

By: Shapiro  
(Eissler)

S.B. No. 4

Substitute the following for S.B. No. 4:

By: Shelton

C.S.S.B. No. 4

A BILL TO BE ENTITLED

AN ACT

relating to certification, continuing education, and appraisal of  
public school teachers.

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

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

(a-1) In proposing rules under Subsection (a), the board shall 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 reading component must include material covering the science of reading. The proposed rules must provide for scoring the examination based on a cumulative score in addition to an individual score for each component area listed in this subsection. The proposed rules must provide a minimum scoring standard that demonstrates satisfactory performance and content mastery for the cumulative score and each component area. The minimum scoring standard proposed by the board for the cumulative score must be greater than the total of the proposed minimum scoring standard for each component area.

SECTION 2. Section 21.054, Education Code, is amended by  
adding Subsection (b) to read as follows:

(b) The board shall implement an appraisal and

1 accountability system for continuing education courses offered in  
2 this state and monitor the quality of all continuing education  
3 courses.

4 SECTION 3. Section 21.351, Education Code, is amended to  
5 read as follows:

6 Sec. 21.351. RECOMMENDED APPRAISAL PROCESS AND PERFORMANCE  
7 CRITERIA. (a) The commissioner shall adopt a recommended  
8 appraisal process and criteria on which to appraise the performance  
9 of teachers. The process adopted must provide for basing a  
10 significant portion of the appraisal on the teacher's student  
11 learning objectives and outcomes, which must include student  
12 performance on assessment instruments administered under Section  
13 39.023 and other student learning objectives and outcomes. The  
14 performance of a teacher's students on assessment instruments  
15 required under Subchapter B, Chapter 39, may not be the primary  
16 indicator for determining teacher effectiveness. The recommended  
17 appraisal process must provide a method for determining the  
18 effectiveness of teachers who do not teach a subject in which  
19 assessment instruments under Subchapter B, Chapter 39, are  
20 administered. [~~The criteria must be based on observable,~~  
21 ~~job-related behavior, including:~~

22 [~~(1) teachers' implementation of discipline~~  
23 ~~management procedures; and~~

24 [~~(2) the performance of teachers' students.]~~

25 (b) The commissioner shall solicit and consider the advice  
26 of teachers, administrative leaders, education experts, and  
27 parents of students in developing the recommended appraisal process

1 and performance criteria.

2 (c) Under the recommended appraisal process, an appraiser  
3 must be the teacher's supervisor or a person approved by the board  
4 of trustees and be monitored as necessary to ensure fairness,  
5 thoroughness, and accuracy of the system. An appraiser who is a  
6 classroom teacher may not appraise the performance of another  
7 classroom teacher who teaches at the same school campus at which the  
8 appraiser teaches, unless it is impractical because of the number  
9 of campuses or unless the appraiser is the chair of a department or  
10 grade level whose job description includes classroom observation  
11 responsibilities.

12 (d) The recommended appraisal process for teachers must  
13 provide that:

14 (1) a teacher be appraised at least once each school  
15 year;

16 (2) consistent and clear expectations regarding  
17 teacher performance be communicated to the teacher at least once  
18 each year;

19 (3) a self-evaluation be completed by the teacher and  
20 be considered by the appraiser before the teacher's appraisal is  
21 complete; and

22 (4) a teacher's overall performance, based on the  
23 appraisal, be assigned one of five ratings, as applicable, though a  
24 greater number of separate ratings may be used to detail  
25 performance under each [~~Under the recommended appraisal process,~~  
26 ~~appraisal for teachers must be detailed by~~] category of  
27 professional skill and characteristic appraised as part of the

1 appraisal of the teacher's overall performance [~~and must provide~~  
2 ~~for separate ratings for each category~~].

3 (e) The recommended appraisal process for teachers must  
4 ~~[shall]~~ guarantee that a conference between the teacher and the  
5 appraiser will occur as soon as possible after the teacher's  
6 appraisal under this section is completed. The conference must  
7 ~~[shall]~~ be diagnostic and prescriptive with regard to remediation  
8 needed in overall performance and by category.

9 (f) The recommended appraisal process may provide a  
10 modified and less frequent appraisal process for a teacher if the  
11 most recent appraisal of the teacher rated the teacher at the  
12 highest level of proficiency in the system and did not identify any  
13 area of deficiency and the teacher agrees in writing to the modified  
14 appraisal process. A teacher who is appraised less frequently than  
15 annually must be appraised at least once during each period of three  
16 school years.

17 (g) Before the commissioner adopts the recommended  
18 appraisal process required by this section, the commissioner must  
19 develop, validate, and test proposals regarding the process. The  
20 commissioner may initiate pilot projects to implement and test  
21 proposals, which may address different aspects of the process and  
22 different methods for determining teacher effectiveness. The  
23 process adopted by the commissioner must include the measurement of  
24 the teacher's effectiveness. In determining the measurement of the  
25 teacher's effectiveness, the process adopted must be fair,  
26 transparent, timely, rigorous, and valid.

27 SECTION 4. Sections 21.352(a) and (c), Education Code, are

1 amended to 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 under Section 21.351; 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;

8 (B) containing the items described by Sections  
9 21.351(a) and (d) [~~21.351(a)(1) and (2)~~]; and

10 (C) adopted by the board of trustees.

11 (c) Except as otherwise provided by this subsection,  
12 appraisal must be done at least once during each school year. A  
13 teacher may be appraised less frequently if the teacher agrees in  
14 writing and the teacher's most recent evaluation rated the teacher  
15 at the highest proficiency [~~as at least proficient, or the~~  
16 ~~equivalent,~~] and did not identify any area of deficiency. A teacher

17 who is appraised less frequently than annually must be appraised at  
18 least once during each period of three [~~five~~] school years. The  
19 district shall maintain a written copy of the evaluation of each  
20 teacher's performance in the teacher's personnel file. Each  
21 teacher is entitled to receive a written copy of the evaluation on  
22 its completion. After receiving a written copy of the evaluation, a  
23 teacher is entitled to a second appraisal by a different appraiser  
24 or to submit a written rebuttal to the evaluation to be attached to  
25 the evaluation in the teacher's personnel file. The evaluation and  
26 any rebuttal may be given to another school district at which the  
27 teacher has applied for employment at the request of that district.

1 SECTION 5. Subchapter H, Chapter 21, Education Code, is  
2 amended by adding Section 21.358 to read as follows:

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

9 SECTION 6. The commissioner of education shall adopt a  
10 recommended appraisal process that complies with Section 21.351,  
11 Education Code, as amended by this Act, in a manner that allows a  
12 school district to implement the recommended appraisal process  
13 adopted by the commissioner not later than September 1, 2015.

14 SECTION 7. This Act takes effect September 1, 2011.