

1-1 By: Patrick, Hancock, Seliger S.B. No. 1403
 1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read
 1-3 first time and referred to Committee on Education; April 17, 2013,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 5, Nays 2; April 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Patrick	X			
1-8 Lucio	X			
1-9 Campbell	X			
1-10 Duncan			X	
1-11 Paxton	X			
1-12 Seliger			X	
1-13 Taylor	X			
1-14 Van de Putte		X		
1-15 West		X		

1-17 COMMITTEE SUBSTITUTE FOR S.B. No. 1403 By: Patrick

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to public school teachers.
 1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Section 21.044, Education Code, as amended by
 1-23 Chapters 635 (S.B. 866) and 926 (S.B. 1620), Acts of the 82nd
 1-24 Legislature, Regular Session, 2011, is reenacted and amended to
 1-25 read as follows:
 1-26 Sec. 21.044. EDUCATOR PREPARATION. (a) The board shall
 1-27 propose rules establishing the training requirements a person must
 1-28 accomplish to obtain a certificate, enter an internship, or enter
 1-29 an induction-year program. The board shall specify the minimum
 1-30 academic qualifications required for a certificate.
 1-31 (b) Any minimum academic qualifications for a certificate
 1-32 specified under Subsection (a) that require a person to possess a
 1-33 bachelor's degree must also require that the person receive, as
 1-34 part of the curriculum for that degree, instruction in detection
 1-35 and education of students with dyslexia. This subsection does not
 1-36 apply to a person who obtains a certificate through an alternative
 1-37 certification program adopted under Section 21.049.
 1-38 (c) The instruction under Subsection (b) must:
 1-39 (1) be developed by a panel of experts in the diagnosis
 1-40 and treatment of dyslexia who are:
 1-41 (A) employed by institutions of higher
 1-42 education; and
 1-43 (B) approved by the board; and
 1-44 (2) include information on:
 1-45 (A) characteristics of dyslexia;
 1-46 (B) identification of dyslexia; and
 1-47 (C) effective, multisensory strategies for
 1-48 teaching students with dyslexia.
 1-49 (d) [~~(b)~~] In proposing rules under this section, the board
 1-50 shall specify that to obtain a certificate to teach an "applied STEM
 1-51 course," as that term is defined by Section 28.027, at a secondary
 1-52 school, a person must:
 1-53 (1) pass the certification test administered by the
 1-54 recognized national or international business and industry group
 1-55 that created the curriculum the applied STEM course is based on; and
 1-56 (2) have at a minimum:
 1-57 (A) an associate degree from an accredited
 1-58 institution of higher education; and
 1-59 (B) three years of work experience in an
 1-60 occupation for which the applied STEM course is intended to prepare

2-1 the student.

2-2 (e) Each educator preparation program must provide
2-3 information regarding:

2-4 (1) the skills that educators are required to possess,
2-5 the responsibilities that educators are required to accept, and the
2-6 high expectations for students in this state;

2-7 (2) the effect of supply and demand forces on the
2-8 educator workforce in this state;

2-9 (3) the performance over time of the educator
2-10 preparation program;

2-11 (4) the importance of building strong classroom
2-12 management skills; and

2-13 (5) the framework in this state for teacher and
2-14 principal evaluation, including the procedures followed in
2-15 accordance with Subchapter H.

2-16 SECTION 2. Subchapter B, Chapter 21, Education Code, is
2-17 amended by adding Section 21.0441 to read as follows:

2-18 Sec. 21.0441. ADMISSION REQUIREMENTS FOR EDUCATOR
2-19 PREPARATION PROGRAMS. (a) Rules of the board proposed under this
2-20 subchapter must provide that a person, other than a person seeking
2-21 career and technology education certification, is not eligible for
2-22 admission to an educator preparation program, including an
2-23 alternative educator preparation program, unless the person:

2-24 (1) except as provided by Subsection (b), satisfies
2-25 minimum grade point average requirements prescribed by the board,
2-26 not to exceed the following:

2-27 (A) an overall grade point average of at least
2-28 2.75 on a four-point scale or the equivalent on any course work
2-29 previously attempted at a public or private institution of higher
2-30 education; or

2-31 (B) a grade point average of at least 2.75 on a
2-32 four-point scale or the equivalent for the last 60 semester credit
2-33 hours attempted at a public or private institution of higher
2-34 education; and

2-35 (2) if the person is seeking initial certification:

2-36 (A) has successfully completed at least 15
2-37 semester credit hours in the subject-specific content area in which
2-38 the person is seeking certification;

2-39 (B) has successfully completed at least 12
2-40 semester credit hours in the subject-specific content area in which
2-41 the person is seeking certification, provided that the person is
2-42 required to comply with the subsequent professional development
2-43 requirements prescribed by Subsection (c); or

2-44 (C) has achieved a satisfactory level of
2-45 performance on a content certification examination, which may be a
2-46 content certification examination administered by a vendor
2-47 approved by the commissioner for purposes of administering such an
2-48 examination for the year for which the person is applying for
2-49 admission to the program.

2-50 (b) The board's rules must permit an educator preparation
2-51 program to admit in extraordinary circumstances a person who fails
2-52 to satisfy a grade point average requirement prescribed by
2-53 Subsection (a)(1)(A) or (B), provided that:

2-54 (1) not more than 10 percent of the total number of
2-55 persons admitted to the program in a year fail to satisfy the
2-56 requirement under Subsection (a)(1)(A) or (B); and

2-57 (2) for each person admitted as described by this
2-58 subsection, the director of the program determines and certifies,
2-59 based on documentation provided by the person, that the person's
2-60 work, business, or career experience demonstrates achievement
2-61 comparable to the academic achievement represented by the grade
2-62 point average requirement.

2-63 (c) A person whose eligibility for admission to an educator
2-64 preparation program is based on compliance with Subsection
2-65 (a)(2)(B) shall, not later than the first anniversary of the date of
2-66 the person's certification, complete three hours of professional
2-67 development relevant to the subject area in which the person is
2-68 certified. The professional development required by this
2-69 subsection is in addition to any other requirements or professional

3-1 development prescribed by the board or the school district
 3-2 employing the person.

3-3 SECTION 3. Section 21.048, Education Code, is amended by
 3-4 amending Subsection (a) and adding Subsection (a-1) to read as
 3-5 follows:

3-6 (a) The board shall propose rules prescribing comprehensive
 3-7 examinations for each class of certificate issued by the board. The
 3-8 board shall determine the satisfactory level of performance
 3-9 required for each certification examination. For the issuance of a
 3-10 generalist certificate, the board shall require a satisfactory
 3-11 level of examination performance in each core subject covered by
 3-12 the examination.

3-13 (a-1) The board may not require that more than 45 days
 3-14 elapse before a person may retake an examination.

3-15 SECTION 4. Section 21.351, Education Code, is amended to
 3-16 read as follows:

3-17 Sec. 21.351. RECOMMENDED APPRAISAL FRAMEWORK, PROCESSES,
 3-18 [~~PROCESS~~] AND PERFORMANCE CRITERIA. (a) The commissioner shall
 3-19 adopt a recommended appraisal framework for evaluating the
 3-20 performance of teachers. The framework must [~~process and criteria~~
 3-21 ~~on which to appraise the performance of teachers. The criteria must~~
 3-22 ~~be based on observable, job-related behavior, including~~]:

3-23 (1) include standards for teaching practice, context
 3-24 for teacher evaluations, and teacher-evaluation components and
 3-25 process [~~teachers' implementation of discipline management~~
 3-26 ~~procedures~~]; [~~and~~]

3-27 (2) identify the required elements for any teacher
 3-28 evaluation system used in this state;

3-29 (3) be grounded on the principle that the primary goal
 3-30 of a high-quality evaluation system is to assess and improve
 3-31 teaching and learning, resulting in higher student performance; and

3-32 (4) require evaluations to be based on multiple
 3-33 measures within each component that are easily understood,
 3-34 transparent, job-related, and observable [~~the performance of~~
 3-35 ~~teachers' students~~].

3-36 (a-1) In a manner consistent with the framework required
 3-37 under Subsection (a), the commissioner shall develop a variety of
 3-38 recommended appraisal processes and performance criteria.

3-39 (b) The commissioner shall solicit and consider the advice
 3-40 of teachers in developing the recommended appraisal framework,
 3-41 processes, [~~process~~] and performance criteria.

3-42 (c) Under a [~~the~~] recommended appraisal process, an
 3-43 appraiser must be the teacher's supervisor or a person approved by
 3-44 the board of trustees. An appraiser who is a classroom teacher may
 3-45 not appraise the performance of another classroom teacher who
 3-46 teaches at the same school campus at which the appraiser teaches,
 3-47 unless it is impractical because of the number of campuses or unless
 3-48 the appraiser is the chair of a department or grade level whose job
 3-49 description includes classroom observation responsibilities.

3-50 (d) Under a [~~the~~] recommended appraisal process, appraisal
 3-51 for teachers must be detailed by category of professional skill and
 3-52 characteristic and must provide for separate ratings for each
 3-53 category. The appraisal process shall guarantee a conference
 3-54 between the teacher and the appraiser. The conference shall be
 3-55 diagnostic and prescriptive with regard to remediation needed in
 3-56 overall performance and by category.

3-57 SECTION 5. Section 21.352, Education Code, is amended by
 3-58 amending Subsections (a) and (c) and adding Subsections (c-1), (e),
 3-59 and (f) to read as follows:

3-60 (a) In appraising teachers, each school district shall use:

3-61 (1) an [~~the~~] appraisal process and performance
 3-62 criteria recommended [~~developed~~] by the commissioner; or

3-63 (2) an appraisal process and performance criteria:

3-64 (A) developed by the district- and campus-level
 3-65 committees established under Section 11.251;

3-66 (B) containing the elements identified under
 3-67 Section 21.351(a)(2) and multiple measures within each component of
 3-68 evaluation [~~items described by Sections 21.351(a)(1) and (2)~~]; and

3-69 (C) adopted by the board of trustees.

4-1 (c) Appraisal [~~Except as otherwise provided by this~~
4-2 ~~subsection, appraisal~~] must be done at least once during each
4-3 school year. [~~A teacher may be appraised less frequently if the~~
4-4 ~~teacher agrees in writing and the teacher's most recent evaluation~~
4-5 ~~rated the teacher as at least proficient, or the equivalent, and did~~
4-6 ~~not identify any area of deficiency. A teacher who is appraised~~
4-7 ~~less frequently than annually must be appraised at least once~~
4-8 ~~during each period of five school years.] The district shall~~
4-9 maintain a written copy of the evaluation of each teacher's
4-10 performance in the teacher's personnel file. Each teacher is
4-11 entitled to receive a written copy of the evaluation promptly on its
4-12 completion. After receiving a written copy of the evaluation, a
4-13 teacher is entitled to a second appraisal by a different appraiser
4-14 or to submit a written rebuttal to the evaluation to be attached to
4-15 the evaluation in the teacher's personnel file. The evaluation and
4-16 any rebuttal may be given to another school district at which the
4-17 teacher has applied for employment at the request of that district.

4-18 (c-1) In addition to conducting a complete annual
4-19 appraisal, a school district shall require that appropriate
4-20 components of the appraisal process, such as classroom observations
4-21 and walk-throughs, occur more frequently as necessary to ensure
4-22 that a teacher receives adequate evaluation and guidance. A school
4-23 district shall give priority to conducting appropriate components
4-24 more frequently for inexperienced teachers or experienced teachers
4-25 with identified areas of deficiency.

4-26 (e) A district shall use a teacher's consecutive appraisals
4-27 from more than one year, if available, in making the district's
4-28 employment decisions and developing career recommendations for the
4-29 teacher.

4-30 (f) The district shall notify a teacher of the results of
4-31 any appraisal of the teacher in a timely manner so that the
4-32 appraisal may be used as a developmental tool by the district and
4-33 the teacher to improve the overall performance of the teacher.

4-34 SECTION 6. Section 21.402, Education Code, is amended by
4-35 adding Subsections (j) and (k) to read as follows:

4-36 (j) Using only available funds and resources from public or
4-37 private sources, each year the agency, in consultation with the
4-38 Teacher Retirement System of Texas, shall collect information from
4-39 school districts regarding salaries paid to employees entitled to
4-40 the minimum salary specified in this section. Based on the
4-41 information collected, the agency shall:

4-42 (1) determine the median salaries of teachers in this
4-43 state based on grade level and subject matter taught;

4-44 (2) post the median salaries on the agency Internet
4-45 website; and

4-46 (3) report the median salaries to members of the
4-47 legislature.

4-48 (k) Using only available funds and resources from public or
4-49 private sources, each year the agency shall analyze the cost of
4-50 living in each region of this state to determine if teacher salaries
4-51 paid by school districts in a region are comparable to salaries paid
4-52 in that region to persons engaged in comparable professions. The
4-53 agency shall post the results of the analysis on the agency's
4-54 Internet website and report the results to members of the
4-55 legislature.

4-56 SECTION 7. Subchapter I, Chapter 21, Education Code, is
4-57 amended by adding Section 21.419 to read as follows:

4-58 Sec. 21.419. ANNUAL TEACHER WORKING CONDITIONS SURVEY.

4-59 (a) Using only available funds and resources from public or
4-60 private sources, each year the agency shall conduct a statewide
4-61 survey of working conditions for public school teachers.

4-62 (b) The survey must seek information regarding factors that
4-63 affect the quality of teacher working conditions, such as demands
4-64 on a teacher's time during the school day and at other times, campus
4-65 and district leadership, support for new teachers, professional
4-66 development opportunities and requirements, opportunities for
4-67 teacher leadership and collaboration, resources for teachers, and
4-68 the adequacy of available facilities.

4-69 (c) In designing the survey, the agency shall:

5-1 (1) evaluate the teacher working conditions survey
5-2 conducted in North Carolina and incorporate any elements in that
5-3 survey that the agency considers appropriate for use in this state;
5-4 and

5-5 (2) seek to produce a survey that can be used as a
5-6 resource by a school district in improving the district's
5-7 instructional environment and in evaluating and setting standards
5-8 for principals and superintendents.

5-9 (d) A teacher may not be required to participate in the
5-10 survey.

5-11 (e) To encourage the uninhibited participation of teachers,
5-12 the survey must be designed to prevent the disclosure of the
5-13 identity of a survey participant.

5-14 (f) The agency shall release aggregate results of the survey
5-15 to the public.

5-16 (g) The agency shall complete the initial survey not later
5-17 than September 1, 2014. This subsection expires January 1, 2015.

5-18 SECTION 8. Subchapter J, Chapter 21, Education Code, is
5-19 amended by adding Section 21.4513 to read as follows:

5-20 Sec. 21.4513. PROFESSIONAL DEVELOPMENT REQUIREMENTS AUDIT.

5-21 (a) Using only available funds and resources from public or
5-22 private sources, the agency shall periodically conduct an audit of
5-23 the professional development requirements applicable to educators
5-24 in this state, including state and federal requirements and
5-25 requirements imposed by school districts.

5-26 (b) Based on audit results, the agency shall seek to
5-27 eliminate conflicting requirements and consolidate duplicative
5-28 requirements through the following methods, as appropriate:

5-29 (1) taking administrative action;

5-30 (2) encouraging school districts to make appropriate
5-31 changes to district policies; or

5-32 (3) recommending statutory changes to the
5-33 legislature.

5-34 (b-1) The agency shall complete the initial audit required
5-35 by Subsection (a) not later than August 1, 2014. This subsection
5-36 expires September 1, 2014.

5-37 (c) The agency shall provide guidance to school districts
5-38 regarding high-quality professional development and the outcomes
5-39 expected to result from providing that caliber of professional
5-40 development.

5-41 SECTION 9. Section 21.458, Education Code, is amended by
5-42 amending Subsection (c) and adding Subsections (e) and (e-1) to
5-43 read as follows:

5-44 (c) From the funds appropriated to the agency for purposes
5-45 of this section, the commissioner shall adopt rules and provide
5-46 funding to school districts that assign mentor teachers under this
5-47 section. Funding provided to districts under this section may be
5-48 used only for providing:

5-49 (1) mentor teacher stipends;

5-50 (2) scheduled release time for mentor teachers and the
5-51 classroom teachers to whom they are assigned for meeting and
5-52 engaging in ~~[to provide]~~ mentoring activities ~~[to assigned~~
5-53 classroom teachers]; and

5-54 (3) mentoring support through providers of mentor
5-55 training.

5-56 (e) Each year the commissioner shall report to the
5-57 legislature regarding the effectiveness of school district
5-58 mentoring programs.

5-59 (e-1) Not later than November 1, 2013, the lieutenant
5-60 governor and speaker of the house of representatives shall form an
5-61 advisory committee to evaluate the implementation of this section
5-62 and make recommendations for improvement. The committee shall
5-63 develop recommended guidelines that align teacher induction and
5-64 mentoring activities with expectations for new teachers based on
5-65 teaching practice standards. The agency shall provide
5-66 administrative support for the committee. The committee shall
5-67 submit a report of its recommendations to the legislature not later
5-68 than January 1, 2015. This subsection expires January 31, 2015.

5-69 SECTION 10. Not later than September 1, 2014, the Texas

6-1 Education Agency, the State Board for Educator Certification, and
6-2 the Texas Higher Education Coordinating Board shall jointly review
6-3 existing standards that are applicable to educator preparation
6-4 programs, including alternative educator certification programs,
6-5 and develop and implement modifications necessary to reflect
6-6 updated standards for the teaching profession.

6-7 SECTION 11. To the extent of any conflict, this Act prevails
6-8 over another Act of the 83rd Legislature, Regular Session, 2013,
6-9 relating to nonsubstantive additions to and corrections in enacted
6-10 codes.

6-11 SECTION 12. This Act takes effect September 1, 2013.

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