

By: Lucio

S.B. No. 265

A BILL TO BE ENTITLED

AN ACT

1
2 relating to continuation and functions of the State Board for
3 Educator Certification.

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

5 SECTION 1. Subsection (a), Section 7.056, Education Code,
6 is amended to read as follows:

7 (a) Except as provided by this subsection and Subsection
8 (e), a school campus or district may apply to the commissioner for a
9 waiver of a requirement, restriction, or prohibition imposed by
10 this code or rule of the board or commissioner. A waiver of a
11 requirement related to educator certification under Subchapter B,
12 Chapter 21, is governed by Section 21.059.

13 SECTION 2. Subsection (a), Section 21.003, Education Code,
14 is amended to read as follows:

15 (a) A person may not be employed as a teacher, teacher
16 intern or teacher trainee, librarian, educational aide,
17 administrator, educational diagnostician, or counselor by a school
18 district unless the person holds an appropriate certificate or
19 permit issued as provided by Subchapter B.

20 SECTION 3. Subsection (b), Section 21.031, Education Code,
21 is amended to read as follows:

22 (b) In adopting [~~proposing~~] rules under this subchapter,
23 the board shall ensure that all candidates for certification or
24 renewal of certification demonstrate the knowledge and skills

1 necessary to improve the performance of the diverse student
2 population of this state.

3 SECTION 4. Subsection (a), Section 21.033, Education Code,
4 is amended to read as follows:

5 (a) The State Board for Educator Certification is composed
6 of 14 [~~15~~] members. The commissioner of education shall appoint an
7 employee of the agency to represent the commissioner as a nonvoting
8 member. The commissioner of higher education shall appoint an
9 employee of the Texas Higher Education Coordinating Board to
10 represent the commissioner as a nonvoting member. The governor
11 shall appoint a dean of a college of education in this state as a
12 nonvoting member. The remaining 11 [~~12~~] members are appointed by
13 the governor with the advice and consent of the senate, as follows:

14 (1) four members must be teachers employed in public
15 schools;

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

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

18 (4) four [~~five~~] members must be citizens, three of
19 whom are not and have not, in the five years preceding appointment,
20 been employed by a public school district or by an educator
21 preparation program in an institution of higher education and one
22 [~~two~~] of whom is [~~are~~] not and has [~~have~~] not been employed by a
23 public school district or by an educator preparation program in an
24 institution of higher education.

25 SECTION 5. Subchapter B, Chapter 21, Education Code, is
26 amended by adding Sections 21.0331, 21.0332, and 21.0341 to read as
27 follows:

1 Sec. 21.0331. INELIGIBILITY TO SERVE ON BOARD;
2 INELIGIBILITY FOR CERTAIN POSITIONS. (a) In this section, "Texas
3 trade association" means a cooperative and voluntarily joined
4 association of business or professional competitors in this state
5 designed to assist its members and its industry or profession in
6 dealing with mutual business or professional problems and in
7 promoting their common interest.

8 (b) A person may not be a member of the board or act as the
9 general counsel to the board if the person is required to register
10 as a lobbyist under Chapter 305, Government Code, because of the
11 person's activities for compensation on behalf of a profession
12 related to the operation of the board.

13 (c) A person may not be a member of the board and may not be a
14 board employee employed in a "bona fide executive, administrative,
15 or professional capacity," as that phrase is used for purposes of
16 establishing an exemption to the overtime provisions of the federal
17 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and
18 its subsequent amendments, if:

19 (1) the person is an officer, employee, or paid
20 consultant of a Texas trade association in the field of education;
21 or

22 (2) the person's spouse is an officer, manager, or paid
23 consultant of a Texas trade association in the field of education.

24 Sec. 21.0332. TRAINING PROGRAM FOR MEMBERS OF BOARD.

25 (a) A person who is appointed and qualifies for office as a member
26 of the board may not vote, deliberate, or be counted as a member in
27 attendance at a meeting of the board until the person completes a

1 training program that complies with this section.

2 (b) The training program must provide the person with
3 information regarding:

4 (1) the legislation that created the board;

5 (2) the programs operated by the board;

6 (3) the role and functions of the board;

7 (4) the rules of the board, with an emphasis on the
8 rules that relate to disciplinary and investigatory authority;

9 (5) the current budget for the board;

10 (6) the results of the most recent formal audit of the
11 board;

12 (7) the requirements of:

13 (A) the open meetings law, Chapter 551,
14 Government Code;

15 (B) the public information law, Chapter 552,
16 Government Code;

17 (C) the administrative procedure law, Chapter
18 2001, Government Code; and

19 (D) other laws relating to public officials,
20 including conflict-of-interest laws; and

21 (8) any applicable ethics policies adopted by the
22 board or the Texas Ethics Commission.

23 (c) A person appointed to the board is entitled to
24 reimbursement, as provided by the General Appropriations Act, for
25 the travel expenses incurred in attending the training program,
26 regardless of whether attendance at the program occurs before or
27 after the person qualifies for office.

1 Sec. 21.0341. REMOVAL FROM BOARD. (a) It is a ground for
2 removal from the board that a member:

3 (1) does not have at the time of taking office the
4 qualifications for office under Section 21.033;

5 (2) except as provided by Subsection (b), does not
6 maintain during service on the board the applicable qualifications
7 for office under Section 21.033;

8 (3) is ineligible for membership under Section
9 21.0331;

10 (4) cannot, because of illness or disability,
11 discharge the member's duties for a substantial portion of the
12 member's term; or

13 (5) is absent from more than half of the regularly
14 scheduled board meetings that the member is eligible to attend
15 during a calendar year, without an excuse approved by a majority
16 vote of the board.

17 (b) A member of the board appointed under Section
18 21.033(a)(1) who retires from teaching during the member's term of
19 office is entitled to complete the term.

20 (c) The validity of an action of the board is not affected by
21 the fact that the action was taken when a ground for removal of a
22 board member existed.

23 (d) If the executive director has knowledge that a potential
24 ground for removal exists, the executive director shall notify the
25 presiding officer of the board of the potential ground. The
26 presiding officer shall then notify the governor and the attorney
27 general that a potential ground for removal exists. If the

1 potential ground for removal involves the presiding officer, the
2 executive director shall notify the next highest ranking officer of
3 the board, who shall then notify the governor and the attorney
4 general that a potential ground for removal exists.

5 SECTION 6. Sections 21.035 and 21.036, Education Code, are
6 amended to read as follows:

7 Sec. 21.035. APPLICATION OF SUNSET ACT. The board is
8 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
9 continued in existence as provided by that chapter, the board is
10 abolished and this subchapter expires September 1, 2015 [~~2003~~].

11 Sec. 21.036. OFFICERS. (a) The governor [~~board~~] shall
12 appoint [~~elect~~] one of the board [~~its~~] members to serve as presiding
13 officer of the board [~~for a term of two years~~]. The presiding
14 officer serves at the pleasure of the governor and is entitled to
15 vote on all matters before the board.

16 (b) The board may elect other officers from among its
17 membership.

18 SECTION 7. Subchapter B, Chapter 21, Education Code, is
19 amended by adding Sections 21.0391, 21.0392, and 21.0401 to read as
20 follows:

21 Sec. 21.0391. EQUAL OPPORTUNITY EMPLOYMENT. (a) The
22 executive director or the executive director's designee shall
23 prepare and maintain a written policy statement that implements a
24 program of equal employment opportunity to ensure that all
25 personnel decisions are made without regard to race, color,
26 disability, sex, religion, age, or national origin.

27 (b) The policy statement must include:

1 (1) personnel policies, including policies relating
2 to recruitment, evaluation, selection, training, and promotion of
3 personnel, that show the intent of the board to avoid the unlawful
4 employment practices described by Chapter 21, Labor Code; and

5 (2) an analysis of the extent to which the composition
6 of the board's personnel is in accordance with state and federal law
7 and a description of reasonable methods to achieve compliance with
8 state and federal law.

9 (c) The policy statement must be:

10 (1) filed with the governor's office;

11 (2) updated annually; and

12 (3) reviewed by the state Commission on Human Rights
13 for compliance with Subsection (b)(1).

14 Sec. 21.0392. STATE EMPLOYEE INCENTIVE INFORMATION. The
15 executive director or the executive director's designee shall
16 provide to board employees information and training on the benefits
17 and methods of participating in the state employee incentive
18 program under Subchapter B, Chapter 2108, Government Code.

19 Sec. 21.0401. COLLECTION OF FINGERPRINTS REQUIRED. The
20 State Board for Educator Certification shall obtain a complete set
21 of fingerprints from:

22 (1) each applicant for a certificate issued under this
23 subchapter; and

24 (2) each applicant for or holder of a teaching permit
25 or provisional certificate issued under this subchapter.

26 SECTION 8. Subsections (b) and (c), Section 21.041,
27 Education Code, are amended to read as follows:

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

2 (1) provide for the regulation of educators and the
3 general administration of this subchapter in a manner consistent
4 with this subchapter;

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

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

9 (4) specify the requirements for the issuance and
10 renewal of an educator certificate;

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

14 (6) provide for special or restricted certification of
15 educators, including certification of instructors of American Sign
16 Language;

17 (7) provide for the investigation of complaints of
18 disciplinary violations, including:

19 (A) a deadline for each action in the
20 investigation of a complaint;

21 (B) notification requirements for each party
22 involved in the complaint; and

23 (C) a method for designating the severity of an
24 alleged violation that allows the board to set priorities for
25 conducting investigations;

26 (8) provide for disciplinary proceedings, including
27 the suspension or revocation of an educator certificate, as

1 provided by Chapter 2001, Government Code;

2 (9) [~~(8)~~] provide for the adoption, amendment, and
3 enforcement of an educator's code of ethics;

4 (10) [~~(9)~~] provide for continuing education
5 requirements; and

6 (11) [~~(10)~~] provide for certification of persons
7 performing appraisals under Subchapter H.

8 (c) The board shall by rule adopt fees [~~propose a rule~~
9 ~~adopting a fee~~] for:

10 (1) the issuance and maintenance of each [~~an~~] educator
11 certificate, including a provisional certificate, that is adequate
12 to cover the cost of administration of this subchapter, including
13 any amount necessary to cover the cost of obtaining fingerprints
14 under Section 21.0401 or conducting a national criminal background
15 check under Section 22.082; and

16 (2) covering the cost of obtaining fingerprints from
17 or conducting a national criminal background check on a holder of a
18 teaching permit issued under this subchapter.

19 SECTION 9. Subchapter B, Chapter 21, Education Code, is
20 amended by adding Sections 21.0411 through 21.0414 to read as
21 follows:

22 Sec. 21.0411. DEVELOPMENT OF RULES. (a) This section
23 applies to the process by which the board develops rules before the
24 rules are published in the Texas Register and before the board
25 complies with the rulemaking requirements of Chapter 2001,
26 Government Code. This section does not affect any duty to comply
27 with the rulemaking requirements of that law.

1 (b) The board shall establish a checklist of methods that,
2 to the extent appropriate, the board will follow to obtain early in
3 the rule development process the advice and opinions of the public
4 and of persons who will be most affected by a rule. The checklist
5 must include methods for identifying persons who will be most
6 affected and for soliciting at a minimum the advice and opinions of
7 the agency, other state agency personnel, educators, school
8 district administrators, and, to the extent appropriate, parents.
9 The checklist may include negotiated rulemaking, informal
10 conferences, advisory committees, and any other appropriate
11 method.

12 (c) A rule adopted by the board may not be challenged on the
13 grounds that the board did not comply with this section.

14 (d) This section does not apply to the adoption of an
15 emergency rule adopted in accordance with Section 2001.034,
16 Government Code.

17 Sec. 21.0412. PUBLIC TESTIMONY. The board shall develop
18 and implement policies designed to provide the public with a
19 reasonable opportunity to appear before the board and to speak on
20 any issue under the jurisdiction of the board.

21 Sec. 21.0413. NEGOTIATED RULEMAKING AND ALTERNATIVE
22 DISPUTE RESOLUTION. (a) The board shall develop and implement a
23 policy to encourage the use of:

24 (1) negotiated rulemaking procedures under Chapter
25 2008, Government Code, for the proposal of board rules; and

26 (2) appropriate alternative dispute resolution
27 procedures under Chapter 2009, Government Code, to assist in the

1 resolution of internal and external disputes under the board's
2 jurisdiction.

3 (b) The board's procedures relating to alternative dispute
4 resolution must conform, to the extent possible, to any model
5 guidelines issued by the State Office of Administrative Hearings
6 for the use of alternative dispute resolution by state agencies.

7 (c) The board shall designate a trained person to:

8 (1) coordinate the implementation of the policy
9 adopted under Subsection (a);

10 (2) serve as a resource for any training needed to
11 implement the procedures for negotiated rulemaking and alternative
12 dispute resolution; and

13 (3) collect data concerning the effectiveness of those
14 procedures, as implemented by the board.

15 Sec. 21.0414. TECHNOLOGY POLICY. The board shall develop
16 and implement a policy that requires the executive director and
17 board employees to research and propose appropriate technological
18 solutions to improve the board's ability to perform its functions.
19 The technological solutions must:

20 (1) ensure that the public is able to easily find
21 information about the board on the Internet;

22 (2) ensure that persons who want to use the board's
23 services are able to:

24 (A) interact with the board through the Internet;
25 and

26 (B) access any service that can be provided
27 effectively through the Internet; and

1 (3) be cost-effective and developed through the
2 board's planning processes.

3 SECTION 10. Subchapter B, Chapter 21, Education Code, is
4 amended by adding Section 21.0421 to read as follows:

5 Sec. 21.0421. ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS.

6 (a) The board may solicit and accept gifts, grants, and donations
7 for the purposes of this chapter.

8 (b) Not later than December 31 of each year, the board shall
9 report to the lieutenant governor and the speaker of the house of
10 representatives:

11 (1) the source and amount of each gift, grant, and
12 donation accepted under this section; and

13 (2) the source and amount of each gift, grant, or
14 donation offered to but not accepted by the board.

15 SECTION 11. Section 21.044, Education Code, is amended to
16 read as follows:

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

22 SECTION 12. Section 21.045, Education Code, is amended by
23 amending Subsections (a) and (c) and adding Subsection (e) to read
24 as follows:

25 (a) The board shall adopt [~~propose~~] rules establishing
26 standards to govern the approval and continuing accountability of
27 all educator preparation programs based on information that is

1 disaggregated with respect to sex and ethnicity and that includes:

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

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

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

13 (e) An educator preparation program may not use a
14 candidate's successful performance on a practice certification
15 examination or similar examination as a requirement for:

16 (1) successful completion of the program; or

17 (2) taking a certification examination prescribed
18 under Section 21.048(a).

19 SECTION 13. Subsection (a), Section 21.048, Education Code,
20 is amended to read as follows:

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

24 SECTION 14. Subchapter B, Chapter 21, Education Code, is
25 amended by adding Sections 21.0484 and 21.0521 to read as follows:

26 Sec. 21.0484. EXAMINATION RESULTS. (a) Not later than the
27 30th day after the date a person takes a certification examination

1 under this subchapter, the board shall notify the person of the
2 examination results.

3 (b) If the examination is graded or reviewed by a testing
4 service:

5 (1) the board shall notify the person of the
6 examination results not later than the 14th day after the date the
7 board receives the results from the testing service; and

8 (2) if notice of the examination results will be
9 delayed for longer than 90 days after the examination date, the
10 board shall notify the person of the reason for the delay before the
11 90th day.

12 (c) The board may require a testing service to notify a
13 person of the results of the person's examination.

14 (d) If requested in writing by a person who fails a
15 certification examination administered under this subchapter, the
16 board shall furnish the person with an analysis of the person's
17 performance on the examination.

18 Sec. 21.0521. PROVISIONAL CERTIFICATE. (a) After a
19 satisfactory review of an applicant's educator credentials, the
20 board may issue a provisional certificate to an applicant who is
21 currently certified or licensed in good standing as an educator in
22 another jurisdiction, including a foreign country, that has
23 certification or licensing requirements that are substantially
24 equivalent to the requirements of this subchapter but who has not
25 passed an examination determined by the board to be similar to and
26 at least as rigorous as the examination prescribed under Section
27 21.048.

1 (b) A provisional certificate issued under this section is
2 valid for not longer than 12 months from the effective date of the
3 provisional certificate.

4 (c) The board shall issue a standard certificate under this
5 subchapter to the provisional certificate holder if the person is
6 eligible to be certified under Section 21.052.

7 SECTION 15. Subsection (a), Section 21.049, Education Code,
8 is amended to read as follows:

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

16 SECTION 16. Subsection (b), Section 21.050, Education Code,
17 is amended to read as follows:

18 (b) The board may not require more than 18 semester credit
19 hours of education courses at the baccalaureate level for the
20 granting of a teaching certificate. The board shall provide for a
21 minimum number of semester credit hours of internship to be
22 included in the hours needed for certification. The board may adopt
23 [~~propose~~] rules requiring additional credit hours for
24 certification in bilingual education, English as a second language,
25 early childhood education, or special education.

26 SECTION 17. Section 21.051, Education Code, is amended to
27 read as follows:

1 Sec. 21.051. OPTIONS FOR FIELD EXPERIENCE AND INTERNSHIPS.
2 The board shall adopt [~~propose~~] rules providing flexible options
3 for persons for any field experience or internship required for
4 certification.

5 SECTION 18. Subsection (a), Section 21.054, Education Code,
6 is amended to read as follows:

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

10 SECTION 19. Subsections (c) and (d), Section 21.055,
11 Education Code, are amended to read as follows:

12 (c) Promptly after employing a person under this section, a
13 school district shall send to the board the person's fingerprints
14 and [~~commissioner~~] a written statement identifying the person, the
15 person's qualifications as a teacher, and the subject or class the
16 person will teach. The person may teach the subject or class
17 pending action by the board [~~commissioner~~].

18 (d) Not later than the 30th day after the date the board
19 [~~commissioner~~] receives the statement under Subsection (c), the
20 board [~~commissioner~~] may inform the district in writing that the
21 board [~~commissioner~~] finds the person is not qualified to teach.
22 The person may not teach if the board [~~commissioner~~] finds the
23 person is not qualified. If the board [~~commissioner~~] fails to act
24 within the time prescribed by this subsection, the district may
25 issue to the person a school district teaching permit and the person
26 may teach the subject or class identified in the statement.

27 SECTION 20. Subsection (d), Section 21.057, Education Code,

1 is amended to read as follows:

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

4 (1) includes:

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

7 (B) an individual who does not hold any
8 certificate or permit issued under this chapter and is not employed
9 as specified by Subdivision (2)(E); and

10 (2) does not include an individual:

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

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

17 (C) serving on a certificate issued pursuant to
18 enrollment in an approved alternative certification program under
19 Section 21.049;

20 (D) certified by another state or country and
21 serving on a certificate issued under Section 21.052 or a
22 provisional certificate issued under Section 21.0521;

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

25 (F) employed under a waiver granted by the board
26 [~~commissioner~~] pursuant to Section 21.059 [~~7.056~~].

27 SECTION 21. Subchapter B, Chapter 21, Education Code, is

1 amended by adding Sections 21.058 through 21.062 to read as
2 follows:

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

5 (b) The file must include:

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

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

8 (3) the subject matter of the complaint;

9 (4) the name of each person contacted in relation to
10 the complaint;

11 (5) a summary of the results of the review or
12 investigation of the complaint; and

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

16 (c) The board shall provide to the person filing the
17 complaint and to each person who is a subject of the complaint a
18 copy of the board's policies and procedures relating to complaint
19 investigation and resolution.

20 (d) The board, at least quarterly until final disposition of
21 the complaint, shall notify the person filing the complaint and
22 each person who is a subject of the complaint of the status of the
23 investigation unless the notice would jeopardize an undercover
24 investigation.

25 Sec. 21.059. WAIVER OF CERTIFICATION REQUIREMENT. A school
26 district may apply to the board for a waiver of a requirement under
27 this subchapter that prohibits a teacher from teaching outside the

1 teacher's area of certification.

2 Sec. 21.060. EXPIRATION OF CERTIFICATES. The board by rule
3 may adopt a system under which certificates issued by the board
4 expire on various dates during the year. For the year in which the
5 certificate expiration date is changed, the board shall prorate
6 certification fees on a monthly basis so that each certificate
7 holder pays only that portion of the fee that is allocable to the
8 number of months during which the certificate is valid. On renewal
9 of the certificate on the new expiration date, the total renewal fee
10 is payable.

11 Sec. 21.061. CERTIFICATE RENEWAL. (a) A person who is
12 otherwise eligible to renew a certificate may renew an unexpired
13 certificate by paying the required renewal fee to the board before
14 the expiration date of the certificate. A person whose certificate
15 has expired may not engage in activities that require a certificate
16 until the certificate has been renewed.

17 (b) A person whose certificate has been expired for 90 days
18 or less may renew the certificate by paying to the board a renewal
19 fee that is equal to one and one-half times the normally required
20 renewal fee.

21 (c) A person whose certificate has been expired for more
22 than 90 days but less than one year may renew the certificate by
23 paying to the board a renewal fee that is equal to two times the
24 normally required renewal fee.

25 (d) A person whose certificate has been expired for one year
26 or more may not renew the certificate. The person may obtain a new
27 certificate by complying with the requirements and procedures,

1 including the examination requirements, for obtaining an original
2 certificate.

3 (e) A person who held a certificate in this state, moved to
4 another state, and currently holds a certificate and has been in
5 practice in the other state for the two years preceding the date of
6 application may obtain a new certificate without reexamination.
7 The person must pay to the board a fee that is equal to two times the
8 normally required renewal fee for the certificate.

9 (f) Not later than the 30th day before the date a person's
10 certificate is scheduled to expire, the board shall send written
11 notice of the impending expiration to the person at the person's
12 last known address according to the records of the board.

13 Sec. 21.062. REVOCATION, MODIFICATION, OR SUSPENSION OF
14 CERTIFICATE. (a) The board shall revoke, suspend, or refuse to
15 renew a certificate or reprimand a certificate holder for a
16 violation of this subchapter or a rule of the board.

17 (b) The board may place on probation a person whose
18 certificate has been suspended. If a certificate suspension is
19 probated, the board may require the person:

20 (1) to report regularly to the board on matters that
21 are the basis of the probation;

22 (2) to limit practice to the areas prescribed by the
23 board; or

24 (3) to continue or review professional education until
25 the person attains a degree of skill satisfactory to the board in
26 those areas that are the basis of the probation.

27 SECTION 22. Subsection (c), Section 21.553, Education Code,

1 is amended to read as follows:

2 (c) The State Board for Educator Certification shall adopt
3 [~~propose~~] rules establishing criteria for awarding financial
4 incentives under this section, including criteria for awarding
5 financial incentives if there are more participants than funds
6 available to provide the financial incentives.

7 SECTION 23. Section 22.082, Education Code, is amended to
8 read as follows:

9 Sec. 22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY STATE
10 BOARD FOR EDUCATOR CERTIFICATION. The State Board for Educator
11 Certification shall obtain from any law enforcement or criminal
12 justice agency all state and national criminal history record
13 information that relates to an applicant for or holder of a
14 certificate or permit issued under Subchapter B, Chapter 21. The
15 board shall require an applicant to pay any costs related to
16 obtaining criminal history information under this section.

17 SECTION 24. Section 411.090, Government Code, is amended to
18 read as follows:

19 Sec. 411.090. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION
20 AND FINGERPRINTS: STATE BOARD FOR EDUCATOR CERTIFICATION.

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

26 (b) Criminal history record information obtained by the
27 board under Subsection (a):

1 (1) may be used for any purpose related to the
2 issuance, denial, suspension, or cancellation of a certificate
3 issued by the board; and

4 (2) may not be released to any person except on court
5 order or with the consent of the applicant for a certificate [~~, and~~

6 ~~(3) shall be destroyed by the board after the~~
7 ~~information is used for the authorized purposes].~~

8 (c) The State Board for Educator Certification may keep on
9 file with the department all fingerprints obtained by the board
10 under Section 21.0401, Education Code. The department shall notify
11 the board of the arrest of any educator who has fingerprints on file
12 with the department.

13 (d) In this section, "educator" has the meaning assigned by
14 Section 5.001, Education Code.

15 SECTION 25. Section 21.042, Education Code, is repealed.

16 SECTION 26. Not later than January 1, 2004, the executive
17 director of the State Board for Educator Certification or the
18 executive director's designee shall prepare the written policy
19 statement required by Section 21.0391, Education Code, as added by
20 this Act.

21 SECTION 27. (a) Not later than January 1, 2004, the State
22 Board for Educator Certification shall adopt [~~propose~~] rules
23 governing the certification of educational diagnosticians.
24 Subsection (a), Section 21.003, Education Code, as amended by this
25 Act, applies only to the employment of an educational diagnostician
26 by a school district on or after September 1, 2004.

27 (b) The position on the State Board for Educator

1 Certification that is filled by a citizen member and has a term
2 scheduled to expire February 1, 2005, is abolished September 1,
3 2003.

4 (c) Sections 21.0331 and 21.0332, Education Code, as added
5 by this Act, do not affect the entitlement of a person serving as a
6 member of the State Board for Educator Certification immediately
7 before September 1, 2003, to continue to serve and function as a
8 member of the board for the remainder of the person's term.
9 Sections 21.0331 and 21.0332, Education Code, as added by this Act,
10 apply only to a person appointed to the State Board for Educator
11 Certification on or after September 1, 2003.

12 (d) Section 21.0484, Education Code, as added by this Act,
13 applies only to an examination administered under Subchapter B,
14 Chapter 21, Education Code, on or after September 1, 2003.

15 (e) Section 21.058, Education Code, as added by this Act,
16 applies only to a complaint filed with the State Board for Educator
17 Certification on or after September 1, 2003, regardless of whether
18 the conduct or act that is the subject of the complaint occurred or
19 was committed before, on, or after that date.

20 (f) Section 21.061, Education Code, as added by this Act,
21 applies to fees for renewal of a certificate under Subchapter B,
22 Chapter 21, Education Code, that expires on or after September 1,
23 2003. Fees for renewal of a certificate that expired before that
24 date are governed by the law in effect on the date the certificate
25 expired, and the former law is continued in effect for that purpose.

26 SECTION 28. This Act takes effect September 1, 2003.