

By: Shapiro

S.B. No. 4

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certification, performance, continuing education, and
3 appraisal of public school teachers.

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

5 SECTION 1. Subsection (b), Section 21.041, Education Code,
6 is amended to read as follows:

7 (b) The board shall propose rules that:

8 (1) provide for the regulation of educators and the
9 general administration of this subchapter in a manner consistent
10 with this subchapter;

11 (2) specify the classes of educator certificates to be
12 issued, including probationary, provisional, standard, and
13 emergency certificates;

14 (3) specify the period for which each class of
15 educator certificate is valid;

16 (4) specify the requirements for the issuance and
17 renewal of an educator certificate;

18 (5) provide for the issuance of an educator
19 certificate to a person who holds a similar certificate issued by
20 another state or foreign country, subject to Section 21.052;

21 (6) provide for special or restricted certification of
22 educators, including certification of instructors of American Sign
23 Language;

24 (7) provide for disciplinary proceedings, including

1 the suspension or revocation of an educator certificate, as
2 provided by Chapter 2001, Government Code;

3 (8) provide for the adoption, amendment, and
4 enforcement of an educator's code of ethics; and

5 (9) provide for continuing education requirements[+
6 ~~and~~

7 [~~(10) provide for certification of persons performing~~
8 ~~appraisals under Subchapter H].~~

9 SECTION 2. Section 21.048, Education Code, is amended by
10 adding Subsection (a-1) to read as follows:

11 (a-1) In proposing rules under Subsection (a), the board
12 shall prescribe a comprehensive examination administered to a
13 person applying for certification to teach early childhood through
14 grade four or English as a second language in early childhood
15 through grade four that includes components in reading, language
16 arts, science, social studies, and mathematics. The reading
17 component must include material covering the science of reading.
18 The proposed rules must provide for scoring the examination based
19 on a cumulative score in addition to an individual score for each
20 component area listed in this subsection. The proposed rules must
21 provide a minimum scoring standard that demonstrates satisfactory
22 performance and content mastery for the cumulative score and each
23 component area. The minimum scoring standard proposed by the board
24 for the cumulative score must be greater than the total of the
25 proposed minimum scoring standard for each component area.

26 SECTION 3. Subchapter B, Chapter 21, Education Code, is
27 amended by adding Sections 21.0521, 21.0522, and 21.0523 to read as

1 follows:

2 Sec. 21.0521. PROBATIONARY CERTIFICATE. (a) The board may
3 issue a probationary certificate to a person enrolled in an
4 alternative certification program or a postbaccalaureate
5 certification program who has not completed all certification
6 program requirements.

7 (b) A probationary certificate issued under this section
8 expires on the first anniversary of the date on which the
9 certificate was issued and may be renewed only for two additional
10 one-year periods.

11 (c) A person who is issued a probationary certificate under
12 this section and is employed under a probationary contract for a
13 total of three years is eligible to receive a standard certificate
14 on completion of all requirements under Section 21.0523(a).

15 (d) A person who is issued a probationary certificate may
16 only be employed by a school district under a probationary contract
17 and is not eligible to be employed under a term contract.

18 Sec. 21.0522. PROVISIONAL CERTIFICATE. (a) The board
19 shall issue a provisional certificate to a person who has not
20 previously been certified as an educator in this state and who has:

21 (1) successfully completed an educator preparation
22 program;

23 (2) performed satisfactorily on the certification
24 examination required by Section 21.048; and

25 (3) completed all other requirements for educator
26 certification.

27 (b) A provisional certificate issued under this section:

1 (1) expires on the third anniversary of the date on
2 which the certificate was issued; and

3 (2) is not renewable.

4 (c) A person enrolled in an alternative certification
5 program or a postbaccalaureate certification program who has not
6 completed all certification program requirements is not eligible
7 for a provisional certificate. On completion of all requirements
8 of the program, including an internship of one year, the person is
9 eligible for a provisional certificate under this section.

10 (d) An educator who has been issued a probationary
11 certificate and is employed under a probationary contract may
12 receive a provisional certificate that expires on the third
13 anniversary of the date on which the person was originally employed
14 under the probationary contract.

15 (e) A person who is issued a provisional certificate under
16 this section may be employed by a school district under a term
17 contract as provided by Subchapter E.

18 Sec. 21.0523. STANDARD CERTIFICATE. (a) On the expiration
19 of a person's provisional certificate or at the end of a person's
20 third probationary contract term, the board shall issue a standard
21 certificate to the person if the person has:

22 (1) demonstrated that the person is an effective
23 educator; and

24 (2) completed all required continuing education
25 hours.

26 (b) Notwithstanding Section 21.355, to assist the board in
27 determining whether a person is an effective educator, the person

1 applying for a standard certificate must submit to the board a copy
2 of all educator appraisals of the person. The board shall take
3 appropriate measures to maintain the confidentiality of the
4 appraisals.

5 (c) The commissioner shall adopt rules to establish
6 criteria for determining whether a person is an effective educator
7 for purposes of this section.

8 SECTION 4. Section 21.054, Education Code, is amended by
9 adding Subsection (b) to read as follows:

10 (b) The board shall implement an evaluation and
11 accountability system for continuing education courses offered in
12 this state and monitor the quality of all continuing education
13 courses.

14 SECTION 5. Section 21.351, Education Code, is amended by
15 adding Subsections (a-1), (e), and (f) to read as follows:

16 (a-1) The recommended appraisal process must provide that
17 not less than 30 percent or more than 50 percent of the appraisal is
18 based on a measurement of the teacher's effectiveness including the
19 annual improvement of the teacher's students' achievement. The
20 commissioner by rule shall define teacher effectiveness and the
21 multiple measures for determining teacher effectiveness. The
22 performance of a teacher's students on assessment instruments
23 required under Subchapter B, Chapter 39, may not be the primary
24 indicator for determining teacher effectiveness. The recommended
25 appraisal process must provide a method for determining the
26 effectiveness of teachers who do not teach a subject in which
27 assessment instruments under Subchapter B, Chapter 39, are

1 administered.

2 (e) A teacher must be observed for a period of at least 45
3 minutes at least twice during each school year. An observation of a
4 teacher may occur on multiple occasions for a total period of 45
5 minutes.

6 (f) Not later than September 1, 2016, the commissioner shall
7 adopt rules that redesign the recommended appraisal process. The
8 commissioner shall consult with educators, administrative leaders,
9 education experts, and parents of students in developing the
10 recommended appraisal process and may contract with public or
11 private entities as necessary to implement this subsection. Before
12 the commissioner adopts rules required by this subsection, the
13 commissioner must develop, validate, and test the proposals
14 regarding the redesign of the recommended appraisal process. The
15 commissioner may initiate pilot projects to implement and test
16 redesign proposals, which may address different aspects of the
17 redesign and different methods for determining teacher
18 effectiveness. The rules adopted by the commissioner must include
19 the measurement of the teacher's effectiveness and the annual
20 improvement in the achievement of the teacher's students under
21 Subsection (a-1). In determining the measurement of the teacher's
22 effectiveness including the annual improvement in the achievement
23 of the teacher's students, the rules must provide that the process
24 is fair, transparent, timely, rigorous, and valid. This subsection
25 expires September 1, 2016.

26 SECTION 6. Section 21.352, Education Code, is amended by
27 amending Subsections (a) and (c) and adding Subsection (b-1) to

1 read as follows:

2 (a) In appraising teachers, each school district shall use:

3 (1) the appraisal process and performance criteria
4 developed by the commissioner; or

5 (2) an appraisal process and performance criteria:

6 (A) developed by the district- and campus-level
7 committees established under Section 11.251 in collaboration with
8 education experts and educators, administrative leaders, and
9 parents of students in the district;

10 (B) containing the items described by Sections
11 21.351(a)(1) and (2); ~~and~~

12 (C) adopted by the board of trustees; and

13 (D) approved by the commissioner.

14 (b-1) The commissioner may adopt rules regarding approval
15 of local appraisal processes under Subsection (a).

16 (c) An evaluation [~~Except as otherwise provided by this~~
17 ~~subsection, appraisal]~~ must be done at least twice [~~once~~] during
18 each school year. A teacher must be observed for a period of at
19 least 45 minutes as provided by Section 21.351(e) [~~may be appraised~~
20 ~~less frequently if the teacher agrees in writing and the teacher's~~
21 ~~most recent evaluation rated the teacher as at least proficient, or~~
22 ~~the equivalent, and did not identify any area of deficiency. A~~
23 ~~teacher who is appraised less frequently than annually must be~~
24 ~~appraised at least once during each period of five school years].~~

25 The district shall maintain a written copy of the evaluation of each
26 teacher's performance in the teacher's personnel file. Each
27 teacher is entitled to receive a written copy of the evaluation on

1 its completion. After receiving a written copy of the evaluation, a
2 teacher is entitled to a second appraisal by a different appraiser
3 or to submit a written rebuttal to the evaluation to be attached to
4 the evaluation in the teacher's personnel file. The evaluation and
5 any rebuttal may be given to another school district at which the
6 teacher has applied for employment at the request of that district.

7 SECTION 7. Subchapter H, Chapter 21, Education Code, is
8 amended by adding Section 21.3521 to read as follows:

9 Sec. 21.3521. INDIVIDUALIZED PROFESSIONAL DEVELOPMENT
10 PLAN. (a) On the conclusion of a teacher's observation, the
11 teacher and the principal of the school at which the teacher is
12 employed shall prepare an individualized professional development
13 plan for the teacher. The plan must include continuing education
14 requirements for the teacher and must be linked to:

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

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

19 (3) the subject area taught by the teacher.

20 (b) The principal must provide sufficient opportunities for
21 the teacher to achieve the requirements and goals included in the
22 teacher's individualized professional development plan prepared
23 under Subsection (a).

24 SECTION 8. Section 21.355, Education Code, is amended to
25 read as follows:

26 Sec. 21.355. CONFIDENTIALITY. Except as provided by
27 Section 21.0523, a [A] document evaluating the performance of a

1 teacher or administrator is confidential.

2 SECTION 9. Subchapter H, Chapter 21, Education Code, is
3 amended by adding Section 21.358 to read as follows:

4 Sec. 21.358. QUALIFICATIONS OF APPRAISERS. The
5 commissioner shall adopt rules regarding the minimum
6 qualifications necessary for a person who conducts teacher
7 appraisals. The rules must require that the appraiser be highly
8 qualified to assess instructional quality and demonstrate
9 instructional leadership.

10 SECTION 10. Subchapter J, Chapter 21, Education Code, is
11 amended by adding Section 21.4581 to read as follows:

12 Sec. 21.4581. LEADERSHIP PROGRAM. The commissioner shall
13 create specialized mid-management certificates in teacher
14 leadership for qualified teachers who have demonstrated
15 effectiveness as a teacher under criteria determined by
16 commissioner rule.

17 SECTION 11. (a) Sections 21.0521, 21.0522, and 21.0523,
18 Education Code, as added by this Act, apply to a person who has
19 never been certified to teach in this state who applies for
20 certification on or after September 1, 2013. A person who has never
21 been certified to teach in this state who applies for certification
22 before September 1, 2013, or a person who is certified to teach in
23 this state on September 1, 2013, is governed by the law in effect
24 immediately before September 1, 2013, and that law is continued in
25 effect for that purpose.

26 (b) Not later than January 1, 2012, the State Board for
27 Educator Certification shall propose rules as required by this Act.

1 SECTION 12. (a) Except as provided by Subsection (b) of
2 this section, this Act takes effect September 1, 2011.

3 (b) Sections 21.0521, 21.0522, 21.0523, and 21.4581,
4 Education Code, as added by this Act, take effect September 1, 2013.