

By: Alonzo

H.B. No. 238

A BILL TO BE ENTITLED

AN ACT

relating to a program to assist certain persons to become certified to teach in bilingual education programs and to teach in public schools with a shortage of certified bilingual education teachers.

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

SECTION 1. Chapter 21, Education Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. BILINGUAL EDUCATION CERTIFICATION PROGRAM

Sec. 21.751. DEFINITIONS. In this subchapter:

(1) "General academic teaching institution," "private or independent institution of higher education," "public junior college," and "recognized accrediting agency" have the meanings assigned by Section 61.003.

(2) "Program" means the Bilingual Education Certification Program.

Sec. 21.752. ESTABLISHMENT OF PROGRAM. The agency shall establish a program to:

(1) assist persons who have completed at least 60 semester credit hours of course work toward an associate degree at a junior college to obtain certification to teach in a bilingual education program in a public elementary or secondary school in this state; and

(2) facilitate the employment of those persons by a public elementary or secondary school in this state that has a

1 shortage of teachers certified to teach in the school's bilingual
2 education program and that is located in a regional educational
3 service center region that has a severe shortage of such teachers as
4 described by Section 21.757(2)(B).

5 Sec. 21.753. ELIGIBILITY. A person is eligible for the
6 program only if the person:

7 (1) has completed at least 60 semester credit hours of
8 course work toward an associate degree at a public junior college or
9 a junior college accredited by a recognized accrediting agency;

10 (2) has been admitted into an educator preparation
11 program in this state to be prepared for certification to teach in a
12 bilingual education program;

13 (3) is able to use, with equal fluency, English and
14 another language used in a bilingual education program in this
15 state in a public elementary or secondary school described by
16 Section 21.757(2);

17 (4) has stated on the person's application for the
18 program that the person is willing to enter into an agreement under
19 Section 21.757; and

20 (5) satisfies any other criteria for selection jointly
21 prescribed by the agency and the State Board for Educator
22 Certification.

23 Sec. 21.754. INFORMATION AND APPLICATIONS. (a) The agency
24 shall develop an application for the program.

25 (b) The application must provide for a statement described
26 by Section 21.753(4) to be included.

27 (c) The agency and the State Board for Educator

1 Certification shall distribute the applications and information
2 regarding the program.

3 Sec. 21.755. SELECTION OF PARTICIPANTS. (a) The agency
4 shall select persons to participate in the program on the basis of
5 applications submitted to the agency.

6 (b) Each application must be submitted:

7 (1) in the form and contain the information the agency
8 requires; and

9 (2) in a timely manner.

10 Sec. 21.756. LIMITATION ON IMPLEMENTATION. The agency may
11 not select a person to participate in the program unless the agency
12 has sufficient state appropriations to pay the stipend.

13 Sec. 21.757. AGREEMENT. A person selected to participate
14 in the program must enter into a written agreement with the agency
15 under which the person agrees to:

16 (1) obtain, within the period the agency by rule
17 requires, certification to teach in a bilingual education program
18 in a public elementary or secondary school in this state;

19 (2) accept, during the first school year that begins
20 after the date the person becomes certified, an offer of full-time
21 employment to teach in a bilingual education program in a public
22 elementary or secondary school in this state that:

23 (A) has a shortage of teachers certified to teach
24 bilingual education; and

25 (B) is located in a regional education service
26 center region in which at least 25,000 students are students of
27 limited English proficiency, as defined by Section 29.052, who are

1 eligible to be enrolled in a bilingual education program under
2 Subchapter B, Chapter 29, but cannot be served in a bilingual
3 education program because of a shortage of teachers certified to
4 teach in a bilingual education program; and

5 (3) take any action necessary to ensure that the
6 agency receives any refund to which the agency is entitled under
7 Section 21.758(c).

8 Sec. 21.758. GRANT. (a) Subject to Subsection (b), the
9 agency shall provide for each participant in the program:

10 (1) if the participant is attending a general academic
11 teaching institution, a total grant amount equal to the amount of
12 tuition and mandatory fees for educator preparation program course
13 work required for the participant to earn a baccalaureate degree
14 and be certified to teach in a bilingual education program in a
15 public elementary or secondary school in this state; and

16 (2) if the participant is attending a private or
17 independent institution of higher education, a total grant amount
18 determined by the Texas Higher Education Coordinating Board to be
19 equal to the average statewide amount of tuition and mandatory fees
20 that a resident student would be charged under Chapter 54 in an
21 educator preparation program at a general academic teaching
22 institution for the course work required for the participant to
23 earn a baccalaureate degree and be certified to teach in a bilingual
24 education program in a public elementary or secondary school in
25 this state.

26 (b) A grant under this section:

27 (1) may not provide for payment for more than 30

1 semester credit hours per academic year; and

2 (2) is payable until the participant completes the
3 educator preparation program.

4 (c) The agency shall provide for making a grant payment
5 under Subsection (a) directly to the appropriate institution of
6 higher education. The agency may not make a grant payment for a
7 number of semester credit hours greater than the number of semester
8 credit hours for which the student is registered during a semester.
9 If a program participant does not complete a course for which the
10 agency paid under the program and the institution of higher
11 education provides a partial or full refund, the agency is entitled
12 to the refund. The commissioner and the commissioner of higher
13 education jointly shall ensure that tuition refunds are paid to the
14 agency in accordance with this subsection, including jointly
15 consulting with private or independent institutions of higher
16 education as necessary.

17 Sec. 21.759. REIMBURSEMENT. (a) A participant in the
18 program who fails to obtain certification or employment as required
19 in the agreement under Section 21.757 or who voluntarily leaves or
20 is terminated for cause from the employment after teaching for less
21 than two years in a bilingual education program of a public
22 elementary or secondary school described by Section 21.757(2) shall
23 reimburse the agency for the portion of the grant that bears the
24 same ratio to the amount of the grant as the unserved portion of
25 required service bears to the two years of required service.

26 (b) The obligation to reimburse the agency under this
27 section or to reimburse the agency for any refund improperly paid to

1 a participant under Section 21.758 is, for all purposes, a debt to
2 the state. A discharge in bankruptcy under Title 11, United States
3 Code, does not release a participant from the obligation to
4 reimburse the agency. The amount owed bears interest at the rate
5 equal to the highest rate being paid by the United States on the day
6 the reimbursement is determined to be due for securities that have
7 maturities of 90 days or less, and the interest accrues from the day
8 the participant receives notice of the amount due.

9 (c) For purposes of this section, a participant in the
10 program is not considered to be in violation of an agreement under
11 Section 21.757 during any period in which the participant:

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

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

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

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

22 (5) is seeking and unable to find full-time employment
23 as a teacher in a bilingual education program in a public elementary
24 or secondary school described by Section 21.757(2) for a single
25 period not to exceed 27 months; or

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

1 (d) A participant is excused from reimbursement under
2 Subsection (a) if:

3 (1) the participant becomes permanently totally
4 disabled as established by affidavit of a qualified physician; or

5 (2) the agency waives reimbursement in the case of
6 extreme hardship to the participant.

7 Sec. 21.760. RULES. The commissioner shall adopt rules as
8 necessary to administer this subchapter.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.