

Amend CSSB 422 (House committee printing) as follows:

(1) Strike SECTION 1.13 of the bill (page 12, lines 9 through 25) and renumber the subsequent SECTIONS of Article 1 accordingly.

(2) In SECTION 2.31 of the bill, in amended Section 1001.254(a), Education Code (page 80, line 19), strike "State Board for Educator Certification" and substitute "commissioner of education [~~State Board for Educator Certification~~]".

(3) Add the following appropriately numbered ARTICLE to the bill and renumber the subsequent ARTICLES accordingly:

ARTICLE \_\_. ABOLISHMENT OF STATE BOARD FOR EDUCATOR  
CERTIFICATION; TRANSFER OF POWERS AND DUTIES

SECTION \_\_.01. Section 21.0031(a), Education Code, is amended to read as follows:

(a) An employee's probationary, continuing, or term contract under this chapter is void if the employee:

(1) does not hold a certificate or permit issued under Subchapter B [~~by the State Board for Educator Certification~~]; or

(2) fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

SECTION \_\_.02. Sections 21.004(a)-(e), Education Code, are amended to read as follows:

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

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

(c) The commissioner, in cooperation with the commissioner

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

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

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

SECTION \_\_.03. Sections 21.006(b), (c), (e), (f), and (g), Education Code, are amended to read as follows:

(b) In addition to the reporting requirement under Section 261.101, Family Code, the superintendent or director of a school district, regional education service center, or shared services arrangement shall notify the commissioner [~~State Board for Educator Certification~~] if the superintendent or director has reasonable cause to believe that:

(1) an educator employed by or seeking employment by the district, service center, or shared services arrangement has a criminal record;

(2) an educator's employment at the district, service center, or shared services arrangement was terminated based on a determination that the educator:

(A) abused or otherwise committed an unlawful act with a student or minor;

(B) possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq. [~~, and its~~

~~subsequent amendments];~~

(C) illegally transferred, appropriated, or expended funds or other property of the district, service center, or shared services arrangement;

(D) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

(E) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event; or

(3) the educator resigned and reasonable evidence supports a recommendation by the superintendent or director to terminate the educator based on a determination that the educator engaged in misconduct described by Subdivision (2).

(c) The superintendent or director must notify the commissioner [~~State Board for Educator Certification~~] by filing a report with the commissioner [~~board~~] not later than the seventh day after the date the superintendent or director first learns about an alleged incident of misconduct described by Subsection (b). The report must be:

(1) in writing; and

(2) in a form prescribed by the board.

(e) A superintendent or director who in good faith and while acting in an official capacity files a report with the commissioner [~~State Board for Educator Certification~~] under this section is immune from civil or criminal liability that might otherwise be incurred or imposed.

(f) The commissioner [~~State Board for Educator Certification~~] shall determine whether to impose sanctions against a superintendent or director who fails to file a report in violation of Subsection (c).

(g) The commissioner [~~State Board for Educator Certification~~] shall adopt [~~propose~~] rules as necessary to implement this section.

SECTION \_\_.04. Section 21.031, Education Code, is amended to read as follows:

Sec. 21.031. COMMISSIONER REGULATION OF EDUCATOR

CERTIFICATION [~~PURPOSE~~]. (a) [~~The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession.~~] The commissioner [~~board~~] shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

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

SECTION \_\_.05. Sections 21.041, 21.044, and 21.045, Education Code, are amended to read as follows:

Sec. 21.041. RULES; FEES. [~~(a) The board may adopt rules as necessary for its own procedures.~~]

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

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

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

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

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

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

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

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

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

(9) provide for continuing education requirements; and

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

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

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

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

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

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

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

(1) the number of candidates who apply;

(2) the number of candidates admitted;

(3) the number of candidates retained;

(4) the number of candidates completing the program;

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

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

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

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

SECTION \_\_.06. Sections 21.046(c) and (d), Education Code, are amended to read as follows:

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

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

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

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

SECTION \_\_.07. Sections 21.047(a) and (b), Education Code, are amended to read as follows:

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

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

SECTION \_\_.08. Sections 21.048(a), (b), and (c), Education Code, are amended to read as follows:

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

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

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

SECTION \_\_.09. Sections 21.0481, 21.0482, 21.0483, 21.0484, and 21.049, Education Code, are amended to read as

follows:

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

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

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

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

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

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

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

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

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

(iii) effective professional peer mentoring techniques;

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

(D) satisfy any other requirements prescribed by the commissioner [~~board~~].

Sec. 21.0482. MASTER MATHEMATICS TEACHER CERTIFICATION.

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



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

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

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

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

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

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

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

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

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

(5) satisfy any other requirements prescribed by the commissioner [~~board~~].

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

Sec. 21.0483. MASTER TECHNOLOGY TEACHER CERTIFICATION. (a) To ensure that there are teachers with special training to work with other teachers and with students in order to increase the use of technology in each classroom, the commissioner [~~board~~] shall establish a master technology teacher certificate.

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

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

(1) hold a technology applications or Technology

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

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

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

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

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

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

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

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

(v) effective professional peer mentoring techniques;

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

(D) satisfy any other requirements prescribed by the commissioner [~~board~~].

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

(1) regional education service centers; and

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

Sec. 21.0484. MASTER SCIENCE TEACHER CERTIFICATION. (a)

To ensure that there are teachers with special training to work with other teachers and with students in order to improve student science performance, the commissioner [~~board~~] shall establish:

(1) a master science teacher certificate to teach science at elementary school grade levels;

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

(3) a master science teacher certificate to teach science at high school grade levels.

(b) The commissioner [~~board~~] shall issue the appropriate master science teacher certificate to each eligible person.

(c) To be eligible for a master science teacher certificate, a person must:

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

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

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

(4) perform satisfactorily on the appropriate master science teacher certification examination prescribed by the commissioner [~~board~~]; and

(5) satisfy any other requirements prescribed by the commissioner [~~board~~].

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

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

area.

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

SECTION \_\_.10. Sections 21.050(a) and (b), Education Code, are amended to read as follows:

(a) A person who applies for a teaching certificate for which commissioner [~~board~~] rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.

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

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

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

SECTION \_\_.12. Section 21.052(a), Education Code, is amended to read as follows:

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

(1) holds:

(A) a degree issued by an institution accredited

by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or

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

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

(3) performs satisfactorily on:

(A) the examination prescribed under Section 21.048; or

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

SECTION \_\_.13. Section 21.054(a), Education Code, is amended to read as follows:

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

SECTION \_\_.14. Section 21.055(a), Education Code, is amended to read as follows:

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

SECTION \_\_.15. Section 21.056, Education Code, is amended to read as follows:

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

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

(d) For purposes of this section, "inappropriately

certified or uncertified teacher":

(1) includes:

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

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

(2) does not include an individual:

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

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

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

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

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

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

SECTION \_\_.17. Sections 21.058(b) and (d), Education Code, are amended to read as follows:

(b) Notwithstanding Section 21.041(b)(7), not later than the fifth day after the date the board receives notice under Article 42.018, Code of Criminal Procedure, of the conviction of a person who holds a certificate under this subchapter, the commissioner [~~board~~] shall:

(1) revoke the certificate held by the person; and

(2) provide to the person and to any school district or open-enrollment charter school employing the person at the time of revocation written notice of:

(A) the revocation; and

(B) the basis for the revocation.

(d) A person whose certificate is revoked under Subsection

(b) may reapply for a certificate in accordance with commissioner [~~board~~] rules.

SECTION \_\_.18. Section 21.105(c), Education Code, is amended to read as follows:

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

- (1) resigns;
- (2) fails without good cause to comply with Subsection (a) or (b); and
- (3) fails to perform the contract.

SECTION \_\_.19. Section 21.160(c), Education Code, is amended to read as follows:

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

- (1) resigns;
- (2) fails without good cause to comply with Subsection (a) or (b); and
- (3) fails to perform the contract.

SECTION \_\_.20. Section 21.210(c), Education Code, is amended to read as follows:

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

- (1) resigns;
- (2) fails without good cause to comply with Subsection (a) or (b); and
- (3) fails to perform the contract.

SECTION \_\_.21. Section 21.503, Education Code, is amended to read as follows:

Sec. 21.503. ELIGIBILITY. A person is eligible for the

program if the person:

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

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

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

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

SECTION \_\_.22. Section 21.504(b), Education Code, is amended to read as follows:

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

SECTION \_\_.23. Section 21.510(c), Education Code, is amended to read as follows:

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

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

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

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

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

(5) is seeking and unable to find full-time employment as a teacher in a public elementary or secondary school for a single



period not to exceed 27 months; or

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

SECTION \_\_.24. Sections 21.551, 21.552, and 21.553, Education Code, are amended to read as follows:

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

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

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

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

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

Sec. 21.552. PROGRAM ESTABLISHED. The commissioner [~~State Board for Educator Certification~~] by rule shall establish the Teach for Texas Pilot Program consistent with the purposes provided by Section 21.551.

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

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

(2) provide financial incentives in proportion to the

length of the period the participant is obligated by contract to teach after certification; and

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

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

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

SECTION \_\_.25. Section 21.604(b), Education Code, is amended to read as follows:

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

SECTION \_\_.26. Section 21.609(c), Education Code, is amended to read as follows:

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

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

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

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

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

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

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

SECTION \_\_.27. Section 22.0512(b), Education Code, is amended to read as follows:

(b) In this section, "disciplinary proceeding" means:

(1) an action brought by the school district employing a professional employee of a school district to discharge or suspend the employee or terminate or not renew the employee's term contract; or

(2) an action brought by the agency [~~State Board for Educator Certification~~] to enforce the educator's code of ethics adopted under Section 21.041(b)(8).

SECTION \_\_.28. Section 22.082, Education Code, is amended to read as follows:

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

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

(d) The superintendent of a district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement shall promptly notify the commissioner [~~State Board for Educator Certification~~] in writing if the person obtains or has knowledge of information showing that an applicant for or holder of a certificate issued under Subchapter B, Chapter 21, has a reported criminal history.

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

Sec. 22.085. DISCHARGE OF EMPLOYEES CONVICTED OF OFFENSES. A school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement may discharge an employee if the district or school obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not

disclose to the agency [~~State Board for Educator Certification~~] or the district, school, service center, or shared services arrangement. An employee discharged under this section is considered to have been discharged for misconduct for purposes of Section 207.044, Labor Code.

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

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

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

(b) A teacher assigned to a bilingual education program must be appropriately certified under Subchapter B, Chapter 21, for bilingual education [~~by the board~~].

(c) A teacher assigned to an English as a second language or other special language program must be appropriately certified under Subchapter B, Chapter 21, for English as a second language [~~by the board~~].

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

SECTION \_\_.32. Sections 33.002(b) and (c), Education Code,

are amended to read as follows:

(b) A school district with 500 or more students enrolled in elementary school grades shall employ a counselor certified under the rules of the commissioner [~~State Board for Educator Certification~~] for each elementary school in the district. A school district shall employ at least one counselor for every 500 elementary school students in the district.

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

(1) employing a part-time counselor certified under the rules of the commissioner [~~State Board for Educator Certification~~];

(2) employing a part-time teacher certified as a counselor under the rules of the commissioner [~~State Board for Educator Certification~~]; or

(3) entering into a shared services arrangement agreement with one or more school districts to share a counselor certified under the rules of the commissioner [~~State Board for Educator Certification~~].

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

(g) A school district shall inform each teacher who has regular contact with a student through a classroom assignment of the conduct of a student who has engaged in any violation listed in this section. A teacher shall keep the information received in this subsection confidential. The commissioner [~~State Board for Educator Certification~~] may revoke or suspend the certification of a teacher who intentionally violates this subsection.

SECTION \_\_.34. Section 61.0514, Education Code, is amended to read as follows:

Sec. 61.0514. INTEGRATED COURSEWORK. The board, with the cooperation and advice of the commissioner of education [~~State Board for Educator Certification~~], shall adopt educator preparation coursework guidelines that promote, to the greatest extent practicable, the integration of subject matter knowledge with classroom teaching strategies and techniques in order to

maximize the effectiveness and efficiency of coursework required for certification under Subchapter B, Chapter 21.

SECTION \_\_.35. Section 61.077, Education Code, as amended by Chapters 61, 818, and 820, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

Sec. 61.077. P-16 COUNCIL. (a) The P-16 Council shall advise the Texas Higher Education Coordinating Board and the State Board of Education in coordinating postsecondary career and technology activities, career and technology teacher education programs offered or proposed to be offered in the colleges and universities of this state, and other relevant matters, including those listed in Section 61.076.

(b) The council is composed of the commissioner of education, the commissioner of higher education, and the executive director of the Texas Workforce Commission~~[, and the executive director of the State Board for Educator Certification]~~. Existing members of the council may appoint additional members as the members consider necessary. The position of presiding officer rotates among the members of the council in the order the members are listed in this subsection, with each member serving as the presiding officer for one two-year term.

(c) The council shall meet at least once each calendar quarter and may hold other meetings as necessary at the call of the presiding officer. Each member of the council or the member's designee shall make a report of the council's activities at least twice annually to the governing body of the member's agency or, in the case of the commissioner of education, to the State Board of Education.

(d) The purposes of this council shall include the following:

(1) to advise the two boards on the coordination of postsecondary career and technology education and the articulation between postsecondary career and technology education and secondary career and technology education;

(2) to facilitate the transfer of responsibilities for the administration of postsecondary career and technology education from the State Board of Education to the board in

accordance with Section 111(a)(I) of the Carl D. Perkins Vocational Education Act, Public Law 98-524;

(3) to cooperate with the commissioner of higher education and the State Board of Education, when it acts as the State Board for Career and Technology Education, on the following:

(A) the transfer of federal funds to the board for allotment to eligible public postsecondary institutions of higher education;

(B) the career and technology education funding for projects and institutions as determined by the board when the State Board for Career and Technology Education is required by federal law to endorse such determinations;

(C) the development and updating of the state plan for career and technology education and the evaluation of programs, services, and activities of postsecondary career and technology education and such amendments to the state plan for career and technology education as may relate to postsecondary education;

(D) other matters related to postsecondary career and technology education; and

(E) the coordination of curricula, instructional programs, research, and other functions as appropriate, including areas listed in Section 61.076, school-to-work and school-to-college transition programs, and professional development activities;

(4) to advise the Texas Workforce Investment Council on educational policy issues related to workforce preparation; and

(5) to examine and make recommendations regarding the alignment of secondary and postsecondary education:

(A) curricula; and

(B) testing and assessment.

(e) Subsection (d)(5) does not require the council to establish curriculum or testing or assessment standards.

SECTION \_\_.36. Article 15.27(a), Code of Criminal Procedure, is amended to read as follows:

(a) A law enforcement agency that arrests any person or refers a child to the office or official designated by the juvenile

board who the agency believes is enrolled as a student in a public primary or secondary school, for an offense listed in Subsection (h), shall attempt to ascertain whether the person is so enrolled. If the law enforcement agency ascertains that the individual is enrolled as a student in a public primary or secondary school, the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of that arrest or referral within 24 hours after the arrest or referral is made, or on the next school day. If the law enforcement agency cannot ascertain whether the individual is enrolled as a student, the agency shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is believed to be enrolled of that arrest or detention within 24 hours after the arrest or detention, or on the next school day. If the individual is a student, the superintendent shall promptly notify all instructional and support personnel who have responsibility for supervision of the student. All personnel shall keep the information received in this subsection confidential. The commissioner of education [~~State Board for Educator Certification~~] may revoke or suspend the certification of personnel who intentionally violate this subsection. Within seven days after the date the oral notice is given, the law enforcement agency shall mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, to the superintendent or the person designated by the superintendent. Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the superintendent or the superintendent's designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code. The information contained in the notice may be considered by the superintendent or the superintendent's designee in making such a determination.

SECTION \_\_.37. Article 42.018(b), Code of Criminal Procedure, is amended to read as follows:

(b) Not later than the fifth day after the date a person who holds a certificate issued under Subchapter B, Chapter 21,



Education Code, is convicted or granted deferred adjudication on the basis of an offense, the clerk of the court in which the conviction or deferred adjudication is entered shall provide to the Texas Education Agency [~~State Board for Educator Certification~~] written notice of the person's conviction or deferred adjudication, including the offense on which the conviction or deferred adjudication was based.

SECTION \_\_.38. Section 411.090, Government Code, is amended to read as follows:

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

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

(1) may be used for any purpose related to the issuance, denial, suspension, or cancellation of a certificate issued under Subchapter B, Chapter 21, Education Code [~~by the board~~];

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

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

SECTION \_\_.39. Section 411.097(d), Government Code, is amended to read as follows:

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

transportation company, if the information is obtained under Subsection (a)(2).

SECTION \_\_.40. Section 654.011(a), Government Code, is amended to read as follows:

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

- (1) general government agencies;
- (2) health and human services agencies;
- (3) the judiciary, except for judges, district attorneys, and assistant district attorneys;
- (4) public safety and criminal justice agencies;
- (5) natural resources agencies;
- (6) business and economic development agencies;
- (7) regulatory agencies; and
- (8) agencies of public education, but only the Texas Education Agency, the Texas School for the Blind and Visually Impaired, ~~[the State Board for Educator Certification]~~ the Telecommunications Infrastructure Fund, and the Texas School for the Deaf.

SECTION \_\_.41. Section 821.001(7), Government Code, is amended to read as follows:

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

SECTION \_\_.42. Section 821.103, Government Code, is amended to read as follows:

Sec. 821.103. REVOCATION ~~[CANCELLATION]~~ OF TEACHER CERTIFICATE. (a) After receiving notice from the board of

trustees of an offense under Section 821.101 and after complying with Chapter 2001 and rules adopted by the commissioner of education [~~State Board for Educator Certification~~], the commissioner [~~State Board for Educator Certification~~] may revoke [~~cancel~~] the teacher certificate of a person if the commissioner [~~State Board for Educator Certification~~] determines that the person committed the offense.

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

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

SECTION \_\_.43. Section 2054.352(a), Government Code, is reenacted and amended to conform to Chapters 553, 1216, and 1275, Acts of the 78th Legislature, Regular Session, 2003, and further amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353[~~, as added by Chapter 353, Acts of the 77th Legislature, Regular Session, 2001~~]:

- (1) State Board of Barber Examiners;
- (2) Texas Board of Chiropractic Examiners;
- (3) Texas Cosmetology Commission;
- (4) Court Reporters Certification Board;
- (5) State Board of Dental Examiners;
- (6) Texas Funeral Service Commission;
- (7) Texas Board of Professional Land Surveying;
- (8) Texas State Board of Medical Examiners;
- (9) Board of Nurse Examiners;
- (10) Texas Optometry Board;
- (11) Texas Structural Pest Control Board;
- (12) Texas State Board of Pharmacy;
- (13) Executive Council of Physical Therapy and Occupational Therapy Examiners;
- (14) Texas State Board of Plumbing Examiners;
- (15) Texas State Board of Podiatric Medical Examiners;

- (16) Board of Tax Professional Examiners;
- (17) Polygraph Examiners Board;
- (18) Texas State Board of Examiners of Psychologists;
- (19) State Board of Veterinary Medical Examiners;
- (20) Texas Real Estate Commission;
- (21) Texas Appraiser Licensing and Certification Board;
- (22) Texas Department of Licensing and Regulation;
- (24) Texas State Board of Public Accountancy;
- (25) Texas Education Agency [~~State Board for Educator Certification~~];
- (26) Texas Board of Professional Engineers;
- (27) Texas Department of Health;
- (28) Texas Board of Architectural Examiners;
- (29) Texas Racing Commission;
- (30) Commission on Law Enforcement Officer Standards and Education; and
- (31) Texas Commission on Private Security.

SECTION \_\_.44. Section 2165.104(c), Government Code, is amended to read as follows:

(c) To the extent possible without sacrificing critical public or client services, the commission may not allocate usable office space, as defined by the commission, to a state agency under Article I, II, V, VI, VII, or VIII of the General Appropriations Act or to the Texas Higher Education Coordinating Board, the Texas Education Agency, [~~the State Board for Educator Certification~~], the Telecommunications Infrastructure Fund Board, or the Office of Court Administration of the Texas Judicial System in an amount that exceeds an average of 135 square feet per agency employee for each agency site. To the extent that any of those agencies allocates its own usable office space, as defined by the commission, the agency shall allocate the space to achieve the required ratio. This subsection does not apply to:

- (1) an agency site at which there are so few employees that it is not practical to apply this subsection to that site, as determined by the commission; and
- (2) an agency site at which it is not practical to

apply this subsection because of the site's type of space or use of space, as determined by the commission.

SECTION \_\_.45. Section 504.002(b), Occupations Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(7) is a school counselor certified under Subchapter B, Chapter 21, Education Code [~~by the State Board for Educator Certification~~].

SECTION \_\_.46. Sections 21.032, 21.033, 21.034, 21.035, 21.036, 21.037, 21.038, 21.039, 21.040, 21.042, and 21.043, Education Code, are repealed.

SECTION \_\_.47. (a) The State Board for Educator

Certification is abolished, and all powers, duties, personnel, property, assets, and obligations of the board are transferred to the Texas Education Agency. The validity of a prior action of the State Board for Educator Certification is not affected by the abolishment, and any pending activities of the State Board for Educator Certification shall be deemed to have continued without interruption or material change.

(b) All rules of the State Board for Educator Certification relating to a transferred power or duty remain in effect as rules of the commissioner of education until amended or repealed by the commissioner.

(c) A contested case, rulemaking procedure, program, test, fee, contract, review, evaluation, sanction, act, or decision of the State Board for Educator Certification that is pending, completed, or in effect on the effective date of this article shall be deemed that of the commissioner of education to the extent authorized by Subchapter B, Chapter 21, Education Code, as amended by this article, or other law, until and unless a change is expressly made by the commissioner.

(d) A person who holds a certificate issued under Subchapter B, Chapter 21, Education Code, as it existed on January 1, 2005, may continue to practice under that certificate until the certificate is renewed or replaced under Subchapter B, Chapter 21, Education Code, as amended by this article.

(e) The code of ethics adopted under Subchapter B, Chapter 21, Education Code, by the State Board for Educator Certification and in effect on the effective date of this article remains in effect until superseded by rules of the commissioner of education.