

BILL ANALYSIS

Senate Research Center
80R7916 KKA-D

S.B. 1643
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Education
4/2/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research shows that if a student had an effective teacher for five years in a row, the increased learning provided by the teacher would be sufficient to close the gap between low and middle income students, yet there is a shortage of effective teachers and an achievement gap exists. Texas lacks a quality evaluation of teacher effectiveness. Similarly, the only evaluation of educator preparation programs consists of passing rates on certification exams, not measures that indicate the teacher's effectiveness with students.

As proposed, S.B. 1643 improves the evaluation process for educators to include improved student performance, teacher qualifications, and the overall level of effectiveness achieved in the classroom.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Educator Certification via the State Board of Education is transferred to the commissioner of education and modified in SECTION 1 (Section 21.045, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.045, Education Code, by amending Subsections (a), (b), and (d) and adding Subsection (e), as follows:

(a) Requires the commissioner of education (commissioner) to adopt, rather than the State Board for Educator Certification (board) to propose, rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on information that is disaggregated with respect to sex and ethnicity and that includes certain information, including performance of students taught by beginning teachers for the first three years following certification, as determined on the basis of the measure of annual improvement under Section 39.034 and any other factor considered appropriate by the commissioner, and perseverance of beginning teachers in the profession, as determined on the basis of the number of beginning teachers who maintain active status in the Teacher Retirement System of Texas for at least five years after certification.

(b) Requires the annual report to contain, at a minimum, the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3) (regarding the performance of students taught by beginning teachers), and certain additional information, disaggregated by sex and ethnicity. Makes a conforming change.

(d) Requires the commissioner, rather than the executive director of the board, to appoint an oversight team of educators to make recommendations and provide assistance to educator preparation programs that do not meet accreditation standards. Requires a person, promptly on appointment and on behalf of the managed program, to pursue tentative agreements with other educator preparation programs for the acceptance into those programs of the managed program's students if the approval of the managed program is subsequently revoked. Makes conforming changes.

(e) Requires a revocation under Subsection (d) to be effective for a period of at least one year. Authorizes the program to seek renewed approval to prepare educators for state certification after one year.

SECTION 2. Amends Section 21.054, Education Code, by adding Subsection (d), as follows:

(d) Requires continuing education for a teacher to be evidence-based and linked to certain areas.

SECTION 3. Amends Section 21.351, Education Code, by amending Subsection (a) and adding Subsections (a-2) and (e), as follows:

(a) Requires the recommended appraisal process and criteria on which to appraise the performance of teachers to be based on observable, job-related behavior and address at least certain considerations, including teachers' qualifications.

(a-2) Requires the recommended appraisal process to provide that consideration of criteria relating to student performance under Subsection (a)(2) constitutes a majority of a teacher's appraisal and additionally to provide that the portion of a teacher's appraisal that concerns student performance is conducted in accordance with certain guidelines.

(e) Requires a teacher employed under a probationary contract to be appraised more frequently than a teacher employed under a term contract or continuing contract under the recommended appraisal process.

SECTION 4. Amends Subchapter H, Chapter 21, Education Code, by adding Section 21.3531, as follows:

Sec. 21.3531. TEACHER PERFORMANCE IMPROVEMENT PLAN; CONSEQUENCES OF UNSATISFACTORY APPRAISAL. (a) Requires the teacher's supervisor, in consultation with the appraiser and the teacher, to develop a performance improvement plan for the teacher that includes at least certain information if a teacher receives an unsatisfactory appraisal.

(b) Authorizes a school district to decline to renew the teacher's contract in the manner provided by this chapter or, if the teacher has achieved some level of improvement, develop an additional performance improvement plan for the teacher under this section if a teacher employed under a term contract receives an unsatisfactory appraisal for two consecutive years.

(c) Authorizes a teacher to be employed by the district during the subsequent school year only under a term contract, notwithstanding Section 21.154 (Status Under Continuing Contract), if a teacher employed under a continuing contract receives an unsatisfactory appraisal for two consecutive years. Entitles the teacher to a hearing and a right to appeal in the same manner as a teacher who is discharged or suspended without pay under Section 21.156 (Discharge or Suspension Without Pay Under Continuing Contract).

(d) Requires a school district to decline to renew the teacher's contract in the manner provided by this chapter if a teacher receives an unsatisfactory appraisal for three consecutive years.

SECTION 5. Amends Section 21.354, Education Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Requires the appraisal of a principal or assistant principal to include consideration of certain information.

(f) Requires the majority of an appraisal of a principal or assistant principal to be based on consideration of student performance under Subsection (e)(2), and at least 25 percent

of the portion of the appraisal based on student performance to be based on objective, quantifiable measures, as described by Subsection (e)(2).

SECTION 6. Requires the commissioner of education to adopt revised recommended appraisal processes in compliance with Sections 21.351 and 21.354, Education Code, as amended by this Act, not later than September 1, 2008, develop training for school districts regarding use of the revised recommended appraisal processes not later than September 1, 2009, provide the training developed under Subdivision (2) of this section to appropriate school district personnel not later than September 1, 2010, and complete implementation of the revised recommended appraisal processes not later than September 1, 2010.

SECTION 7. Effective date: upon passage or September 1, 2007.