

BILL ANALYSIS

Senate Research Center
84R10337 CAE-F

S.B. 893
By: Seliger; Campbell
Education
3/18/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Studies have found that teacher effectiveness is the greatest equalizer of obstacles related to student learning. Currently, teachers are only required to be evaluated once every five years and post-evaluation, they are provided with very little constructive feedback after the evaluation. Additionally, professional development is often delivered on general subjects in a one-size-fits-all manner, and the salary schedule mandated by law is rarely used and antiquated.

S.B. 893 focuses on the critical importance of effective teachers by providing more opportunities for teacher leadership and promoting continuous professional growth and improvement. It provides for annual evaluations to improve communication and feedback and enhance best practices; enhanced, high-quality and targeted professional development; and strategic compensation.

As proposed, S.B. 893 amends current law relating to public school teacher performance appraisals, continuing education, professional development, career advancement, and compensation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 1 (Section 21.009, Education Code) of this bill.

Rulemaking authority previously granted to the State Board for Educator Certification is modified in SECTION 2 (Section 21.054, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 21, Education Code, by adding Section 21.009, as follows:

Sec. 21.009. TEACHER DEVELOPMENT FRAMEWORK. (a) Requires the commissioner of education (commissioner) by rule to adopt a teacher development framework to be used by a school district in making decisions regarding teachers, including decisions related to:

- (1) appraisals of performance;
- (2) professional development opportunities;
- (3) career advancement; and
- (4) compensation.

(b) Requires the teacher development framework to require that decisions regarding a teacher's professional development opportunities, career advancement, and compensation include the teacher's appraisal as a substantial factor. Requires that decisions regarding career advancement for a teacher be based on consecutive appraisals of the teacher from at least two consecutive years, if available.

(c) Requires the commissioner to:

(1) review school district practices under the teacher development framework, including the use of objective measures of teaching performance; and

(2) review and revise the teacher development framework at least once every five years after soliciting and considering the advice of teachers and other stakeholders.

SECTION 2. Amends Section 21.054, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (d-1), as follows:

(a) Requires the State Board for Educator Certification (SBEC) to propose rules establishing processes, rather than a process, for:

(1) Creates this subdivision from existing text. Makes nonsubstantive changes; and

(2) enabling an educator to provide feedback to SBEC regarding a course or program completed by the educator.

(a-1) Requires that the feedback received by SBEC regarding a continuing education course or program completed by an educator be accessible to the public.

(d-1) Requires that continuing education requirements for a classroom teacher provide that a significant percentage of the training required every five years includes instruction designed to advance any knowledge and skill identified in the teacher's appraisal as needing improvement.

SECTION 3. Amends Section 21.203(a), Education Code, as follows:

(a) Provides that the employment policies adopted by a board of trustees of a school district (board) require a written evaluation of each teacher at annual or more frequent intervals. Requires the board to consider the most recent evaluations before making a decision not to renew a teacher's contract if the evaluations are relevant to the reason for board action. Deletes existing text regarding an exception provided by Section 21. 352(c)

SECTION 4. Amends Section 21.351, Education Code, by amending Subsections (a), (b), and (d) and adding Subsection (a-1), as follows:

(a) Requires the commissioner to adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. Requires the criteria to be based on objective measures of a teacher's performance, rather than observable, job-related behavior, including:

(1) the teacher's implementation of discipline management procedures;

(2) the academic performance of the teacher's students;

(3) teaching standards that articulate expected teacher knowledge, understanding, skill, and practice to ensure student educational growth;

(4) data indicating the teaching and learning conditions at the teacher's school;

(5) classroom observations; and

(6) data related to the teacher's efforts, both individually and as part of collaborative settings, to improve the teacher's professional performance, as evident in the teacher's level of professional engagement and growth, rather than the performance of teachers' students.

Makes nonsubstantive changes.

(a-1) Requires the commissioner to include objective measures of student educational growth in adopting criteria relating to the academic performance of a teacher's students as required by Subsection (a) (2).

(b) Requires the commissioner to solicit and consider the advice of teachers and other stakeholders in developing the recommended appraisal process and performance criteria.

(d) Requires the appraisal for teachers to be detailed by category of professional skill and characteristic and provide for separate ratings for each category under the recommended appraisal process. Requires the appraisal process to guarantee a conference between the teacher and the appraiser. Requires the conference to be diagnostic and prescriptive with regard to improvement and professional development, rather than remediation, needed in overall performance and by category, rather than remediation.

SECTION 5. Amends Sections 21.352(a) and (c), Education Code, as follows:

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

(1) the appraisal process and performance criteria developed by the commissioner, in conformity with:

(A) the teacher development framework described by Section 21.009; and

(B) the measures described by Section 21.351(a) (requiring the commissioner to adopt a recommended appraisal process and criteria on which to appraise the performance of teachers); or

(2) an appraisal process and performance criteria containing the items described by Section 21.351(a), rather than Sections 21.351 (a)(1) and (2), and adopted by the board of trustees, rather than developed by the district and campus level committees established under Section 11.251.

Makes nonsubstantive changes.

(c) Requires appraisal to be done at least once during each school year. Requires the district to maintain a copy, rather than a written copy, of the evaluation of each teacher's performance in the teacher's personnel file. Provides that each teacher is entitled to receive a written or electronic copy of the evaluation promptly on its completion. Provides that a teacher is entitled to a second appraisal by a different appraiser or to submit a written rebuttal to the evaluation to be attached to the evaluation in the teacher's personnel file after receiving a copy, rather than written copy, of the evaluation. Authorizes the rebuttal to be given to another school district at which the teacher has applied for employment at the request of that district.

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.

SECTION 6. Amends the heading to Section 21.402, Education Code, to read as follows:

Sec. 21.402. New heading: MINIMUM SALARY FOR CERTAIN PROFESSIONAL STAFF.

SECTION 7. Amends Section 21.402(a), Education Code, as effective until September 1, 2017, as follows:

(a) Requires a school district to pay each full-time librarian, full-time school counselor certified under Subchapter B, or full-time school nurse, not less than the minimum monthly salary, based on the employee's level of experience in addition to other factors, as determined by commissioner rule, determined by the following formula. Sets forth the formula to be used. Deletes classroom teacher from the list of positions to which the subsection applies.

SECTION 8. Amends Section 21.402(a), Education Code, as effective September 1, 2017, as follows:

(a) Requires a school district to pay each full-time librarian, full-time school counselor certified under Subchapter B, or full-time school nurse, not less than the minimum monthly salary, based on the employee's level of experience, in addition to other factors, as determined by commissioner rule, determined by the following formula. Sets forth the formula to be used. Makes a conforming change.

SECTION 9. Amends Section 21.402, Education Code, by adding Subsection (a-1) and amending Subsections (c-1), (f), and (h), as follows:

(a-1) Requires each school district to pay a minimum monthly salary to each classroom teacher that is not less than \$2,754. Authorizes a district to pay a higher monthly salary based on criteria that are consistent with the teacher development framework adopted by the commissioner under Section 21.009.

(c-1) Requires each school district to pay a monthly salary to each full-time speech pathologist, full-time librarian, full-time school counselor certified under Subchapter B, and full-time school nurse, rather than classroom teacher, full-time speech pathologist, full-time librarian, full-time school counselor certified under Subchapter B, and full-time school nurse that is at least equal to the following monthly salary or the monthly salary determined by the commissioner under Subsections (a) and (b), whichever is greater, notwithstanding Subsections (a) and (b). Sets forth the salary table to be used. Deletes classroom teacher from the list of positions to which this subsection applies.

(f) Provides that a librarian, rather than a teacher or librarian, who received a career ladder supplement on August 31, 1993, is entitled to at least the same gross monthly salary the librarian received for the 1994-1995 school year as long as the librarian is employed by the same district. Makes conforming changes.

(h) Redefines "gross monthly salary." Makes conforming changes.

SECTION 10. Amends Sections 21.403(a), (c), and (d), Education Code, as follows:

(a) Requires a librarian, school counselor, or nurse, to advance one step on the minimum salary schedule under Section 21.402 (Minimum Salary Schedule for Certain Professional Staff) for each year of experience as a librarian, school counselor, or nurse until step 20 is reached. Deletes teacher from the list of positions to which this subsection applies. Makes conforming changes.

(c) Requires the commissioner to adopt rules for determining the experience for which a librarian, school counselor, or nurse is to be given credit in placing the librarian, school counselor, or nurse on the minimum salary schedule. Requires a district to credit the

librarian, school counselor, or nurse for each year of experience without regard to whether the years are consecutive. Makes conforming changes.

(d) Provides that as long as a librarian who received a career ladder supplement is employed by the same school district, the librarian is entitled to:

(1) placement on the minimum salary schedule at the step above the step on which the librarian, rather than teacher, would otherwise be placed, if the librarian, rather than teacher or librarian, received a career ladder supplement for level two of the career ladder on August 31, 1993; or

(2) placement on the minimum salary schedule at the step two steps above the step on which the librarian, rather than teacher, would otherwise be placed, if the librarian, rather than teacher or librarian, received a career ladder supplement for level three of the career ladder on August 31, 1993.

Makes conforming changes.

SECTION 11. Amends Section 21.4031(a)(2), Education Code, to redefine "service record."

SECTION 12. Amends Section 21.4031(b), Education Code, as follows:

(b) Requires a school district, on request by a librarian, school counselor, or nurse or by the school district employing one of those individuals to provide a copy of the individual's service record to the school district employing the individual. Requires the district to provide the copy not later than the 30th day after the later of:

(1) the date the request is made; or

(2) the date of the last day of the individual's service to the district.

Deletes teacher from the list of positions to which this Subsection applies.

SECTION 13. Amends the heading to Subchapter J, Chapter 21, Education Code, to read as follows:

New heading: SUBCHAPTER J. EDUCATOR PROFESSIONAL DEVELOPMENT AND TRAINING

SECTION 14. Amends the heading to Section 21.451, Education Code, to read follows:

Sec. 21.451. New heading: EDUCATOR PROFESSIONAL DEVELOPMENT AND TRAINING REQUIREMENTS.

SECTION 15. Amends Sections 21.451(a), (b), (c), (d), and (g), Education Code, as follows:

(a) Provides that the professional, rather than staff, development opportunities, not including the training described by Subsection (c), provided by a school district to an educator other than a principal must:

(1) be designed to increase the effectiveness of classroom instruction and improve student achievement;

(2) be conducted in accordance with standards developed by the district;

(3) enable an educator to advance knowledge and skills identified as needing improvement in the educator's appraisal;

(4) include a range of instructional formats, including intensive and sustained in-class coaching, collaborative learning, and blended learning;

(5) enable an educator to select the content and format of the educator's professional development opportunities; and

(6) be designed to improve education in the district.

Makes a nonsubstantive change.

(b) Requires the professional development described by Subsection (a) to include opportunities that address:

(1) campus-based performance objectives, rather than be predominantly campus-based; and

(2) performance objectives of individual educators established as part of educator appraisals.

Deletes existing text that requires the staff development to be predominantly campus-based, related to achieving campus performance objectives established under Section 11.253, and developed and approved by the campus-level committee established under Section 11.251.

(c) Authorizes a school district, for professional development, rather than staff development, under Subsection (a), to use district-wide training, rather than district-wide staff development, developed and approved through the district-level decision process under Section 11.251, provided that training developed under this subsection does not represent the majority of the district's professional development opportunities.

(d) Provides that the training described by Subsection (c), rather than staff development:

(1) may include training in:

(A)-(C) Makes a nonsubstantive change.

(D) Makes no change to this paragraph.

(2) Makes no change to this subdivision.

(g) Provides that the professional development, rather than staff development, may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

SECTION 16. Amends Sections 21.4511(a) and (b), Education Code, as follows:

(a) Authorizes the commissioner to develop and award grants to school districts, regional education service centers, nonprofit organizations, and institutions of higher education for establishing and providing technical assistance and professional development activities in the professional development, rather than staff development training, of public school teachers and administrators.

(b) Makes conforming changes.

SECTION 17. Amends the heading to Section 21.453, Education Code, to read as follows:

Sec. 21.453. New heading: PROFESSIONAL DEVELOPMENT ACCOUNT.

SECTION 18. Amends Sections 21.453(a) and (b), Education Code, as follows:

(a) Changes references from staff to professional.

(b) Makes a conforming change.

SECTION 19. Amends Section 21.7061(a), Education Code to change a reference to Section 21.352(a)(2)(B) to Section 21.352(a)(2).

SECTION 20. Amends Section 22.107(a), Education Code, as follows:

(a) Requires that a school district pay each full-time district employee, other than an administrator or an employee entitled to, rather than subject to, a minimum salary, rather than the minimum salary schedule, under Section 21.402 (Minimum Salary Schedule for Certain Professional Staff), an amount equal at least to \$500.

SECTION 21. Amends Section 38.004(f), Education Code, to provide that the training under Subsection (c) may be included in professional, rather than staff, development and training under Section 21.451.

SECTION 22. Amends Section 42.2513(a), Education Code, as follows:

(a) Provides that a school district, including a school district that is otherwise ineligible for state aid under this chapter, is entitled to state aid in an amount equal to the sum of:

(1) the product of \$500 multiplied by the number of full-time district employees, other than administrators or employees entitled, rather than subject, to a minimum salary, rather than the minimum salary schedule, under Section 21.402 (Minimum Salary Schedule for Certain Professional Staff); and

(2) the product of \$250 multiplied by the number of part-time district employees, other than administrators.

SECTION 23. Amends Section 823.404(a), Government Code, as follows:

(a) Authorizes an eligible member to establish equivalent membership service credit for one or two years of work experience if the work experience was required for certification under Chapter 21 (Educators), Education Code, in a career or technological field, rather than for which the member is entitled to salary step credit under Section 21.403(b), Education Code.

SECTION 24. Amends Subchapter E, Chapter 825, Government Code, by adding Section 825.4051, as follows:

Sec. 825.4051. MAINTENANCE OF STATE CONTRIBUTION. (a) Requires the board of trustees to adopt and maintain a schedule based on the minimum salary schedule for certain professional staff under Section 21.402, Education Code, as that section existed on January 1, 2015, for the purposes of calculating the required state contribution for retirement benefits for classroom teachers under this subtitle.

(b) Requires an employing school district to pay the state's contribution only on the portion of a classroom teacher's salary that exceeds the schedule described by Subsection (a), notwithstanding Section 825.405.

(c) Requires that each biennium, the retirement system, in consultation with the Legislative Budget Board (LBB), undertake a study of labor market conditions among public school educators for the purpose of recommending updates to the schedule described by Subsection (a). Requires the board of trustees to provide the results of this study and any accompanying recommendations to LBB and the comptroller not later than December 1 of each even-numbered year.

(d) Authorizes the board of trustees to adopt rules to implement this section.

SECTION 25. Repealers: Section 21.352(b) (authorizing the board of trustees to reject an appraisal process and performance criteria developed by the district and campus-level committees but prohibiting the board from modifying the process or criteria) and Section 21.403(b) (providing that, for each year of work experience required for certification in a career or technological field, up to a maximum of two years, a certified career or technology education teacher is entitled to salary step credit as if the work experience were teaching experience), Education Code.

SECTION 26. Provides that this Act applies beginning with the 2016-2017 school year.

SECTION 27. (a) Provides that Sections 21.402, 21.403, 21.4031, and 42.2513, Education Code, as amended by this Act, take effect September 1, 2016.

(b) Provides that Section 823.404(a), Government Code, as amended by this Act, and Section 825.4051, Government Code, as added by this Act, take effect September 1, 2016.

(c) Effective date, except as provided by Subsections (a) and (b): upon passage or September 1, 2015.