

## **BILL ANALYSIS**

Senate Research Center  
83R21477 KKA-D

C.S.S.B. 1403  
By: Patrick et al.  
Education  
4/12/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The impact of good teachers on a student's academic progress is generally agreed upon as one of the most significant factors in the outcome of a student's academic success. C.S.S.B. 1403 seeks to increase the overall support and quality of teachers.

C.S.S.B. 1403 amends current law relating to public school teachers.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Board for Educator Certification (SBEC) is modified in SECTION 1 (Section 21.044, Education Code) and SECTION 3 (Section 21.048, Education Code) of this bill.

Rulemaking authority is expressly granted to SBEC in SECTION 2 (Section 21.0441, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Reenacts Section 21.044, Education Code, as amended by Chapters 635 (S.B. 866) and 926 (S.B. 1620), Acts of the 82nd Legislature, Regular Session, 2011, and amends it as follows:

Sec. 21.044. EDUCATOR PREPARATION. (a)-(c) Makes no change to these subsections.

(d) Creates this subsection from text of existing Subsection (b). Makes no further change.

(e) Requires that each educator preparation program provide information regarding:

- (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
- (2) the effect of supply and demand forces on the educator workforce in this state;
- (3) the performance over time of the educator preparation program;
- (4) the importance of building strong classroom management skills; and
- (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H (Appraisals and Incentives).

SECTION 2. Amends Subchapter B, Chapter 21, by adding Section 21.0441, as follows:

Sec. 21.0441. **ADMISSION REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS.** (a) Requires that rules of the State Board for Educator Certification (SBEC) proposed under this chapter provide that a person, other than a person seeking career and technology education certification, is not eligible for admission to an educator preparation program, including an alternative educator preparation program, unless the person:

(1) except as provided by Subsection (b), satisfies certain minimum grade point average requirements prescribed by SBEC; and

(2) if a person is seeking initial certification:

(A) has successfully completed at least 15 semester credit hours in the subject-specific content area in which the person is seeking certification;

(B) has successfully completed at least 12 semester credit hours in the subject-specific content area in which the person is seeking certification, provided that the person is required to comply with the subsequent professional development requirements prescribed by Subsection (c); or

(C) has achieved satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner of education (commissioner) for purposes of administering such an examination for the year for which the person is applying for admission to the program.

(b) Requires that SBEC's rules permit an educator preparation program to admit in extraordinary circumstances a person who fails to satisfy a grade point average requirement prescribed by Subsection (a)(1)(A) or (B) under certain circumstances.

(c) Requires a person whose eligibility for admission to an educator preparation program is based on compliance with Subsection (a)(2)(B), to, not later than the first anniversary of the date of the person's certification, complete three hours of professional development relevant to the subject area in which the person is certified. Provides that the professional development required by this subsection is in addition to any other requirements or professional development prescribed by SBEC or the school district employing the person.

**SECTION 3.** Amends Section 21.048, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires SBEC to determine the satisfactory level of performance required for each certification examination. Requires SBEC, for the issuance of a generalist certificate, to require a satisfactory level of examination performance in each core subject covered by the examination.

(a-1) Prohibits SBEC from requiring that more than 45 days elapse before a person is authorized to retake an examination.

**SECTION 4.** Amends Section 21.351, Education Code, as follows:

Sec. 21.351. **New heading: RECOMMENDED APPRAISAL FRAMEWORK, PROCESSES, AND PERFORMANCE CRITERIA.** (a) Requires the commissioner to adopt a recommended appraisal framework for evaluating the performance of teachers. Requires that the framework:

- (1) include standards for teaching practice, context for teacher evaluations, and teacher-evaluation components and process;
- (2) identify the required elements for any teacher evaluation system used in this state;
- (3) be grounded on the principle that the primary goal of a high-quality evaluation system is to assess and improve teaching and learning, resulting in higher student performance; and
- (4) require evaluations to be based on multiple measures within each component that are easily understood, transparent, job-related, and observable.

Deletes existing text requiring the commissioner to adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. Deletes existing text requiring that the criteria be based on observable, job-related behavior, including teachers' implementation of discipline management procedures, and the performance of teachers' students.

(a-1) Requires the commissioner, in a manner consistent with the framework required under Subsection (a), to develop a variety of recommended appraisal processes and performance criteria.

(b) Requires the commissioner to solicit and consider the advice of teachers in developing the recommended appraisal framework, processes, and performance criteria, rather than in developing the recommended appraisal process and performance criteria.

(c)-(d) Makes conforming changes.

SECTION 5. Amends Section 21.352, Education Code, by amending Subsections (a) and (c) and adding Subsections (c-1), (e), and (f), as follows:

(a) Requires each school district, in appraising teachers, to use:

- (1) an appraisal process and performance criteria recommended by the commissioner, rather than developed by the commissioner; or
- (2) an appraisal process and performance criteria that, in addition to other requirements, contains the elements identified under Section 21.351(a)(2) and multiple measures within each component of evaluation, rather than the items described by Sections 21.351(a)(1) and (2).

Makes a conforming change.

(c) Requires that appraisal be done at least once during each school year. Deletes an exception otherwise provided by this subsection. Deletes existing text authorizing a teacher to be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. Deletes existing text requiring a teacher who is appraised less frequently than annually to be appraised at least once during each period of five school years. Entitles each teacher to receive a written copy of the evaluation of the teacher's performance promptly on its completion.

(c-1) Requires a school district, in addition to conducting a complete annual appraisal, to require that appropriate components of the appraisal process, such as classroom observations and walk-throughs, occur more frequently as necessary to ensure that a teacher receives adequate evaluation and guidance. Requires a school district to give

priority to conducting appropriate components more frequently for inexperienced teachers or experienced teachers with identified areas of deficiency.

(e) Requires a district to use a teacher's consecutive appraisals from more than one year, if available, in making the district's employment decisions and developing career recommendations for the teacher.

(f) Requires the district to notify a teacher of the results of any appraisal of the teacher in a timely manner so that the appraisal may be used as a developmental tool by the district and the teacher to improve the overall performance of the teacher.

SECTION 6. Amends Section 21.402, Education Code, by adding Subsections (j) and (k), as follows:

(j) Requires the Texas Education Agency (TEA), in consultation with the Teacher Retirement System of Texas, using only available funds and resources from public or private sources, to collect information each year from school districts regarding salaries paid to employees entitled to the minimum salary specified in this section. Requires TEA, based on the information collected, to:

- (1) determine the median salaries of teachers in this state based on grade level and subject matter taught;
- (2) post the median salaries on the TEA Internet website; and
- (3) report the median salaries to members of the legislature.

(k) Requires TEA, using only available funds and resources from public or private sources, to analyze the cost of living in each region of this state each year to determine if teacher salaries paid by school districts in a region are comparable to salaries paid in that region to persons engaged in comparable professions. Requires TEA to post the results of the analysis on TEA's Internet website and report the results to members of the legislature.

SECTION 7. Amends Subchapter I, Chapter 21, Education Code, by adding Section 21.419, as follows:

Sec. 21.419. ANNUAL TEACHER WORKING CONDITIONS SURVEY. (a) Requires TEA, using only available funds and resources from public or private sources, to conduct a statewide survey of working conditions for public school teachers.

(b) Requires that the survey seek information regarding factors that affect the quality of teacher working conditions, such as demands on a teacher's time during the school day and at other times, campus and district leadership, support for new teachers, professional development opportunities and requirements, opportunities for teacher leadership and collaboration, resources for teachers, and the adequacy of available facilities.

(c) Requires TEA, in designing the survey, to:

- (1) evaluate the teacher working conditions survey conducted in North Carolina and incorporate any elements in that survey that TEA considers appropriate for use in this state; and
- (2) seek to produce a survey that can be used as a resource by a school district in improving the district's instructional environment and in evaluating and setting standards for principals and superintendents.

(d) Prohibits a teacher from being required to participate in the survey.

(e) Requires that the survey, to encourage the uninhibited participation of teachers, be designed to prevent the disclosure of the identity of a survey participant.

(f) Requires TEA to release aggregate results of the survey to the public.

(g) Requires TEA to complete the initial survey not later than September 1, 2014. Provides that this subsection expires January 1, 2015.

SECTION 8. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.4513, as follows:

Sec. 21.4513. PROFESSIONAL DEVELOPMENT REQUIREMENTS AUDIT. (a) Requires TEA, using only available funds and resources from public or private sources, to periodically conduct an audit of the professional development requirements applicable to educators in this state, including state and federal requirements and requirements imposed by school districts.

(b) Requires TEA, based on audit results, to seek to eliminate conflicting requirements and consolidate duplicative requirements through the following methods, as appropriate:

(1) taking administrative action;

(2) encouraging school districts to make appropriate changes to district policies; or

(3) recommending statutory changes to the legislature.

(b-1) Requires TEA to complete the initial audit required by Subsection (b) not later than August 1, 2014. Provides that this subsection expires September 1, 2014.

(c) Requires TEA to provide guidance to school districts regarding high-quality professional development and the outcomes expected to result from providing that caliber of professional development.

SECTION 9. Amends Section 21.458, Education Code, by amending Subsection (c) and adding Subsections (e) and (e-1), as follows:

(c) Requires that funding provided to districts under this section be used for providing for certain obligations, including scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities, rather than scheduled time for mentor teachers to provide mentoring to assigned classroom teachers.

(e) Requires the commissioner to report each year to the legislature regarding the effectiveness of school district mentoring programs.

(e-1) Requires the lieutenant governor and speaker of the house of representatives, not later than November 1, 2013, to form an advisory committee to evaluate the implementation of this section and make recommendations for improvement. Requires the committee to develop recommended guidelines that align teacher induction and mentoring activities with expectations for new teachers based on teaching practice standards. Requires TEA to provide administrative support for the committee. Requires the committee to submit a report of its recommendations to the legislature not later than January 1, 2015. Provides that this subsection expires January 31, 2015.

SECTION 10. Requires TEA, SBEC, and the Texas Higher Education Coordinating Board, not later than September 1, 2014, to jointly review existing standards that are applicable to educator

preparation programs, including alternative educator certification programs, and develop and implement modifications necessary to reflect updated standards for the teaching profession.

SECTION 11. Provides that this Act, to the extent of any conflict, prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 12. Effective date: September 1, 2013.