

By: Rangel

H.B. No. 2110

A BILL TO BE ENTITLED

AN ACT

1
2 relating to abolishing the State Board for Educator Certification
3 and to transferring its powers and duties to the commissioner of
4 education and the Texas Education Agency.

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

6 SECTION 1. Sections 21.004(a)-(e), Education Code, are
7 amended to read as follows:

8 (a) To the extent that funds are available, the agency[~~, the~~
9 ~~State Board for Educator Certification,~~] and the Texas Higher
10 Education Coordinating Board shall develop and implement programs
11 to identify talented students and recruit those students and
12 persons, including high school and undergraduate students,
13 mid-career and retired professionals, honorably discharged and
14 retired military personnel, and members of underrepresented gender
15 and ethnic groups, into the teaching profession.

16 (b) From available funds, the agency[~~, the State Board for~~
17 ~~Educator Certification,~~] and the Texas Higher Education
18 Coordinating Board shall develop and distribute materials that
19 emphasize the importance of the teaching profession and inform
20 individuals about state-funded loan forgiveness and tuition
21 assistance programs.

22 (c) The commissioner, in cooperation with the commissioner
23 of higher education [~~and the executive director of the State Board~~
24 ~~for Educator Certification~~], shall annually identify the need for

1 teachers in specific subject areas and geographic regions and among
2 underrepresented groups. The commissioner shall give priority to
3 developing and implementing recruitment programs to address those
4 needs from the agency's discretionary funds.

5 (d) The agency [~~, the State Board for Educator~~
6 ~~Certification,~~] and the Texas Higher Education Coordinating Board
7 shall encourage the business community to cooperate with local
8 schools to develop recruiting programs designed to attract and
9 retain capable teachers, including programs to provide summer
10 employment opportunities for teachers.

11 (e) The agency [~~, the State Board for Educator~~
12 ~~Certification,~~] and the Texas Higher Education Coordinating Board
13 shall encourage major education associations to cooperate in
14 developing a long-range program promoting teaching as a career and
15 to assist in identifying local activities and resources that may be
16 used to promote the teaching profession.

17 SECTION 2. Sections 21.031 and 21.040, Education Code, are
18 amended to read as follows:

19 Sec. 21.031. AGENCY ROLE IN CERTIFICATION OF EDUCATORS
20 [~~PURPOSE~~]. (a) The agency [~~State Board for Educator Certification~~
21 ~~is established to recognize public school educators as~~
22 ~~professionals and to grant educators the authority to govern the~~
23 ~~standards of their profession. The board]~~ shall regulate and
24 oversee all aspects of the certification, continuing education, and
25 standards of conduct of public school educators.

26 (b) In adopting [~~proposing~~] rules under this subchapter,
27 the commissioner [~~board~~] shall ensure that all candidates for

1 certification or renewal of certification demonstrate the
2 knowledge and skills necessary to improve the performance of the
3 diverse student population of this state.

4 Sec. 21.040. ADVISORY COMMITTEE [~~GENERAL POWERS AND DUTIES~~
5 ~~OF BOARD~~]. For each class of educator certificate, the agency [~~The~~
6 ~~board~~] shall[+]

7 [~~(1) supervise the executive director's performance,~~

8 [~~(2) approve an operating budget for the board and~~
9 ~~make a request for appropriations,~~

10 [~~(3) appoint the members of any advisory committee to~~
11 ~~the board,~~

12 [~~(4) for each class of educator certificate,~~] appoint
13 an advisory committee composed of members of that class to
14 recommend standards for that class to the agency [~~board,~~

15 [~~(5) provide to its members and employees, as often as~~
16 ~~necessary, information regarding their qualifications for office~~
17 ~~or employment under this chapter and their responsibilities under~~
18 ~~applicable laws relating to standards of conduct for state officers~~
19 ~~or employees,~~

20 [~~(6) develop and implement policies that clearly~~
21 ~~define the respective responsibilities of the board and the board's~~
22 ~~staff,~~

23 [~~(7) file annually with the governor and the presiding~~
24 ~~officer of each house of the legislature a complete and detailed~~
25 ~~written report, in the form and within the time provided by the~~
26 ~~General Appropriations Act, accounting for all funds received and~~
27 ~~disbursed by the board during the preceding fiscal year, and~~

1 ~~[(8) execute interagency contracts to perform routine~~
2 ~~administrative functions].~~

3 SECTION 3. Sections 21.041(b) and (c), Education Code, are
4 amended to read as follows:

5 (b) The commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules
6 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 disciplinary proceedings, including
23 the suspension or revocation of an educator certificate, as
24 provided by Chapter 2001, Government Code;

25 (8) provide for the adoption, amendment, and
26 enforcement of an educator's code of ethics;

27 (9) provide for continuing education requirements;

1 and

2 (10) provide for certification of persons performing
3 appraisals under Subchapter H.

4 (c) The commissioner [~~board~~] shall adopt [~~propose~~] a rule
5 establishing [~~adopting~~] a fee for the issuance and maintenance of
6 an educator certificate that is adequate to cover the cost of
7 administration of this subchapter.

8 SECTION 4. Sections 21.044 and 21.045, Education Code, are
9 amended to read as follows:

10 Sec. 21.044. EDUCATOR PREPARATION. The commissioner
11 [~~board~~] shall adopt [~~propose~~] rules establishing the training
12 requirements a person must accomplish to obtain a certificate,
13 enter an internship, or enter an induction-year program. The
14 commissioner [~~board~~] shall specify the minimum academic
15 qualifications required for a certificate.

16 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR
17 PREPARATION PROGRAMS. (a) The commissioner [~~board~~] shall adopt
18 [~~propose~~] rules establishing standards to govern the approval and
19 continuing accountability of all educator preparation programs
20 based on information that is disaggregated with respect to sex and
21 ethnicity and that includes:

22 (1) results of the certification examinations
23 prescribed under Section 21.048(a); and

24 (2) performance based on the appraisal system for
25 beginning teachers adopted by the agency [~~board~~].

26 (b) Each educator preparation program shall submit data
27 elements as required by the commissioner [~~board~~] for an annual

1 performance report to ensure access and equity. At a minimum, the
2 annual report must contain the performance data from Subsection (a)
3 and the following information, disaggregated by sex and ethnicity:

- 4 (1) the number of candidates who apply;
- 5 (2) the number of candidates admitted;
- 6 (3) the number of candidates retained;
- 7 (4) the number of candidates completing the program;
- 8 (5) the number of candidates employed in the
9 profession after completing the program; and
- 10 (6) the number of candidates retained in the
11 profession.

12 (c) The commissioner [~~board~~] shall adopt [~~propose~~] rules
13 establishing performance standards for the Accountability System
14 for Educator Preparation for accrediting educator preparation
15 programs. At a minimum, performance standards must be based on
16 Subsection (a). The commissioner [~~board~~] shall adopt [~~propose~~]
17 rules for the sanction of educator preparation programs and shall
18 annually review the accreditation status of each educator
19 preparation program.

20 (d) The commissioner [~~executive director of the board~~]
21 shall appoint an oversight team of educators to make
22 recommendations and provide assistance to educator preparation
23 programs that do not meet accreditation standards. If, after one
24 year, an educator preparation program has not fulfilled the
25 recommendations of the oversight team, the commissioner [~~executive~~
26 ~~director~~] shall appoint a person to administer and manage the
27 operations of the program. If the program does not improve after

1 two years, the commissioner [~~board~~] shall revoke the approval of
2 the program to prepare educators for state certification.

3 SECTION 5. Sections 21.046(c) and (d), Education Code, are
4 amended to read as follows:

5 (c) Because an effective principal is essential to school
6 improvement, the agency [~~board~~] shall ensure that:

7 (1) each candidate for certification as a principal is
8 of the highest caliber; and

9 (2) multi-level screening processes, validated
10 comprehensive assessment programs, and flexible internships with
11 successful mentors exist to determine whether a candidate for
12 certification as a principal possesses the essential knowledge,
13 skills, and leadership capabilities necessary for success.

14 (d) In creating the qualifications for certification as a
15 principal, the agency [~~board~~] shall consider the knowledge, skills,
16 and proficiencies for principals as developed by relevant national
17 organizations and the State Board of Education.

18 SECTION 6. Sections 21.047(a) and (b), Education Code, are
19 amended to read as follows:

20 (a) The agency [~~board~~] may develop the process for the
21 establishment of centers for professional development through
22 institutions of higher education for the purpose of integrating
23 technology and innovative teaching practices in the preservice and
24 staff development training of public school teachers and
25 administrators. An institution of higher education with a teacher
26 education program may develop a center through a collaborative
27 process involving public schools, regional education service

1 centers, and other entities or businesses. A center may contract
2 with other entities to develop materials and provide training.

3 (b) On application by a center, the commissioner [~~board~~]
4 shall make grants to the center for its programs from funds derived
5 from gifts, grants, and legislative appropriations for that
6 purpose. The commissioner [~~board~~] shall award the grants on a
7 competitive basis according to requirements established by the
8 commissioner [~~board~~] rules.

9 SECTION 7. Sections 21.048(a)-(c), Education Code, are
10 amended to read as follows:

11 (a) The commissioner [~~board~~] shall adopt [~~propose~~] rules
12 prescribing comprehensive examinations for each class of
13 certificate issued by the agency [~~board~~].

14 (b) The agency [~~board~~] may not administer a written
15 examination to determine the competence or level of performance of
16 an educator who has a hearing impairment unless the examination has
17 been field tested to determine its appropriateness, reliability,
18 and validity as applied to, and minimum acceptable performance
19 scores for, persons with hearing impairments.

20 (c) An educator who has a hearing impairment is exempt from
21 taking a written examination for a period ending on the first
22 anniversary of the date on which the agency [~~board~~] determines, on
23 the basis of appropriate field tests, that the examination complies
24 with the standards specified in Subsection (b). On application to
25 the agency [~~board~~], the agency [~~board~~] shall issue a temporary
26 exemption certificate to a person entitled to an exemption under
27 this subsection.

1 SECTION 8. Section 21.0481, Education Code, is amended to
2 read as follows:

3 Sec. 21.0481. MASTER READING TEACHER CERTIFICATION. (a)
4 To ensure that there are teachers with special training to work with
5 other teachers and with students in order to improve student
6 reading performance, the agency [~~board~~] shall establish a master
7 reading teacher certificate.

8 (b) The agency [~~board~~] shall issue a master reading teacher
9 certificate to each eligible person.

10 (c) To be eligible for a master reading teacher certificate,
11 a person must:

12 (1) hold a reading specialist certificate issued under
13 this subchapter and satisfactorily complete a course of instruction
14 as prescribed under Subdivision (2)(B); or

15 (2) hold a teaching certificate issued under this
16 subchapter and:

17 (A) have at least three years of teaching
18 experience;

19 (B) satisfactorily complete a knowledge-based
20 and skills-based course of instruction on the science of teaching
21 children to read that includes training in:

22 (i) effective reading instruction
23 techniques, including effective techniques for students whose
24 primary language is a language other than English;

25 (ii) identification of dyslexia and related
26 reading disorders and effective reading instruction techniques for
27 students with those disorders; and

1 (iii) effective professional peer mentoring
2 techniques;

3 (C) perform satisfactorily on the master reading
4 teacher certification examination prescribed by the agency
5 [~~board~~]; and

6 (D) satisfy any other requirements prescribed by
7 the agency [~~board~~].

8 SECTION 9. Section 21.0482, Education Code, as added by
9 Chapter 834, Acts of the 77th Legislature, Regular Session, 2001,
10 is amended to read as follows:

11 Sec. 21.0482. MASTER MATHEMATICS TEACHER CERTIFICATION.

12 (a) To ensure that there are teachers with special training to work
13 with other teachers and with students in order to improve student
14 mathematics performance, the agency [~~board~~] shall establish:

15 (1) a master mathematics teacher certificate to teach
16 mathematics at elementary school grade levels;

17 (2) a master mathematics teacher certificate to teach
18 mathematics at middle school grade levels; and

19 (3) a master mathematics teacher certificate to teach
20 mathematics at high school grade levels.

21 (b) The agency [~~board~~] shall issue the appropriate master
22 mathematics teacher certificate to each eligible person.

23 (c) To be eligible for a master mathematics teacher
24 certificate, a person must:

25 (1) hold a teaching certificate issued under this
26 subchapter;

27 (2) have at least three years of teaching experience;

1 (3) satisfactorily complete a knowledge-based course
2 of instruction on the science of teaching children mathematics that
3 includes training in mathematics instruction and professional peer
4 mentoring techniques that, through scientific testing, have been
5 proven effective;

6 (4) perform satisfactorily on the appropriate master
7 mathematics teacher certification examination prescribed by the
8 agency [~~board~~]; and

9 (5) satisfy any other requirements prescribed by the
10 agency [~~board~~].

11 (d) The course of instruction prescribed under Subsection
12 (c)(3) shall be developed by the agency [~~board~~] in consultation
13 with mathematics and science faculty members at institutions of
14 higher education.

15 SECTION 10. Section 21.0482, Education Code, as added by
16 Chapter 1301, Acts of the 77th Legislature, Regular Session, 2001,
17 is amended to read as follows:

18 Sec. 21.0482. MASTER TECHNOLOGY TEACHER CERTIFICATION. (a)
19 To ensure that there are teachers with special training to work with
20 other teachers and with students in order to increase the use of
21 technology in each classroom, the agency [~~board~~] shall establish a
22 master technology teacher certificate.

23 (b) The agency [~~board~~] shall issue a master technology
24 teacher certificate to each eligible person.

25 (c) To be eligible for a master technology teacher
26 certificate, a person must:

27 (1) hold a technology applications or Technology

1 Education certificate issued under this subchapter, satisfactorily
2 complete the course of instruction prescribed under Subdivision
3 (2)(B), and satisfactorily perform on the examination prescribed
4 under Subdivision (2)(C); or

5 (2) hold a teaching certificate issued under this
6 subchapter and:

7 (A) have at least three years of teaching
8 experience;

9 (B) satisfactorily complete a knowledge-based
10 and skills-based course of instruction on interdisciplinary
11 technology applications and the science of teaching technology that
12 includes training in:

13 (i) effective technology instruction
14 techniques, including applications designed to meet the
15 educational needs of students with disabilities;

16 (ii) classroom teaching methodology that
17 engages student learning through the integration of technology;

18 (iii) digital learning competencies,
19 including Internet research, graphics, animation, website
20 mastering, and video technologies;

21 (iv) curriculum models designed to prepare
22 teachers to facilitate an active student learning environment; and

23 (v) effective professional peer mentoring
24 techniques;

25 (C) satisfactorily perform on an examination
26 developed in cooperation with the Telecommunications
27 Infrastructure Fund Board and administered at the conclusion of the

1 course of instruction prescribed under Paragraph (B); and

2 (D) satisfy any other requirements prescribed by
3 the agency [~~board~~].

4 (d) The agency [~~board~~] may provide technology applications
5 training courses under Subsection (c)(2)(B) in cooperation with:

6 (1) regional education service centers; and

7 (2) other public or private entities, including any
8 state council on technology.

9 SECTION 11. Section 21.049, Education Code, is amended to
10 read as follows:

11 Sec. 21.049. ALTERNATIVE CERTIFICATION. (a) To provide a
12 continuing additional source of qualified educators, the
13 commissioner [~~board~~] shall adopt [~~propose~~] rules providing for
14 educator certification programs as an alternative to traditional
15 educator preparation programs. The rules may not provide that a
16 person may be certified under this section only if there is a
17 demonstrated shortage of educators in a school district or subject
18 area.

19 (b) The agency [~~board~~] may not require a person employed as
20 a teacher in an alternative education program under Section 37.008
21 or a juvenile justice alternative education program under Section
22 37.011 for at least three years to complete an alternative educator
23 certification program adopted under this section before taking the
24 appropriate certification examination.

25 SECTION 12. Sections 21.050(a) and (b), Education Code, are
26 amended to read as follows:

27 (a) A person who applies for a teaching certificate for

1 which commissioner [~~board~~] rules require a bachelor's degree must
2 possess a bachelor's degree received with an academic major or
3 interdisciplinary academic major, including reading, other than
4 education, that is related to the curriculum as prescribed under
5 Subchapter A, Chapter 28.

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

15 SECTION 13. Section 21.051, Education Code, is amended to
16 read as follows:

17 Sec. 21.051. OPTIONS FOR FIELD EXPERIENCE AND INTERNSHIPS.
18 The commissioner [~~board~~] shall adopt [~~propose~~] rules providing
19 flexible options for persons for any field experience or internship
20 required for certification.

21 SECTION 14. Section 21.052(a), Education Code, is amended
22 to read as follows:

23 (a) The agency [~~board~~] may issue a certificate to an
24 educator who:

25 (1) holds:

26 (A) a degree issued by an institution accredited
27 by a regional accrediting agency or group that is recognized by a

1 nationally recognized accreditation board; or

2 (B) a degree issued by an institution located in
3 a foreign country, if the degree is equivalent to a degree described
4 by Paragraph (A);

5 (2) holds an appropriate certificate or other
6 credential issued by another state or country; and

7 (3) performs satisfactorily on:

8 (A) the examination prescribed under Section
9 21.048; or

10 (B) if the educator holds a certificate or other
11 credential issued by another state or country, an examination
12 similar to and at least as rigorous as that described by Paragraph
13 (A) administered to the educator under the authority of that state.

14 SECTION 15. Section 21.054(a), Education Code, is amended
15 to read as follows:

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

20 SECTION 16. Section 21.055(a), Education Code, is amended
21 to read as follows:

22 (a) As provided by this section, a school district may issue
23 a school district teaching permit and employ as a teacher a person
24 who does not hold a teaching certificate issued by the agency
25 [~~board~~].

26 SECTION 17. Section 21.056, Education Code, is amended to
27 read as follows:

1 Sec. 21.056. ADDITIONAL CERTIFICATION. The commissioner
2 [~~board~~] by rule shall provide for a certified educator to qualify
3 for additional certification to teach at a grade level or in a
4 subject area not covered by the educator's certificate upon
5 satisfactory completion of an examination or other assessment of
6 the educator's qualification.

7 SECTION 18. Section 21.057(d), Education Code, is amended
8 to read as follows:

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

11 (1) includes:

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

14 (B) an individual who does not hold any
15 certificate or permit issued under this subchapter [~~chapter~~] and is
16 not employed as specified by Subdivision (2)(E); and

17 (2) does not include an individual:

18 (A) who is a certified teacher assigned to teach
19 a class [~~or classes~~] outside the teacher's [~~his or her~~] area of
20 certification, as determined by commissioner rules [~~proposed by the~~
21 ~~board~~] in specifying the certificate required for each assignment;

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

24 (C) serving on a certificate issued pursuant to
25 enrollment in an approved alternative certification program under
26 Section 21.049;

27 (D) certified by another state or country and

1 serving on a certificate issued under Section 21.052;

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

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

6 SECTION 19. Section 21.105(c), Education Code, is amended
7 to read as follows:

8 (c) On written complaint by the employing district, the
9 agency [~~State Board for Educator Certification~~] may impose
10 sanctions against a teacher employed under a probationary contract
11 who:

12 (1) resigns;

13 (2) fails without good cause to comply with Subsection
14 (a) or (b); and

15 (3) fails to perform the contract.

16 SECTION 20. Section 21.160(c), Education Code, is amended
17 to read as follows:

18 (c) On written complaint by the employing district, the
19 agency [~~State Board for Educator Certification~~] may impose
20 sanctions against a teacher who is employed under a continuing
21 contract that obligates the district to employ the person for the
22 following school year and who:

23 (1) resigns;

24 (2) fails without good cause to comply with Subsection
25 (a) or (b); and

26 (3) fails to perform the contract.

27 SECTION 21. Section 21.210(c), Education Code, is amended

1 to read as follows:

2 (c) On written complaint by the employing district, the
3 agency [~~State Board for Educator Certification~~] may impose
4 sanctions against a teacher who is employed under a term contract
5 that obligates the district to employ the person for the following
6 school year and who:

7 (1) resigns;

8 (2) fails without good cause to comply with Subsection
9 (a) or (b); and

10 (3) fails to perform the contract.

11 SECTION 22. Section 21.503, Education Code, is amended to
12 read as follows:

13 Sec. 21.503. ELIGIBILITY. A person is eligible for the
14 program if the person:

15 (1) has served in the armed forces of the United
16 States;

17 (2) is honorably discharged, retired, or released from
18 active duty on or after October 1, 1990, after at least six years of
19 continuous active duty service immediately before the discharge,
20 retirement, or release;

21 (3) has received a baccalaureate or advanced degree
22 from a public or private institution of higher education accredited
23 by a regional accrediting agency or group that is recognized by a
24 nationally recognized accreditation board; and

25 (4) satisfies any other criteria for selection
26 [~~jointly~~] prescribed by the agency [~~and the State Board for~~
27 ~~Educator Certification~~].

1 SECTION 23. Section 21.504(b), Education Code, is amended
2 to read as follows:

3 (b) The agency [~~and the State Board for Educator~~
4 ~~Certification~~] shall distribute the applications and information
5 regarding the program.

6 SECTION 24. Section 21.510(c), Education Code, is amended
7 to read as follows:

8 (c) For purposes of this section, a participant in the
9 program is not considered to be in violation of an agreement under
10 Section 21.508 during any period in which the participant:

11 (1) is pursuing a full-time course of study related to
12 the field of teaching at a public or private institution of higher
13 education approved by the agency [~~State Board for Educator~~
14 ~~Certification~~];

15 (2) is serving on active duty as a member of the armed
16 forces of the United States;

17 (3) is temporarily totally disabled for a period not
18 to exceed three years as established by sworn affidavit of a
19 qualified physician;

20 (4) is unable to secure employment for a period not to
21 exceed one year because of care required by a disabled spouse;

22 (5) is seeking and unable to find full-time employment
23 as a teacher in a public elementary or secondary school for a single
24 period not to exceed 27 months; or

25 (6) satisfies the provisions of any additional
26 reimbursement exception adopted by the agency.

27 SECTION 25. Sections 21.551 and 21.553, Education Code, are

1 amended to read as follows:

2 Sec. 21.551. PURPOSES. The purposes of the alternative
3 certification Teach for Texas Pilot Program are to:

4 (1) attract to the teaching profession persons who
5 have expressed interest in teaching and to support the
6 certification of those persons as teachers;

7 (2) recognize the importance of the certification
8 process [~~governed by the State Board for Educator Certification~~]
9 under Subchapter B, which requires verification of competence in
10 subject area and professional knowledge and skills;

11 (3) encourage the creation and expansion of educator
12 preparation programs that recognize the knowledge and skills gained
13 through previous educational and work-related experiences and that
14 are delivered in a manner that recognizes individual circumstances,
15 including the need to remain employed full-time while enrolled in
16 the Teach for Texas Pilot Program; and

17 (4) provide annual stipends to postbaccalaureate
18 teacher certification candidates.

19 Sec. 21.553. FINANCIAL INCENTIVES. (a) The pilot program
20 must offer to participants financial incentives, including tuition
21 assistance and loan forgiveness. In offering a financial
22 incentive, the agency [~~State Board for Educator Certification~~]
23 shall:

24 (1) require a contract between each participant who
25 accepts a financial incentive and the agency [~~State Board for
26 Educator Certification~~] under which the participant is obligated to
27 teach in a public school in this state for a stated period after

1 certification;

2 (2) provide financial incentives in proportion to the
3 length of the period the participant is obligated by contract to
4 teach after certification; and

5 (3) give special financial incentives to a participant
6 who agrees in the contract to teach in an underserved area.

7 (b) Financial incentives may be paid only from funds
8 appropriated specifically for that purpose and from gifts, grants,
9 and donations solicited or accepted by the agency [~~State Board for~~
10 ~~Educator Certification~~] for that purpose.

11 (c) The agency [~~State Board for Educator Certification~~]
12 shall adopt [~~propose~~] rules establishing criteria for awarding
13 financial incentives under this section, including criteria for
14 awarding financial incentives if there are more participants than
15 funds available to provide the financial incentives.

16 SECTION 26. Section 21.604(b), Education Code, is amended
17 to read as follows:

18 (b) The agency [~~and the State Board for Educator~~
19 ~~Certification~~] shall distribute the applications and information
20 regarding the program.

21 SECTION 27. Section 21.609(c), Education Code, is amended
22 to read as follows:

23 (c) For purposes of this section, a participant in the
24 program is not considered to be in violation of an agreement under
25 Section 21.607 during any period in which the participant:

26 (1) is pursuing a full-time course of study related to
27 the field of teaching at an institution of higher education

1 approved by the agency [~~State Board for Educator Certification~~];

2 (2) is serving on active duty as a member of the armed
3 forces of the United States;

4 (3) is temporarily totally disabled for a period not
5 to exceed three years as established by affidavit of a qualified
6 physician;

7 (4) is unable to secure employment for a period not to
8 exceed one year because of care required by a disabled spouse;

9 (5) is seeking and unable to find full-time employment
10 as a teacher in a public elementary or secondary school for a single
11 period not to exceed 27 months; or

12 (6) satisfies the provisions of any additional
13 reimbursement exception adopted by the agency.

14 SECTION 28. Section 22.082, Education Code, is amended to
15 read as follows:

16 Sec. 22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY AGENCY
17 [~~STATE BOARD FOR EDUCATOR CERTIFICATION~~]. The agency [~~State Board
18 for Educator Certification~~] shall obtain from any law enforcement
19 or criminal justice agency all criminal history record information
20 that relates to an applicant for or holder of a certificate issued
21 under Subchapter B, Chapter 21.

22 SECTION 29. Section 22.083(d), Education Code, is amended
23 to read as follows:

24 (d) The superintendent of a district or the director of an
25 open-enrollment charter school, private school, regional education
26 service center, or shared services arrangement shall promptly
27 notify the agency [~~State Board for Educator Certification~~] in

1 writing if the person obtains or has knowledge of information
2 showing that an applicant for or holder of a certificate issued
3 under Subchapter B, Chapter 21, has a reported criminal history.

4 SECTION 30. Sections 22.085 and 22.086, Education Code, are
5 amended to read as follows:

6 Sec. 22.085. DISCHARGE OF EMPLOYEES CONVICTED OF OFFENSES.
7 A school district, open-enrollment charter school, private school,
8 regional education service center, or shared services arrangement
9 may discharge an employee if the district or school obtains
10 information of the employee's conviction of a felony or of a
11 misdemeanor involving moral turpitude that the employee did not
12 disclose to the agency [~~State Board for Educator Certification~~] or
13 the district, school, service center, or shared services
14 arrangement. An employee discharged under this section is
15 considered to have been discharged for misconduct for purposes of
16 Section 207.044, Labor Code. For purposes of this subsection, a
17 disclosure to the State Board for Educator Certification before
18 June 30, 2004, is considered a disclosure to the agency.

19 Sec. 22.086. LIABILITY FOR REPORTING OFFENSES. The agency
20 [~~State Board for Educator Certification~~], a school district, an
21 open-enrollment charter school, a private school, a regional
22 education service center, a shared services arrangement, or an
23 employee of the agency [~~board~~], district, school, service center,
24 or shared services arrangement is not civilly or criminally liable
25 for making a report required under this subchapter.

26 SECTION 31. Sections 29.061(a)-(c) and (e), Education Code,
27 are amended to read as follows:

1 (a) The agency [~~State Board for Educator Certification~~]
2 shall provide for the issuance of teaching certificates appropriate
3 for bilingual education instruction to teachers who possess a
4 speaking, reading, and writing ability in a language other than
5 English in which bilingual education programs are offered and who
6 meet the general requirements of Chapter 21. The agency [~~board~~]
7 shall also provide for the issuance of teaching certificates
8 appropriate for teaching English as a second language. The agency
9 [~~board~~] may issue emergency endorsements in bilingual education and
10 in teaching English as a second language.

11 (b) A teacher assigned to a bilingual education program must
12 be appropriately certified for bilingual education by the agency
13 [~~board~~].

14 (c) A teacher assigned to an English as a second language or
15 other special language program must be appropriately certified for
16 English as a second language by the agency [~~board~~].

17 (e) The agency [~~State Board for Educator Certification~~] and
18 the Texas Higher Education Coordinating Board shall develop a
19 comprehensive plan for meeting the teacher supply needs created by
20 the programs outlined in this subchapter.

21 SECTION 32. Section 33.002, Education Code, is amended to
22 read as follows:

23 Sec. 33.002. CERTIFIED COUNSELOR. (a) A school district
24 with 500 or more students enrolled in elementary school grades
25 shall employ a counselor certified under Subchapter B, Chapter 21,
26 [~~the rules of the State Board for Educator Certification~~] for each
27 elementary school in the district. A school district shall employ

1 at least one counselor for every 500 elementary school students in
2 the district.

3 (b) A school district with fewer than 500 students enrolled
4 in elementary school grades shall provide guidance and counseling
5 services to elementary school students by:

6 (1) employing a part-time counselor certified under
7 Subchapter B, Chapter 21 [~~the rules of the State Board for Educator~~
8 ~~Certification~~];

9 (2) employing a part-time teacher certified as a
10 counselor under Subchapter B, Chapter 21 [~~the rules of the State~~
11 ~~Board for Educator Certification~~]; or

12 (3) entering into a shared services arrangement
13 agreement with one or more school districts to share a counselor
14 certified under Subchapter B, Chapter 21 [~~the rules of the State~~
15 ~~Board for Educator Certification~~].

16 SECTION 33. Section 37.007(g), Education Code, is amended
17 to read as follows:

18 (g) A school district shall inform each teacher of the
19 conduct of a student who has engaged in any violation listed in this
20 section. A teacher shall keep the information received in this
21 subsection confidential. The agency [~~State Board for Educator~~
22 ~~Certification~~] may revoke or suspend the certification of a teacher
23 who intentionally violates this subsection.

24 SECTION 34. Section 61.0514, Education Code, is amended to
25 read as follows:

26 Sec. 61.0514. INTEGRATED COURSEWORK. The board, with the
27 cooperation and advice of the Texas Education Agency [~~State Board~~

1 ~~for Educator Certification]~~, shall adopt educator preparation
2 coursework guidelines that promote, to the greatest extent
3 practicable, the integration of subject matter knowledge with
4 classroom teaching strategies and techniques in order to maximize
5 the effectiveness and efficiency of coursework required for
6 certification under Subchapter B, Chapter 21.

7 SECTION 35. Article 15.27(a), Code of Criminal Procedure,
8 is amended to read as follows:

9 (a) A law enforcement agency that arrests any person or
10 refers a child to the office or official designated by the juvenile
11 board who the agency believes is enrolled as a student in a public
12 primary or secondary school, for an offense listed in Subsection
13 (h), shall attempt to ascertain whether the person is so enrolled.
14 If the law enforcement agency ascertains that the individual is
15 enrolled as a student in a public primary or secondary school, the
16 agency shall orally notify the superintendent or a person
17 designated by the superintendent in the school district in which
18 the student is enrolled of that arrest or referral within 24 hours
19 after the arrest or referral is made, or on the next school day. If
20 the law enforcement agency cannot ascertain whether the individual
21 is enrolled as a student, the agency shall orally notify the
22 superintendent or a person designated by the superintendent in the
23 school district in which the student is believed to be enrolled of
24 that arrest or detention within 24 hours after the arrest or
25 detention, or on the next school day. If the individual is a
26 student, the superintendent shall promptly notify all
27 instructional and support personnel who have responsibility for

1 supervision of the student. All personnel shall keep the
2 information received in this subsection confidential. The Texas
3 Education Agency [~~State Board for Educator Certification~~] may
4 revoke or suspend the certification of personnel who intentionally
5 violate this subsection. Within seven days after the date the oral
6 notice is given, the law enforcement agency shall mail written
7 notification, marked "PERSONAL and CONFIDENTIAL" on the mailing
8 envelope, to the superintendent or the person designated by the
9 superintendent. Both the oral and written notice shall contain
10 sufficient details of the arrest or referral and the acts allegedly
11 committed by the student to enable the superintendent or the
12 superintendent's designee to determine whether there is a
13 reasonable belief that the student has engaged in conduct defined
14 as a felony offense by the Penal Code. The information contained in
15 the notice may be considered by the superintendent or the
16 superintendent's designee in making such a determination.

17 SECTION 36. Section 261.406(b), Family Code, is amended to
18 read as follows:

19 (b) The department shall send a written report of the
20 department's investigation, as appropriate, to the Texas Education
21 Agency, [~~the agency responsible for teacher certification,~~] the
22 local school board or the school's governing body, and the school
23 principal or director, unless the principal or director is alleged
24 to have committed the abuse or neglect, for appropriate action. On
25 request, the department shall provide a copy of the report of
26 investigation to the parent, managing conservator, or legal
27 guardian of a child who is the subject of the investigation and to

1 the person alleged to have committed the abuse or neglect. The
2 report of investigation shall be edited to protect the identity of
3 the persons who made the report of abuse or neglect. Section
4 261.201(b) applies to the release of confidential information
5 relating to the investigation of a report of abuse or neglect under
6 this section and to the identity of the person who made the report
7 of abuse or neglect.

8 SECTION 37. Section 411.090, Government Code, is amended to
9 read as follows:

10 Sec. 411.090. ACCESS TO CRIMINAL HISTORY RECORD
11 INFORMATION: TEXAS EDUCATION AGENCY [~~STATE BOARD FOR EDUCATOR~~
12 ~~CERTIFICATION~~]. (a) The Texas Education Agency [~~State Board for~~
13 ~~Educator Certification~~] is entitled to obtain from the department
14 any criminal history record information maintained by the
15 department about a person who has applied to the agency [~~board~~] for
16 a certificate under Subchapter B, Chapter 21, Education Code.

17 (b) Criminal history record information obtained by the
18 agency [~~board~~] under Subsection (a):

19 (1) may be used for any purpose related to the
20 issuance, denial, suspension, or cancellation of a certificate
21 issued by the agency [~~board~~];

22 (2) may not be released to any person except on court
23 order or with the consent of the applicant for a certificate; and

24 (3) shall be destroyed by the agency [~~board~~] after the
25 information is used for the authorized purposes.

26 SECTION 38. Section 411.097(d), Government Code, is amended
27 to read as follows:

1 (d) Criminal history record information obtained by a
2 school district, charter school, private school, service center,
3 commercial transportation company, or shared services arrangement
4 under Subsection (a), (b), or (c) may not be released or disclosed
5 to any person, other than the individual who is the subject of the
6 information, the Texas Education Agency, [~~the State Board for~~
7 ~~Educator Certification,~~] or the chief personnel officer of the
8 transportation company, if the information is obtained under
9 Subsection (a)(2).

10 SECTION 39. Section 654.011(a), Government Code, is amended
11 to read as follows:

12 (a) The position classification plan and the salary rates
13 and provisions in the General Appropriations Act apply to all
14 hourly, part-time, temporary, and regular, full-time salaried
15 employments in the state departments, agencies, or judicial
16 entities specified in the articles of the General Appropriations
17 Act that appropriate money to:

- 18 (1) general government agencies;
- 19 (2) health and human services agencies;
- 20 (3) the judiciary, except for judges, district
21 attorneys, and assistant district attorneys;
- 22 (4) public safety and criminal justice agencies;
- 23 (5) natural resources agencies;
- 24 (6) business and economic development agencies;
- 25 (7) regulatory agencies; and
- 26 (8) agencies of public education, but only the Texas
27 Education Agency, the Texas School for the Blind and Visually

1 Impaired, [~~the State Board for Educator Certification,~~] the
2 Telecommunications Infrastructure Fund, and the Texas School for
3 the Deaf.

4 SECTION 40. Section 821.001(7), Government Code, is amended
5 to read as follows:

6 (7) "Employer" means any agents or agencies in the
7 state responsible for public education, including the governing
8 board of any school district created under the laws of this state,
9 any county school board, the board of trustees, the board of regents
10 of any college or university, or any other legally constituted
11 board or agency of any public school, but excluding the State Board
12 of Education and[~~]~~ the Texas Education Agency[~~, and the State~~
13 ~~Board for Educator Certification~~].

14 SECTION 41. Section 821.103, Government Code, is amended to
15 read as follows:

16 Sec. 821.103. CANCELLATION OF TEACHER CERTIFICATE. (a)
17 After receiving notice from the board of trustees of an offense
18 under Section 821.101 and after complying with Chapter 2001 and
19 rules adopted by the Texas Education Agency [~~State Board for~~
20 ~~Educator Certification~~], the Texas Education Agency [~~State Board~~
21 ~~for Educator Certification~~] may cancel the teacher certificate of a
22 person if the agency [~~State Board for Educator Certification~~]
23 determines that the person committed the offense.

24 (b) The commissioner of education [~~executive director of~~
25 ~~the State Board for Educator Certification~~] may enter into an
26 agreed sanction.

27 (c) A criminal prosecution of an offender under Section

1 821.101 is not a prerequisite to action by the Texas Education
2 Agency [~~State Board for Educator Certification~~] or the commissioner
3 of education [~~its executive director~~].

4 SECTION 42. Section 2165.104(c), Government Code, is
5 amended to read as follows:

6 (c) To the extent possible without sacrificing critical
7 public or client services, the commission may not allocate usable
8 office space, as defined by the commission, to a state agency under
9 Article I, II, V, VI, VII, or VIII of the General Appropriations Act
10 or to the Texas Higher Education Coordinating Board, the Texas
11 Education Agency, [~~the State Board for Educator Certification,~~] the
12 Telecommunications Infrastructure Fund Board, or the Office of
13 Court Administration of the Texas Judicial System in an amount that
14 exceeds an average of 153 square feet per agency employee for each
15 agency site. To the extent that any of those agencies allocates its
16 own usable office space, as defined by the commission, the agency
17 shall allocate the space to achieve the required ratio. This
18 subsection does not apply to:

19 (1) an agency site at which fewer than 16 employees are
20 located;

21 (2) warehouse space;

22 (3) laboratory space;

23 (4) storage space exceeding 1,000 gross square feet;

24 (5) library space;

25 (6) space for hearing rooms used to conduct hearings
26 required under the administrative procedure law, Chapter 2001; or

27 (7) another type of space specified by commission

1 rule, if the commission determines that it is not practical to apply
2 this subsection to that space.

3 SECTION 43. Section 48.102(a), Human Resources Code, is
4 amended to read as follows:

5 (a) The department shall send a written report of the
6 department's investigation of alleged abuse, neglect, or
7 exploitation of a disabled adult at a school, as appropriate, to the
8 Texas Education Agency, [~~the agency responsible for teacher~~
9 ~~certification,~~] the local school board or the school's governing
10 body, and the school principal or director, unless the principal or
11 director is alleged to have committed the abuse, neglect, or
12 exploitation. The entity to which the report is sent shall take
13 appropriate action.

14 SECTION 44. Section 504.002(b), Occupations Code, is
15 amended to read as follows:

16 (b) This chapter does not apply to an activity or service of
17 a person who:

18 (1) is employed as a counselor by a federal
19 institution and is providing chemical dependency counseling within
20 the scope of the person's employment;

21 (2) except as provided by Section 504.057, is a
22 student, intern, or trainee pursuing a supervised course of study
23 in counseling at a regionally accredited institution of higher
24 education or training institution, if the person:

25 (A) is designated as a "counselor intern"; and

26 (B) is engaging in the activity or providing the
27 service as part of the course of study;

1 (3) is not a resident of this state, if the person:

2 (A) engages in the activity or provides the
3 service in this state for not more than 30 days during any year; and

4 (B) is authorized to engage in the activity or
5 provide the service under the law of the state of the person's
6 residence;

7 (4) is a licensed physician, psychologist,
8 professional counselor, or social worker;

9 (5) is a religious leader of a congregation providing
10 pastoral chemical dependency counseling within the scope of the
11 person's duties;

12 (6) is working for or providing counseling with a
13 program exempt under Subchapter C, Chapter 464, Health and Safety
14 Code; or

15 (7) is a school counselor certified by the Texas
16 Education Agency [~~State Board for Educator Certification~~].

17 SECTION 45. Section 15A(f), Chapter 332, Acts of the 60th
18 Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's
19 Texas Civil Statutes), is amended to read as follows:

20 (f) A temporary, nonrenewable driver education instructor
21 license valid for a six-month period may be issued authorizing a
22 person to teach or give classroom driver education training if the
23 person:

24 (1) has completed the educational requirements for a
25 classroom driver education instructor prescribed under Subsection
26 (c)(1) of this section;

27 (2) holds a Texas teaching certificate with an

1 effective date before February 1, 1986;

2 (3) meets all requirements for certification
3 [~~licensure~~], other than successful completion of the examination
4 required under rules adopted by the Texas Education Agency [~~State~~
5 ~~Board for Educator Certification~~] to revalidate the teaching
6 certificate; and

7 (4) demonstrates, in a manner prescribed by the
8 commissioner, the intention to comply with the examination
9 requirement at the first available opportunity.

10 SECTION 46. Sections 21.032-21.039, 21.041(a), 21.042,
11 21.043, and 21.552, Education Code, are repealed.

12 SECTION 47. (a) The State Board for Educator Certification
13 is abolished on June 30, 2004. On that date, all powers, duties,
14 obligations, rights, contracts, leases, records, personnel,
15 property, and unspent and unobligated appropriations and other
16 funds of the State Board for Educator Certification are transferred
17 to the Texas Education Agency. Before that date, the Texas
18 Education Agency, with the agreement of the State Board for
19 Educator Certification, may transfer any records, personnel, or
20 property of the State Board for Educator Certification to the Texas
21 Education Agency in preparation for the transfer provided for in
22 this Act.

23 (b) The abolishment of the State Board for Educator
24 Certification does not affect the validity of a right, privilege,
25 or obligation accrued, a contract or acquisition made, any
26 liability incurred, a certificate issued, a penalty, forfeiture, or
27 punishment assessed, a rule adopted, a proceeding, investigation,

1 or remedy begun, a decision made, or other action taken by or in
2 connection with the State Board for Educator Certification. A
3 certificate issued by the State Board for Educator Certification
4 under Subchapter B, Chapter 21, Education Code, before June 30,
5 2004, is considered a certificate issued by the Texas Education
6 Agency.

7 (c) All rules, policies, procedures, and decisions of the
8 State Board for Educator Certification are continued in effect as
9 rules, policies, procedures, and decisions of the Texas Education
10 Agency until superseded by a rule or other appropriate action of the
11 Texas Education Agency.

12 (d) Any action or proceeding before the State Board for
13 Educator Certification is transferred without change in status to
14 the Texas Education Agency, and the Texas Education Agency assumes,
15 without a change in status, the position of the State Board for
16 Educator Certification in any action or proceeding to which the
17 State Board for Educator Certification is a party.

18 (e) If the State Board for Educator Certification developed
19 a course of instruction for purposes of Section 21.0482(c)(3),
20 Education Code, as added by Chapter 834, Acts of the 77th
21 Legislature, Regular Session, 2001, the Texas Education Agency may
22 adopt that course rather than developing a new course.

23 SECTION 48. This Act takes effect June 30, 2004.