

**House Bill 2380**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (IE)

CONFERENCE

SECTION \_\_. Subsection (b), Section 21.041, Education Code, is amended to read as follows:

(b) The board shall 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 probationary, provisional, standard, and 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; and

(9) provide for continuing education requirements[; ~~and~~

~~[(10) provide for certification of persons performing appraisals under Subchapter H]. [FA1(2)]~~

No equivalent provision.

SECTION \_\_. Subchapter B, Chapter 21, Education Code, is amended by adding Sections 21.0521, 21.0522, and 21.0523 to read as follows:

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

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

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

(d) A person who is issued a probationary certificate may only be employed by a school district under a probationary contract and is not eligible to be employed under a term contract.

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

(1) successfully completed an educator preparation program;

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

(3) completed all other requirements for educator certification.

(b) A provisional certificate issued under this section:

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

(2) is not renewable.

(c) A person enrolled in an alternative certification program or a postbaccalaureate certification program who has not

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completed all certification program requirements is not eligible for a provisional certificate. On completion of all requirements of the program, including an internship of one year, the person is eligible for a provisional certificate under this section.

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

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

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

- (1) demonstrated that the person is an effective educator; and
- (2) completed all required continuing education hours.

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

(c) The commissioner shall adopt rules to establish criteria for determining whether a person is an effective educator for purposes of this section. [FA1(2)]

No equivalent provision.

SECTION \_\_. (a) Sections 21.0521, 21.0522, and 21.0523, Education Code, as added by this Act, apply to a person who

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has never been certified to teach in this state who applies for certification on or after September 1, 2013. A person who has never been certified to teach in this state who applies for certification before September 1, 2013, or a person who is certified to teach in this state on September 1, 2013, is governed by the law in effect immediately before September 1, 2013, and that law is continued in effect for that purpose.  
(b) Not later than January 1, 2012, the State Board for Educator Certification shall propose rules as required by this Act. [FA1(2)]

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

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

SECTION 1. Same as House version.

SECTION 2.

SECTION \_\_. (a) Except as provided by Subsection (b) of

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This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

SENATE VERSION (IE)

**this section:**

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

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

(b) Sections 21.0521, 21.0522, and 21.0523, Education Code, as added by this Act, take effect September 1, 2013. [FA1(1)]

CONFERENCE