

By: Grusendorf

H.B. No. 684

A BILL TO BE ENTITLED

AN ACT

relating to continuation and functions of the State Board for  
Educator Certification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.031(b), Education Code, is amended to  
read as follows:

(b) In adopting [~~proposing~~] rules under this subchapter,  
the board shall ensure that all candidates for certification or  
renewal of certification demonstrate the knowledge and skills  
necessary to improve the performance of the diverse student  
population of this state.

SECTION 2. Section 21.033(a), Education Code, is amended to  
read as follows:

(a) The State Board for Educator Certification is composed  
of 15 members. The commissioner of education shall appoint an  
employee of the agency to represent the commissioner as a nonvoting  
member. The commissioner of higher education shall appoint an  
employee of the Texas Higher Education Coordinating Board to  
represent the commissioner as a nonvoting member. The governor  
shall appoint a dean of a college of education in this state as a  
nonvoting member. The State Board of Education shall appoint two  
members, who may be appointed from among the membership of the State  
Board of Education. The remaining 10 [~~12~~] members are appointed by  
the governor with the advice and consent of the senate, as follows:

1           (1) three [~~four~~] members must be teachers employed in  
2 public schools;

3           (2) two members must be public school administrators;

4           (3) one member must be a public school counselor; and

5           (4) four [~~five~~] members must be citizens, three of  
6 whom are not and have not, in the five years preceding appointment,  
7 been employed by a public school district or by an educator  
8 preparation program in an institution of higher education and two  
9 of whom are not and have not been employed by a public school  
10 district or by an educator preparation program in an institution of  
11 higher education.

12           SECTION 3. Sections 21.034(a) and (b), Education Code, are  
13 amended to read as follows:

14           (a) The board members appointed by the State Board of  
15 Education and the governor hold office for staggered terms of six  
16 years with the terms of one-third of the members expiring on  
17 February 1 of each odd-numbered year. A member appointed by the  
18 commissioner of education or the commissioner of higher education  
19 serves at the will of the appointing commissioner.

20           (b) In the event of a vacancy during a term of a member  
21 appointed by the State Board of Education or the governor, the State  
22 Board of Education or the governor, as appropriate, shall appoint a  
23 replacement who meets the qualifications of the vacated office to  
24 fill the unexpired portion of the term.

25           SECTION 4. Section 21.035, Education Code, is amended to  
26 read as follows:

27           Sec. 21.035. APPLICATION OF SUNSET ACT. The board is

1 subject to Chapter 325, Government Code (Texas Sunset Act). Unless  
2 continued in existence as provided by that chapter, the board is  
3 abolished and this subchapter expires September 1, 2015 [~~2003~~].

4 SECTION 5. Sections 21.041(b) and (c), Education Code, are  
5 amended to read as follows:

6 (b) The board shall adopt [~~propose~~] rules that:

7 (1) provide for the regulation of educators and the  
8 general administration of this subchapter in a manner consistent  
9 with this subchapter;

10 (2) specify the classes of educator certificates to be  
11 issued, including emergency certificates;

12 (3) specify the period for which each class of  
13 educator certificate is valid;

14 (4) specify the requirements for the issuance and  
15 renewal of an educator certificate;

16 (5) provide for the issuance of an educator  
17 certificate to a person who holds a similar certificate issued by  
18 another state or foreign country, subject to Section 21.052;

19 (6) provide for special or restricted certification of  
20 educators, including certification of instructors of American Sign  
21 Language;

22 (7) provide for the investigation of complaints of  
23 disciplinary violations, including:

24 (A) a deadline for each action in the  
25 investigation of a complaint;

26 (B) notification requirements for each party  
27 involved in the complaint; and

1            (C) a method for designating the severity of an  
2 alleged violation that allows the board to set priorities for  
3 conducting investigations;

4            (8) provide for disciplinary proceedings, including  
5 the suspension or revocation of an educator certificate, as  
6 provided by Chapter 2001, Government Code;

7            (9) [~~(8)~~] provide for the adoption, amendment, and  
8 enforcement of an educator's code of ethics;

9            (10) [~~(9)~~] provide for continuing education  
10 requirements; and

11           (11) [~~(10)~~] provide for certification of persons  
12 performing appraisals under Subchapter H.

13           (c) The board shall by rule adopt [~~propose a rule adopting~~]  
14 a fee for the issuance and maintenance of an educator certificate  
15 that is adequate to cover the cost of administration of this  
16 subchapter.

17           SECTION 6. Section 21.044, Education Code, is amended to  
18 read as follows:

19           Sec. 21.044. EDUCATOR PREPARATION. The board shall adopt  
20 [~~propose~~] rules establishing the training requirements a person  
21 must accomplish to obtain a certificate, enter an internship, or  
22 enter an induction-year program. The board shall specify the  
23 minimum academic qualifications required for a certificate.

24           SECTION 7. Sections 21.045(a) and (c), Education Code, are  
25 amended to read as follows:

26           (a) The board shall adopt [~~propose~~] rules establishing  
27 standards to govern the approval and continuing accountability of

1 all educator preparation programs based on information that is  
2 disaggregated with respect to sex and ethnicity and that includes:

3 (1) results of the certification examinations  
4 prescribed under Section 21.048(a); and

5 (2) performance based on the appraisal system for  
6 beginning teachers adopted by the board.

7 (c) The board shall adopt [~~propose~~] rules establishing  
8 performance standards for the Accountability System for Educator  
9 Preparation for accrediting educator preparation programs. At a  
10 minimum, performance standards must be based on Subsection (a).  
11 The board shall adopt [~~propose~~] rules for the sanction of educator  
12 preparation programs and shall annually review the accreditation  
13 status of each educator preparation program.

14 SECTION 8. Section 21.048(a), Education Code, is amended to  
15 read as follows:

16 (a) The board shall adopt [~~propose~~] rules prescribing  
17 comprehensive examinations for each class of certificate issued by  
18 the board.

19 SECTION 9. Section 21.049(a), Education Code, is amended to  
20 read as follows:

21 (a) To provide a continuing additional source of qualified  
22 educators, the board shall adopt [~~propose~~] rules providing for  
23 educator certification programs as an alternative to traditional  
24 educator preparation programs. The rules may not provide that a  
25 person may be certified under this section only if there is a  
26 demonstrated shortage of educators in a school district or subject  
27 area.

1 SECTION 10. Section 21.050(b), Education Code, is amended  
2 to read as follows:

3 (b) The board may not require more than 18 semester credit  
4 hours of education courses at the baccalaureate level for the  
5 granting of a teaching certificate. The board shall provide for a  
6 minimum number of semester credit hours of internship to be  
7 included in the hours needed for certification. The board may adopt  
8 [~~propose~~] rules requiring additional credit hours for  
9 certification in bilingual education, English as a second language,  
10 early childhood education, or special education.

11 SECTION 11. Section 21.051, Education Code, is amended to  
12 read as follows:

13 Sec. 21.051. OPTIONS FOR FIELD EXPERIENCE AND INTERNSHIPS.  
14 The board shall adopt [~~propose~~] rules providing flexible options  
15 for persons for any field experience or internship required for  
16 certification.

17 SECTION 12. Section 21.054(a), Education Code, is amended  
18 to read as follows:

19 (a) The board shall adopt [~~propose~~] rules establishing a  
20 process for identifying continuing education courses and programs  
21 that fulfill educators' continuing education requirements.

22 SECTION 13. Section 21.055, Education Code, is amended by  
23 amending Subsections (c) and (d) and adding Subsection (c-1) to  
24 read as follows:

25 (c) Promptly after employing a person under this section, a  
26 school district shall send to the board and the commissioner a  
27 written statement identifying the person, the person's

1 qualifications as a teacher, and the subject or class the person  
2 will teach. The person may teach the subject or class pending  
3 action by the commissioner.

4 (c-1) Promptly after receiving a statement under Subsection  
5 (c), the board shall request criminal history record information  
6 under Section 411.090, Government Code, that relates to the person.  
7 Not later than the 5th day after the date the board receives the  
8 criminal history record information, the board shall provide the  
9 information to the commissioner and the district employing the  
10 person.

11 (d) Not later than the 45th [~~30th~~] day after the date the  
12 commissioner receives the statement under Subsection (c), the  
13 commissioner may inform the district in writing that the  
14 commissioner finds the person is not qualified to teach. The person  
15 may not teach if the commissioner finds the person is not qualified.  
16 If the commissioner fails to act within the time prescribed by this  
17 subsection, the district may issue to the person a school district  
18 teaching permit and the person may teach the subject or class  
19 identified in the statement.

20 SECTION 14. Section 21.057(d), Education Code, is amended  
21 to read as follows:

22 (d) For purposes of this section, "inappropriately  
23 certified or uncertified teacher":

24 (1) includes:

25 (A) an individual serving on an emergency  
26 certificate issued under Section 21.041(b)(2); or

27 (B) an individual who does not hold any

1 certificate or permit issued under this chapter and is not employed  
2 as specified by Subdivision (2)(E); and

3 (2) does not include an individual:

4 (A) who is a certified teacher assigned to teach  
5 a class or classes outside his or her area of certification, as  
6 determined by rules adopted [~~proposed~~] by the board in specifying  
7 the certificate required for each assignment;

8 (B) serving on a certificate issued due to a  
9 hearing impairment under Section 21.048;

10 (C) serving on a certificate issued pursuant to  
11 enrollment in an approved alternative certification program under  
12 Section 21.049;

13 (D) certified by another state or country and  
14 serving on a certificate issued under Section 21.052;

15 (E) serving on a school district teaching permit  
16 issued under Section 21.055; or

17 (F) employed under a waiver granted by the  
18 commissioner pursuant to Section 7.056.

19 SECTION 15. Subchapter B, Chapter 21, Education Code, is  
20 amended by adding Section 21.058 to read as follows:

21 Sec. 21.058. COMPLAINTS. (a) The board shall maintain a  
22 file on each written complaint filed with the board.

23 (b) The file must include:

24 (1) the name of the person who filed the complaint;

25 (2) the date the complaint is received by the board;

26 (3) the subject matter of the complaint;

27 (4) the name of each person contacted in relation to

1 the complaint;

2 (5) a summary of the results of the review or  
3 investigation of the complaint; and

4 (6) an explanation of the reason the file was closed,  
5 if the board closed the file without taking action other than to  
6 investigate the complaint.

7 (c) The board shall provide to the person filing the  
8 complaint and to each person who is a subject of the complaint a  
9 copy of the board's policies and procedures relating to complaint  
10 investigation and resolution.

11 (d) The board, at least quarterly until final disposition of  
12 the complaint, shall notify the person filing the complaint and  
13 each person who is a subject of the complaint of the status of the  
14 investigation unless the notice would jeopardize an undercover  
15 investigation.

16 SECTION 16. Section 21.553(c), Education Code, is amended  
17 to read as follows:

18 (c) The State Board for Educator Certification shall adopt  
19 ~~[propose]~~ rules establishing criteria for awarding financial  
20 incentives under this section, including criteria for awarding  
21 financial incentives if there are more participants than funds  
22 available to provide the financial incentives.

23 SECTION 17. Section 22.082, Education Code, is amended to  
24 read as follows:

25 Sec. 22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY STATE  
26 BOARD FOR EDUCATOR CERTIFICATION. The State Board for Educator  
27 Certification shall obtain from any law enforcement or criminal

1 justice agency all state and national criminal history record  
2 information that relates to an applicant for or holder of a  
3 certificate or permit issued under Subchapter B, Chapter 21,  
4 including a teaching permit issued by a school district. The board  
5 shall require an applicant to pay any costs related to obtaining  
6 criminal history information under this section.

7 SECTION 18. Section 411.090(a), Government Code, is amended  
8 to read as follows:

9 (a) The State Board for Educator Certification is entitled  
10 to obtain from the department any criminal history record  
11 information maintained by the department about a person who has  
12 applied to the board for a certificate or permit under Subchapter B,  
13 Chapter 21, Education Code.

14 SECTION 19. Section 21.042, Education Code, is repealed.

15 SECTION 20. (a) Except as provided by Subsection (b) of  
16 this section, the State Board of Education shall make its initial  
17 appointments to the State Board for Educator Certification by  
18 appointing persons to replace the members appointed by the governor  
19 under Sections 21.033(a)(1) and (4), Education Code, as that  
20 section existed before amendment by this Act, whose terms expire  
21 February 1, 2005.

22 (b) Notwithstanding Section 21.034(b), Education Code, as  
23 amended by this Act, if a vacancy occurs before February 1, 2005, on  
24 the State Board for Educator Certification in a position described  
25 by Subsection (a) of this section, the State Board of Education  
26 shall appoint a person as provided by Section 21.033(a), Education  
27 Code, as amended by this Act, to serve the remainder of the term of

1 the vacated position.

2 SECTION 21. Section 21.058, Education Code, as added by  
3 this Act, applies only to a complaint filed with the State Board for  
4 Educator Certification on or after September 1, 2003, regardless of  
5 whether the conduct or act that is the subject of the complaint  
6 occurred or was committed before, on, or after that date.

7 SECTION 22. This Act takes effect September 1, 2003.