

SENATE AMENDMENTS

2nd Printing

By: Shelton, Reynolds

H.B. No. 2380

A BILL TO BE ENTITLED

AN ACT

1
2 relating to employment by school districts of certain persons under
3 probationary contracts.

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

5 SECTION 1. Section 21.102, Education Code, is amended by
6 adding Subsection (a-1) to read as follows:

7 (a-1) A person who voluntarily accepts an assignment in a
8 new professional capacity that requires a different class of
9 certificate under Subchapter B than the class of certificate held
10 by the person in the professional capacity in which the person was
11 previously employed may be employed under a probationary contract.
12 This subsection does not apply to a person who is returned by a
13 school district to a professional capacity in which the person was
14 employed by the district before the district employed the person in
15 the new professional capacity as described by this subsection. A
16 person described by this subsection who is returned to a previous
17 professional capacity is entitled to be employed in the original
18 professional capacity under the same contractual status as the
19 status held by the person during the previous employment by the
20 district in that capacity.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2011.

ADOPTED

MAY 23 2011

Atty. Gen.
Secretary of the Senate

Robert H. Gray

FLOOR AMENDMENT NO. 1

BY: _____

1 Amend H.B. No. 2380 (senate committee printing) as follows:

2 (1) Strike SECTION 2 of the bill (page 1, lines 27-31) and
3 substitute the following SECTION, appropriately numbered:

4 SECTION _____. (a) Except as provided by Subsection (b) of
5 this section:

6 (1) this Act takes effect immediately if it receives a
7 vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution; and

9 (2) if this Act does not receive the vote necessary for
10 immediate effect, this Act takes effect September 1, 2011.

11 (b) Sections 21.0521, 21.0522, and 21.0523, Education Code,
12 as added by this Act, take effect September 1, 2013.

13 (2) Add the following appropriately numbered SECTIONS to
14 the bill and renumber subsequent SECTIONS of the bill accordingly:

15 SECTION _____. Subsection (b), Section 21.041, Education
16 Code, is amended to read as follows:

17 (b) The board shall propose rules that:

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

21 (2) specify the classes of educator certificates to be
22 issued, including probationary, provisional, standard, and
23 emergency certificates;

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

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

28 (5) provide for the issuance of an educator
29 certificate to a person who holds a similar certificate issued by

1 another state or foreign country, subject to Section 21.052;

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

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

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

10 (9) provide for continuing education requirements[+
11 ~~and~~

12 [~~(10) provide for certification of persons performing~~
13 ~~appraisals under Subchapter H].~~

14 SECTION _____. Subchapter B, Chapter 21, Education Code, is
15 amended by adding Sections 21.0521, 21.0522, and 21.0523 to read as
16 follows:

17 Sec. 21.0521. PROBATIONARY CERTIFICATE. (a) The board may
18 issue a probationary certificate to a person enrolled in an
19 alternative certification program or a postbaccalaureate
20 certification program who has not completed all certification
21 program requirements.

22 (b) A probationary certificate issued under this section
23 expires on the first anniversary of the date on which the
24 certificate was issued and may be renewed only for two additional
25 one-year periods.

26 (c) A person who is issued a probationary certificate under
27 this section and is employed under a probationary contract for a
28 total of three years is eligible to receive a standard certificate
29 on completion of all requirements under Section 21.0523(a).

30 (d) A person who is issued a probationary certificate may
31 only be employed by a school district under a probationary contract

1 and is not eligible to be employed under a term contract.

2 Sec. 21.0522. PROVISIONAL CERTIFICATE. (a) The board
3 shall issue a provisional certificate to a person who has not
4 previously been certified as an educator in this state and who has:

5 (1) successfully completed an educator preparation
6 program;

7 (2) performed satisfactorily on the certification
8 examination required by Section 21.048; and

9 (3) completed all other requirements for educator
10 certification.

11 (b) A provisional certificate issued under this section:

12 (1) expires on the third anniversary of the date on
13 which the certificate was issued; and

14 (2) is not renewable.

15 (c) A person enrolled in an alternative certification
16 program or a postbaccalaureate certification program who has not
17 completed all certification program requirements is not eligible
18 for a provisional certificate. On completion of all requirements
19 of the program, including an internship of one year, the person is
20 eligible for a provisional certificate under this section.

21 (d) An educator who has been issued a probationary
22 certificate and is employed under a probationary contract may
23 receive a provisional certificate that expires on the third
24 anniversary of the date on which the person was originally employed
25 under the probationary contract.

26 (e) A person who is issued a provisional certificate under
27 this section may be employed by a school district under a term
28 contract as provided by Subchapter E.

29 Sec. 21.0523. STANDARD CERTIFICATE. (a) On the expiration
30 of a person's provisional certificate or at the end of a person's
31 third probationary contract term, the board shall issue a standard

1 certificate to the person if the person has:

2 (1) demonstrated that the person is an effective
3 educator; and

4 (2) completed all required continuing education
5 hours.

6 (b) Notwithstanding Section 21.355, to assist the board in
7 determining whether a person is an effective educator, the person
8 applying for a standard certificate must submit to the board a copy
9 of all educator appraisals of the person. The board shall take
10 appropriate measures to maintain the confidentiality of the
11 appraisals.

12 (c) The commissioner shall adopt rules to establish
13 criteria for determining whether a person is an effective educator
14 for purposes of this section.

15 SECTION _____. (a) Sections 21.0521, 21.0522, and 21.0523,
16 Education Code, as added by this Act, apply to a person who has
17 never been certified to teach in this state who applies for
18 certification on or after September 1, 2013. A person who has never
19 been certified to teach in this state who applies for certification
20 before September 1, 2013, or a person who is certified to teach in
21 this state on September 1, 2013, is governed by the law in effect
22 immediately before September 1, 2013, and that law is continued in
23 effect for that purpose.

24 (b) Not later than January 1, 2012, the State Board for
25 Educator Certification shall propose rules as required by this Act.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2380 by Shelton (Relating to employment by school districts of certain persons under probationary contracts.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2380, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Revenue Gain/ (Loss) from General Revenue Fund 1	Change in Number of State Employees from FY 2011
2012	\$0	\$0	0.0
2013	\$0	\$0	0.0
2014	(\$783,596)	\$783,596	0.0
2015	(\$1,016,801)	\$1,016,801	2.5
2016	(\$1,228,605)	\$1,228,605	2.5

Fiscal Analysis

The bill would create a probationary certificate for educators who are enrolled in an alternative certification program or a postbaccalaureate certification program who has not completed all certification program requirements. The probationary certificate would be valid for one year and could be renewed for to additional one-year periods.

The bill would create a non-renewable provisional certificate for educators who have not been previously certified in Texas and who successfully complete all requirements for educator certification that is valid for three years from the date of issue.

The bill would create a standard certificate to be issued upon expiration of an individual's provisional

certificate or third probationary contract term created by the bill if the individual has demonstrated effectiveness and completed required continuing education. The bill would require educators seeking a standard certificate to submit copies of all appraisals to SBEC for review.

Methodology

It is estimated that provisions of the bill related to the creation of a new certificates and requirements related to appraisal review prior to the issuance of a standard certification would require 2.5 FTEs at the TEA at a cost of \$197,585 in fiscal year 2015 and \$173,585 in fiscal year 2016, inclusive of salary, benefits, and other operating expenses.

The costs of modifying the educator certification system are estimated at \$626,080 in fiscal year 2014 and \$673,200 in fiscal year 2015 in professional fees. Additional contract costs to the Department of Information Resources contract are estimated at \$146,016 annually for database services beginning in fiscal year 2014.

Technology

The cost of modifying the educator certification system are estimated at \$626,080 in fiscal year 2014 and \$673,200 in fiscal year 2015 in professional fees associated with 9.5 contract FTEs in fiscal year 2014 and 10.5 contract FTEs in fiscal year 2015. Additional contract costs to the Department of Information Resources contract are estimated at \$146,016 annually for database services beginning in fiscal year 2013.

Local Government Impact

The bill would address the contractual status of certain employees who are voluntarily reassigned to a new professional capacity and the contract status for the same employees upon return to the original professional capacity within the district.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, SD, JGM, JSp, LXH, JW, JSc

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 17, 2011

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2380 by Shelton (Relating to employment by school districts of certain persons under probationary contracts.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. The bill would address the contractual status of certain employees who are voluntarily reassigned to a new professional capacity and the contract status for the same employees upon return to the original professional capacity within the district.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JSp

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2380 by Shelton (Relating to employment by school districts of certain persons under probationary contracts.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. The bill would expand the positions to which school district employment under probationary contracts apply.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JSp

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 18, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2380 by Shelton (Relating to employment by school districts of certain persons under probationary contracts.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. The bill would expand the positions to which school district employment under probationary contracts apply.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JSp