

BILL ANALYSIS

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S.B. 4
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research reinforces the importance of an effective teacher in moving students to new horizons or closing the achievement gap for students who have fallen behind their peers. Unfortunately, Texas lacks a state policy for identifying, developing, and retaining effective teachers.

S.B. 4 establishes an appraisal system for educators that focuses on the end goal—improvement of student performance—and creates a continuous feedback loop to develop a quality teaching workforce. This bill also establishes a quality control system for continuing education courses.

S.B. 4 creates a new provisional certificate for beginning teachers. These teachers must demonstrate effectiveness before earning a standard certificate. This will ensure that only quality teachers remain in classrooms, and will consequently require Texas to invest in beginning teachers to ensure that they grow into effective educators.

Lastly, this bill establishes career pathways to ensure that the best and brightest educators have opportunities to excel in their profession while remaining in the classroom. Too often the state's most talented teachers pursue career advancement opportunities outside the classroom.

As proposed, S.B. 4 amends current law relating to certification, performance, continuing education, and appraisal of public school teachers.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board for Educator Certification is modified in SECTION 1 (Section 21.041, Education Code) and SECTION 2 (Section 21.048, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 4 (Section 21.0522, Education Code), SECTION 9 (Section 21.358, Education Code), and SECTION 10 (Section 21.4581, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.041(b), Education Code, as follows:

(b) Requires the State Board for Educator Certification (SBEC) to propose certain rules, including rules that specify the classes of educator certificates to be issued, including provisional, standard, and emergency certificates. Deletes existing text requiring SBEC to propose rules that provide for certification of persons performing appraisals under Subchapter H (Appraisals and Incentives).

SECTION 2. Amends Section 21.048, Education Code, by adding Subsection (a-1), to require SBEC, in proposing rules under Subsection (a), to prescribe a science of reading component for the comprehensive examination administered to a person applying for certification to teach early childhood through grade four.

SECTION 3. Amends Section 21.050, Education Code, by adding Subsections (b-1) and (b-2), as follows:

(b-1) Requires SBEC, in addition to the requirements prescribed by Subsection (a) and any requirements prescribed under Subsection (b), to require a person who applies for certification to teach early childhood through grade four or English as a second language in early childhood through grade four to obtain at least 24 semester credit hours in the following subject areas: English language arts, mathematics, science, or social studies.

(b-2) Requires a person, in completing the minimum semester credit hours required by Subsection (b-1), to complete not less than 15 of the semester credit hours in a single subject area listed in that subsection.

SECTION 4. Amends Subchapter B, Chapter 21, Education Code, by adding Sections 21.0521 and 21.0522, as follows:

Sec. 21.0521. PROVISIONAL CERTIFICATE. (a) Requires SBEC to issue a provisional certificate to a person who has not previously been certified as an educator in this state and who has:

- (1) successfully completed an educator preparation program;
- (2) performed satisfactorily on the certification examination required by Section 21.048; and
- (3) completed all other requirements for educator certification.

(b) Provides that a provisional certificate issued under this section expires on the third anniversary of the date on which the certificate was issued, and is not renewable.

Sec. 21.0522. STANDARD CERTIFICATE. (a) Requires SBEC, on the expiration of a person's provisional certificate, to issue a standard certificate to the person if the person has demonstrated that the person is an effective educator, and completed all required continuing education hours.

(b) Requires the person applying for a standard certificate, notwithstanding Section 21.355, to assist SBEC in determining whether a person is an effective educator, to submit to SBEC a copy of all educator appraisals of the person. Requires SBEC to take appropriate measures to maintain the confidentiality of the appraisals.

(c) Requires the commissioner of education (commissioner) to adopt rules to establish criteria for determining whether a person is an effective educator for purposes of this section.

SECTION 5. Amends Section 21.054, Education Code, by adding Subsection (b), to require SBEC to implement an evaluation and accountability system for continuing education courses offered in the state and monitor the quality of all continuing education courses.

SECTION 6. Amends Section 21.351, Education Code, by adding Subsections (a-1) and (e), as follows:

(a-1) Requires that the recommended appraisal process provide that at least 50 percent of the appraisal is based on a measurement of the teacher's effectiveness and the annual improvement of the teacher's students' achievement as follows:

- (1) the recommended appraisal process of a teacher with primary instructional responsibilities in a subject and grade for which an assessment instrument is administered under Subchapter B (Assessment of Academic Skills), Chapter 39 (Public School System Accountability), must provide that the 50 percent measurement is based on standardized achievement data of the teacher's students,

including the assessment instruments administered under Section 39.023 (Adoption and Administration of Instruments); and

(2) the recommended appraisal process of a teacher not appraised under Subdivision (1) must provide that the 50 percent measurement is based on objective criteria.

(e) Requires that a teacher be evaluated at least twice during each school year.

SECTION 7. Amends Subchapter H, Chapter 21, Education Code, by adding Section 21.3521, as follows:

Sec. 21.3521. **INDIVIDUALIZED PROFESSIONAL DEVELOPMENT PLAN.** (a) Requires the principal of the school at which a teacher is employed, on the conclusion of the teacher's appraisal, to prepare an individualized professional development plan for the teacher. Requires that the plan include continuing education requirements for the teacher and be linked to:

(1) any areas identified in the teacher's appraisal as needing improvement;

(2) any areas identified by the teacher as appropriate for achievement of specific professional goals; and

(3) the subject area taught by the teacher.

(b) Requires the principal to provide opportunities for the teacher to achieve the requirements and goals included in the teacher's individualized professional development plan prepared under Subsection (a).

SECTION 8. Amends Section 21.355, Education Code, to provide that, except as provided by Section 21.0522, a document evaluating the performance of a teacher or administrator is confidential.

SECTION 9. Amends Subchapter H, Chapter 21, Education Code, by adding Section 21.358, as follows:

Sec. 21.358. **QUALIFICATIONS OF APPRAISERS.** (a) Requires the commissioner to review and assess the qualifications of administrators and teachers who perform appraisals.

(b) Requires the commissioner to adopt rules regarding the minimum qualifications necessary for a person who conducts teacher appraisals. Requires that the rules require that the appraiser be highly qualified to assess instructional quality and demonstrate instructional leadership.

SECTION 10. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.4581, as follows:

Sec. 21.4581. **LEADERSHIP PROGRAM.** Requires the commissioner to create a specialized mid-management certificates in teacher leadership for qualified teachers who have demonstrated effectiveness as a teacher under criteria determined by commissioner rule.

SECTION 11. (a) Provides that Sections 21.050(b-1) and (b-2), Education Code, as added by this Act, apply to a person who applies for a certificate to teach early childhood through grade four or English as a second language in early childhood through grade four, on or after May 1, 2014. Provides that a person who applies for a certificate to teach early childhood through grade four or English as a second language in early childhood through grade four, before May 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Provides that Sections 21.0521 and 21.0522, Education Code, as added by this Act, apply to a person who has never been certified to teach in this state who applies for certification on or after the effective date of this Act. Provides that a person who has never been certified to teach in this state who applies for certification before the effective date of this Act or a person who is certified to teach in Texas on the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Requires SBEC, not later than January 1, 2012, to propose rules as required by this Act.

SECTION 12. Effective date: September 1, 2011.