

BILL ANALYSIS

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

BACKGROUND AND PURPOSE

An education system cannot exceed the quality of its teachers. Therefore, it is critical that Texas have a selective process for entry into teacher training programs and require that educator preparation programs deliver the type of instruction and support necessary to ensure quality classroom teachers for all of our students.

C.S.H.B. 3421 requires that teaching candidates earn a minimum grade point average before admittance to an educator preparation program and holds educator preparation programs accountable for the preparation of their students.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board for Educator Certification in SECTIONS 2, 5, and 8 of this bill.

ANALYSIS

C.S.H.B. 3421 amends the Education Code to require the Texas Education Agency (TEA), not later than December 1 of each even-numbered year, to prepare, publish, and submit to the legislature a report regarding public school staffing and the working conditions for public school educators in each district based on a survey conducted by TEA of public school educators, and sets forth the minimum information required to be included in the report. The bill requires the report to include, at least, campus-level information on the percentage of teachers teaching subjects outside their areas of expertise or certification, the percentage of teachers employed under emergency certificates, teacher turnover rates, and the number and percentage of teachers with less than one year of teaching experience.

C.S.H.B. 3421 authorizes the State Board for Educator Certification 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. The bill prohibits this fee 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. The bill requires the board's rules relating to the specification of the classes of educator certificates to be issued to limit the duration of an emergency certificate and authorizes the board to provide for exceptions from the limitation specified by the board in appropriate circumstances.

C.S.H.B. 3421 requires that a document evaluating the performance of a teacher or administrator be provided to the TEA or the board for purposes of educator certification on request by TEA or the board. The bill establishes that any document obtained by TEA or the board under this provision is confidential and requires TEA or the board, as appropriate, to take appropriate measures to maintain confidentiality of the document.

C.S.H.B. 3421 prohibits a person from being admitted to an educator preparation program that

begins instruction on or after January 1, 2010, including an undergraduate university program, alternative certification program, or postbaccalaureate program, unless the person has an overall grade point average of at least 2.5 on a four-point scale or the equivalent, or a grade point average of at least 2.5 on a four-point scale or the equivalent for the most recent 60 semester credit hours completed by the person, and the person demonstrates in the manner determined by the board basic skills in reading, writing, and mathematics. The bill exempts from these provisions a person seeking admission to an educator preparation program for the purpose of obtaining certification in career and technology education, provided the person complies with other applicable requirements for admission. The bill authorizes an educator preparation program to admit a person to the program who does not have at least the minimum required grade point average if the person's work, business, or career experience demonstrates achievement. The bill requires such a person to submit satisfactory documentation regarding the person's experience to the program director and requires the program to maintain the documentation and make it available to the board on request. The bill prohibits the number of persons admitted who do not have at least the minimum required grade point average from exceeding five percent of the total number of program candidates applying for admission in that year. The bill authorizes an educator preparation program to impose requirements in addition to the requirements imposed by law.

C.S.H.B. 3421 requires the board to propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on information that includes, in addition to existing requirements, achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable, and that includes compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom. The bill establishes that the annual performance report submitted by each educator preparation program is not required to include data relating to the achievement of students taught by beginning teachers for the first three years following certification and adds a requirement for the inclusion of information required by federal law in the annual report.

C.S.H.B. 3421 authorizes the board to propose rules establishing minimum standards for approval or renewal of educator preparation programs or of certification fields authorized to be offered by an educator preparation program. The bill clarifies that the board is required to propose rules for the sanction of educator preparation programs that do not meet accountability standards. The bill requires the rules to provide for the assignment of the following accreditation statuses: not rated, accredited, accredited-warned, accredited-probation, and not accredited-revoked. The bill authorizes the rules to provide for TEA to take any one or more necessary actions as enumerated in the bill. The bill 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 accredited-probation under the Accountability System for Educator Preparation for three consecutive years and requires the board or TEA to provide the opportunity for a hearing before the effective date of the closure. The bill authorizes any action authorized or required to be taken against an educator preparation program to be taken also with regard to a particular field of certification authorized to be offered by an educator preparation program. The bill requires a permissive or required revocation of approval of a program to be effective for a period of at least two years and authorizes the program, after two years, to seek renewed approval to prepare educators for state certification. The bill requires the sponsor of an educator preparation program to pay the costs of technical assistance that TEA requires the program to obtain or the costs associated with the appointment of a monitor.

C.S.H.B. 3421 removes provisions authorizing the executive director of the board to appoint an oversight team of educators to make recommendations and provide assistance to educator preparation programs that do not meet accreditation standards.

C.S.H.B. 3421 requires the board to make consumer information regarding educator preparation

programs available in Texas available through the board's Internet website to assist persons interested in obtaining teaching certification in selecting a program and to assist school districts in making staffing decisions. The bill sets forth the minimum information the board is required to make available regarding each educator preparation program. The bill requires the board to require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate and authorizes the board to develop a survey for distribution to school district principals. The bill authorizes the board to develop procedures under which each educator preparation program receives a designation or ranking based on the degree of consumer satisfaction with the program and, if the board develops such procedures, requires the inclusion of the designation or ranking received by each program in the information made publicly available under these provisions. The bill requires the board, in addition to other information required to be made available, to provide information identifying employment opportunities for teachers in the various regions of Texas and to specifically identify each region in which a shortage of qualified teachers exists. The bill authorizes the board to require any person to provide it the information necessary for purposes of preparing consumer information.

C.S.H.B. 3421 requires TEA to develop and implement a comprehensive statewide media campaign to recruit qualified persons to enter the teaching profession. The bill requires the campaign to give emphasis to recruiting persons from all levels to teach in the subject areas in which there are shortages of qualified teachers, as designated by the commissioner of education, and to include a component that encourages students at or below the college level to obtain degrees in those designated teacher-shortage subject areas and seek subsequent certification to teach in those subject areas. The bill requires TEA to coordinate with the Texas Higher Education Coordinating Board as necessary in developing and implementing the campaign. The bill requires TEA to solicit and authorizes TEA to accept grants, gifts, and donations from public and private entities to pay the costs of developing and implementing the campaign.

C.S.H.B. 3421 requires a school district, in addition to appraising teachers in accordance with current law, to review the early performance of a teacher during the teacher's first year in the teaching profession to identify the teacher's initial strengths and weaknesses, to offer any necessary suggestions for improvement, and to help prepare the teacher for the appraisal. The bill requires the review to be conducted within the first 75 days of the school year.

C.S.H.B. 3421 requires the criteria established under rules proposed by the board for awarding financial incentives to teach for Texas pilot program participants in circumstances involving insufficient available funding to provide that the highest priority be given to participants with exceptional academic qualifications, as determined by the board, who seek certification in the subject area of mathematics or science. The bill requires the coordinating board to establish priorities for awarding repayment assistance under the Teach for Texas loan repayment assistance program first to eligible applicants who demonstrate financial need and have exceptional academic qualifications, as determined by the coordinating board, and then awarding repayment assistance to address the most critical teacher shortages, rather than requiring the coordinating board to establish priorities for awarding repayment assistance only to address the most critical teacher shortages.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3421 adds provisions not in the original requiring the Texas Educational Agency (TEA) to prepare, publish, and submit to the legislature a report regarding public school staffing and the working conditions for public school educators. The substitute adds a provision not in

the original establishing that any document obtained by TEA or the State Board for Educator Certification that evaluates the performance of a teacher or administrator is confidential.

C.S.H.B. 3421 adds provisions not in the original exempting a person seeking admission to an educator preparation program for the purpose of obtaining certification in career and technology education from the requirements for a minimum 2.5 grade point average or its equivalent and for a demonstration of basic reading, writing, and mathematics skills otherwise applicable to admission to such a program; authorizing an educator preparation program, under certain conditions, to admit a person who does not have at least the required grade point average if the person's work, business, or career experience demonstrates achievement; and authorizing a program to impose additional requirements other than those specified by statute.

C.S.H.B. 3421 differs from the original in provisions relating to the board's rulemaking authority regarding the accountability system for educator preparation programs and the information that is required as the basis for such rules. The substitute requires such rules to be based, in part, on information on achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable, whereas the original specifies information on such achievement as determined on the basis of the measure of annual improvement determined by the commissioner of education and any other factor considered appropriate by the board.

C.S.H.B. 3421 removes a provision in the original requiring, as a basis for board rules, information on perseverance of beginning teachers in the profession, as determined on the basis of the number of beginning teachers who maintain status as active contributing members in the Teacher Retirement System of Texas for at least three years after certification in comparison to similar programs. The substitute adds a provision not in the original requiring, as a basis for board rules, information on compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom.

C.S.H.B. 3421 adds a provision not in the original requiring the annual performance report submitted by each educator preparation program to contain information required by federal law. The substitute removes provisions in the original authorizing the board to propose rules establishing minimum standards for approval or renewal of approval of physical locations at which an educator preparation program operates and requiring the board to propose rules establishing standards for the designation of high-performance educator preparation programs as recognized or exemplary.

C.S.H.B. 3421 adds provisions not in the original requiring the rules that the board proposes for the sanction of programs that do not meet accountability standards to provide for assigning of specified accreditation statuses. The substitute removes from the enumerated actions TEA may be authorized to take under the rules: the appointment of a conservator to direct the operations of a program; the appointment of a board of managers to exercise the powers and duties of the governing body with respect to the program if a program is rated as unacceptable under the Accountability System for Educator Preparation; and the revocation of the approval of a program that has been rated as unacceptable for two consecutive periods and a closure order for the program. The substitute adds to the enumerated actions TEA may be authorized to take revocation of the approval of a program and ordering the program closed if the program has been rated as accredited-probation for a period of at least one year. The substitute requires the rules to provide for TEA to revoke the approval of a program and order the program to be closed if the program has been rated as accredited-probation for three consecutive years, whereas the original provides as a basis for revocation and closure a rating of unacceptable over the same period.

C.S.H.B. 3421 removes provisions in the original requiring the board and the Texas Higher Education Coordinating Board to conduct biennially a review and assessment of the performance

of educator preparation programs and to issue reports of the resulting program evaluations. The substitute adds a provision not in the original specifying as an additional purpose for making consumer information regarding educator preparation programs available to the public on the board's website the goal of assisting school districts in making staffing decisions. The substitute removes a provision in the original requiring the board to determine the specific information made available and to make efforts to ensure information is provided for each program relating to the average academic qualifications possessed by persons admitted to the program or other information indicating the quality of persons admitted to the program and the degree to which persons who complete the program are successful in obtaining teaching positions. The substitute instead sets forth specific minimum information regarding each educator preparation program the board is required to make available. The substitute differs from the original by authorizing the board to require any person to provide it the necessary information, whereas the original authorizes the board to require only an educator preparation program to provide it the necessary information.

C.S.H.B. 3421 adds provisions not in the original requiring the board to require an educator preparation program to distribute an exit survey that a program participant must complete before becoming eligible to receive a certificate; authorizing the board to develop a survey for distribution to school district principals; requiring the board to develop procedures under which each educator preparation program receives a designation or ranking based on the degree of consumer satisfaction with the program; and requiring the board to provide information identifying employment opportunities for teachers in the various regions of Texas and to specifically identify each region in which a shortage of qualified teachers exists.

C.S.H.B. 3421 removes a provision in the original requiring the board to establish by rule the Texas Teaching Scholars program to provide for the recognition and support of not more than three educator preparation programs in Texas that are exceptionally effective in preparing persons to enter the teaching profession and removes all provisions relating to the program. The substitute removes a provision in the original authorizing the board, in conjunction with the commissioner of education, to establish a Texas performance certification program as an option for persons entering the teaching profession, and removes all provisions relating to the program.

C.S.H.B. 3421 differs from the original by requiring TEA to develop and implement a comprehensive statewide media campaign to recruit qualified persons to enter the teaching profession, whereas the original requires the board to develop and implement the campaign. The substitute differs from the original by requiring the campaign to give emphasis to recruiting persons to teach in, and include a component that encourages students to obtain degrees in, subject areas in which there are shortages of qualified teachers, rather than the subject areas of mathematics and science as in the original.

C.S.H.B. 3421 requires, rather than authorizes as in the original, a school district to review the performance of a teacher during the teacher's first year in the teaching profession. The substitute adds a provisions not in the original establishing as additional requirements relating to the first-year review a requirement that a school district help prepare the new teacher for the appraisal conducted by a school district and a requirement that the review to be conducted within the first 75 days of the school year. The substitute adds a provision not in the original requiring the coordinating board to establish priorities for awarding repayment assistance under the Teach for Texas loan repayment assistance program first to eligible applicants who demonstrate financial need and have exceptional academic qualifications, as determined by the coordinating board, and then awarding repayment assistance to address the most critical teacher shortages.