

SUBJECT: Establishing programs, funding, and provisions for certifying educators

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Buckley, Cunningham, Dutton, Cody Harris, Harrison, Hefner, K. King, Longoria, Schaefer, Talarico

2 nays — Allen, Hinojosa

1 present not voting — Allison

WITNESSES: For — Scott Muri, Ector County ISD; Ryan Franklin, Educate Texas; Darryl Henson, Marlin ISD; Jean Mayer, Pflugerville ISD; Gabe Grantham, Texas 2036; Cecilia Herrera; Josue Tamarez Torres (*Registered, but did not testify*: Rebecca Young Montgomery, Coalition East Tarrant Chambers; Matthew Garcia, Dallas Regional Chamber; Garry Jones, DFER; Frank Corte, International Leadership of Texas; Adam Jones, Iteach Texas; Christine Yanas, Methodist Healthcare Ministries; Marc Rodriguez, North Texas Commission; Stacy Schmitt, Gilbert Zavala, Opportunity Austin; Rebekah Calahan, Philanthropy Advocates; Harold Oliver, Shulman Lopez Hoffer Adelstein; Stephanie Matthews, Texas Association of Business; Raif Calvert, Texas Association of School Boards; Justin Yancy, Texas Business Leadership Council; Bryce Adams, Texas Public Charter Schools Association; Erin Walter, Texas Unitarian Universalist Justice Ministry; Kate Hoffman, The Commit Partnership; Jonathan Feinstein, The Education Trust; Travis Krogman, The Greater Austin Chamber of Commerce; and six individuals)

Against — Dwight Harris (*Registered, but did not testify*: Jaime Clark, Lewisville ISD; Delaina Bishop; Kathryn Kizer; Susan Stewart)

On — Monty Exter, Association of Texas Professional Educators; Kathy Rollo, Lubbock ISD; Paige Williams, Texas Classroom Teachers Association; Kelvey Oeser, Texas Education Agency; Carrie Griffith, Texas State Teachers Association; Clifton Tanabe, The University of Texas at El Paso (*Registered, but did not testify*: Steven Aleman,

Disability Rights Texas; Maximiliano Rombado, Raise Your Hand Texas; Kelsey Kling, Texas American Federation of Teachers; Barry Haenisch, Texas Association of Community Schools; Jodi Duron, Texas Association of Midsize Schools; Elizabeth Ward, Texas Coalition for Educator Preparation; Andrea Chevalier, Texas Council of Administrators of Special Education; Von Byer, Andrew Hodge, Matthew Holzgrafe, Eric Marin, Jessica McLoughlin, Texas Education Agency; Mark Terry, Texas Elementary Principals and Supervisors Association; Dee Carney, Texas School Alliance; Daphne Hoffacker)

DIGEST: CSHB 11 would amend or establish provisions regarding educator certification, such as local optional teacher designation systems and the Texas Teacher Residency Partnership Program.

Local optional teacher designation systems. CSHB 11 would expand the categories under which a school district or open-enrollment charter school could designate a classroom teacher to include “acknowledged teacher.” The designation under which a classroom teacher holding a National Board Certification would be categorized would be amended from “recognized” to “nationally board certified.” The bill also would add to the technical assistance required to be developed and provided by the Texas Education Agency (TEA) for districts and charter schools that requested assistance in implementing a local optional teacher designation system. Under the bill, such assistance would include:

- providing examples of local optional teacher designation systems;
- applying the performance and validity standards established by the commissioner of education;
- providing centralized support for the analysis of the results of assessment instruments administered to district or school students; and
- facilitating effective communication on and promotion of local optional teacher designation systems.

Local optional teacher designation system grant program. The bill would require TEA to use appropriated or available funds to establish and

administer a grant program for the purposes of expanding implementation of local optional teacher designation systems and increasing the number of classroom teachers eligible for a designation under such a system. The bill would require a grant awarded under the program to meet the needs of individual districts and enable regional leadership capacity.

Teacher quality assistance. The bill would require TEA to use appropriated or available funds to develop training for and provide technical assistance to district and open-enrollment charter schools regarding:

- strategic compensation, staffing, and scheduling efforts that would improve professional growth, teacher leadership opportunities, and staff retention;
- programs that would encourage high school students or community members served by the district to become teachers; and
- programs or strategies that school leaders could use to establish clear and attainable behavior expectations while proactively supporting students.

TEA would be required to use appropriated or available funds to provide grants to district and charter schools to implement initiatives developed under these provisions.

Teacher time study. The bill would require TEA to use appropriated or available funds to develop and maintain a technical assistance program to support districts and schools in:

- studying how the district's or school's staff and student schedules, required noninstructional duties for teachers, and professional development requirements for educators affected the amount of time classroom teachers worked each week; and
- refining the schedules for students or staff to ensure teachers would have sufficient time during normal work hours to fulfill all job duties.

The bill would require TEA to periodically make findings and recommendations for best practices publicly available using information from participating districts and schools.

Texas Teacher Residency Partnership Program. CSHB 11 would require the commissioner of education to establish the Texas Teacher Residency Partnership Program to enable qualified educator preparation programs to form partnerships with school districts or open-enrollment charter schools in order to provide residency positions to partnership residents at the district or school. The partnership program would be designed to allow partnership residents to receive field-based experience working with cooperating teachers in prekindergarten through twelfth grade classrooms and to gradually increase the amount of time a partnership resident would spend engaging in instructional responsibilities.

The State Board for Educator Certification would be required to propose rules specifying the requirements for board approval of an educator preparation program as a qualified educator preparation program. The rules would have to require such a program to:

- use research-based practices for recruiting and admitting candidates into the program to participate in the partnership program;
- integrate curriculum, classroom practice, and formal observation and feedback;
- use multiple assessments to measure a partnership resident's progress in the partnership program; and
- partner with a district or school.

The bill would require a school district or charter school participating in the partnership program to enter into a written agreement with a qualified educator preparation program to provide a partnership resident with at least one school year of clinical teaching in a residency position at the district or school in the subject area and grade level for which the resident would seek certification and pair the partnership resident with a cooperating teacher. A school district or charter school would be required

to only use the money received to implement the partnership program, provide compensation to partnership residents and cooperating teachers, and provide funding to the qualified educator preparation program that partnered with the district or school. The bill would require the relevant school district or charter school to pay at least 50 percent of the compensation paid to partnership residents using money other than money received under the residency partnership allotment. The school district or charter school would be required to provide any information required by TEA regarding the district's or school's implementation of the partnership program.

A district or charter school could only pair a partnership resident with a cooperating teacher who agreed to participate in the role in a partnership program. A partnership resident would be prohibited from serving as a teacher of record.

The State Board for Educator Certification would be required to propose rules specifying the requirements for the issuance of a residency educator certificate to a candidate who had successfully completed a qualified educator preparation program. Such rules could not require the resident to pass a pedagogy examination unless the examination tested subject-specific content appropriate for the grade and subject area for which the candidate sought certification.

The bill would require TEA to provide technical assistance, planning, and support to school districts, charter schools, and qualified educator preparation programs. The support provided by TEA would include providing model forms and agreements that a district, school, or educator preparation program could use and support for district and school strategic staffing and compensation models to incentivize participation in a partnership program.

The commissioner could solicit and accept gifts, grants, and donations from public and private entities for the purposes of the partnership program.

The State Board of Educator Certification would be required, in using negotiated rulemaking procedures, to appoint to the negotiated rulemaking committee persons representing higher education institutions. The bill would require the commissioner to adopt rules as necessary to implement these provisions after considering the recommendations of the negotiated rulemaking committee.

Allotments. The bill would amend or establish provisions for certain allotments.

Teacher Incentive Allotment (TIA). The bill would amend the base and increased amount allotments for teachers with designations under TIA. The allotments under the bill would include:

- an increased amount not to exceed to \$36,000 for each master teacher, a raise from \$32,000;
- a base allotment of \$9,000, or an increased amount not to exceed \$25,000 for each exemplary teacher, a raise from \$6,000 and \$18,000, respectively; and
- a base allotment of \$5,000, or an increased amount not to exceed \$15,000 for each recognized teacher, a raise from \$3,000 and \$9,000, respectively.

The bill would include \$3,000, or an increased amount not to exceed \$9,000 for each acknowledged teacher or teacher designated as nationally board certified.

The bill would amend the applicable amounts used to determine the high needs and rural factor for each teacher designation. The applicable amounts under the bill would include:

- \$6,000 for each master teacher, increased from \$5,000;
- \$4,000 for each exemplary teacher, increased from \$3,000;
- \$2,500 for each recognized teacher, increased from \$1,500; and
- \$1,500 for each acknowledged teacher or teacher designated as nationally board certified.

Mentor program allotment. The bill would amend the provisions regarding mentor program allotments, removing the provision requiring a school district to implement a mentoring program for classroom teachers who had less than two years of experience before the district could be entitled for an allotment. The bill would entitle a district to an allotment to fund a mentoring program and to provide stipends for mentor teachers if the district implemented such a program and the mentor teachers assigned under that program completed a training program required or developed by TEA for mentor teachers.

The bill would entitle a district to an allotment of \$2,000 for each classroom teacher with less than 2 years of experience who participated in a mentoring program. A district could receive such an allotment for no more than 40 teachers during a school year unless an appropriation was made for the purposes of providing more allotments per district.

Residency partnership allotment. The bill would establish the residency partnership allotment. For each partnership resident employed by a district in a residency position, the district would be entitled to an allotment equal to a base amount of \$22,000, which could be increased by the high needs and rural factor to an amount not to exceed \$42,000. The high needs and rural factor would be determined by multiplying \$5,000 by the lesser of the average of the point value assigned to each student at a district campus or 4.0.

The bill would entitle a district that qualified for an allotment to an additional \$2,000 for each partnership resident employed in a district residency position who was a candidate for special education or bilingual education certification. The Texas School for the Deaf and the Texas School for the Blind and Visually Impaired would be entitled to an allotment under these provisions. If the commissioner of education determined that assigning point values to students of either of these schools was impractical, the commissioner could use the average point value assigned for those students' home districts. The bill would require TEA to provide 10 percent of the amount of funds for a partnership

resident to the resident's partnership education preparation program to support operating costs of the residency program.

Employed retiree teacher reimbursement grant program. The bill would require the commissioner to use appropriated or available funds to establish and administer a grant program to award funds to reimburse a district or school hiring a teacher who retired before September 1, 2022, for the increased contributions to the Teacher Retirement System of Texas (TRS) associated with hiring the retired teacher. The Legislature, in appropriating money for such grants, could provide for, modify, or limit amounts appropriated in the General Appropriation Act by:

- providing a date or date range other than September 1, 2022, before which a teacher would be required to have been retired for a district or school that hired the teacher to be eligible; or
- limiting eligibility to a district or school that hired a retired teacher who held a certain certification, to teach a certain subject or grade, in a certain geographical area, or to provide instruction to certain students.

The bill would require the commissioner to proportionally reduce the amount of funds awarded to districts or schools if the number of grant applications by eligible districts or schools exceeded the number of grants the commissioner could award with appropriated or available money. A school district or charter school could use grant funds to make certain required payments.

Resignations under certain contracts. The bill would prohibit the State Board for Educator Certification from imposing a sanction against a teacher who improperly relinquished a position under a probationary contract, a continuing contract, or a term contract and left the employment of the district after the 45th day before the first day of instruction for the upcoming school year and without the consent of the board of trustees if the relinquishment was due to:

- the teacher, or a close family member, developing a serious illness

- or experiencing a significant change in health condition;
- the teacher relocating because the teacher's spouse or partner changed employers;
- the needs of the teacher's family changing significantly in a manner that required the teacher to relocate or forgo employment during a period of required employment under the teacher's contract; or
- the teacher reasonably believing that the teacher received written permission from the district to resign.

Other provisions. CSHB 11 would address various other areas of the education system, such as requirements related to teacher certification and education model for kindergarten classes in Texas.

State Board for Educator Certification rulemaking. The bill would require the State Board for Educator Certification to use negotiated rulemaking procedures before proposing a rule. For a proposed rule, the board would determine if it was necessary to appoint to the negotiated rulemaking committee a person to represent the persons affected by the proposed rule.

Waiver or payment of certain fees. The bill would require the State Board for Educator Certification, for a teaching certification applicant, to waive a certification examination fee imposed by the board for the first administration of the applicant's examination and the application fee for certification. The board would pay to a vendor that administered a certification examination a fee assessed by that vendor for the examination of an applicant for the first administration of the examination.

Teacher position data collection. CSHB 11 would require TEA to collect data from school districts and charter schools for the recruitment and retention of classroom teachers, including the classification, grade level, subject area, duration, and other relevant information regarding vacant teaching positions. The data could be collected using the Public Education Information Management System or another reporting mechanism specified by TEA.

Three-cueing model prohibition. CSHB 11 would prohibit a school district, charter school, or educator preparation program from including any instruction that incorporated a three-cueing education model in the foundational skills reading curriculum for kindergarten through third grade.

Free prekindergarten for certain children. The bill would expand the list of children eligible for tuition-free prekindergarten classes offered by a district to include the child of a person employed as a classroom teacher at a public primary or secondary school in the district that offered such prekindergarten classes.

Repealed provisions. CSHB 11 would repeal certain provisions from the Education Code, including subch. Q, ch. 21 which established the Texas Teacher Residency Program, and sec. 21.042 which established the State Board of Educators veto over the State Board of Educator Certification rules.

Immediately following the effective date of the bill, a district or school would be required to redesignate a teacher who held a designation made under a local optional teacher designation system to reflect the teacher's designation under the provisions of the bill. Funding provided to a district or school for such a teacher would be increased to reflect the teacher's redesignation.

Until the State Board of Educator Certification adopted the necessary rules, the commissioner of education could approve a program as a qualified educator preparation program if the commissioner determined that the program met the necessary requirements. A program's designation as a qualified educator preparation program by the commissioner would remain effective until the first anniversary of the board adopting rules.

This bill, except for certain provisions regarding allotments, would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023. The provisions regarding the Teacher Incentive Allotment, the

mentor program allotment, and the residency partnership allotment would take effect September 1, 2023.

**SUPPORTERS
SAY:**

CSHB 11 would prioritize the recruitment and retention of high-quality teachers by allocating significant funding to new programs and allotments. The residency and mentor allotments, along with certification fee waivers, would help aspiring teachers receive high quality training and help alleviate the financial burden many new teachers face. The bill also would benefit National Board certified teachers by recognizing their certification within the TIA designation system. The bill would clarify the circumstances under which certified teachers could abandon certain contracts, which would prevent teachers with good reasons to resign from being sanctioned.

CSHB 11 also would provide additional technical assistance to support teacher quality in districts. This assistance would include improving support to implement positive behavior expectations, expanding grow-your-own programs for high school students and community members, and improving approaches to compensation, staffing, and scheduling efforts in ways that would improve the professional growth, leadership skills, and retention of teachers and staff.

**CRITICS
SAY:**

CSHB 11 should provide a higher TIA designation for National Board certified teachers. This certification is very rigorous and is attained only by the highest quality teachers, but these teachers would be qualified for the lowest TIA amounts under the bill. Additionally, the bill should not repeal Education Code sec. 21.042, which authorizes a veto for the State Board of Educators over State Board of Educator Certification rules. The repeal of the veto would limit the measures by which the State Board of Educator Certification can be held accountable.

NOTES:

According to the Legislative Budget Board, the cost to the state of the bill for the biennium would be \$503,916,011. No significant impact on equalized funding requirements and policies affecting public education would be anticipated from any provisions of the bill. The actuarial analysis estimated that the bill would not have a fiscal impact on the

Teacher Retirement System since it is changing the source of funding rather than the amount.