program may seek
 3-6 renewed approval to prepare educators for state certification.

3-7 (e) The costs of technical assistance required under
 3-8 Subsection (a)(1)(A) or the costs associated with the appointment
 3-9 of a monitor, conservator, or board of managers under Subsections
 3-10 (a)(1)(C), (D), or (E) shall be paid by the sponsor of the educator
 3-11 preparation program.

3-12 Sec. 21.0452. REVIEW OF EDUCATOR PREPARATION PROGRAMS.

3-13 (a) The board and the Texas Higher Education Coordinating Board
 3-14 biennially shall conduct a review and assessment of the performance
 3-15 of educator preparation programs and issue reports of the resulting
 3-16 evaluations of the programs. The review and assessment may be
 3-17 conducted in conjunction with an independent entity with experience
 3-18 and expertise in research regarding effective instructional
 3-19 techniques and the preparation of educators.

3-20 (b) The commissioner shall adopt rules necessary to
 3-21 implement this section [~~(d) The executive director of the board~~
 3-22 shall appoint an oversight team of educators to make
 3-23 recommendations and provide assistance to educator preparation
 3-24 programs that do not meet accreditation standards. If, after one
 3-25 year, an educator preparation program has not fulfilled the
 3-26 recommendations of the oversight team, the executive director shall
 3-27 appoint a person to administer and manage the operations of the
 3-28 program. If the program does not improve after two years, the board
 3-29 shall revoke the approval of the program to prepare educators for
 3-30 state certification].

3-31 SECTION 4. Section 21.054, Education Code, is amended by
 3-32 adding Subsection (d) to read as follows:

3-33 (d) Continuing education for a teacher must include
 3-34 activities for professional development that provide knowledge and
 3-35 skills shown to improve instructional effectiveness and that are
 3-36 linked to:

3-37 (1) areas identified in a teacher's appraisal as
 3-38 needing improvement, especially those areas relating to student
 3-39 achievement;

3-40 (2) areas identified by a teacher for achievement of
 3-41 specific professional goals for improvement; and

3-42 (3) the subject area taught by the teacher, as
 3-43 appropriate to generate improvement in pedagogy or subject area
 3-44 expertise.

3-45 SECTION 5. Section 21.351, Education Code, is amended by
 3-46 amending Subsection (a) and adding Subsections (a-1) and (e) to
 3-47 read as follows:

3-48 (a) The commissioner shall adopt a recommended appraisal
 3-49 process and criteria on which to appraise the performance of
 3-50 teachers. The criteria must be based on observable, job-related
 3-51 behavior and address at least the following considerations [~~7~~
 3-52 including]:

3-53 (1) teachers' implementation of discipline management
 3-54 procedures; [~~and~~]

3-55 (2) the achievement, including improvement in
 3-56 achievement, [~~performance~~] of teachers' students; and

3-57 (3) relevant subject area expertise, as demonstrated
 3-58 by teachers' qualifications, including advanced degrees or
 3-59 professional experience in relevant subject areas and continuing
 3-60 education or professional development.

3-61 (a-1) The recommended appraisal process must provide that:

3-62 (1) a majority of a teacher's appraisal consists of the
 3-63 consideration of the achievement of the teacher's students under
 3-64 Subsection (a)(2), using:

3-65 (A) criteria based on objective and quantifiable
 3-66 measures of the achievement of the teacher's students, including
 3-67 the measure of annual improvement in student achievement under
 3-68 Section 39.034, standardized assessment instruments under Section
 3-69 39.023, and locally adopted measures, including benchmarking

4-1 systems, portfolio assessments, and nationally norm-referenced
 4-2 assessments; and

4-3 (B) criteria based on overall achievement,
 4-4 including improvement in achievement of students at the campus to
 4-5 which the teacher is assigned, peer evaluations, and other
 4-6 observable measures of student achievement, when appropriate; and

4-7 (2) at least 25 percent of a teacher's appraisal be
 4-8 based on objective and quantifiable measures of the achievement of
 4-9 the teacher's students, provided that:

4-10 (A) this subdivision does not apply to the
 4-11 appraisal of a teacher who provides instruction in a subject area
 4-12 for which objective and quantifiable measures of student
 4-13 achievement do not exist; and

4-14 (B) each measure used for purposes of this
 4-15 subdivision must relate to the student's achievement in the subject
 4-16 area taught by the teacher.

4-17 (e) Under the recommended appraisal process, a teacher
 4-18 employed under a probationary contract must be appraised more
 4-19 frequently than a teacher employed under a term contract or
 4-20 continuing contract.

4-21 SECTION 6. Effective September 1, 2010, Subsection (a),
 4-22 Section 21.352, Education Code, is amended to read as follows:

4-23 (a) In appraising teachers, each school district shall use:
 4-24 (1) the appraisal process and performance criteria
 4-25 developed by the commissioner; or

4-26 (2) an appraisal process and performance criteria:
 4-27 (A) developed by the district- and campus-level
 4-28 committees established under Section 11.251;

4-29 (B) containing at least the items described by
 4-30 Sections 21.351(a)(1), ~~and~~ (2), and (3); ~~and~~

4-31 (C) adopted by the board of trustees; and
 4-32 (D) approved by the commissioner as meeting
 4-33 applicable standards established by the commissioner.

4-34 SECTION 7. Subchapter H, Chapter 21, Education Code, is
 4-35 amended by adding Section 21.3531 to read as follows:

4-36 Sec. 21.3531. TEACHER PERFORMANCE IMPROVEMENT PLAN;
 4-37 CONSEQUENCES OF UNSATISFACTORY OR DEFICIENT APPRAISAL. (a) If a
 4-38 teacher receives an overall unsatisfactory appraisal or an
 4-39 appraisal that identifies important instructional deficiencies
 4-40 related to student achievement and continues employment with the
 4-41 district, the teacher's supervisor, in consultation with the
 4-42 appraiser and the teacher, shall develop a performance improvement
 4-43 plan for the teacher that includes at least the following
 4-44 information:

4-45 (1) all areas in which the teacher is in need of
 4-46 assistance and improvement;

4-47 (2) requirements for the teacher regarding
 4-48 professional improvement activities that provide knowledge and
 4-49 skills shown to improve instructional effectiveness, and the
 4-50 evidence that will be used to determine whether the teacher
 4-51 successfully completes the required activities;

4-52 (3) requirements for changes in the teacher's
 4-53 instructional effectiveness, and the evidence that will be used to
 4-54 determine whether the teacher's performance changes in the manner
 4-55 required; and

4-56 (4) a specific timeline for completion of the
 4-57 performance improvement plan.

4-58 (b) If a teacher receives an overall unsatisfactory
 4-59 appraisal for three consecutive years, a school district shall
 4-60 discharge the teacher or decline to renew the teacher's contract,
 4-61 as applicable, in the manner provided by this chapter.

4-62 SECTION 8. Section 21.354, Education Code, is amended by
 4-63 amending Subsection (e) and adding Subsection (f) to read as
 4-64 follows:

4-65 (e) The appraisal of a principal or assistant principal
 4-66 shall include consideration of:

4-67 (1) the performance of a principal's or assistant
 4-68 principal's campus on the indicators established under Section
 4-69 39.051 and the campus's objectives established under Section

5-1 11.253, including performance gains of the campus and the
5-2 maintenance of those gains;

5-3 (2) the achievement, including improvement in
5-4 achievement, of students at the principal's or assistant
5-5 principal's campus;

5-6 (3) the effectiveness of the principal or assistant
5-7 principal in improving or maintaining a safe and orderly work and
5-8 learning environment;

5-9 (4) the effectiveness of the principal or assistant
5-10 principal in improving involvement of parents and teachers in the
5-11 educational process, in comparison to similar schools; and

5-12 (5) the instructional leadership and support provided
5-13 to staff on the principal's or assistant principal's campus.

5-14 (f) The recommended appraisal process must provide that:

5-15 (1) a majority of an appraisal of a principal or
5-16 assistant principal consists of the consideration of student
5-17 achievement under Subsection (e)(2), using:

5-18 (A) criteria based on objective and quantifiable
5-19 measures of student achievement, including the measure of annual
5-20 improvement in student achievement under Section 39.034,
5-21 standardized assessment instruments under Section 39.023, and
5-22 locally adopted measures, including benchmarking systems,
5-23 portfolio assessments, and nationally norm-referenced assessments;
5-24 and

5-25 (B) criteria based on staff and parent
5-26 evaluations and other observable measures of student achievement,
5-27 when appropriate; and

5-28 (2) at least 25 percent of an appraisal of a principal
5-29 or assistant principal be based on objective and quantifiable
5-30 measures of the achievement of students at the principal's or
5-31 assistant principal's campus.

5-32 SECTION 9. (a) The commissioner of education shall:

5-33 (1) adopt revised recommended appraisal processes in
5-34 compliance with Sections 21.351 and 21.354, Education Code, as
5-35 amended by this Act, not later than September 1, 2008;

5-36 (2) develop training for school districts regarding
5-37 use of the revised recommended appraisal processes not later than
5-38 September 1, 2009;

5-39 (3) provide the training developed under Subdivision
5-40 (2) of this subsection to appropriate school district personnel not
5-41 later than September 1, 2010; and

5-42 (4) complete implementation of the revised
5-43 recommended appraisal processes not later than September 1, 2010.

5-44 (b) In revising the recommended appraisal processes in
5-45 compliance with Sections 21.351 and 21.354, Education Code, as
5-46 amended by this Act, the commissioner of education shall seek the
5-47 participation and assistance of appropriate stakeholders in the
5-48 appraisal process, including:

5-49 (1) teachers, principals, and assistant principals;

5-50 (2) central administrators, such as superintendents
5-51 and representatives of school district human resources
5-52 departments;

5-53 (3) representatives of institutions of higher
5-54 education that are responsible for preparing educators for
5-55 certification; and

5-56 (4) any other persons considered appropriate by the
5-57 commissioner.

5-58 SECTION 10. Except as otherwise provided by this Act, this
5-59 Act takes effect immediately if it receives a vote of two-thirds of
5-60 all the members elected to each house, as provided by Section 39,
5-61 Article III, Texas Constitution. If this Act does not receive the
5-62 vote necessary for immediate effect, this Act takes effect
5-63 September 1, 2007, except as otherwise provided by this Act.

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