

## **BILL ANALYSIS**

C.S.S.B. 4  
By: Shapiro  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that current law relating to the certification, continuing education, and appraisal of public school teachers is in need of revision. C.S.S.B. 4 seeks to provide for such revision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 1 of this bill and to the commissioner of education in SECTION 5 of this bill.

### **ANALYSIS**

C.S.S.B. 4 amends the Education Code to require the State Board for Educator Certification, in proposing rules prescribing comprehensive examinations for each class of certificate issued by the board, to prescribe a comprehensive examination administered to a person applying for certification to teach early childhood through grade four or English as a second language in early childhood through grade four that includes components in reading, language arts, science, social studies, and mathematics. The bill requires the reading component to include material covering the science of reading. The bill requires the proposed rules to provide for scoring the examination based on a cumulative score in addition to an individual score for each component area listed and to provide a minimum scoring standard that demonstrates satisfactory performance and content mastery for the cumulative score and each component area. The bill requires the minimum scoring standard for the cumulative score to be greater than the total of the proposed minimum scoring standard for each component area.

C.S.S.B. 4 requires the board to implement an appraisal and accountability system for continuing education courses offered in Texas and to monitor the quality of all continuing education courses.

C.S.S.B. 4 requires the recommended teacher performance appraisal process adopted by the commissioner of education to provide for basing a significant portion of the appraisal on the teacher's student learning objectives and outcomes, which must include student performance on certain statewide standardized tests and other student learning objectives and outcomes. The bill prohibits the performance of a teacher's students on certain statewide standardized tests from being the primary indicator for determining teacher effectiveness. The bill requires the recommended appraisal process to provide a method for determining the effectiveness of teachers who do not teach a subject in which such tests are administered. The bill removes a provision requiring the adopted criteria on which to appraise the performance of teachers to be based on observable, job-related behavior. The bill adds the advice of administrative leaders, education experts, and parents of students to the advice the commissioner is required to solicit and consider in developing the recommended appraisal process and performance criteria. The bill requires an appraiser under the recommended appraisal process to be monitored as necessary to ensure fairness, thoroughness, and accuracy of the system.

C.S.S.B. 4 requires the recommended appraisal process for teachers to provide that a teacher be appraised at least once each school year; that consistent and clear expectations regarding teacher performance be communicated to the teacher at least once each year; that a self-evaluation be completed by the teacher and be considered by the appraiser before the teacher's appraisal is complete; and that a teacher's overall performance, based on the appraisal, be assigned one of five ratings, as applicable, though a greater number of separate ratings may be used to detail performance under each category of professional skill and characteristic appraised as part of the appraisal of the teacher's overall performance. The bill removes a provision requiring appraisal for teachers under the recommended appraisal process to be detailed by category of professional skill and characteristic and to provide for separate ratings for each category. The bill, in a provision requiring the recommended appraisal process to guarantee a conference between the teacher and the appraiser, specifies that such a conference will occur as soon as possible after the teacher's appraisal is completed.

C.S.S.B. 4 authorizes the recommended appraisal process to provide a modified and less frequent appraisal process for a teacher if the most recent appraisal of the teacher rated the teacher at the highest level of proficiency in the system and did not identify any area of deficiency and the teacher agrees in writing to the modified appraisal process. The bill requires a teacher who is appraised less frequently than annually to be appraised at least once during each period of three school years.

C.S.S.B. 4 requires the commissioner, before adopting the recommended appraisal process, to develop, validate, and test proposals regarding the process. The bill authorizes the commissioner to initiate pilot projects to implement and test proposals, which may address different aspects of the process and different methods for determining teacher effectiveness. The bill requires the adopted process to include the measurement of the teacher's effectiveness and requires the process, in determining such measurement, to be fair, transparent, timely, rigorous, and valid.

C.S.S.B. 4, in a provision requiring each school district in appraising teachers to use the appraisal process and performance criteria developed by the commissioner or a locally developed appraisal process and performance criteria, specifies that a locally developed appraisal process and performance criteria contain the items described in certain requirements for the commissioner-developed recommended appraisal process and performance criteria, rather than certain observable, job-related teacher behavior. The bill authorizes a teacher under a locally developed appraisal process to be appraised less frequently than annually if, among other conditions, the teacher's most recent evaluation rated the teacher at the highest proficiency, rather than as at least proficient, or the equivalent, and increases from once every five school years to once every three school years the minimum frequency at which a teacher who is appraised less frequently than annually must be appraised.

C.S.S.B. 4 requires the commissioner to adopt rules regarding the minimum qualifications necessary for a person who conducts teacher appraisals and requires such rules to require that the appraiser be highly qualified to assess instructional quality and demonstrate instructional leadership.

C.S.S.B. 4 requires the commissioner to adopt a recommended appraisal process that complies with the bill's provisions in a manner that allows a school district to implement the process not later than September 1, 2015. The bill makes conforming and nonsubstantive changes.

**EFFECTIVE DATE**

September 1, 2011.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.S.B. 4 omits a provision included in the original including probationary, provisional, and standard certificates among the classes of educator certificates specified by rules the State Board for Educator Certification is required to propose and removing the requirement that the board propose rules that provide for certification of persons performing teacher performance appraisals. The substitute omits provisions included in the original relating to the issuance of probationary, provisional, and standard certificates to certain persons and provisions relating to the circumstances of employment for holders of probationary and provisional certificates. The substitute omits a provision relating to the issuance of a standard certificate requiring the commissioner of education to adopt rules to establish criteria for determining whether a person is an effective educator.

C.S.S.B. 4 differs from the original by requiring the board to implement an appraisal and accountability system for continuing education courses offered in Texas, whereas the original requires the board to implement an evaluation and accountability system for continuing education courses offered in Texas.

C.S.S.B. 4 differs from the original by requiring the recommended teacher performance appraisal process to provide for basing a significant portion of the appraisal on the teacher's student learning objectives and outcomes, whereas the original requires the process to provide that not less than 30 percent or more than 50 percent of the appraisal is based on a measurement of the teacher's effectiveness.

C.S.S.B. 4 omits provisions included in the original requiring the commissioner by rule to define teacher effectiveness and the multiple measures for determining teacher effectiveness and requiring a teacher to be observed for certain periods of time at certain frequencies. The substitute contains a provision not included in the original removing a requirement that the adopted criteria on which to appraise the performance of teachers be based on observable, job-related behavior.

C.S.S.B. 4 differs from the original by adding language to an existing statutory provision including the advice of administrative leaders, education experts, and parents of students to the advice the commissioner is required to solicit and consider in developing the recommended appraisal process and performance criteria and requiring an appraiser under the recommended appraisal process to be monitored as necessary to ensure fairness, thoroughness, and accuracy of the system, whereas the original, in temporary provisions set to expire September 1, 2016, requires the commissioner to consult with educators, administrative leaders, education experts, and parents of students in developing the process and authorizes the commissioner to contract with public or private entities to do so.

C.S.S.B. 4 contains a provision not included in the original requiring the recommended appraisal process for teachers to provide that certain conditions are met. The substitute contains a provision not included in the original removing a provision requiring appraisal for teachers under the recommended appraisal process to be detailed by category of professional skill and characteristic and to provide for separate ratings for each category.

C.S.S.B. 4 contains a provision not included in the original specifying that a guaranteed conference between a teacher and an appraiser under the recommended appraisal process will occur as soon as possible after the teacher's appraisal is completed. The substitute contains provisions not included in the original authorizing the recommended appraisal process to provide a modified and less frequent appraisal process for a teacher under certain conditions and requiring a teacher who is appraised less frequently than annually to be appraised at least once during each period of three school years.

C.S.S.B. 4 contains provisions not included in the original requiring the commissioner to

develop, validate, and test proposals regarding the recommended appraisal process before adopting the process; authorizing the commissioner to initiate pilot projects to implement and test proposals; requiring the adopted process to include the measurement of the teacher's effectiveness; and requiring the process, in determining such measurement, to be fair, transparent, timely, rigorous, and valid.

C.S.S.B. 4 omits temporary provisions included in the original requiring the commissioner to adopt rules that redesign the recommended appraisal process.

C.S.S.B. 4 differs from the original, in a provision requiring each school district in appraising teachers to use the appraisal process and performance criteria developed by the commissioner or a locally developed appraisal process and performance criteria, by specifying that a locally developed appraisal process and performance criteria contain the items described in certain requirements for the recommended appraisal process, whereas the original specifies that a process and criteria developed by the district-level and campus-level planning and decision-making committees be in collaboration with education experts and educators, administrative leaders, and parents of the students in the district and approved by the commissioner. The substitute omits a provision included in the original authorizing the commissioner to adopt rules regarding approval of local appraisal processes.

C.S.S.B. 4 differs from the original by authorizing a teacher under a locally developed appraisal process to be appraised less frequently than annually if, among other conditions, the teacher's most recent evaluation rated the teacher at the highest proficiency and by increasing the minimum frequency at which a teacher who is appraised less frequently than annually must be appraised, whereas the original increases the frequency at which an evaluation is required to be done, requires a teacher to be observed for a certain period, and removes provisions authorizing a teacher to be appraised less frequently under certain conditions.

C.S.S.B. 4 omits provisions included in the original relating to an individualized teacher professional development plan and a teacher leadership program and a provision requiring the board to propose certain rules as required by the bill by a certain deadline.

C.S.S.B. 4 contains a provision not included in the original requiring the commissioner to adopt a recommended appraisal process that complies with the bill's provisions in a manner that allows a district to implement the process by a certain deadline.

C.S.S.B. 4 differs from the original in nonsubstantive ways by conforming to certain bill drafting conventions and making conforming and nonsubstantive changes.