

By: Lucio

S.B. No. 265

Substitute the following for S.B. No. 265:

By: Grusendorf

C.S.S.B. No. 265

A BILL TO BE ENTITLED

1

AN ACT

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. Section 21.003, Education Code, is amended by
6 amending Subsection (a) and adding Subsections (c) and (d) to read
7 as follows:

8 (a) Except as otherwise provided by Subsection (c), a [A]
9 person may not be employed as a teacher, teacher intern or teacher
10 trainee, librarian, educational aide, administrator, or counselor
11 by a school district unless the person holds an appropriate
12 certificate or permit issued as provided by Subchapter B.

13 (c) A district may employ as a superintendent a person who
14 does not hold a certificate issued under Subchapter B if:

15 (1) the board of trustees of the district determines
16 that the person has significant experience as a chief executive of a
17 business or as an administrator of a large organization, including
18 a military or nonprofit organization;

19 (2) the person holds an advanced degree from an
20 institution of higher education; and

21 (3) the person complies with all requirements adopted
22 by the commissioner for first-time superintendents.

23 (d) The agency may issue a superintendent certificate to a
24 person described by Subsection (c).

1 SECTION 2. Section 21.004(c), Education Code, is amended to
2 read as follows:

3 (c) The commissioner, in cooperation with the commissioner
4 of higher education and the [~~executive director of the~~] State Board
5 for Educator Certification, shall annually identify the need for
6 teachers in specific subject areas and geographic regions and among
7 underrepresented groups. The commissioner shall give priority to
8 developing and implementing recruitment programs to address those
9 needs from the agency's discretionary funds.

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

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

22 (1) four members must be teachers employed in public
23 schools;

24 (2) four [~~two~~] members must be public school
25 administrators; and

26 (3) one member must be a citizen who is [~~public school~~
27 ~~counselor, and~~

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

8 SECTION 4. Subchapter B, Chapter 21, Education Code, is
9 amended by adding Sections 21.0331, 21.0332, and 21.0341 to read as
10 follows:

11 Sec. 21.0331. INELIGIBILITY TO SERVE ON BOARD;
12 INELIGIBILITY FOR CERTAIN POSITIONS. (a) In this section, "Texas
13 trade association" means a cooperative and voluntarily joined
14 association of business or professional competitors in this state
15 designed to assist its members and its industry or profession in
16 dealing with mutual business or professional problems and in
17 promoting their common interest.

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

23 (c) A person may not be a member of the board and may not be a
24 board employee employed in a "bona fide executive, administrative,
25 or professional capacity," as that phrase is used for purposes of
26 establishing an exemption to the overtime provisions of the federal
27 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and

1 its subsequent amendments, if:

2 (1) the person is an officer, employee, or paid
3 consultant of a Texas trade association in the field of education;
4 or

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

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

8 (a) A person who is appointed and qualifies for office as a member
9 of the board may not vote, deliberate, or be counted as a member in
10 attendance at a meeting of the board until the person completes a
11 training program that complies with this section.

12 (b) The training program must provide the person with
13 information regarding:

14 (1) the legislation that created the board;

15 (2) the programs operated by the board;

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

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

19 (5) the current budget for the board;

20 (6) the results of the most recent formal audit of the
21 board;

22 (7) the requirements of:

23 (A) the open meetings law, Chapter 551,
24 Government Code;

25 (B) the public information law, Chapter 552,
26 Government Code;

27 (C) the administrative procedure law, Chapter

1 2001, Government Code; and

2 (d) other laws relating to public officials,
3 including conflict-of-interest laws; and

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

6 (c) A person appointed to the board is entitled to
7 reimbursement, as provided by the General Appropriations Act, for
8 the travel expenses incurred in attending the training program,
9 regardless of whether attendance at the program occurs before or
10 after the person qualifies for office.

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

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

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

18 (3) is ineligible for membership under Section
19 21.0331;

20 (4) cannot, because of illness or disability,
21 discharge the member's duties for a substantial portion of the
22 member's term; or

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

27 (b) A member of the board appointed under Section

1 21.033(a)(1) who retires from teaching during the member's term of
2 office is entitled to complete the term.

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

6 (d) If a member of the board has knowledge that a potential
7 ground for removal of any member exists, the member shall notify the
8 presiding officer of the board of the potential ground. The
9 presiding officer shall then notify the governor and the attorney
10 general that a potential ground for removal exists. If the
11 potential ground for removal involves the presiding officer, the
12 member shall notify the next highest ranking officer of the board,
13 who shall then notify the governor and the attorney general that a
14 potential ground for removal exists.

15 SECTION 5. Section 21.035, Education Code, is amended to
16 read as follows:

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

21 SECTION 6. Section 21.040, Education Code, is amended to
22 read as follows:

23 Sec. 21.040. GENERAL POWERS AND DUTIES OF BOARD. The board
24 shall:

25 (1) [~~supervise the executive director's performance,~~
26 [~~2~~] approve an operating budget for the board and
27 make a request for appropriations;

1 (2) [~~(3)~~] appoint the members of any advisory
2 committee to the board;

3 (3) [~~(4)~~] ~~for each class of educator certificate,~~
4 ~~appoint an advisory committee composed of members of that class to~~
5 ~~recommend standards for that class to the board;~~

6 [~~(5)~~] provide to its members and employees, as often
7 as necessary, information regarding their qualifications for
8 office or employment under this chapter and their responsibilities
9 under applicable laws relating to standards of conduct for state
10 officers or employees;

11 (4) [~~(6)~~] develop and implement policies that clearly
12 define the respective responsibilities of the board and the board's
13 staff;

14 (5) [~~(7)~~] file annually with the governor and the
15 presiding officer of each house of the legislature a complete and
16 detailed written report, in the form and within the time provided by
17 the General Appropriations Act, accounting for all funds received
18 and disbursed by the board during the preceding fiscal year; and

19 (6) [~~(8)~~] execute interagency contracts to perform
20 routine administrative functions.

21 SECTION 7. Section 21.041, Education Code, is amended by
22 amending Subsections (b) and (c) and adding Subsection (b-1) to
23 read as follows:

24 (b) The commissioner [~~board~~] shall adopt [~~propose~~] rules
25 that:

26 (1) provide for the regulation of educators and the
27 general administration of this subchapter in a manner consistent

1 with this subchapter;

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

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

6 (4) specify the requirements for the issuance and
7 renewal of an educator certificate;

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

11 (6) provide for special or restricted certification of
12 educators, including certification of instructors of American Sign
13 Language. [~~+~~]

14 (b-1) The board shall adopt rules that:

15 (1) [~~(7)~~] provide for disciplinary proceedings,
16 including the suspension or revocation of an educator certificate,
17 as provided by Chapter 2001, Government Code;

18 (2) [~~(8)~~] provide for the adoption, amendment, and
19 enforcement of an educator's code of ethics;

20 (3) [~~(9)~~] provide for continuing education
21 requirements; and

22 (4) [~~(10)~~] provide for certification of persons
23 performing appraisals under Subchapter H.

24 (c) The commissioner [~~board~~] shall by rule adopt [~~propose a~~
25 ~~rule adopting~~] a fee for the issuance and maintenance of an educator
26 certificate that is adequate to cover the cost of administration of
27 this subchapter.

1 SECTION 8. Section 21.045, Education Code, is amended to
2 read as follows:

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

9 (1) results of the certification examinations
10 prescribed under Section 21.048(a); and

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

13 (b) Each educator preparation program shall submit data
14 elements as required by the commissioner [~~board~~] for an annual
15 performance report to ensure access and equity. At a minimum, the
16 annual report must contain the performance data from Subsection (a)
17 and the following information, disaggregated by sex and ethnicity:

18 (1) the number of candidates who apply;

19 (2) the number of candidates admitted;

20 (3) the number of candidates retained;

21 (4) the number of candidates completing the program;

22 (5) the number of candidates employed in the
23 profession after completing the program; and

24 (6) the number of candidates retained in the
25 profession.

26 (c) The commissioner [~~board~~] shall adopt [~~propose~~] rules
27 establishing performance standards for the Accountability System

1 for Educator Preparation for accrediting educator preparation
2 programs. At a minimum, performance standards must be based on
3 Subsection (a). The commissioner [~~board~~] shall adopt [~~propose~~]
4 rules for the sanction of educator preparation programs and shall
5 annually review the accreditation status of each educator
6 preparation program.

7 (d) The commissioner [~~executive director of the board~~]
8 shall appoint an oversight team of educators to make
9 recommendations and provide assistance to educator preparation
10 programs that do not meet accreditation standards. If, after one
11 year, an educator preparation program has not fulfilled the
12 recommendations of the oversight team, the commissioner [~~executive~~
13 ~~director~~] shall appoint a person to administer and manage the
14 operations of the program. If the program does not improve after
15 two years, the commissioner [~~board~~] shall revoke the approval of
16 the program to prepare educators for state certification.

17 SECTION 9. Sections 21.047(a) and (b), Education Code, are
18 amended to read as follows:

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

1 with other entities to develop materials and provide training.

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

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

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

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

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

27 SECTION 11. Section 21.0481, Education Code, is amended to

1 read as follows:

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

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

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

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

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

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

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

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

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

27 (iii) effective professional peer mentoring

1 techniques;

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

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

7 SECTION 12. Section 21.0482, Education Code, as added by
8 Chapter 834, Acts of the 77th Legislature, Regular Session, 2001,
9 is amended to read as follows:

10 Sec. 21.0482. MASTER MATHEMATICS TEACHER CERTIFICATION.

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

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

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

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

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

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

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

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

27 (3) satisfactorily complete a knowledge-based course

1 of instruction on the science of teaching children mathematics that
2 includes training in mathematics instruction and professional peer
3 mentoring techniques that, through scientific testing, have been
4 proven effective;

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

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

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

14 SECTION 13. Section 21.0482, Education Code, as added by
15 Chapter 1301, Acts of the 77th Legislature, Regular Session, 2001,
16 is amended to read as follows:

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

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

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

26 (1) hold a technology applications or Technology
27 Education certificate issued under this subchapter, satisfactorily

1 complete the course of instruction prescribed under Subdivision
2 (2)(B), and satisfactorily perform on the examination prescribed
3 under Subdivision (2)(C); or

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

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

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

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

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

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

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

22 (v) effective professional peer mentoring
23 techniques;

24 (C) satisfactorily perform on an examination
25 developed in cooperation with the Telecommunications
26 Infrastructure Fund Board and administered at the conclusion of the
27 course of instruction prescribed under Paragraph (B); and

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

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

5 (1) regional education service centers; and

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

8 SECTION 14. Section 21.049, Education Code, is amended to
9 read as follows:

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

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

24 SECTION 15. Sections 21.050(a) and (b), Education Code, are
25 amended to read as follows:

26 (a) A person who applies for a teaching certificate for
27 which commissioner [~~board~~] rules require a bachelor's degree must

1 possess a bachelor's degree received with an academic major or
2 interdisciplinary academic major, including reading, other than
3 education, that is related to the curriculum as prescribed under
4 Subchapter A, Chapter 28.

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

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

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

20 SECTION 17. Section 21.052(a), Education Code, is amended
21 to read as follows:

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

24 (1) holds:

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

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

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

6 (3) performs satisfactorily on:

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

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

13 SECTION 18. Sections 21.054(a) and (b), Education Code, are
14 amended to read as follows:

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

18 (b) Continuing education for principals must be based on an
19 individual assessment of the knowledge, skills, and proficiencies
20 necessary to perform successfully as a principal [~~as identified in~~
21 ~~Section 21.046~~]. An individualized professional growth plan shall
22 be developed as a result of the assessment and shall be used
23 exclusively for professional growth purposes. The assessment
24 results and the growth plan may only be released with the approval
25 of the principal assessed. Each certified principal shall
26 participate in the assessment process and professional growth
27 activities at least once every five years.

1 SECTION 19. Section 21.055(a), Education Code, is amended
2 to read as follows:

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

7 SECTION 20. Section 21.056, Education Code, is amended to
8 read as follows:

9 Sec. 21.056. ADDITIONAL CERTIFICATION. The commissioner
10 [~~board~~] by rule shall provide for a certified educator to qualify
11 for additional certification to teach at a grade level or in a
12 subject area not covered by the educator's certificate upon
13 satisfactory completion of an examination or other assessment of
14 the educator's qualification.

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

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

19 (1) includes:

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

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

25 (2) does not include an individual:

26 (A) who is a certified teacher assigned to teach
27 a class [~~or classes~~] outside the teacher's [~~his or her~~] area of

1 certification, as determined by commissioner rules [~~proposed by the~~
2 ~~board~~] in specifying the certificate required for each assignment;

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

5 (C) serving on a certificate issued pursuant to
6 enrollment in an approved alternative certification program under
7 Section 21.049;

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

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

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

14 SECTION 22. Section 21.503, Education Code, is amended to
15 read as follows:

16 Sec. 21.503. ELIGIBILITY. A person is eligible for the
17 program if the person:

18 (1) has served in the armed forces of the United
19 States;

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

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

1 (4) satisfies any other criteria for selection
2 [jointly] prescribed by the agency [~~and the State Board for~~
3 ~~Educator Certification~~].

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

6 (b) The agency [~~and the State Board for Educator~~
7 ~~Certification~~] shall distribute the applications and information
8 regarding the program.

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

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

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

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

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

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

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

1 (6) satisfies the provisions of any additional
2 reimbursement exception adopted by the agency.

3 SECTION 25. Sections 21.551 and 21.553, Education Code, are
4 amended to read as follows:

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

7 (1) attract to the teaching profession persons who
8 have expressed interest in teaching and to support the
9 certification of those persons as teachers;

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

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

20 (4) provide annual stipends to postbaccalaureate
21 teacher certification candidates.

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

27 (1) require a contract between each participant who

1 accepts a financial incentive and the agency [~~State Board for~~
2 ~~Educator Certification~~] under which the participant is obligated to
3 teach in a public school in this state for a stated period after
4 certification;

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

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

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

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

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

21 (b) The agency [~~and the State Board for Educator~~
22 ~~Certification~~] shall distribute the applications and information
23 regarding the program.

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

26 (c) For purposes of this section, a participant in the
27 program is not considered to be in violation of an agreement under

1 Section 21.607 during any period in which the participant:

2 (1) is pursuing a full-time course of study related to
3 the field of teaching at an institution of higher education
4 approved by the agency [~~State Board for Educator Certification~~];

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

7 (3) is temporarily totally disabled for a period not
8 to exceed three years as established by affidavit of a qualified
9 physician;

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

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

15 (6) satisfies the provisions of any additional
16 reimbursement exception adopted by the agency.

17 SECTION 28. Section 22.082, Education Code, is amended to
18 read as follows:

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

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

27 (d) The superintendent of a district or the director of an

1 open-enrollment charter school, private school, regional education
2 service center, or shared services arrangement shall promptly
3 notify the agency [~~State Board for Educator Certification~~] in
4 writing if the person obtains or has knowledge of information
5 showing that an applicant for or holder of a certificate issued
6 under Subchapter B, Chapter 21, has a reported criminal history.

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

9 Sec. 22.085. DISCHARGE OF EMPLOYEES CONVICTED OF OFFENSES.
10 A school district, open-enrollment charter school, private school,
11 regional education service center, or shared services arrangement
12 may discharge an employee if the district or school obtains
13 information of the employee's conviction of a felony or of a
14 misdemeanor involving moral turpitude that the employee did not
15 disclose to the agency [~~State Board for Educator Certification~~] or
16 the district, school, service center, or shared services
17 arrangement. An employee discharged under this section is
18 considered to have been discharged for misconduct for purposes of
19 Section 207.044, Labor Code. For purposes of this subsection, a
20 disclosure to the State Board for Educator Certification before
21 September 1, 2003, is considered a disclosure to the agency.

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

1 for making a report required under this subchapter.

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

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

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

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

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

24 SECTION 32. Section 33.002, Education Code, is amended to
25 read as follows:

26 Sec. 33.002. CERTIFIED COUNSELOR. (a) A school district
27 with 500 or more students enrolled in elementary school grades

1 shall employ a counselor certified under Subchapter B, Chapter 21,
2 [~~the rules of the State Board for Educator Certification~~] for each
3 elementary school in the district. A school district shall employ
4 at least one counselor for every 500 elementary school students in
5 the district.

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

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

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

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

19 SECTION 33. Section 61.0514, Education Code, is amended to
20 read as follows:

21 Sec. 61.0514. INTEGRATED COURSEWORK. The board, with the
22 cooperation and advice of the Texas Education Agency [~~State Board~~
23 ~~for Educator Certification~~], shall adopt educator preparation
24 coursework guidelines that promote, to the greatest extent
25 practicable, the integration of subject matter knowledge with
26 classroom teaching strategies and techniques in order to maximize
27 the effectiveness and efficiency of coursework required for

1 certification under Subchapter B, Chapter 21.

2 SECTION 34. Section 261.406(b), Family Code, is amended to
3 read as follows:

4 (b) The department shall send a written report of the
5 department's investigation, as appropriate, to the Texas Education
6 Agency, [~~the agency responsible for teacher certification,~~] the
7 local school board or the school's governing body, and the school
8 principal or director, unless the principal or director is alleged
9 to have committed the abuse or neglect, for appropriate action. On
10 request, the department shall provide a copy of the report of
11 investigation to the parent, managing conservator, or legal
12 guardian of a child who is the subject of the investigation and to
13 the person alleged to have committed the abuse or neglect. The
14 report of investigation shall be edited to protect the identity of
15 the persons who made the report of abuse or neglect. Section
16 261.201(b) applies to the release of confidential information
17 relating to the investigation of a report of abuse or neglect under
18 this section and to the identity of the person who made the report
19 of abuse or neglect.

20 SECTION 35. Section 411.090, Government Code, is amended to
21 read as follows:

22 Sec. 411.090. ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: TEXAS EDUCATION AGENCY [~~STATE BOARD FOR EDUCATOR~~
24 ~~CERTIFICATION~~]. (a) The Texas Education Agency [~~State Board for~~
25 ~~Educator Certification~~] is entitled to obtain from the department
26 any criminal history record information maintained by the
27 department about a person who has applied to the agency [~~board~~] for

1 a certificate under Subchapter B, Chapter 21, Education Code.

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

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

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

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

11 SECTION 36. Section 411.097(d), Government Code, is amended
12 to read as follows:

13 (d) Criminal history record information obtained by a
14 school district, charter school, private school, service center,
15 commercial transportation company, or shared services arrangement
16 under Subsection (a), (b), or (c) may not be released or disclosed
17 to any person, other than the individual who is the subject of the
18 information, the Texas Education Agency, [~~the State Board for~~
19 ~~Educator Certification,~~] or the chief personnel officer of the
20 transportation company, if the information is obtained under
21 Subsection (a)(2).

22 SECTION 37. Section 821.103, Government Code, is amended to
23 read as follows:

24 Sec. 821.103. CANCELLATION OF TEACHER CERTIFICATE. (a)
25 After receiving notice from the board of trustees of an offense
26 under Section 821.101 and after complying with Chapter 2001 and
27 rules adopted by the Texas Education Agency and the State Board for

1 Educator Certification, the State Board for Educator Certification
2 may cancel the teacher certificate of a person if the State Board
3 for Educator Certification determines that the person committed the
4 offense.

5 (b) The [~~executive director of the~~] State Board for Educator
6 Certification may enter into an agreed sanction.

7 (c) A criminal prosecution of an offender under Section
8 821.101 is not a prerequisite to action by the State Board for
9 Educator Certification or the commissioner of education [~~its~~
10 ~~executive director~~].

11 SECTION 38. Section 48.102(a), Human Resources Code, is
12 amended to read as follows:

13 (a) The department shall send a written report of the
14 department's investigation of alleged abuse, neglect, or
15 exploitation of a disabled adult at a school, as appropriate, to the
16 Texas Education Agency, [~~the agency responsible for teacher~~
17 ~~certification,~~] the local school board or the school's governing
18 body, and the school principal or director, unless the principal or
19 director is alleged to have committed the abuse, neglect, or
20 exploitation. The entity to which the report is sent shall take
21 appropriate action.

22 SECTION 39. Section 504.002(b), Occupations Code, is
23 amended to read as follows:

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

26 (1) is employed as a counselor by a federal
27 institution and is providing chemical dependency counseling within

1 the scope of the person's employment;

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

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

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

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

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

12 (B) is authorized to engage in the activity or
13 provide the service under the law of the state of the person's
14 residence;

15 (4) is a licensed physician, psychologist,
16 professional counselor, or social worker;

17 (5) is a religious leader of a congregation providing
18 pastoral chemical dependency counseling within the scope of the
19 person's duties;

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

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

25 SECTION 40. Section 15A(f), Texas Driver and Traffic Safety
26 Education Act (Article 4413(29c), Vernon's Texas Civil Statutes),
27 is amended to read as follows:

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

5 (1) has completed the educational requirements for a
6 classroom driver education instructor prescribed under Subsection
7 (c)(1) of this section;

8 (2) holds a Texas teaching certificate with an
9 effective date before February 1, 1986;

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

15 (4) demonstrates, in a manner prescribed by the
16 commissioner, the intention to comply with the examination
17 requirement at the first available opportunity.

18 SECTION 41. Sections 21.031, 21.039, 21.042, 21.044,
19 21.046, and 21.552, Education Code, are repealed.

20 SECTION 42. (a) The positions on the State Board for
21 Educator Certification that are filled by a citizen member and have
22 a term scheduled to expire on or before February 1, 2005, are
23 abolished September 1, 2003.

24 (b) One of the two positions on the State Board for Educator
25 Certification that is filled by a citizen member and has a term
26 scheduled to expire February 1, 2007, is abolished September 1,
27 2003. The two citizen members holding those positions shall draw

1 lots to determine which position is abolished under this
2 subsection.

3 (c) The position on the State Board for Educator
4 Certification that is filled by a public school counselor is
5 abolished September 1, 2003.

6 SECTION 43. Sections 21.0331 and 21.0332, Education Code,
7 as added by this Act, do not affect the entitlement of a person
8 serving as a member of the State Board for Educator Certification
9 immediately before September 1, 2003, to continue to serve and
10 function as a member of the board for the remainder of the person's
11 term. Sections 21.0331 and 21.0332, Education Code, as added by
12 this Act, apply only to a person appointed to the State Board for
13 Educator Certification on or after September 1, 2003.

14 SECTION 44. (a) The State Board for Educator Certification
15 may transfer any records, personnel, or property of the State Board
16 for Educator Certification to the Texas Education Agency as the
17 board and agency determine necessary to transfer the authority
18 provided for in this Act.

19 (b) The transfer of authority from the State Board for
20 Educator Certification to the Texas Education Agency provided for
21 in this Act does not affect the validity of a right, privilege, or
22 obligation accrued, a contract or acquisition made, any liability
23 incurred, a certificate issued, a penalty, forfeiture, or
24 punishment assessed, a rule adopted, a proceeding, investigation,
25 or remedy begun, a decision made, or other action taken by or in
26 connection with the State Board for Educator Certification. A
27 certificate issued by the State Board for Educator Certification

1 under Subchapter B, Chapter 21, Education Code, before September 1,
2 2003, is considered a certificate issued by the Texas Education
3 Agency.

4 (c) All rules, policies, procedures, and decisions of the
5 State Board for Educator Certification that relate to authority of
6 the board transferred to the Texas Education Agency as provided for
7 in this Act are continued in effect as rules, policies, procedures,
8 and decisions of the agency until superseded by a rule or other
9 appropriate action of the agency.

10 (d) Any action or proceeding before the State Board for
11 Educator Certification that is transferred to the Texas Education
12 Agency under this Act is transferred without change in status to the
13 agency, and the agency assumes, without a change in status, the
14 position of the board in any action or proceeding to which the board
15 is a party.

16 (e) The Texas Education Agency may adopt any course of
17 instruction or process for certification of the State Board for
18 Educator Certification rather than developing a new course or
19 process.

20 SECTION 45. This Act takes effect September 1, 2003.