

1-1 By: Shapiro S.B. No. 4  
1-2 (In the Senate - Filed March 11, 2011; March 14, 2011, read  
1-3 first time and referred to Committee on Education; April 14, 2011,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 6, Nays 2; April 14, 2011, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 4 By: Shapiro

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to certification, performance, continuing education, and  
1-10 appraisal of public school teachers.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (b), Section 21.041, Education Code,  
1-13 is amended to read as follows:

1-14 (b) The board shall propose rules that:

1-15 (1) provide for the regulation of educators and the  
1-16 general administration of this subchapter in a manner consistent  
1-17 with this subchapter;

1-18 (2) specify the classes of educator certificates to be  
1-19 issued, including probationary, provisional, standard, and  
1-20 emergency certificates;

1-21 (3) specify the period for which each class of  
1-22 educator certificate is valid;

1-23 (4) specify the requirements for the issuance and  
1-24 renewal of an educator certificate;

1-25 (5) provide for the issuance of an educator  
1-26 certificate to a person who holds a similar certificate issued by  
1-27 another state or foreign country, subject to Section 21.052;

1-28 (6) provide for special or restricted certification of  
1-29 educators, including certification of instructors of American Sign  
1-30 Language;

1-31 (7) provide for disciplinary proceedings, including  
1-32 the suspension or revocation of an educator certificate, as  
1-33 provided by Chapter 2001, Government Code;

1-34 (8) provide for the adoption, amendment, and  
1-35 enforcement of an educator's code of ethics; and

1-36 (9) provide for continuing education requirements[+  
1-37 and

1-38 [~~(10) provide for certification of persons performing~~  
1-39 ~~appraisals under Subchapter H].~~

1-40 SECTION 2. Section 21.048, Education Code, is amended by  
1-41 adding Subsection (a-1) to read as follows:

1-42 (a-1) In proposing rules under Subsection (a), the board  
1-43 shall prescribe a comprehensive examination administered to a  
1-44 person applying for certification to teach early childhood through  
1-45 grade four or English as a second language in early childhood  
1-46 through grade four that includes components in reading, language  
1-47 arts, science, social studies, and mathematics. The reading  
1-48 component must include material covering the science of reading.  
1-49 The proposed rules must provide for scoring the examination based  
1-50 on a cumulative score in addition to an individual score for each  
1-51 component area listed in this subsection. The proposed rules must  
1-52 provide a minimum scoring standard that demonstrates satisfactory  
1-53 performance and content mastery for the cumulative score and each  
1-54 component area. The minimum scoring standard proposed by the board  
1-55 for the cumulative score must be greater than the total of the  
1-56 proposed minimum scoring standard for each component area.

1-57 SECTION 3. Subchapter B, Chapter 21, Education Code, is  
1-58 amended by adding Sections 21.0521, 21.0522, and 21.0523 to read as  
1-59 follows:

1-60 Sec. 21.0521. PROBATIONARY CERTIFICATE. (a) The board may  
1-61 issue a probationary certificate to a person enrolled in an  
1-62 alternative certification program or a postbaccalaureate  
1-63 certification program who has not completed all certification

2-1 program requirements.

2-2 (b) A probationary certificate issued under this section  
 2-3 expires on the first anniversary of the date on which the  
 2-4 certificate was issued and may be renewed only for two additional  
 2-5 one-year periods.

2-6 (c) A person who is issued a probationary certificate under  
 2-7 this section and is employed under a probationary contract for a  
 2-8 total of three years is eligible to receive a standard certificate  
 2-9 on completion of all requirements under Section 21.0523(a).

2-10 (d) A person who is issued a probationary certificate may  
 2-11 only be employed by a school district under a probationary contract  
 2-12 and is not eligible to be employed under a term contract.

2-13 Sec. 21.0522. PROVISIONAL CERTIFICATE. (a) The board  
 2-14 shall issue a provisional certificate to a person who has not  
 2-15 previously been certified as an educator in this state and who has:

2-16 (1) successfully completed an educator preparation  
 2-17 program;

2-18 (2) performed satisfactorily on the certification  
 2-19 examination required by Section 21.048; and

2-20 (3) completed all other requirements for educator  
 2-21 certification.

2-22 (b) A provisional certificate issued under this section:

2-23 (1) expires on the third anniversary of the date on  
 2-24 which the certificate was issued; and

2-25 (2) is not renewable.

2-26 (c) A person enrolled in an alternative certification  
 2-27 program or a postbaccalaureate certification program who has not  
 2-28 completed all certification program requirements is not eligible  
 2-29 for a provisional certificate. On completion of all requirements  
 2-30 of the program, including an internship of one year, the person is  
 2-31 eligible for a provisional certificate under this section.

2-32 (d) An educator who has been issued a probationary  
 2-33 certificate and is employed under a probationary contract may  
 2-34 receive a provisional certificate that expires on the third  
 2-35 anniversary of the date on which the person was originally employed  
 2-36 under the probationary contract.

2-37 (e) A person who is issued a provisional certificate under  
 2-38 this section may be employed by a school district under a term  
 2-39 contract as provided by Subchapter E.

2-40 Sec. 21.0523. STANDARD CERTIFICATE. (a) On the expiration  
 2-41 of a person's provisional certificate or at the end of a person's  
 2-42 third probationary contract term, the board shall issue a standard  
 2-43 certificate to the person if the person has:

2-44 (1) demonstrated that the person is an effective  
 2-45 educator; and

2-46 (2) completed all required continuing education  
 2-47 hours.

2-48 (b) Notwithstanding Section 21.355, to assist the board in  
 2-49 determining whether a person is an effective educator, the person  
 2-50 applying for a standard certificate must submit to the board a copy  
 2-51 of all educator appraisals of the person. The board shall take  
 2-52 appropriate measures to maintain the confidentiality of the  
 2-53 appraisals.

2-54 (c) The commissioner shall adopt rules to establish  
 2-55 criteria for determining whether a person is an effective educator  
 2-56 for purposes of this section.

2-57 SECTION 4. Section 21.054, Education Code, is amended by  
 2-58 adding Subsection (b) to read as follows:

2-59 (b) The board shall implement an evaluation and  
 2-60 accountability system for continuing education courses offered in  
 2-61 this state and monitor the quality of all continuing education  
 2-62 courses.

2-63 SECTION 5. Section 21.351, Education Code, is amended by  
 2-64 adding Subsections (a-1), (e), and (f) to read as follows:

2-65 (a-1) The recommended appraisal process must provide that  
 2-66 at least 35 percent of the appraisal is based on a measurement of  
 2-67 the teacher's effectiveness and the annual improvement of the  
 2-68 teacher's students' achievement. The commissioner by rule shall  
 2-69 define teacher effectiveness and the measures for determining

3-1 teacher effectiveness.

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

3-6 (f) Not later than September 1, 2013, the commissioner shall  
 3-7 adopt rules that redesign the recommended appraisal process. The  
 3-8 commissioner shall consult with educators, administrative leaders,  
 3-9 education experts, and parents of students in developing the  
 3-10 recommended appraisal process and may contract with public or  
 3-11 private entities as necessary to implement this subsection. The  
 3-12 rules adopted by the commissioner must include the measurement of  
 3-13 the teacher's effectiveness and the annual improvement in the  
 3-14 achievement of the teacher's students under Subsection (a-1). In  
 3-15 determining the measurement of the teacher's effectiveness and the  
 3-16 annual improvement in the achievement of the teacher's students,  
 3-17 the rules must provide that the process is fair, transparent,  
 3-18 timely, rigorous, and valid. This subsection expires September 1,  
 3-19 2013.

3-20 SECTION 6. Section 21.352, Education Code, is amended by  
 3-21 amending Subsections (a) and (c) and adding Subsection (b-1) to  
 3-22 read as follows:

3-23 (a) In appraising teachers, each school district shall use:

3-24 (1) the appraisal process and performance criteria  
 3-25 developed by the commissioner; or

3-26 (2) an appraisal process and performance criteria:

3-27 (A) developed by the district- and campus-level  
 3-28 committees established under Section 11.251 in collaboration with  
 3-29 education experts and educators, administrative leaders, and  
 3-30 parents of students in the district;

3-31 (B) containing the items described by Sections  
 3-32 21.351(a)(1) and (2); ~~and~~

3-33 (C) adopted by the board of trustees; and

3-34 (D) approved by the commissioner.

3-35 (b-1) The commissioner may adopt rules regarding approval  
 3-36 of local appraisal processes under Subsection (a).

3-37 (c) An evaluation ~~[Except as otherwise provided by this~~  
 3-38 ~~subsection, appraisal]~~ must be done at least twice ~~[once]~~ during  
 3-39 each school year. A teacher must be observed for a period of at  
 3-40 least 45 minutes as provided by Section 21.351(e) ~~[may be appraised~~  
 3-41 ~~less frequently if the teacher agrees in writing and the teacher's~~  
 3-42 ~~most recent evaluation rated the teacher as at least proficient, or~~  
 3-43 ~~the equivalent, and did not identify any area of deficiency. A~~  
 3-44 ~~teacher who is appraised less frequently than annually must be~~  
 3-45 ~~appraised at least once during each period of five school years].~~

3-46 The district shall maintain a written copy of the evaluation of each  
 3-47 teacher's performance in the teacher's personnel file. Each  
 3-48 teacher is entitled to receive a written copy of the evaluation on  
 3-49 its completion. After receiving a written copy of the evaluation, a  
 3-50 teacher is entitled to a second appraisal by a different appraiser  
 3-51 or to submit a written rebuttal to the evaluation to be attached to  
 3-52 the evaluation in the teacher's personnel file. The evaluation and  
 3-53 any rebuttal may be given to another school district at which the  
 3-54 teacher has applied for employment at the request of that district.

3-55 SECTION 7. Subchapter H, Chapter 21, Education Code, is  
 3-56 amended by adding Section 21.3521 to read as follows:

3-57 Sec. 21.3521. INDIVIDUALIZED PROFESSIONAL DEVELOPMENT  
 3-58 PLAN. (a) On the conclusion of a teacher's observation, the

3-59 teacher and the principal of the school at which the teacher is  
 3-60 employed shall prepare an individualized professional development  
 3-61 plan for the teacher. The plan must include continuing education  
 3-62 requirements for the teacher and must be linked to:

3-63 (1) any areas identified in the teacher's appraisal as  
 3-64 needing improvement;

3-65 (2) any areas identified by the teacher as appropriate  
 3-66 for achievement of specific professional goals; and

3-67 (3) the subject area taught by the teacher.

3-68 (b) The principal must provide sufficient opportunities for  
 3-69 the teacher to achieve the requirements and goals included in the

4-1 teacher's individualized professional development plan prepared  
4-2 under Subsection (a).

4-3 SECTION 8. Section 21.355, Education Code, is amended to  
4-4 read as follows:

4-5 Sec. 21.355. CONFIDENTIALITY. Except as provided by  
4-6 Section 21.0523, a [A] document evaluating the performance of a  
4-7 teacher or administrator is confidential.

4-8 SECTION 9. Subchapter H, Chapter 21, Education Code, is  
4-9 amended by adding Section 21.358 to read as follows:

4-10 Sec. 21.358. QUALIFICATIONS OF APPRAISERS. (a) The  
4-11 commissioner shall review and assess the qualifications of  
4-12 administrators and teachers who perform appraisals.

4-13 (b) The commissioner shall adopt rules regarding the  
4-14 minimum qualifications necessary for a person who conducts teacher  
4-15 appraisals. The rules must require that the appraiser be highly  
4-16 qualified to assess instructional quality and demonstrate  
4-17 instructional leadership.

4-18 SECTION 10. Subchapter J, Chapter 21, Education Code, is  
4-19 amended by adding Section 21.4581 to read as follows:

4-20 Sec. 21.4581. LEADERSHIP PROGRAM. The commissioner shall  
4-21 create specialized mid-management certificates in teacher  
4-22 leadership for qualified teachers who have demonstrated  
4-23 effectiveness as a teacher under criteria determined by  
4-24 commissioner rule.

4-25 SECTION 11. (a) Sections 21.0521, 21.0522, and 21.0523,  
4-26 Education Code, as added by this Act, apply to a person who has  
4-27 never been certified to teach in this state who applies for  
4-28 certification on or after the effective date of this Act. A person  
4-29 who has never been certified to teach in this state who applies for  
4-30 certification before the effective date of this Act or a person who  
4-31 is certified to teach in this state on the effective date of this  
4-32 Act is governed by the law in effect immediately before the  
4-33 effective date of this Act, and that law is continued in effect for  
4-34 that purpose.

4-35 (b) Not later than January 1, 2012, the State Board for  
4-36 Educator Certification shall propose rules as required by this Act.

4-37 SECTION 12. This Act takes effect September 1, 2011.

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