

By: Eissler

H.B. No. 3421

Substitute the following for H.B. No. 3421:

By: Dutton

C.S.H.B. No. 3421

A BILL TO BE ENTITLED

AN ACT

relating to educator preparation programs and educator certification, performance, and recruitment.

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

SECTION 1. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.008 to read as follows:

Sec. 21.008. BIENNIAL REPORT ON EDUCATORS. (a) Not later than December 1 of each even-numbered year, the agency shall prepare, publish, and submit to the legislature a report regarding public school staffing and the working conditions for public school educators.

(b) The report must contain staffing information for each campus, including at least the following:

(1) the percentage of teachers assigned to teach subjects outside their areas of expertise or certification;

(2) the percentage of teachers employed under emergency certificates;

(3) teacher turnover rates; and

(4) the number and percentage of teachers who have less than one year of experience as a teacher.

(c) The report must contain information regarding working conditions in each district based on a survey conducted by the agency of public school educators.

SECTION 2. Section 21.041, Education Code, is amended by

1 amending Subsection (c) and adding Subsections (d) and (e) to read  
2 as follows:

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

7 (d) The board may propose a rule adopting a fee for the  
8 approval or renewal of approval of an educator preparation program,  
9 or for the addition of a certificate or field of certification to  
10 the scope of a program's approval. A fee imposed under this  
11 subsection may not exceed the amount necessary, as determined by  
12 the board, to provide for the administrative cost of approving,  
13 renewing the approval of, and appropriately ensuring the  
14 accountability of educator preparation programs under this  
15 subchapter.

16 (e) The board's rules under Subsection (b)(2) must limit the  
17 duration of an emergency certificate. The board may provide for  
18 exceptions from the limitation specified by the board in  
19 appropriate circumstances.

20 SECTION 3. Section 21.043, Education Code, is amended to  
21 read as follows:

22 Sec. 21.043. ACCESS TO INFORMATION [~~PEIMS DATA~~]. (a) The  
23 agency shall provide the board with access to data obtained under  
24 the Public Education Information Management System (PEIMS).

25 (b) Notwithstanding Section 21.355, a document evaluating  
26 the performance of a teacher or administrator shall be provided to  
27 the agency or board for purposes of this subchapter on request by

1 the agency or board. Any document obtained by the agency or board  
2 under this subsection is confidential, and the agency or board, as  
3 appropriate, shall take appropriate measures to maintain that  
4 confidentiality.

5 SECTION 4. Section 21.044, Education Code, is amended to  
6 read as follows:

7 Sec. 21.044. EDUCATOR PREPARATION. (a) Except as provided  
8 by Subsection (a-1) or (a-2), a person may not be admitted to an  
9 educator preparation program, including an undergraduate  
10 university program, alternative certification program, or  
11 postbaccalaureate program, unless the person:

12 (1) has an overall grade point average of at least 2.5  
13 on a four-point scale or the equivalent or a grade point average of  
14 at least 2.5 on a four-point scale or the equivalent for the most  
15 recent 60 semester credit hours completed by the person; and

16 (2) demonstrates, in the manner determined by the  
17 board, basic skills in reading, writing, and mathematics.

18 (a-1) Subsection (a) does not apply to a person seeking  
19 admission to an educator preparation program for the purpose of  
20 obtaining certification in career and technology education,  
21 provided the person complies with other applicable requirements for  
22 admission.

23 (a-2) An educator preparation program may admit a person to  
24 the program who does not have at least the grade point average  
25 required by Subsection (a)(1) if the person's work, business, or  
26 career experience demonstrates achievement. The person must submit  
27 satisfactory documentation regarding the person's experience to

1 the program director, and the program must maintain the  
2 documentation and make it available to the board on request. The  
3 number of persons admitted under this subsection in an academic  
4 year may not exceed five percent of the total number of program  
5 candidates applying for admission in that year.

6 (b) The board shall propose rules establishing the training  
7 requirements a person must accomplish to obtain a certificate,  
8 enter an internship, or enter an induction-year program. The board  
9 shall specify the minimum academic qualifications required for a  
10 certificate.

11 (c) An educator preparation program may impose requirements  
12 in addition to the requirements imposed under this section.

13 SECTION 5. Subchapter B, Chapter 21, Education Code, is  
14 amended by amending Section 21.045 and adding Sections 21.0451 and  
15 21.0452 to read as follows:

16 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR  
17 PREPARATION PROGRAMS. (a) The board shall propose rules  
18 establishing standards to govern the approval and continuing  
19 accountability of all educator preparation programs based on the  
20 following information that is disaggregated with respect to sex and  
21 ethnicity [~~and that includes~~]:

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

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

26 (3) achievement, including improvement in  
27 achievement, of students taught by beginning teachers for the first

1 three years following certification, to the extent practicable; and  
2 (4) compliance with board requirements regarding the  
3 frequency, duration, and quality of structural guidance and ongoing  
4 support provided by field supervisors to beginning teachers during  
5 their first year in the classroom.

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

- 12 (1) the number of candidates who apply;  
13 (2) the number of candidates admitted;  
14 (3) the number of candidates retained;  
15 (4) the number of candidates completing the program;  
16 (5) the number of candidates employed in the  
17 profession after completing the program; ~~and~~  
18 (6) the number of candidates retained in the  
19 profession; and  
20 (7) any other information required by federal law.

21 (c) The board shall propose rules establishing performance  
22 standards for the Accountability System for Educator Preparation  
23 for accrediting educator preparation programs. At a minimum,  
24 performance standards must be based on Subsection (a). The board  
25 may propose rules establishing minimum standards for approval or  
26 renewal of approval of:

- 27 (1) educator preparation programs; or

1           (2) certification fields authorized to be offered by  
2 an educator preparation program.

3           Sec. 21.0451. SANCTIONS UNDER ACCOUNTABILITY SYSTEM FOR  
4 EDUCATOR PREPARATION PROGRAMS. (a) The board shall propose rules  
5 for the sanction of educator preparation programs that do not meet  
6 accountability standards and shall annually review the  
7 accreditation status of each educator preparation program. The  
8 rules:

9           (1) shall provide for the assignment of the following  
10 accreditation statuses:

- 11                   (A) not rated;
- 12                   (B) accredited;
- 13                   (C) accredited-warned;
- 14                   (D) accredited-probation; and
- 15                   (E) not accredited-revoked;

16           (2) may provide for the agency to take any necessary  
17 action, including one or more of the following actions:

- 18                   (A) requiring the program to obtain technical  
19 assistance approved by the agency or board;
- 20                   (B) requiring the program to obtain professional  
21 services under contract with another person;
- 22                   (C) appointing a monitor to participate in and  
23 report to the board on the activities of the program; and
- 24                   (D) if a program has been rated as  
25 accredited-probation under the Accountability System for Educator  
26 Preparation for a period of at least one year, revoking the approval  
27 of the program and ordering the program to be closed, provided that

1 the board or agency must provide the opportunity for a hearing  
2 before the effective date of the closure; and

3 (3) shall provide for the agency to revoke the  
4 approval of the program and order the program to be closed if the  
5 program has been rated as accredited-probation under the  
6 Accountability System for Educator Preparation for three  
7 consecutive years, provided that the board or agency must provide  
8 the opportunity for a hearing before the effective date of the  
9 closure.

10 (b) Any action authorized or required to be taken against an  
11 educator preparation program under Subsection (a) may also be taken  
12 with regard to a particular field of certification authorized to be  
13 offered by an educator preparation program.

14 (c) A permissive revocation under Subsection (a)(2) or  
15 required revocation under Subsection (a)(3) must be effective for a  
16 period of at least two years. After two years, the program may seek  
17 renewed approval to prepare educators for state certification.

18 (d) The costs of technical assistance required under  
19 Subsection (a)(2)(A) or the costs associated with the appointment  
20 of a monitor under Subsection (a)(2)(C) shall be paid by the sponsor  
21 of the educator preparation program ~~[The executive director of the~~  
22 ~~board shall appoint an oversight team of educators to make~~  
23 ~~recommendations and provide assistance to educator preparation~~  
24 ~~programs that do not meet accreditation standards. If, after one~~  
25 ~~year, an educator preparation program has not fulfilled the~~  
26 ~~recommendations of the oversight team, the executive director shall~~  
27 ~~appoint a person to administer and manage the operations of the~~

1 ~~program. If the program does not improve after two years, the board~~  
2 ~~shall revoke the approval of the program to prepare educators for~~  
3 ~~state certification].~~

4 Sec. 21.0452. CONSUMER INFORMATION REGARDING EDUCATOR  
5 PREPARATION PROGRAMS. (a) To assist persons interested in  
6 obtaining teaching certification in selecting an educator  
7 preparation program and assist school districts in making staffing  
8 decisions, the board shall make information regarding educator  
9 programs in this state available to the public through the board's  
10 Internet website.

11 (b) The board shall make available at least the following  
12 information regarding each educator preparation program:

13 (1) the information specified in Sections 21.045(a)  
14 and (b);

15 (2) in addition to any other appropriate information  
16 indicating the quality of persons admitted to the program, the  
17 average academic qualifications possessed by persons admitted to  
18 the program, including:

19 (A) average overall grade point average and  
20 average grade point average in specific subject areas; and

21 (B) average scores on the Scholastic Assessment  
22 Test (SAT), the American College Test (ACT), or the Graduate Record  
23 Examination (GRE), as applicable;

24 (3) the degree to which persons who complete the  
25 program are successful in obtaining teaching positions;

26 (4) the extent to which the program prepares teachers,  
27 including general education teachers and special education



1 teachers, to effectively teach:

2 (A) students with disabilities; and

3 (B) students of limited English proficiency, as  
4 defined by Section 29.052;

5 (5) the activities offered by the program that are  
6 designed to prepare teachers to:

7 (A) integrate technology effectively into  
8 curricula and instruction, including activities consistent with  
9 the principles of universal design for learning; and

10 (B) use technology effectively to collect,  
11 manage, and analyze data to improve teaching and learning for the  
12 purpose of increasing student academic achievement;

13 (6) the perseverance of beginning teachers in the  
14 profession, as determined on the basis of the number of beginning  
15 teachers who maintain status as active contributing members in the  
16 Teacher Retirement System of Texas for at least three years after  
17 certification in comparison to similar programs;

18 (7) the results of exit surveys given to program  
19 participants on completion of the program that involve evaluation  
20 of the program's effectiveness in preparing participants to succeed  
21 in the classroom; and

22 (8) if available, the results of surveys given to  
23 school principals that involve evaluation of the program's  
24 effectiveness in preparing participants to succeed in the  
25 classroom, based on experience with employed program participants.

26 (c) For purposes of Subsection (b)(7), the board shall  
27 require an educator preparation program to distribute an exit

1 survey that a program participant must complete before the  
2 participant is eligible to receive a certificate under this  
3 subchapter.

4 (d) For purposes of Subsection (b)(8), the board may develop  
5 a survey for distribution to school district principals.

6 (e) The board may develop procedures under which each  
7 educator preparation program receives a designation or ranking  
8 based on the degree of consumer satisfaction with the program. If  
9 the board develops procedures under this subsection, the  
10 designation or ranking received by each program must be included in  
11 the information made available under this section.

12 (f) In addition to other information required to be made  
13 available under this section, the board shall provide information  
14 identifying employment opportunities for teachers in the various  
15 regions of this state. The board shall specifically identify each  
16 region of this state in which a shortage of qualified teachers  
17 exists.

18 (g) The board may require any person to provide information  
19 to the board for purposes of this section.

20 SECTION 6. Subchapter B, Chapter 21, Education Code, is  
21 amended by adding Section 21.061 to read as follows:

22 Sec. 21.061. TEACHER RECRUITMENT CAMPAIGN. (a) The agency  
23 shall develop and implement a comprehensive statewide media  
24 campaign to recruit qualified persons to enter the teaching  
25 profession.

26 (b) The campaign shall:

27 (1) give emphasis to recruiting persons from all

1 levels to teach in subject areas in which there are shortages of  
2 qualified teachers, as designated by the commissioner; and

3 (2) include a component that encourages students at or  
4 below the college level to obtain degrees in subject areas in which  
5 there are shortages of qualified teachers, as designated by the  
6 commissioner, and seek subsequent certification to teach in those  
7 subject areas.

8 (c) The agency shall coordinate with the Texas Higher  
9 Education Coordinating Board as necessary in developing and  
10 implementing the campaign.

11 (d) The agency shall solicit and may accept grants, gifts,  
12 and donations from public and private entities to pay the costs of  
13 developing and implementing the campaign.

14 SECTION 7. Section 21.352, Education Code, is amended by  
15 adding Subsection (e) to read as follows:

16 (e) In addition to appraising teachers in accordance with  
17 this section, a school district shall review the early performance  
18 of a teacher during the teacher's first year in the teaching  
19 profession to identify the teacher's initial strengths and  
20 weaknesses, offer any necessary suggestions for improvement, and  
21 help prepare the teacher for the appraisal required by this  
22 section. The review must be conducted within the first 75 days of  
23 the school year.

24 SECTION 8. Section 21.553(c), Education Code, is amended to  
25 read as follows:

26 (c) The State Board for Educator Certification shall  
27 propose rules establishing criteria for awarding financial

1 incentives under this section, including criteria for awarding  
2 financial incentives if there are more participants than funds  
3 available to provide the financial incentives. The criteria for  
4 awarding financial incentives in circumstances involving  
5 insufficient available funding must provide that the highest  
6 priority is given to participants with exceptional academic  
7 qualifications, as determined by the board, who seek certification  
8 in the subject area of mathematics or science.

9 SECTION 9. Section 56.353(c), Education Code, is amended to  
10 read as follows:

11 (c) If the money available for loan repayment assistance in  
12 a period for which assistance is awarded is insufficient to provide  
13 assistance to all eligible applicants described by Subsection (b),  
14 the coordinating board shall establish priorities for awarding  
15 repayment assistance first to eligible applicants described by  
16 Subsection (b) with exceptional academic qualifications, as  
17 determined by the coordinating board, and then awarding repayment  
18 assistance to address the most critical teacher shortages described  
19 by Subsection (a).

20 SECTION 10. Section 21.044(a)(2), Education Code, as added  
21 by this Act, applies only to a person who seeks admission to an  
22 educator preparation program that begins instruction on or after  
23 January 1, 2010.

24 SECTION 11. This Act takes effect immediately if it  
25 receives a vote of two-thirds of all the members elected to each  
26 house, as provided by Section 39, Article III, Texas Constitution.  
27 If this Act does not receive the vote necessary for immediate

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1 effect, this Act takes effect September 1, 2009.