

By: Eissler

H.B. No. 3421

A BILL TO BE ENTITLED

AN ACT

1
2 relating to educator preparation programs and educator
3 certification, performance, and recruitment.

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

5 SECTION 1. Section 21.041, Education Code, is amended by
6 amending Subsection (c) and adding Subsections (d) and (e) to read
7 as follows:

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

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

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

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

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

6 (b) Notwithstanding Section 21.355, a document evaluating
7 the performance of a teacher or administrator shall be provided to
8 the agency or board for purposes of this subchapter on request by
9 the agency or board. The agency or board, as appropriate, shall
10 take appropriate measures to maintain confidentiality of the
11 document.

12 SECTION 3. Section 21.044, Education Code, is amended to
13 read as follows:

14 Sec. 21.044. EDUCATOR PREPARATION. (a) A person may not be
15 admitted to an educator preparation program, including an
16 undergraduate university program, alternative certification
17 program, or postbaccalaureate program, unless the person:

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

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

24 (b) The board shall propose rules establishing the training
25 requirements a person must accomplish to obtain a certificate,
26 enter an internship, or enter an induction-year program. The board
27 shall specify the minimum academic qualifications required for a

1 certificate.

2 SECTION 4. Subchapter B, Chapter 21, Education Code, is
3 amended by amending Section 21.045 and adding Sections 21.0451,
4 21.0452, 21.0453, 21.0454, and 21.0486 to read as follows:

5 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR
6 PREPARATION PROGRAMS. (a) The board shall propose rules
7 establishing standards to govern the approval and continuing
8 accountability of all educator preparation programs based on
9 information that is disaggregated with respect to sex and ethnicity
10 and that includes:

11 (1) results of the certification examinations
12 prescribed under Section 21.048(a); ~~and~~

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

15 (3) achievement, including improvement in
16 achievement, of students taught by beginning teachers for the first
17 three years following certification, as determined on the basis of
18 the measure of annual improvement under Section 39.034 and any
19 other factor considered appropriate by the board; and

20 (4) perseverance of beginning teachers in the
21 profession, as determined on the basis of the number of beginning
22 teachers who maintain status as active contributing members in the
23 Teacher Retirement System of Texas for at least three years after
24 certification in comparison to similar programs.

25 (b) Each educator preparation program shall submit data
26 elements as required by the board for an annual performance report
27 to ensure access and equity. At a minimum, the annual report must

1 contain the performance data from Subsection (a), other than the
2 data required for purposes of Subsection (a)(3), and the following
3 information, disaggregated by sex and ethnicity:

4 (1) the number of candidates who apply;

5 (2) the number of candidates admitted;

6 (3) the number of candidates retained;

7 (4) the number of candidates completing the program;

8 (5) the number of candidates employed in the
9 profession after completing the program; and

10 (6) the number of candidates retained in the
11 profession.

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

18 (1) educator preparation programs;

19 (2) certification fields authorized to be offered by
20 an educator preparation program; or

21 (3) physical locations at which an educator
22 preparation program operates.

23 (d) The board shall propose rules establishing standards
24 for the designation of high-performance educator preparation
25 programs as recognized or exemplary.

26 Sec. 21.0451. SANCTIONS UNDER ACCOUNTABILITY SYSTEM FOR
27 EDUCATOR PREPARATION PROGRAMS. (a) The board shall propose rules

1 for the sanction of educator preparation programs that do not meet
2 accountability standards and shall annually review the
3 accreditation status of each educator preparation program. The
4 rules:

5 (1) may provide for the agency to take any necessary
6 action, including one or more of the following actions:

7 (A) requiring the program to obtain technical
8 assistance approved by the agency or board;

9 (B) requiring the program to obtain professional
10 services under contract with another person;

11 (C) appointing a monitor to participate in and
12 report to the board on the activities of the program;

13 (D) appointing a conservator to direct the
14 operations of the program;

15 (E) if a program is rated as unacceptable under
16 the Accountability System for Educator Preparation, appointing a
17 board of managers to exercise the powers and duties of the governing
18 body of the program with respect to the program; and

19 (F) if a program has been rated as unacceptable
20 under the Accountability System for Educator Preparation for two
21 consecutive rating periods, revoking the approval of the program
22 and ordering the program to be closed, provided that the board or
23 agency must provide the opportunity for a hearing before the
24 effective date of the closure; and

25 (2) shall provide for the agency to revoke the
26 approval of the program and order the program to be closed if the
27 program has been rated as unacceptable under the Accountability

1 System for Educator Preparation for three consecutive rating
2 periods, provided that the board or agency must provide the
3 opportunity for a hearing before the effective date of the closure.

4 (b) Any action authorized or required to be taken against an
5 educator preparation program under Subsection (a) may also be taken
6 with regard to a particular field of certification authorized to be
7 offered by an educator preparation program.

8 (c) A conservator or board of managers appointed under
9 Subsection (a) may:

10 (1) direct any action to be taken by the educator
11 preparation program;

12 (2) disapprove any action taken by the educator
13 preparation program; or

14 (3) take any action on behalf of the educator
15 preparation program.

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

20 (e) The costs of technical assistance required under
21 Subsection (a)(1)(A) or the costs associated with the appointment
22 of a monitor, conservator, or board of managers under Subsection
23 (a)(1)(C), (D), or (E) shall be paid by the sponsor of the educator
24 preparation program.

25 Sec. 21.0452. REVIEW OF EDUCATOR PREPARATION PROGRAMS. (a)
26 The board and the Texas Higher Education Coordinating Board
27 biennially shall conduct a review and assessment of the performance

1 of educator preparation programs and issue reports of the resulting
2 evaluations of the programs. The review and assessment may be
3 conducted in conjunction with an independent entity with experience
4 and expertise in research regarding effective instructional
5 techniques and the preparation of educators.

6 (b) The commissioner shall adopt rules necessary to
7 implement this section [~~(d) The executive director of the board~~
8 ~~shall appoint an oversight team of educators to make~~
9 ~~recommendations and provide assistance to educator preparation~~
10 ~~programs that do not meet accreditation standards. If, after one~~
11 ~~year, an educator preparation program has not fulfilled the~~
12 ~~recommendations of the oversight team, the executive director shall~~
13 ~~appoint a person to administer and manage the operations of the~~
14 ~~program. If the program does not improve after two years, the board~~
15 ~~shall revoke the approval of the program to prepare educators for~~
16 ~~state certification].~~

17 Sec. 21.0453. CONSUMER INFORMATION REGARDING EDUCATOR
18 PREPARATION PROGRAMS. (a) To assist persons interested in
19 obtaining teaching certification in selecting an educator
20 preparation program, the board shall make available through the
21 board's Internet website consumer information regarding educator
22 preparation programs available in this state.

23 (b) The board shall determine the specific information made
24 available but shall make efforts to ensure that the following
25 information is provided for each educator preparation program:

26 (1) the average academic qualifications possessed by
27 persons admitted to the program or other information indicating the

1 quality of persons admitted to the program; and

2 (2) the degree to which persons who complete the
3 program are successful in obtaining teaching positions.

4 (c) The board may require an educator preparation program to
5 provide information to the board for purposes of this section.

6 Sec. 21.0454. TEXAS TEACHING SCHOLARS PROGRAM. (a) The
7 board by rule shall establish the Texas Teaching Scholars program
8 to provide for the recognition and support of not more than three
9 educator preparation programs in this state that are exceptionally
10 effective in preparing persons to enter the teaching profession.

11 (b) The board shall select educator preparation programs
12 for participation in the Texas Teaching Scholars program based on
13 applications submitted by interested educator preparation
14 programs. Any type of educator preparation program may apply,
15 including traditional programs, alternative programs, and programs
16 developed by school districts.

17 (c) Applications submitted under Subsection (b) must be
18 evaluated on a competitive basis according to criteria established
19 by the board. To the extent feasible, the board shall attempt to
20 select diverse types of educator preparation programs. The
21 criteria established by the board must require that a selected
22 educator preparation program:

23 (1) require persons seeking admission to the educator
24 preparation program to meet high academic standards for admission
25 and maintain high academic standards after admission;

26 (2) focus on subject area knowledge especially
27 necessary to teach at the secondary school level;

1 (3) provide for field work and training in
2 instructional design and classroom management;

3 (4) provide professional support during the initial
4 years in the teaching profession for persons who complete the
5 educator preparation program; and

6 (5) enter into partnerships with school districts to
7 facilitate placement in teaching positions of persons who complete
8 the educator preparation program.

9 (d) The board shall rigorously monitor the performance of
10 each educator preparation program selected for participation in the
11 Texas Teaching Scholars program to ensure that the educator
12 preparation program continues to meet standards established by the
13 board. The board may terminate an educator preparation program's
14 participation in the Texas Teaching Scholars program if the
15 educator preparation program ceases to meet those standards.

16 (e) For purposes of Subsection (d), the board may require
17 each selected educator preparation program to provide any
18 information regarding the educator preparation program requested
19 by the board, including information relating to the academic
20 performance of students receiving instruction from persons who
21 completed the educator preparation program.

22 (f) Subject to the availability of funds appropriated for
23 the purpose, the board shall provide grants to each selected
24 educator preparation program to enable the educator preparation
25 program to expand and prepare additional persons to enter the
26 teaching profession.

27 Sec. 21.0486. TEXAS PERFORMANCE CERTIFICATION. (a) The

1 board, in conjunction with the commissioner, may establish a Texas
2 performance certification program as an option for persons entering
3 the teaching profession.

4 (b) Under the program, the board and commissioner may
5 provide that a person who elects to receive a Texas performance
6 certificate is entitled to receive various incentives in exchange
7 for complying with requirements that are designed to ensure a high
8 level of performance in the classroom.

9 (c) The board may propose rules and the commissioner may
10 adopt rules necessary to implement the program authorized under
11 this section.

12 SECTION 5. Subchapter B, Chapter 21, Education Code, is
13 amended by adding Section 21.061 to read as follows:

14 Sec. 21.061. TEACHER RECRUITMENT CAMPAIGN. (a) The board
15 shall develop and implement a comprehensive statewide media
16 campaign to recruit qualified persons to enter the teaching
17 profession.

18 (b) The campaign shall:

19 (1) give emphasis to recruiting persons from all
20 levels to teach in the subject areas of mathematics and science; and

21 (2) include a component that encourages students at or
22 below the college level to obtain degrees in the subject areas of
23 mathematics and science and seek subsequent certification to teach
24 in those subject areas.

25 (c) The board shall coordinate with the Texas Higher
26 Education Coordinating Board as necessary in developing and
27 implementing the campaign.

1 (d) The board shall solicit and may accept grants, gifts,
2 and donations from public and private entities to pay the costs of
3 developing and implementing the campaign.

4 SECTION 6. Section 21.352, Education Code, is amended by
5 adding Subsection (e) to read as follows:

6 (e) In addition to appraising teachers in accordance with
7 this section, a school district may review the performance of a
8 teacher during the teacher's first year in the teaching profession
9 to identify the teacher's initial strengths and weaknesses and
10 offer any necessary suggestions for improvement.

11 SECTION 7. Section 21.553(c), Education Code, is amended to
12 read as follows:

13 (c) The State Board for Educator Certification shall
14 propose rules establishing criteria for awarding financial
15 incentives under this section, including criteria for awarding
16 financial incentives if there are more participants than funds
17 available to provide the financial incentives. The criteria for
18 awarding financial incentives in circumstances involving
19 insufficient available funding must provide that the highest
20 priority is given to participants with exceptional academic
21 qualifications, as determined by the board, who seek certification
22 in the subject area of mathematics or science.

23 SECTION 8. Section 21.044(a)(2), Education Code, as added
24 by this Act, applies only to a person who seeks admission to an
25 educator preparation program that begins instruction on or after
26 January 1, 2010.

27 SECTION 9. 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, 2009.