

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2205
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Higher Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In order for Texas children to receive the best possible education, teachers must receive the best training. The goal of C.S.H.B. 2205 is to strengthen the standards of educator preparation programs and hold them accountable for the quality of training they provide.

C.S.H.B. 2205 amends current law relating to the State Board for Educator Certification, educator preparation programs, and educator certification.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Education on behalf of the State Board for Educator Certification in SECTION 5 (Section 21.0443, Education Code), SECTION 6 (Section 21.045, Education Code), SECTION 7 (Section 21.0451, Education Code), and SECTION 9 (Section 21.0454 and Section 21.0455, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.033(a), Education Code, as follows:

(a) Provides that the State Board for Educator Certification (SBEC) is composed of 15 members, rather than 14 members. Requires the commissioner of education (commissioner) to appoint an employee of the Texas Education Agency (TEA) to represent the commissioner as a nonvoting member. Requires the commissioner of higher education to appoint an employee of the Texas Higher Education Coordinating Board (THECB) to represent the commissioner as a nonvoting member. Requires the governor of the State of Texas (governor) to appoint two nonvoting members. Requires the governor to appoint a dean of a college of education in this state as one of the nonvoting members. Requires the governor to appoint a person who has experience working for and knowledge of an alternative educator preparation program and who is not affiliated with an institution of higher education as one of the nonvoting members. Provides that the remaining 11 members are appointed by the governor with the advice and consent of the senate, as set forth. Makes nonsubstantive changes.

SECTION 2. Amends Section 21.035, Education Code, as follows:

Sec. 21.035. New heading: DELEGATION AUTHORITY; ADMINISTRATION BY AGENCY. (a) Provides that SBEC is permitted to make a written delegation of authority to the commissioner or TEA to informally dispose of a contested case involving educator certification.

(b) Creates this subsection from existing text. Requires TEA to provide the SBEC's administrative functions and services, rather than requires the Texas Education Agency to provide the SBEC's administrative functions and services.

SECTION 3. Amends Section 21.044(b), Education Code, as follows:

(b) Requires that any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree also require that the

person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia, rather than requires that any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree also require that the person receive, as part of the curriculum for that degree instruction in detection and education of students with dyslexia. Deletes existing text providing that this subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.

SECTION 4. Amends Section 21.0441, Education Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Requires that rules of SBEC proposed under this subchapter 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 the following minimum grade point average requirements, rather than satisfies minimum grade point average requirements prescribed by SBEC, not to exceed the following:

(A) an overall grade point average of at least 2.50, rather than 2.75, on a four-point scale or the equivalent on any course work previously attempted at a public or private institution of higher education; or

(B) a grade point average of at least 2.50, rather than 2.75, on a four-point scale or the equivalent for the last 60 semester credit hours attempted at a public or private institution of higher education; and

(2) if the person is seeking initial certification:

(A) has successfully completed at least:

(i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or

(ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or

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

(c) Prohibits the overall grade point average of each incoming class admitted by an educator preparation program, including an alternative educator preparation program from being less than 3.00 on a four-point scale or the equivalent or a higher overall grade point average prescribed by SBEC. Authorizes the program, in computing the overall grade point average of an incoming class for purposes of this subsection, to:

(1) include the grade point average of each person in the incoming class based on all course work previously attempted by the person at a public or private institution of higher education; or

(2) include the grade point average of each person in the incoming class based only on the last 60 semester credit hours attempted by the person at a public or private institution of higher education.

(d) Provides that a person seeking career and technology education certification is not included in determining the overall grade point average of an incoming class under Subsection (c).

SECTION 5. Amends Subchapter B, Chapter 21, Education Code, by adding Section 21.0443, as follows:

Sec. 21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND RENEWAL. (a) Requires SBEC to propose rules to establish standards to govern the approval or renewal of approval of:

(1) educator preparation programs; and

(2) certification fields authorized to be offered by an educator preparation program.

(b) Requires an educator preparation program to adequately prepare candidates for educator certification and meet the standards and requirements of SBEC to be eligible for approval or renewal of approval.

(c) Requires SBEC to require that each educator preparation program be reviewed for renewal of approval at least every five years. Requires SBEC to adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

SECTION 6. Amends Section 21.045, Education Code, as follows:

Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS. (a) Requires SBEC to propose rules necessary to establish standards to govern the continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:

(1) and (2) Makes no change to these subdivisions;

(3) Makes a nonsubstantive change;

(4) compliance with SBEC requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship, rather than to beginning teachers during their first year in the classroom; and

(5) results from a teacher satisfaction survey, developed by SBEC with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.

Makes nonsubstantive changes.

(b) Requires each educator preparation program to submit data elements as required by SBEC for an annual performance report to ensure access and equity. Requires the annual report, at a minimum, to contain:

(1) Creates this subdivision from existing text;

(2) data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences; and

(3) the following information, disaggregated by race, sex, and ethnicity:

(A), (B), (C), (D), (E), (G), and (H) Creates these paragraphs from existing text. Redesignates Subdivisions (1), (2), (3), (4), (5), (6), and (7) as Paragraphs (A), (B), (C), (D), (E), (G), and (H). Makes no further change to these paragraphs.

(E) the number of candidates employed as beginning teachers under standard teaching certificates by not later than the first anniversary of completing the program, rather than the number of candidates employed in the profession after completing the program;

(F) the amount of time required by candidates employed as beginning teachers under probationary teaching certificates to be issued standard teaching certificates;

(2) the ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship; and

(3) any other information necessary to enable SBOE to assess the effectiveness of the program on the basis of teacher retention and success criteria adopted by SBOE.

(c) Requires SBEC to propose rules necessary to establish performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. Requires that performance standards, at a minimum, to be based on Subsection (a). Deletes existing text authorizing SBEC to propose rules establishing minimum standards for approval or renewal of approval of educator preparation programs or certification fields authorized to be offered by an educator preparation program. Makes a nonsubstantive change.

SECTION 7. Amends Sections 21.0451(a), (c), and (d), Education Code, as follows:

(a) Requires SBEC to propose rules necessary for the sanction of educator preparation programs that do not meet accountability standards or comply with state law or rules and shall at least annually review the accreditation status of each educator preparation program. Provides that the rules:

(1) Makes no change to this subdivision;

(2) may provide for TEA to take any necessary action, including one or more of the following actions:

(A)-(C) Makes no change to these paragraphs;

(D) if a program has been rated as accredited-probation under the Accountability System for Educator Preparation for a period of at least one year, revoking the approval of the program and ordering the program to be closed, provided that SBEC or TEA has provided the opportunity for a contested case hearing, rather than provided that SBEC or TEA is required to provide the opportunity for a hearing before the effective date of the closure;

Makes a nonsubstantive change.

(3) shall provide for TEA to revoke the approval of the program and order the program to be closed if the program has been rated as accredited-probation under the Accountability System for Educator Preparation for three consecutive years, provided that SBEC or TEA has provided the opportunity for a contested case hearing, rather than must provide the opportunity for a contested case hearing before the effective date of the closure.

(4) shall provide SBEC procedure for changing the accreditation status of a program that:

(A) does not meet the accreditation standards established under Section 21.045(a) (requiring SBEC to propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on certain information); or

(B) violates an SBEC or TEA regulation.

(c) Requires that a revocation be effective for a period of at least two years, rather than requires that a permissive revocation under Subsection (a)(2) or required revocation under Subsection (a)(3) be effective for a period of at least two years. Authorizes the program to seek renewed approval to prepare educators for state certification after two years.

(d) Requires that the costs of technical assistance required under Subsection (a)(2)(A) or the costs associated with the appointment of a monitor under Subsection (a)(2)(C) be paid by the educator preparation program, rather than the sponsor of the educator preparation program.

SECTION 8. Amends Sections 21.0452(b), (c), and (d), Education Code, as follows:

(b) Requires SBEC to make available at least the following information regarding each educator preparation program:

(1)-(5) Makes no change to these subdivisions;

(6) for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;

(7) the percentage of teachers employed under a standard teaching certificate within one year of completing the program;

(8) Creates this subdivision from existing text. Makes no further change to this subdivision;

(9) Redesignates existing Subdivision (7) as Subdivision (9). Makes a nonsubstantive change.

(10) Redesignates existing Subdivision (8) as Subdivision (10); and

(11) the results of teacher satisfaction surveys developed under Section 21.045 (Accountability System for Educator Preparation Programs) and given to program participants at the end of the first year of teaching.

(c) Requires SBEC to require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate under this subchapter for purposes of Subsection (b)(9), rather than (b)(7).

(d) Requires SBEC to develop surveys for distribution to program participants and school principals for purposes of Subsections (b)(9) and (10), rather than (b)(7) and (8).

SECTION 9. Amends Subchapter B, Chapter 21, Education Code, by adding Sections 21.0454 and 21.0455, as follows:

Sec. 21.0454. RISK FACTORS FOR EDUCATOR PREPARATION PROGRAMS; RISK-ASSESSMENT MODEL. (a) Requires SBEC to propose rules necessary to develop a set of risk factors to use in assessing the overall risk level of each educator preparation program. Requires the set of risk factor to include:

(1) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:

(A) the seriousness of any violation of a rule, standard or procedure;

(B) whether the violation resulted in an action being taken against the program;

(C) whether the violation was promptly remedied by the program;

(D) the number of alleged violations; and

(E) any other matter considered to be appropriate in evaluating the program's compliance history; and

(2) whether the program meets the accountability standards under Section 21.045.

(b) Provides that the set of risk factors developed by SBEC may include whether an educator preparation program is accredited by other organizations.

(c) Requires SBEC to use the set of risk factors to guide TEA in conducting monitoring, inspections, and compliance audits of educator preparation programs, including evaluations associated with renewals under Section 21.0443.

Sec. 21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION PROGRAMS. (a) Requires SBEC to propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an educator preparation program to TEA.

(b) Requires SBEC to require an educator preparation program to notify candidates for teacher certification of the complaint process adopted under Subsection (a). Requires the notice to include the name, mailing address, telephone number, and Internet website address of TEA for the purpose of directing complaints to TEA. Requires the educator program to provide for that notification:

(1) on the Internet website of the educator preparation program, if the program maintains a website; and

(2) on a sign prominently displayed in program facilities.

(c) Requires SBEC to post the complaint process adopted under Subsection (a) on TEA's Internet website.

(d) Provides that SBEC has no authority to arbitrate or resolve contractual or commercial issues between an educator preparation program and a candidate for teacher certification.

SECTION 10. Amends Section 21.048, Education Code, by amending Subsection (a-1) and (c-1) and adding Subsection (a-2), as follows:

(a-1) Prohibits SBEC from requiring that more than 45 days elapse before a person may retake an examination. Prohibits a person from retaking an examination more than four times, unless SBEC waives the limitation for good cause as prescribed by SBEC.

(a-2) Authorizes, for purposes of the limitation imposed by Subsection (a-1) on the number of administrations of an examination, a person who initially took an examination before September 1, 2015, to retake the examination up to four times after that date regardless of the number of times that the person attempted to perform satisfactorily on the examination before that date. Provides that this subsection expires September 1, 2018.

(c-1) Provides that the results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552 (Public Information), Government Code, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057 (Parental Notification). Deletes existing text providing that the educator has failed the examination more than five times. Makes nonsubstantive changes.

SECTION 11. Amends, effective September 1, 2016, Section 21.051, Education Code, by amending Subsection (b) and adding Subsections (b-1), (b-2), and (c-1), as follows:

(b) Requires the candidate, before a school district may employ a candidate for certification as a teacher of record, to complete at least 30 hours, rather than 15 hours, of field-based experience in which the candidate is actively engaged in instructional or educational activities in the classroom under supervision at:

(1) a public school campus accredited or approved for the purpose by TEA; or

(2) a private school recognized or approved for the purpose by TEA.

(b-1) Prohibits the hours of field-based experience required by Subsection (b) from being provided through use of electronic transmission or other video-or technology-based method.

(b-2) Authorizes a candidate to be employed by a school district as a teacher of record before completing the field-based experience required by that subsection if the candidate:

(1) is not admitted by an educator preparation program before June 15;

(2) is employed by the district on or after June 15 or after the district's school year begins; and

(3) completes the required field-based experience not later than the 90th day after the date the candidate receives a teaching assignment.

(c-1) Provides that Subsections (b), (b-1), and (b-2), as amended and added by H.B. 2205, Acts of the 84th Legislature, Regular Session, 2015, apply only to an initial certification issued on or after September 1, 2016. Provides that those provisions do not affect:

(1) the validity of a certification issued before September 1, 2016; or

(2) the eligibility of a person who holds a certification issued before September 1, 2016, to obtain a subsequent renewal of the certification in accordance with SBEC rule.

SECTION 12. Requires the governor to appoint as a nonvoting member of SBEC a person who has experience working for and knowledge of an alternative educator preparation program and

who is not affiliated with an institution of higher education, as required by Section 21.033(a) (providing that SBEC is composed of 14 members), Education Code, as amended by this Act, as soon as practicable after the effective date of this Act.

SECTION 13. Requires SBEC to develop criteria for evaluation of educator preparation programs based on teacher retention and success as required by Section 21.045 (b)(3) (relating to the number of candidates retained), Education Code, as added by this Act, not later than January 1, 2016. Requires SBEC to consult with THECB and educator preparation programs in developing the criteria. Requires THECB to participate and provide recommendations regarding the criteria.

SECTION 14. (a) Requires SBEC to propose rules relating to the school turnaround specialist endorsement to the school principal certificate as provided by Section 21.0461, Education Code, as added by this Act, not later than January 1, 2016.

(b) Requires SBEC to solicit proposals for a school turnaround specialist endorsement program as provided by Section 21.0461, Education Code, as added by this Act, not later than March 1, 2016.

SECTION 15. Effective date: September 1, 2015, except as otherwise provided by this Act.