

## **BILL ANALYSIS**

Senate Research Center  
82R21910 CAE-D

C.S.S.B. 4  
By: Shapiro  
Education  
4/13/2011  
Committee Report (Substituted)

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

C.S.S.B. 4 amends current law relating to certification, performance, continuing education, and appraisal of public school teachers.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Board for Educator Certification is modified in SECTION 1 (Section 21.041, Education Code) and SECTION 2 (Section 21.048, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 21.0523, Education Code), SECTION 5 (Section 21.351, Education Code), SECTION 6 (Section 21.352, Education Code), SECTION 9 (Section 21.358, Education Code), and SECTION 10 (Section 21.4581, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 21.041(b), Education Code, as follows:

(b) Requires the State Board for Educator Certification (SBEC) to propose certain rules, including rules that specify the classes of educator certificates to be issued, including probationary, provisional, standard, and emergency certificates. Deletes existing text requiring SBEC to propose rules that provide for certification of persons performing appraisals under Subchapter H (Appraisals and Incentives).

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

(a-1) Requires SBEC, in proposing rules under Subsection (a), to prescribe a comprehensive examination administered to a person applying for certification to teach early childhood through grade four or English as a second language in early childhood through grade four that includes components in reading, language arts, science, social studies, and mathematics. Requires that the reading component include material covering the science of reading. Requires that the proposed rules provide for scoring the examination based on a cumulative score in addition to an individual score for each component area listed in this subsection. Requires that the proposed rules provide a minimum scoring standard that demonstrates satisfactory performance and content mastery for the cumulative score and each component area. Requires that the minimum scoring standard proposed by SBEC for the cumulative score be greater than the total of the proposed minimum scoring standard for each component area.

SECTION 3. Amends Subchapter B, Chapter 21, Education Code, by adding Sections 21.0521, 21.0522, and 21.0523, as follows:

Sec. 21.0521. PROBATIONARY CERTIFICATE. (a) Authorizes SBEC to issue a probationary certificate to a person enrolled in an alternative certification program or a postbaccalaureate certification program or a postbaccalaureate certification program who has not completed all certification program requirements.

(b) Provides that a probationary certificate issued under this section expires on the first anniversary of the date on which the certificate was issued and is authorized to be renewed only for two additional one-year periods.

(c) Provides that a person who is issued a probationary certificate under this section and is employed under a probationary contract for a total of three years is eligible to receive a standard certificate on completion of all requirements under Section 21.0523(a).

(d) Authorizes a person who is issued a probationary certificate to only be employed by a school district under a probationary contract and provides that the person is not eligible to be employed under a term contract.

Sec. 21.0522. PROVISIONAL CERTIFICATE. (a) Requires SBEC to issue a provisional certificate to a person who has not previously been certified as an educator in this state and who has:

(1) successfully completed an educator preparation program;

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

(3) completed all other requirements for educator certification.

(b) Provides that a provisional certificate issued under this section expires on the third anniversary of the date on which the certificate was issued, and is not renewable.

(c) Provides that a person enrolled in an alternative certification program or a postbaccalaureate certification program who has not completed all certification program requirements is not eligible for a provisional certificate. Provides that on completion of all requirements of the program, including an internship of one year, the person is eligible for a provisional certificate under this section.

(d) Authorizes an educator who has been issued a probationary certificate and is employed under a probationary contract to receive a provisional certificate that expires on the third anniversary of the date on which the person was originally employed under the probationary contract.

(e) Authorizes a person who is issued a provisional certificate under this section to be employed by a school district under a term contract as provided by Subchapter E.

Sec. 21.0523. STANDARD CERTIFICATE. (a) Requires SBEC, on the expiration of a person's provisional certificate or at the end of a person's third probationary contract term, to issue a standard certificate to the person if the person has demonstrated that the person is an effective educator, and completed all required continuing education hours.

(b) Requires the person applying for a standard certificate, notwithstanding Section 21.355, to assist SBEC in determining whether a person is an effective educator, to submit to SBEC a copy of all educator appraisals of the person. Requires SBEC to take appropriate measures to maintain the confidentiality of the appraisals.

(c) Requires the commissioner of education (commissioner) to adopt rules to establish criteria for determining whether a person is an effective educator for purposes of this section.

SECTION 4. Amends Section 21.054, Education Code, by adding Subsection (b), to require SBEC to implement an evaluation and accountability system for continuing education courses offered in the state and monitor the quality of all continuing education courses.

SECTION 5. Amends Section 21.351, Education Code, by adding Subsections (a-1) and (e), as follows:

(a-1) Requires that the recommended appraisal process provide that at least 35 percent of the appraisal is based on a measurement of the teacher's effectiveness and the annual improvement of the teacher's students' achievement. Requires the commissioner by rule to define teacher effectiveness and the measures for determining teacher effectiveness.

(e) Requires a teacher to be observed for a period of at least 45 minutes at least twice each school year. Authorizes an observation period to occur on multiple occasions for a total period of 45 minutes.

(f) Requires the commissioner, not later than September 1, 2013, to adopt rules that redesign the recommended appraisal process. Requires the commissioner to consult with educators, administrative leaders, education experts, and parents of students in developing the recommended appraisal process, and authorizes the commissioner to contract with public or private entities as necessary to implement this subsection. Requires that the rules adopted by the commissioner include the measurement of the teacher's effectiveness and the annual improvement in the achievement of the teacher's students under Subsection (a-1). Requires that the rules, in determining the measurement of the teacher's effectiveness and the annual improvement in the achievement of the teacher's students, provide that the process is fair, transparent, timely, rigorous, and valid. Provides that this subsection expires September 1, 2013.

SECTION 6. Amends Section 21.352, Education Code, by amending Subsections (a) and (c) and adding Subsection (b-1), as follows:

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

(1) the appraisal process and performance criteria developed by the commissioner; or

(2) an appraisal process and performance criteria:

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

(B) containing the items described by Sections 21.351(a)(1) and (2);

(C) adopted by the board of trustees; and

(D) approved by the commissioner.

(b-1) Authorizes the commissioner to adopt rules regarding approval of local appraisal processes under Subsection (a).

(c) Requires that an evaluation be done at least twice during each school year, rather than requiring that, except as otherwise provided by this subsection, appraisal be done at least once during each school year. Requires a teacher to be observed for a period of at least 45 minutes as provided by Section 21.351(e). 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 that a teacher who is appraised less frequently than annually be appraised at least once during each period of five school years.

SECTION 7. Amends Subchapter H, Chapter 21, Education Code, by adding Section 21.3521, as follows:

Sec. 21.3521. **INDIVIDUALIZED PROFESSIONAL DEVELOPMENT PLAN.** (a) Requires the teacher and the principal of the school at which a teacher is employed, on the conclusion of a teacher's observation, to prepare an individualized professional development plan for the teacher. Requires that the plan include continuing education requirements for the teacher and be linked to:

- (1) any areas identified in the teacher's appraisal as needing improvement;
- (2) any areas identified by the teacher as appropriate for achievement of specific professional goals; and
- (3) the subject area taught by the teacher.

(b) Requires the principal to provide opportunities for the teacher to achieve the requirements and goals included in the teacher's individualized professional development plan prepared under Subsection (a).

SECTION 8. Amends Section 21.355, Education Code, to provide that, except as provided by Section 21.0522, a document evaluating the performance of a teacher or administrator is confidential.

SECTION 9. Amends Subchapter H, Chapter 21, Education Code, by adding Section 21.358, as follows:

Sec. 21.358. **QUALIFICATIONS OF APPRAISERS.** (a) Requires the commissioner to review and assess the qualifications of administrators and teachers who perform appraisals.

(b) Requires the commissioner to adopt rules regarding the minimum qualifications necessary for a person who conducts teacher appraisals. Requires that the rules require that the appraiser be highly qualified to assess instructional quality and demonstrate instructional leadership.

SECTION 10. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.4581, as follows:

Sec. 21.4581. **LEADERSHIP PROGRAM.** Requires the commissioner to create specialized mid-management certificates in teacher leadership for qualified teachers who have demonstrated effectiveness as a teacher under criteria determined by commissioner rule.

SECTION 11. (a) Provides that Sections 21.0521, 21.0522, and 21.0523, Education Code, as added by this Act, apply to a person who has never been certified to teach in this state who applies for certification on or after the effective date of this Act. Provides that a person who has never been certified to teach in this state who applies for certification before the effective date of this Act or a person who is certified to teach in Texas on the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Requires SBEC, not later than January 1, 2012, to propose rules as required by this Act.

SECTION 12. Effective date: September 1, 2011.