

1-1 By: Patrick, Nichols S.B. No. 218
1-2 (In the Senate - Filed March 7, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Education; April 22, 2013,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 22, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Patrick	X		
1-9	Lucio	X		
1-10	Campbell	X		
1-11	Duncan	X		
1-12	Paxton	X		
1-13	Seliger	X		
1-14	Taylor	X		
1-15	Van de Putte	X		
1-16	West	X		

1-17 COMMITTEE SUBSTITUTE FOR S.B. No. 218 By: Patrick

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the continuation and functions of the Texas Education
1-21 Agency and to the abolition of the State Board for Educator
1-22 Certification and the transfer of its functions to the Texas
1-23 Education Agency; changing the amounts of certain fees and
1-24 providing for the ad valorem tax rate to be imposed after annexation
1-25 of an insolvent or inoperative school district.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 7.004, Education Code, is amended to
1-28 read as follows:

1-29 Sec. 7.004. SUNSET PROVISION. The Texas Education Agency
1-30 is subject to Chapter 325, Government Code (Texas Sunset Act).
1-31 Unless continued in existence as provided by that chapter, the
1-32 agency is abolished September 1, 2025 [~~2013~~].

1-33 SECTION 2. Subsection (a), Section 7.021, Education Code,
1-34 is amended to read as follows:

1-35 (a) The agency shall:

1-36 (1) distribute state and federal funding to public
1-37 schools and ensure the proper use of those funds;

1-38 (2) monitor public schools for compliance with state
1-39 and federal guidelines, subject to the limitations in Section
1-40 7.028;

1-41 (3) administer the statewide standardized testing
1-42 program and accountability systems;

1-43 (4) provide assistance to and impose interventions and
1-44 sanctions on public schools that consistently fail to meet state or
1-45 federal accountability standards;

1-46 (5) provide support to the board in developing
1-47 statewide curriculum standards, adopting instructional materials,
1-48 managing the instructional materials allotment and distribution
1-49 process, and carrying out duties related to the permanent school
1-50 fund;

1-51 (6) collect, analyze, and make accessible a wide array
1-52 of educational and financial data from public schools;

1-53 (7) ensure the quality of public school educators by
1-54 certifying educators, regulating educator preparation programs,
1-55 and taking enforcement action in cases of educator misconduct; and

1-56 (8) carry out any other duties imposed on the agency by
1-57 the legislature consistent with the agency's appropriations and
1-58 mission [~~perform the educational functions provided by Subsection~~
1-59 ~~(b)~~].

1-60 SECTION 3. Subchapter B, Chapter 7, Education Code, is

2-1 amended by adding Section 7.0235 to read as follows:

2-2 Sec. 7.0235. RESTRICTIONS ON AGENCY EMPLOYMENT. (a) In
2-3 this section, "Texas trade association" means a cooperative and
2-4 voluntarily joined statewide association of business or
2-5 professional competitors in this state designed to assist its
2-6 members and its industry or profession in dealing with mutual
2-7 business or professional problems and in promoting their common
2-8 interest.

2-9 (b) A person may not be an agency employee employed in a
2-10 "bona fide executive, administrative, or professional capacity,"
2-11 as that phrase is used for purposes of establishing an exemption to
2-12 the overtime provisions of the federal Fair Labor Standards Act of
2-13 1938 (29 U.S.C. Section 201 et seq.), if:

2-14 (1) the person is an officer, employee, or paid
2-15 consultant of a Texas trade association in the field of elementary
2-16 or secondary education; or

2-17 (2) the person's spouse is an officer, manager, or paid
2-18 consultant of a Texas trade association in the field of elementary
2-19 or secondary education.

2-20 (c) A person may not act as the general counsel to the
2-21 commissioner or the agency if the person is required to register as
2-22 a lobbyist under Chapter 305, Government Code, because of the
2-23 person's activities for compensation on behalf of a profession
2-24 related to the operation of the agency.

2-25 SECTION 4. Subchapter B, Chapter 7, Education Code, is
2-26 amended by adding Sections 7.034, 7.035, and 7.036 to read as
2-27 follows:

2-28 Sec. 7.034. PUBLIC INVOLVEMENT POLICY. The agency shall
2-29 develop and implement a policy regarding public involvement with
2-30 the agency. The policy must:

2-31 (1) describe how the agency will proactively engage
2-32 stakeholders;

2-33 (2) distinguish the purposes and appropriate uses of
2-34 advisory committees and informal work groups, including by
2-35 specifying that an informal work group:

2-36 (A) is not subject to Chapter 2110, Government
2-37 Code; and

2-38 (B) must have a well-defined purpose and follow
2-39 specific timelines for completing tasks;

2-40 (3) identify actions the agency will take that exceed
2-41 the minimum open meetings requirements under Chapter 551,
2-42 Government Code;

2-43 (4) include a strategy for providing updated
2-44 information regarding advisory committees and issues of concern to
2-45 stakeholders through the agency's Internet website; and

2-46 (5) describe how public input will affect agency
2-47 decisions, including by providing information regarding the
2-48 specific outcomes for all types of public input.

2-49 Sec. 7.035. COMPLAINTS. (a) The agency shall maintain a
2-50 system to promptly and efficiently act on complaints filed with the
2-51 agency. The agency shall maintain information about parties to the
2-52 complaint, the subject matter of the complaint, a summary of the
2-53 results of the review or investigation of the complaint, and its
2-54 disposition.

2-55 (b) The agency shall make information available describing
2-56 its procedures for complaint investigation and resolution.

2-57 (c) The agency shall periodically notify the complaint
2-58 parties of the status of the complaint until final disposition.

2-59 Sec. 7.036. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
2-60 RESOLUTION. (a) The agency shall develop and implement a policy
2-61 to encourage the use of:

2-62 (1) negotiated rulemaking procedures under Chapter
2-63 2008, Government Code, for the adoption of agency rules; and

2-64 (2) appropriate alternative dispute resolution
2-65 procedures under Chapter 2009, Government Code, to assist in the
2-66 resolution of internal and external disputes under the agency's
2-67 jurisdiction.

2-68 (b) The agency's procedures relating to alternative dispute
2-69 resolution must conform, to the extent possible, to any model

3-1 guidelines issued by the State Office of Administrative Hearings
3-2 for the use of alternative dispute resolution by state agencies.

- 3-3 (c) The agency shall:
- 3-4 (1) coordinate the implementation of the policy
- 3-5 adopted under Subsection (a);
- 3-6 (2) provide training as needed to implement the
- 3-7 procedures for negotiated rulemaking or alternative dispute
- 3-8 resolution; and
- 3-9 (3) collect data concerning the effectiveness of those
- 3-10 procedures.

3-11 SECTION 5. Subsection (a), Section 7.055, Education Code,
3-12 is amended to read as follows:

- 3-13 (a) The commissioner shall:
- 3-14 (1) serve as the educational leader of the state;
- 3-15 (2) serve as executive officer of the agency, with
- 3-16 authority to:
 - 3-17 (A) employ division heads and any other employees
 - 3-18 and clerks necessary to perform the duties of the agency;
 - 3-19 (B) delegate ministerial and executive functions
 - 3-20 to agency staff;
 - 3-21 (C) appoint advisory committees, in accordance
 - 3-22 with Chapter 2110, Government Code, as necessary to advise the
 - 3-23 commissioner in carrying out the duties and mission of the agency;
 - 3-24 and
 - 3-25 (D) appoint an internal auditor for the agency;
 - 3-26 and
 - 3-27 (3) carry out the duties imposed on the commissioner
 - 3-28 by the legislature [~~has the powers and duties provided by~~
 - 3-29 Subsection (b)].

3-30 SECTION 6. Subdivision (9), Subsection (b), Section 7.055,
3-31 Education Code, is transferred to Subchapter A, Chapter 7,
3-32 Education Code, redesignated as Section 7.011, Education Code, and
3-33 amended to read as follows:

3-34 Sec. 7.011. TEXAS SCHOOL LAW BULLETIN. [~~9~~] The
3-35 commissioner shall have a bulletin [~~manual~~] published at least once
3-36 every two years that contains Title 1 and this title, any other
3-37 provisions of this code relating specifically to public primary or
3-38 secondary education, and an appendix of all other state laws
3-39 relating to public primary or secondary education. The
3-40 commissioner [~~and~~] shall provide for the distribution of the
3-41 bulletin [~~manual~~] as determined by the board.

3-42 SECTION 7. Subdivision (40), Subsection (b), Section 7.055,
3-43 Education Code, is transferred to Subchapter A, Chapter 21,
3-44 Education Code, redesignated as Section 21.009, Education Code, and
3-45 amended to read as follows:

3-46 Sec. 21.009. SUSPENSION RELATING TO COLLECTIVE BARGAINING
3-47 OR STRIKES. [~~40~~] The commissioner shall suspend the certificate
3-48 of an educator or permit of a teacher who violates Chapter 617,
3-49 Government Code.

3-50 SECTION 8. Subchapter C, Chapter 7, Education Code, is
3-51 amended by adding Section 7.064 to read as follows:

3-52 Sec. 7.064. ADVISORY COMMITTEE RULES. (a) The
3-53 commissioner shall adopt rules, in compliance with Chapter 2110,
3-54 Government Code, regarding an advisory committee that primarily
3-55 functions to advise the commissioner or the agency, including rules
3-56 governing an advisory committee's purpose, tasks, reporting
3-57 requirements, and abolishment date.

3-58 (b) The commissioner may adopt rules under this section
3-59 regarding an advisory committee's:

- 3-60 (1) size and quorum requirements;
- 3-61 (2) qualifications for membership, including
- 3-62 experience requirements and geographic representation;
- 3-63 (3) appointment procedures;
- 3-64 (4) terms of service; and
- 3-65 (5) compliance with the requirements for open meetings
- 3-66 under Chapter 551, Government Code.

3-67 SECTION 9. Section 12.102, Education Code, is amended to
3-68 read as follows:

3-69 Sec. 12.102. AUTHORITY UNDER CHARTER. An open-enrollment

4-1 charter school:
 4-2 (1) shall provide instruction to students at one or
 4-3 more elementary or secondary grade levels as provided by the
 4-4 charter;
 4-5 (2) is governed under the governing structure
 4-6 described by the charter;
 4-7 (3) retains authority to operate under the charter;
 4-8 (A) contingent on satisfactory student
 4-9 performance as provided by the charter in accordance with Section
 4-10 12.111; and
 4-11 (B) to the extent authorized under Section
 4-12 12.1141; and
 4-13 (4) does not have authority to impose taxes.
 4-14 SECTION 10. Subsection (a), Section 12.111, Education Code,
 4-15 is amended to read as follows:
 4-16 (a) Each charter granted under this subchapter must:
 4-17 (1) describe the educational program to be offered,
 4-18 which must include the required curriculum as provided by Section
 4-19 28.002;
 4-20 (2) specify that the period for which the initial
 4-21 charter or any charter renewal is valid is eight years;
 4-22 (3) provide that continuation or renewal of the
 4-23 charter is contingent on:
 4-24 (A) acceptable student performance on assessment
 4-25 instruments adopted under Subchapter B, Chapter 39, and ~~[on]~~
 4-26 compliance with any accountability provision specified by the
 4-27 charter, by a deadline or at intervals specified by the charter; and
 4-28 (B) a determination by the commissioner under
 4-29 Section 12.1141;
 4-30 (4) establish the level of student performance that is
 4-31 considered acceptable for purposes of Subdivision (3)(A) ~~[(3)]~~;
 4-32 (5) specify any basis, in addition to a basis
 4-33 specified by this subchapter, on which the charter may be placed on
 4-34 probation or revoked or on which renewal of the charter may be
 4-35 denied;
 4-36 (6) prohibit discrimination in admission policy on the
 4-37 basis of sex, national origin, ethnicity, religion, disability,
 4-38 academic, artistic, or athletic ability, or the district the child
 4-39 would otherwise attend in accordance with this code, although the
 4-40 charter may:
 4-41 (A) provide for the exclusion of a student who
 4-42 has a documented history of a criminal offense, a juvenile court
 4-43 adjudication, or discipline problems under Subchapter A, Chapter
 4-44 37; and
 4-45 (B) provide for an admission policy that requires
 4-46 a student to demonstrate artistic ability if the school specializes
 4-47 in performing arts;
 4-48 (7) specify the grade levels to be offered;
 4-49 (8) describe the governing structure of the program,
 4-50 including:
 4-51 (A) the officer positions designated;
 4-52 (B) the manner in which officers are selected and
 4-53 removed from office;
 4-54 (C) the manner in which members of the governing
 4-55 body of the school are selected and removed from office;
 4-56 (D) the manner in which vacancies on that
 4-57 governing body are filled;
 4-58 (E) the term for which members of that governing
 4-59 body serve; and
 4-60 (F) whether the terms are to be staggered;
 4-61 (9) specify the powers or duties of the governing body
 4-62 of the school that the governing body may delegate to an officer;
 4-63 (10) specify the manner in which the school will
 4-64 distribute to parents information related to the qualifications of
 4-65 each professional employee of the program, including any
 4-66 professional or educational degree held by each employee, a
 4-67 statement of any certification under Subchapter B, Chapter 21, held
 4-68 by each employee, and any relevant experience of each employee;
 4-69 (11) describe the process by which the person

5-1 providing the program will adopt an annual budget;
 5-2 (12) describe the manner in which an annual audit of
 5-3 the financial and programmatic operations of the program is to be
 5-4 conducted, including the manner in which the person providing the
 5-5 program will provide information necessary for the school district
 5-6 in which the program is located to participate, as required by this
 5-7 code or by State Board of Education rule, in the Public Education
 5-8 Information Management System (PEIMS);
 5-9 (13) describe the facilities to be used;
 5-10 (14) describe the geographical area served by the
 5-11 program; and
 5-12 (15) specify any type of enrollment criteria to be
 5-13 used.

5-14 SECTION 11. Subsection (a), Section 12.1054, Education
 5-15 Code, is amended to read as follows:
 5-16 (a) A member of the governing body of a charter holder, a
 5-17 member of the governing body of an open-enrollment charter school,
 5-18 or an officer of an open-enrollment charter school is considered to
 5-19 be a local public official for purposes of Chapter 171, Local
 5-20 Government Code. For purposes of that chapter:
 5-21 (1) a member of the governing body of a charter holder
 5-22 or a member of the governing body or officer of an open-enrollment
 5-23 charter school is considered to have a substantial interest in a
 5-24 business entity if a person related to the member or officer in the
 5-25 third degree by consanguinity or in the second degree by affinity,
 5-26 as determined under Chapter 573, Government Code, has a substantial
 5-27 interest in the business entity under Section 171.002, Local
 5-28 Government Code; and
 5-29 (2) notwithstanding any provision of Subdivision (1),
 5-30 employees [Section 12.1054(1), an employee] of an open-enrollment
 5-31 charter school rated as acceptable [or higher] under Section 39.054
 5-32 for at least two of the preceding three school years may serve as
 5-33 members [a member] of the governing body of the charter holder or
 5-34 [of] the governing body of the school if the employees do not
 5-35 constitute a quorum of the governing body or any committee of the
 5-36 governing body; however, all members shall comply with the
 5-37 requirements of Sections 171.003-171.007, Local Government Code.

5-38 SECTION 12. Subchapter D, Chapter 12, Education Code, is
 5-39 amended by adding Section 12.1141 to read as follows:
 5-40 Sec. 12.1141. RENEWAL OF CHARTER; REVIEW. (a) The charter
 5-41 of an open-enrollment charter school expires after eight years
 5-42 unless renewed by the commissioner.
 5-43 (b) Under rules adopted by the commissioner, not later than
 5-44 the date on which a charter of an open-enrollment charter school
 5-45 expires under Subsection (a):
 5-46 (1) a charter holder shall apply for a renewal of the
 5-47 charter; and
 5-48 (2) the commissioner shall renew the charter for a
 5-49 term of eight years, deny renewal of the charter, or renew the
 5-50 charter on a probationary basis as provided by Subsection (e).
 5-51 (c) The commissioner by rule shall establish a review
 5-52 process for the renewal of the charter of an open-enrollment
 5-53 charter school. In establishing a review process for renewal under
 5-54 this section, the commissioner shall:
 5-55 (1) adopt clear standards for renewal, including
 5-56 academic, financial, and governance standards and other relevant
 5-57 standards as determined by the commissioner; and
 5-58 (2) provide a streamlined review process for an
 5-59 open-enrollment charter school with a history of high academic and
 5-60 financial performance and no interventions or sanctions, including
 5-61 clear standards for eligibility for this process.
 5-62 (d) In conducting a review for renewal under this section,
 5-63 the commissioner:
 5-64 (1) shall consider the extent to which an
 5-65 open-enrollment charter school has:
 5-66 (A) met the standards established under
 5-67 Subsection (c)(1); and
 5-68 (B) operated in compliance with the terms of the
 5-69 school's charter; and

6-1 (2) may request from the school any information
6-2 necessary, as determined by the commissioner, to make a
6-3 determination under this section.

6-4 (e) The commissioner may renew the charter of an
6-5 open-enrollment charter school on a probationary basis for a period
6-6 of one year. The commissioner shall establish standards for
6-7 improvement for a school renewed on a probationary basis.
6-8 Following the probationary period under this subsection, the
6-9 commissioner shall renew or deny renewal of the charter based on the
6-10 school's performance on the standards for improvement, as
6-11 determined by the commissioner.

6-12 (f) An open-enrollment charter school that intends to
6-13 challenge a decision by the commissioner under this section must
6-14 appeal the decision under the procedures provided under Section
6-15 12.116. An open-enrollment charter school may continue to operate
6-16 pending an appeal under Section 12.116.

6-17 (g) Not later than September 1, 2014, the commissioner shall
6-18 adopt rules for the implementation of this section. The rules may
6-19 modify the expiration date of one or more charters as necessary to
6-20 equalize the agency's annual renewal workload during the transition
6-21 to the renewal system required by this section. This subsection
6-22 expires October 1, 2014.

6-23 SECTION 13. Section 12.115, Education Code, is amended by
6-24 adding Subsections (c) and (d) to read as follows:

6-25 (c) The commissioner shall establish separate performance
6-26 standards for each of the actions authorized to be taken by the
6-27 commissioner under Subsection (a).

6-28 (d) In making a determination under Subsection (a), the
6-29 commissioner shall consider:

6-30 (1) the charter holder's history of violations of the
6-31 charter or performance on accountability provisions prescribed by
6-32 the charter;

6-33 (2) the number and severity of previous violations or
6-34 unsatisfactory performance on accountability provisions;

6-35 (3) the charter holder's efforts to correct, and
6-36 whether the charter holder corrected, previous violations or
6-37 unsatisfactory performance on accountability provisions; and

6-38 (4) any other actions necessary to deter future
6-39 violations or unsatisfactory performance on accountability
6-40 provisions, as determined by the commissioner.

6-41 SECTION 14. The heading to Section 12.116, Education Code,
6-42 is amended to read as follows:

6-43 Sec. 12.116. PROCEDURES [~~PROCEDURE~~] FOR MODIFICATION,
6-44 PLACEMENT ON PROBATION, REVOCATION, OR DENIAL OF RENEWAL.

6-45 SECTION 15. Subsections (a) and (b), Section 12.116,
6-46 Education Code, are amended to read as follows:

6-47 (a) The commissioner shall adopt procedures [~~a procedure~~]
6-48 to be used for modifying, placing on probation, revoking, or
6-49 denying renewal of the charter of an open-enrollment charter
6-50 school.

6-51 (b) The procedures [~~procedure~~] adopted under Subsection (a)
6-52 must provide an opportunity for a hearing to the charter holder and
6-53 to parents and guardians of students in the school. A hearing under
6-54 this subsection must be held at the facility at which the program is
6-55 operated.

6-56 SECTION 16. Subsection (e), Section 12.1162, Education
6-57 Code, is amended to read as follows:

6-58 (e) Immediately after a hearing under Subsection (d), the
6-59 commissioner may [~~must~~] cease the action under Subsection (b) or
6-60 impose additional sanctions as determined by the commissioner,
6-61 including a sanction provision under Subchapter E, Chapter 39
6-62 [~~initiate action under Section 12.116~~].

6-63 SECTION 17. Subchapter D, Chapter 12, Education Code, is
6-64 amended by adding Sections 12.1165, 12.1166, and 12.1167 to read as
6-65 follows:

6-66 Sec. 12.1165. REVOCATION REQUIRED FOR FAILURE TO MEET
6-67 ACADEMIC PERFORMANCE OR FINANCIAL ACCOUNTABILITY STANDARDS.

6-68 (a) The commissioner shall revoke the charter of an
6-69 open-enrollment charter school and order closure of all campuses

7-1 and programs operated under the school's charter if the
7-2 open-enrollment charter school:

7-3 (1) does not satisfy the academic performance
7-4 standards under Section 39.053 or 39.054 for three consecutive
7-5 years; or

7-6 (2) does not satisfy a financial accountability
7-7 standard, as determined by the commissioner, for three consecutive
7-8 years.

7-9 (b) Notwithstanding Section 12.116, a charter holder is not
7-10 entitled to a hearing before the charter is revoked under this
7-11 section. A revocation order under this section is final and may not
7-12 be appealed.

7-13 (c) Before the commissioner orders revocation under
7-14 Subsection (a), the charter holder may challenge under Section
7-15 39.151 an agency decision relating to an academic performance or
7-16 financial accountability rating that affects the open-enrollment
7-17 charter school.

7-18 (d) Not later than June 15 of each year, the agency shall
7-19 provide to each open-enrollment charter school at risk of
7-20 revocation of the school's charter under this section the school's
7-21 academic performance and financial accountability ratings.

7-22 (e) The commissioner shall adopt rules to implement this
7-23 section.

7-24 (e-1) The commissioner shall adopt initial rules under
7-25 Subsection (e) not later than June 1, 2014. This subsection expires
7-26 July 1, 2014.

7-27 Sec. 12.1166. REVOCATION FOR INSOLVENCY. (a) If the
7-28 commissioner determines that an open-enrollment charter school
7-29 does not have sufficient funding to complete the next school year,
7-30 the commissioner may:

7-31 (1) before the beginning of the next school year or
7-32 term, suspend the authority of all campuses under the school's
7-33 charter to operate; and

7-34 (2) pursue revocation of the charter.

7-35 (b) Not later than the 10th day after the date the
7-36 commissioner initiates action under Subsection (a), the
7-37 commissioner shall provide the charter holder an opportunity for a
7-38 hearing.

7-39 (c) If after a hearing under Subsection (b) the commissioner
7-40 determines that the open-enrollment charter school does not have
7-41 sufficient funding to complete the next school year, the
7-42 commissioner must proceed with a revocation under this section. If
7-43 after a hearing under Subsection (b) the commissioner determines
7-44 that the open-enrollment charter school does have sufficient
7-45 funding to complete the next school year, the commissioner must
7-46 cease the action under Subsection (a), but may impose sanctions as
7-47 determined by the commissioner, including a sanction under
7-48 Subchapter E, Chapter 39.

7-49 (d) An open-enrollment charter school that intends to
7-50 challenge a decision by the commissioner under this section must
7-51 appeal the decision under the procedures provided under Section
7-52 12.116. The authority of an open-enrollment charter school to
7-53 operate shall remain suspended under Subsection (a) pending an
7-54 appeal under Section 12.116. The commissioner's decision following
7-55 the appeal is final and may not be further appealed.

7-56 (e) The commissioner shall adopt rules for determining
7-57 whether an open-enrollment charter school has sufficient funding to
7-58 complete the next school year for purposes of this section.

7-59 (e-1) The commissioner shall adopt initial rules under
7-60 Subsection (e) not later than March 1, 2014. This subsection
7-61 expires April 1, 2014.

7-62 (f) Chapter 2001, Government Code, does not apply to a
7-63 hearing under this section.

7-64 Sec. 12.1167. STUDENT'S BEST INTEREST STANDARD. In taking
7-65 action under this subchapter, the commissioner may consider the
7-66 best interest of an open-enrollment charter school's students.

7-67 SECTION 18. Section 12.118, Education Code, is amended to
7-68 read as follows:

7-69 Sec. 12.118. EVALUATION OF OPEN-ENROLLMENT CHARTER

8-1 SCHOOLS. (a) The commissioner shall designate an impartial
 8-2 organization with experience in evaluating school choice programs
 8-3 to conduct an ~~[annual]~~ evaluation of open-enrollment charter
 8-4 schools once every four years.

8-5 (b) An evaluation under this section must include an
 8-6 evaluation of cost, performance, or ~~[consideration of the following~~
 8-7 ~~items before implementing the charter and after implementing the~~
 8-8 ~~charter:~~

8-9 ~~[(1) students' scores on assessment instruments~~
 8-10 ~~administered under Subchapter B, Chapter 39,~~

8-11 ~~[(2) student attendance,~~

8-12 ~~[(3) students' grades,~~

8-13 ~~[(4) incidents involving student discipline,~~

8-14 ~~[(5) socioeconomic data on students' families,~~

8-15 ~~[(6) parents' satisfaction with their children's~~
 8-16 ~~schools; and~~

8-17 ~~[(7) students' satisfaction with their schools.~~

8-18 ~~[(c) The evaluation of open-enrollment charter schools must~~
 8-19 ~~also include an evaluation of:~~

8-20 ~~[(1) the costs of instruction, administration, and~~
 8-21 ~~transportation incurred by open-enrollment charter schools;~~

8-22 ~~[(2) the effect of open-enrollment charter schools on~~
 8-23 ~~school districts and on teachers, students, and parents in those~~
 8-24 ~~districts; and~~

8-25 ~~[(3)] other issues, as determined by the commissioner.~~

8-26 (c) Not later than December 1 of each year in which an
 8-27 evaluation is conducted under Subsection (a), the agency shall
 8-28 submit a report to the legislature regarding the findings of an
 8-29 evaluation conducted under this section. The report must include
 8-30 appropriate recommendations, as determined by the agency, to
 8-31 improve the performance and regulation of open-enrollment charter
 8-32 schools.

8-33 (c-1) The agency shall submit the first report required
 8-34 under Subsection (c) not later than December 1, 2016. This
 8-35 subsection expires January 1, 2017.

8-36 SECTION 19. Section 12.120, Education Code, is amended by
 8-37 adding Subsections (c), (c-1), and (c-2) to read as follows:

8-38 (c) A person may not serve as a member of the governing body
 8-39 of a charter holder if the person is related to another member of
 8-40 the same governing body in the third degree by consanguinity or in
 8-41 the second degree by affinity, as determined under Chapter 573,
 8-42 Government Code.

8-43 (c-1) Not later than September 1, 2015, a member of a
 8-44 governing board of a charter holder with a relationship described
 8-45 by Subsection (c) must be replaced to comply with the requirements
 8-46 of that subsection.

8-47 (c-2) This subsection and Subsection (c-1) expire October
 8-48 1, 2015.

8-49 SECTION 20. Subchapter D, Chapter 12, Education Code, is
 8-50 amended by adding Section 12.1201 to read as follows:

8-51 Sec. 12.1201. MODIFICATION OF GOVERNANCE. (a) If the
 8-52 commissioner determines that the governing body of a charter holder
 8-53 is not providing adequate oversight of an open-enrollment charter
 8-54 school and other sanctions have not been effective, the
 8-55 commissioner may reconstitute the governing body.

8-56 (b) In reconstituting the governing body of a charter holder
 8-57 under this section, the commissioner shall appoint members to the
 8-58 governing body. In appointing members under this subsection the
 8-59 commissioner:

8-60 (1) shall consider:

8-61 (A) local input from community members and
 8-62 parents; and

8-63 (B) appropriate credentials and expertise for
 8-64 membership, including financial expertise, whether the person
 8-65 lives in the geographic area the charter holder serves, and whether
 8-66 the person is an educator; and

8-67 (2) may reappoint current members of the governing
 8-68 body.

8-69 (c) If a governing body of a charter holder subject to

9-1 reconstitution under this section governs enterprises other than
 9-2 the open-enrollment charter school, the commissioner may require
 9-3 the charter holder to:

9-4 (1) create a new, single-purpose organization that is
 9-5 exempt from taxation under Section 501(c)(3), Internal Revenue Code
 9-6 of 1986, to govern the open-enrollment charter school; and

9-7 (2) surrender the charter to the commissioner for
 9-8 transfer to the organization created under Subdivision (1).

9-9 (d) The commissioner shall appoint the members of the
 9-10 governing body of an organization created under Subsection (c)(1).

9-11 (e) The authority granted to the commissioner under this
 9-12 section does not supersede the attorney general's authority over
 9-13 charitable organizations.

9-14 (f) The commissioner shall adopt rules necessary to
 9-15 implement this section.

9-16 (f-1) The commissioner shall adopt initial rules under
 9-17 Subsection (f) not later than September 1, 2014. This subsection
 9-18 expires October 1, 2014.

9-19 SECTION 21. Subsection (a), Section 13.005, Education Code,
 9-20 is amended to read as follows:

9-21 (a) Except as provided by this section, Section 13.054, or
 9-22 [by] a local consolidation agreement under Section 13.158, the
 9-23 annexation of all or part of the territory of one district to
 9-24 another is effective on the first July 1 that is more than 30 days
 9-25 after the date of the order or ordinance accomplishing the
 9-26 annexation or of the declaration of the results of an election at
 9-27 which the transfer is approved.

9-28 SECTION 22. Subchapter B, Chapter 13, Education Code, is
 9-29 amended by adding Section 13.0521 to read as follows:

9-30 Sec. 13.0521. INSOLVENT OR INOPERATIVE DISTRICT. (a) The
 9-31 board of trustees of a school district may notify the commissioner
 9-32 that the district is unable to complete the current or subsequent
 9-33 school year for financial or other reasons. On notification, the
 9-34 commissioner shall investigate the finances and other
 9-35 circumstances of the district. If the commissioner determines that
 9-36 the district is unable to complete the current or subsequent school
 9-37 year, the commissioner shall report the district to the
 9-38 commissioners court of each county that contains district territory
 9-39 for annexation as provided by this section.

9-40 (b) If a district has failed to operate school for 10 or more
 9-41 days of its regular school year, the commissioner shall notify the
 9-42 district that it is subject to annexation under this section. The
 9-43 commissioner shall require the district to submit a plan not later
 9-44 than the 10th day after the date the commissioner provides
 9-45 notification describing how the district will complete the current
 9-46 school year and subsequent school year. If the district fails to
 9-47 submit a plan, or if the commissioner, after evaluating the
 9-48 district's plan, determines that the district cannot reasonably be
 9-49 expected to complete the current or subsequent school year, the
 9-50 commissioner shall report the district to the commissioners court
 9-51 of each county that contains district territory for annexation as
 9-52 provided by this section.

9-53 (c) Each commissioners court by order shall annex district
 9-54 territory within the county to one or more other districts in the
 9-55 county or to a contiguous district in an adjacent county, provided
 9-56 that the commissioners court of the adjacent county consents to the
 9-57 annexation. An annexation under this section must occur in an open
 9-58 meeting with opportunity for public comment.

9-59 (d) If a commissioners court fails to order annexation of
 9-60 district territory on or before the 60th day after the date the
 9-61 commissioner reports the district to the commissioners court, the
 9-62 commissioner shall order annexation of the territory to one or more
 9-63 other districts. The commissioner may annex the territory to a
 9-64 district in the same county or to a contiguous district in an
 9-65 adjacent county.

9-66 (e) The commissioners court or the commissioner, as
 9-67 applicable, shall specify the effective date for the annexation,
 9-68 which may not be later than the first anniversary of the date of the
 9-69 annexation order. The order shall identify the district or

10-1 districts required to serve students residing in the district to be
 10-2 annexed through any school year that begins before the effective
 10-3 date of the annexation. A district required to serve students under
 10-4 this subsection shall provide services equivalent to those provided
 10-5 to the district's other students and shall be entitled to funding
 10-6 for the attendance and transportation of students served as
 10-7 required by the order.

10-8 (f) The annexation order shall define by legal boundary
 10-9 description the resulting territory of each district to which
 10-10 territory is annexed and shall be recorded in the minutes of the
 10-11 commissioners court.

10-12 (g) The governing board of a district to which territory is
 10-13 annexed is the governing board for the resulting district.

10-14 (h) Title to real property of the annexed district vests in
 10-15 the district to which the property is annexed. Each district to
 10-16 which territory is annexed assumes and is liable for any portion of
 10-17 the annexed district's indebtedness that is allocated to the
 10-18 receiving district under Section 13.004.

10-19 (i) A district to which territory is annexed under this
 10-20 section is entitled to incentive aid under Section 13.281, as
 10-21 determined by the commissioner, as if the district were created
 10-22 through consolidation.

10-23 (j) The annexation order shall provide for taxation of the
 10-24 territory annexed during the year in which the annexation takes
 10-25 place. Unless a different rate is required by Section 3-b, Article
 10-26 VII, Texas Constitution, the order shall provide for a levy of a tax
 10-27 at a rate equal to the maintenance and operations tax rate of the
 10-28 district to which the territory is annexed, plus any required
 10-29 interest and sinking fund tax.

10-30 (k) Except as otherwise provided by this subsection, this
 10-31 section does not affect the authority of the board of trustees of a
 10-32 district subject to annexation under this section to pursue
 10-33 consolidation under Subchapter D of this chapter or Subchapter B,
 10-34 Chapter 41. Actions authorized under this section may be taken
 10-35 pending the outcome of an election to consolidate districts under
 10-36 Subchapter D of this chapter or a decision to consolidate under
 10-37 Subchapter B, Chapter 41. An election to consolidate or a decision
 10-38 to consolidate under Subchapter B, Chapter 41, that occurs not
 10-39 later than the 60th day following the date an annexation order is
 10-40 entered under this section prevails over the annexation order if
 10-41 the proposition for consolidation is adopted in both districts,
 10-42 provided that a district required to serve students under
 10-43 Subsection (e) shall allow any student to attend school through the
 10-44 completion of the school year in which the effective date of a
 10-45 consolidation occurs. An election to consolidate or a decision to
 10-46 consolidate under Subchapter B, Chapter 41, that occurs later than
 10-47 the 60th day following the date an annexation order is entered under
 10-48 this section is void.

10-49 (l) Notwithstanding Section 13.009, a determination by the
 10-50 commissioner or a commissioners court under this section is final
 10-51 and may not be appealed.

10-52 (m) The commissioner may adopt rules to implement this
 10-53 section.

10-54 SECTION 23. Section 13.054, Education Code, is amended by
 10-55 amending Subsections (a), (b), and (d) and adding Subsection (h) to
 10-56 read as follows:

10-57 (a) The commissioner by order may annex to one or more
 10-58 [adjoining] districts a school district that has received an
 10-59 accreditation status of accredited-warned or accredited-probation,
 10-60 has failed to satisfy any standard under Section 39.054(e), or has
 10-61 failed to satisfy financial accountability standards as determined
 10-62 by commissioner rule [been rated as academically unacceptable] for
 10-63 a period of two consecutive years.

10-64 (b) The governing board of a district to which territory [of
 10-65 an academically unacceptable district] is annexed is the governing
 10-66 board for the new district.

10-67 (d) Title to the real property of the [academically
 10-68 unacceptable] district to be annexed vests in the district to which
 10-69 the property is annexed. Each district to which territory is

11-1 annexed assumes and is liable for any portion of the [~~academically~~
11-2 ~~unacceptable district's~~] indebtedness of the district to be annexed
11-3 that is allocated to the receiving district under Section 13.004.

11-4 (h) Notwithstanding Section 13.005, the commissioner may
11-5 provide for an alternate effective date for an annexation under
11-6 this section if the alternate date is in the best interest of
11-7 students.

11-8 SECTION 24. Subsections (a), (b-1), and (f), Section
11-9 21.0031, Education Code, are amended to read as follows:

11-10 (a) An employee's probationary, continuing, or term
11-11 contract under this chapter is void if the employee:

11-12 (1) does not hold a valid certificate or permit issued
11-13 by the commissioner [~~State Board for Educator Certification~~];

11-14 (2) fails to fulfill the requirements necessary to
11-15 renew or extend the employee's temporary, probationary, or
11-16 emergency certificate or any other certificate or permit issued
11-17 under Subchapter B; or

11-18 (3) fails to comply with any requirement under
11-19 Subchapter C, Chapter 22, if the failure results in suspension or
11-20 revocation of the employee's certificate under Section
11-21 22.0831(f)(2).

11-22 (b-1) A school district may not terminate or suspend under
11-23 Subsection (b) an employee whose contract is void under Subsection
11-24 (a)(1) or (2) because the employee failed to renew or extend the
11-25 employee's certificate or permit if the employee:

11-26 (1) requests an extension from the commissioner [~~State~~
11-27 ~~Board for Educator Certification~~] to renew, extend, or otherwise
11-28 validate the employee's certificate or permit; and

11-29 (2) not later than the 10th day after the date the
11-30 contract is void, takes necessary measures to renew, extend, or
11-31 otherwise validate the employee's certificate or permit, as
11-32 determined by the commissioner [~~State Board for Educator~~
11-33 ~~Certification~~].

11-34 (f) For purposes of this section, a certificate or permit is
11-35 not considered to have expired if:

11-36 (1) the employee has completed the requirements for
11-37 renewal of the certificate or permit;

11-38 (2) the employee submitted the request for renewal
11-39 prior to the expiration date; and

11-40 (3) the date the certificate or permit would have
11-41 expired is before the date the commissioner [~~State Board for~~
11-42 ~~Educator Certification~~] takes action to approve the renewal of the
11-43 certificate or permit.

11-44 SECTION 25. Subsections (a), (b), (c), (d), and (e),
11-45 Section 21.004, Education Code, are amended to read as follows:

11-46 (a) To the extent that funds are available, the agency[, ~~the~~
11-47 ~~State Board for Educator Certification~~,] and the Texas Higher
11-48 Education Coordinating Board shall develop and implement programs
11-49 to identify talented students and recruit those students and
11-50 persons, including high school and undergraduate students,
11-51 mid-career and retired professionals, honorably discharged and
11-52 retired military personnel, and members of underrepresented gender
11-53 and ethnic groups, into the teaching profession.

11-54 (b) From available funds, the agency[, ~~the State Board for~~
11-55 ~~Educator Certification~~,] and the Texas Higher Education
11-56 Coordinating Board shall develop and distribute materials that
11-57 emphasize the importance of the teaching profession and inform
11-58 individuals about state-funded loan forgiveness and tuition
11-59 assistance programs.

11-60 (c) The commissioner, in cooperation with the commissioner
11-61 of higher education [~~and the executive director of the State Board~~
11-62 ~~for Educator Certification~~], shall annually identify the need for
11-63 teachers in specific subject areas and geographic regions and among
11-64 underrepresented groups. The commissioner shall give priority to
11-65 developing and implementing recruitment programs to address those
11-66 needs from the agency's discretionary funds.

11-67 (d) The agency[, ~~the State Board for Educator~~
11-68 ~~Certification~~,] and the Texas Higher Education Coordinating Board
11-69 shall encourage the business community to cooperate with local

12-1 schools to develop recruiting programs designed to attract and
 12-2 retain capable teachers, including programs to provide summer
 12-3 employment opportunities for teachers.

12-4 (e) The agency [~~the State Board for Educator~~
 12-5 ~~Certification,~~] and the Texas Higher Education Coordinating Board
 12-6 shall encourage major education associations to cooperate in
 12-7 developing a long-range program promoting teaching as a career and
 12-8 to assist in identifying local activities and resources that may be
 12-9 used to promote the teaching profession.

12-10 SECTION 26. Subsections (b), (b-1), (c), (d), (e), (f), and
 12-11 (g), Section 21.006, Education Code, are amended to read as
 12-12 follows:

12-13 (b) In addition to the reporting requirement under Section
 12-14 261.101, Family Code, the superintendent or director of a school
 12-15 district, open-enrollment charter school, regional education
 12-16 service center, or shared services arrangement shall notify the
 12-17 commissioner [~~State Board for Educator Certification~~] if [~~the~~
 12-18 ~~superintendent or director has reasonable cause to believe that~~]:

12-19 (1) an educator [~~employed by or~~] seeking employment by
 12-20 the district, school, service center, or shared services
 12-21 arrangement has a criminal record or the criminal record of an
 12-22 educator employed by the district, school, service center, or
 12-23 shared services arrangement changes, as determined by commissioner
 12-24 rule;

12-25 (2) an educator's employment at the district, school,
 12-26 service center, or shared services arrangement was terminated based
 12-27 on a determination that the educator:

12-28 (A) abused or otherwise committed an unlawful act
 12-29 with a student or minor;

12-30 (A-1) was involved in a romantic relationship
 12-31 with or solicited or engaged in sexual contact with a student or
 12-32 minor;

12-33 (B) possessed, transferred, sold, or distributed
 12-34 a controlled substance, as defined by Chapter 481, Health and
 12-35 Safety Code, or by 21 U.S.C. Section 801 et seq. [~~and its~~
 12-36 ~~subsequent amendments~~];

12-37 (C) illegally transferred, appropriated, or
 12-38 expended funds or other property of the district, school, service
 12-39 center, or shared services arrangement;

12-40 (D) attempted by fraudulent or unauthorized
 12-41 means to obtain or alter a professional certificate or license for
 12-42 the purpose of promotion or additional compensation; or

12-43 (E) committed a criminal offense or any part of a
 12-44 criminal offense on school property or at a school-sponsored event;

12-45 (3) the educator resigned and reasonable evidence
 12-46 supports a recommendation by the superintendent or director to
 12-47 terminate the educator based on a determination that the educator
 12-48 engaged in misconduct described by Subdivision (2); or

12-49 (4) the educator engaged in conduct that violated the
 12-50 assessment instrument security procedures established under
 12-51 Section 39.0301.

12-52 (b-1) A superintendent or director of a school district or
 12-53 open-enrollment charter school shall complete an investigation of
 12-54 an educator that is based on a reasonable suspicion [~~cause~~] to
 12-55 believe the educator may have engaged in misconduct described by
 12-56 Subsection (b)(2)(A) or (A-1), despite the educator's resignation
 12-57 from district or school employment before completion of the
 12-58 investigation. The agency shall establish procedures for an
 12-59 investigation under this subsection.

12-60 (c) The superintendent or director must notify the
 12-61 commissioner [~~State Board for Educator Certification~~] by filing a
 12-62 report with the commissioner [~~board~~] not later than the seventh day
 12-63 after the date the superintendent or director first learns about a
 12-64 change in an employee's criminal record under Subsection (b)(1) or
 12-65 a termination of employment or resignation following an alleged
 12-66 incident of misconduct described by Subsection (b). The report
 12-67 must be:

12-68 (1) in writing; and

12-69 (2) in a form prescribed by the commissioner [~~board~~].

(d) The superintendent or director shall notify the board of trustees or governing body of the school district, open-enrollment charter school, regional education service center, or shared services arrangement and the educator of the filing of the report required by Subsection (c).

(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 27. Subsections (b), (c), (d), (e), and (f), Section 21.007, Education Code, are amended to read as follows:

(b) The commissioner [~~board~~] shall adopt a procedure for placing a notice of alleged misconduct on an educator's public certification records. The procedure adopted by the commissioner [~~board~~] must provide for immediate placement of a notice of alleged misconduct on an educator's public certification records if the alleged misconduct presents a risk to the health, safety, or welfare of a student or minor as determined by the commissioner [~~board~~].

(c) The commissioner [~~board~~] must notify an educator in writing when placing a notice of an alleged incident of misconduct on the public certification records of the educator.

(d) The commissioner [~~board~~] must provide an opportunity for an educator to show cause why the notice should not be placed on the educator's public certification records. The commissioner [~~board~~] shall adopt [~~propose~~] rules establishing the length of time that a notice may remain on the educator's public certification records before the commissioner [~~board~~] must:

(1) initiate a proceeding to impose a sanction on the educator on the basis of the alleged misconduct; or

(2) remove the notice from the educator's public certification records.

(e) If it is determined that the educator has not engaged in the alleged incident of misconduct, the commissioner [~~board~~] shall immediately remove the notice from the educator's public certification records.

(f) The commissioner [~~board~~] shall adopt [~~propose~~] rules necessary to administer this section.

SECTION 28. Section 21.031, Education Code, is amended to read as follows:

Sec. 21.031. COMMISSIONER ROLE IN CERTIFICATION OF EDUCATORS [~~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) In adopting [~~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 29. Section 21.040, Education Code, is amended to read as follows:

Sec. 21.040. ADVISORY COMMITTEE [~~GENERAL POWERS AND DUTIES OF BOARD~~]. (a) The commissioner [~~board~~] shall[+]

[~~(1) supervise the executive director's performance,~~

[~~(2) approve an operating budget for the board and make a request for appropriations,~~

[~~(3) appoint the members of any advisory committee to the board,~~

14-1 ~~[(4) for each class of educator certificate,]~~ appoint
 14-2 an advisory committee ~~[composed of members of that class]~~ to
 14-3 recommend standards for educator certification and educator
 14-4 preparation programs [that class] to the commissioner [board,

14-5 ~~[(5) provide to its members and employees, as often as~~
 14-6 ~~necessary, information regarding their qualifications for office~~
 14-7 ~~or employment under this chapter and their responsibilities under~~
 14-8 ~~applicable laws relating to standards of conduct for state officers~~
 14-9 ~~or employees,~~

14-10 ~~[(6) develop and implement policies that clearly~~
 14-11 ~~define the respective responsibilities of the board and the board's~~
 14-12 ~~staff; and~~

14-13 ~~[(7) execute interagency contracts to perform routine~~
 14-14 ~~administrative functions].~~

14-15 (b) In appointing the members of the advisory committee
 14-16 established under this section, the commissioner shall ensure the
 14-17 committee has a balanced representation of teachers,
 14-18 administrators, school counselors, and representatives of both
 14-19 traditional and alternative certification educator preparation
 14-20 programs.

14-21 SECTION 30. Subsections (b), (c), and (d), Section 21.041,
 14-22 Education Code, are amended to read as follows:

14-23 (b) The commissioner [board] shall adopt [propose] rules
 14-24 that:

14-25 (1) provide for the regulation of educators and the
 14-26 general administration of this subchapter in a manner consistent
 14-27 with this subchapter;

14-28 (2) specify the classes of educator certificates to be
 14-29 issued, including emergency certificates;

14-30 (3) specify the period for which each class of
 14-31 educator certificate is valid;

14-32 (4) specify the requirements for the issuance and
 14-33 renewal of an educator certificate;

14-34 (5) provide for the issuance of an educator
 14-35 certificate to a person who holds a similar certificate issued by
 14-36 another state or foreign country, subject to Section 21.052;

14-37 (6) provide for special or restricted certification of
 14-38 educators, including certification of instructors of American Sign
 14-39 Language;

14-40 (7) provide for disciplinary proceedings, including
 14-41 the suspension or revocation of an educator certificate, as
 14-42 provided by Chapter 2001, Government Code;

14-43 (8) provide for the adoption, amendment, and
 14-44 enforcement of an educator's code of ethics;

14-45 (9) provide for continuing education requirements;
 14-46 and

14-47 (10) provide for certification of persons performing
 14-48 appraisals under Subchapter H.

14-49 (c) The commissioner [board] shall adopt [propose] a rule
 14-50 establishing [adopting] a fee for the issuance and maintenance of
 14-51 an educator certificate that, when combined with any fees imposed
 14-52 under Subsection (d), is adequate to cover the cost of
 14-53 administration of this subchapter.

14-54 (d) The commissioner [board] may adopt [propose] a rule
 14-55 establishing [adopting] a fee for the approval or renewal of
 14-56 approval of an educator preparation program, or for the addition of
 14-57 a certificate or field of certification to the scope of a program's
 14-58 approval. A fee imposed under this subsection may not exceed the
 14-59 amount necessary, as determined by the commissioner [board], to
 14-60 provide for the administrative cost of approving, renewing the
 14-61 approval of, and appropriately ensuring the accountability of
 14-62 educator preparation programs under this subchapter.

14-63 SECTION 31. Section 21.044, Education Code, as amended by
 14-64 Chapters 635 (S.B. 866) and 926 (S.B. 1620), Acts of the 82nd
 14-65 Legislature, Regular Session, 2011, is reenacted and amended to
 14-66 read as follows:

14-67 Sec. 21.044. EDUCATOR PREPARATION. (a) The commissioner
 14-68 [board] shall adopt [propose] rules establishing the training
 14-69 requirements a person must accomplish to obtain a certificate,

15-1 enter an internship, or enter an induction-year program. The
 15-2 commissioner [~~board~~] shall specify the minimum academic
 15-3 qualifications required for a certificate.

15-4 (b) Any minimum academic qualifications for a certificate
 15-5 specified under Subsection (a) that require a person to possess a
 15-6 bachelor's degree must also require that the person receive, as
 15-7 part of the curriculum for that degree, instruction in detection
 15-8 and education of students with dyslexia. This subsection does not
 15-9 apply to a person who obtains a certificate through an alternative
 15-10 certification program adopted under Section 21.049.

15-11 (c) The instruction under Subsection (b) must:

15-12 (1) be developed by a panel of experts in the diagnosis
 15-13 and treatment of dyslexia who are:

15-14 (A) employed by institutions of higher
 15-15 education; and

15-16 (B) approved by the commissioner [~~board~~]; and

15-17 (2) include information on:

15-18 (A) characteristics of dyslexia;

15-19 (B) identification of dyslexia; and

15-20 (C) effective, multisensory strategies for
 15-21 teaching students with dyslexia.

15-22 (d) [~~(b)~~] In adopting [~~proposing~~] rules under this section,
 15-23 the commissioner [~~board~~] shall specify that to obtain a certificate
 15-24 to teach an "applied STEM course," as that term is defined by
 15-25 Section 28.027, at a secondary school, a person must:

15-26 (1) pass the certification test administered by the
 15-27 recognized national or international business and industry group
 15-28 that created the curriculum the applied STEM course is based on; and

15-29 (2) have at a minimum:

15-30 (A) an associate degree from an accredited
 15-31 institution of higher education; and

15-32 (B) three years of work experience in an
 15-33 occupation for which the applied STEM course is intended to prepare
 15-34 the student.

15-35 SECTION 32. Section 21.045, Education Code, is amended to
 15-36 read as follows:

15-37 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR
 15-38 PREPARATION PROGRAMS; PROGRAM APPROVAL AND RENEWAL. (a) The

15-39 commissioner [~~board~~] shall adopt [~~propose~~] rules establishing
 15-40 standards to govern the approval and continuing accountability of
 15-41 all educator preparation programs based on the following
 15-42 information that is disaggregated with respect to sex and
 15-43 ethnicity:

15-44 (1) results of the certification examinations
 15-45 prescribed under Section 21.048(a);

15-46 (2) performance based on the appraisal system for
 15-47 beginning teachers adopted by the commissioner [~~board~~];

15-48 (3) achievement, including improvement in
 15-49 achievement, of students taught by beginning teachers for the first
 15-50 three years following certification, to the extent practicable; and

15-51 (4) compliance with commissioner [~~board~~] requirements
 15-52 regarding the frequency, duration, and quality of structural
 15-53 guidance and ongoing support provided by field supervisors to
 15-54 beginning teachers during their first year in the classroom.

15-55 (b) Each educator preparation program shall submit data
 15-56 elements as required by the commissioner [~~board~~] for an annual
 15-57 performance report to ensure access and equity. At a minimum, the
 15-58 annual report must contain the performance data from Subsection
 15-59 (a), other than the data required for purposes of Subsection
 15-60 (a)(3), and the following information, disaggregated by sex and
 15-61 ethnicity:

15-62 (1) the number of candidates who apply;

15-63 (2) the number of candidates admitted;

15-64 (3) the number of candidates retained;

15-65 (4) the number of candidates completing the program;

15-66 (5) the number of candidates employed in the
 15-67 profession after completing the program;

15-68 (6) the number of candidates retained in the
 15-69 profession; and

16-1 (7) any other information required by federal law.
 16-2 (c) The commissioner [~~board~~] shall adopt [~~propose~~] rules
 16-3 establishing performance standards for the Accountability System
 16-4 for Educator Preparation for accrediting educator preparation
 16-5 programs. At a minimum, performance standards must be based on
 16-6 Subsection (a).

16-7 (d) The commissioner shall adopt [~~board may propose~~] rules
 16-8 establishing minimum standards for approval or renewal of approval
 16-9 of:

- 16-10 (1) educator preparation programs; or
- 16-11 (2) certification fields authorized to be offered by
- 16-12 an educator preparation program.

16-13 (e) In adopting rules establishing minimum standards for
 16-14 renewal of approval of educator preparation programs under
 16-15 Subsection (d)(1), the commissioner shall require that each
 16-16 educator preparation program obtain renewal of approval every five
 16-17 years. The commissioner shall adopt an evaluation process to be
 16-18 used for purposes of educator preparation program renewal. To be
 16-19 eligible for renewal and continued accreditation, an educator
 16-20 preparation program must meet basic standards and requirements to
 16-21 adequately prepare candidates for educator certification, as
 16-22 determined by the commissioner.

16-23 SECTION 33. The heading to Section 21.0451, Education Code,
 16-24 is amended to read as follows:

16-25 Sec. 21.0451. SANCTIONS [~~UNDER ACCOUNTABILITY SYSTEM~~] FOR
 16-26 EDUCATOR PREPARATION PROGRAMS.

16-27 SECTION 34. Section 21.0451, Education Code, is amended by
 16-28 amending Subsection (a) and adding Subsections (e) and (f) to read
 16-29 as follows:

16-30 (a) The commissioner [~~board~~] shall adopt [~~propose~~] rules
 16-31 for the sanction of educator preparation programs that do not meet
 16-32 accountability standards or comply with state law or commissioner
 16-33 rules and shall annually review the accreditation status of each
 16-34 educator preparation program. The rules:

16-35 (1) shall provide for the assignment of the following
 16-36 accreditation statuses:

- 16-37 (A) not rated;
- 16-38 (B) accredited;
- 16-39 (C) accredited-warned;
- 16-40 (D) accredited-probation; and
- 16-41 (E) not accredited-revoked;

16-42 (2) may provide for the agency to take any necessary
 16-43 action, including one or more of the following actions:

16-44 (A) requiring the program to obtain technical
 16-45 assistance approved by the agency [~~or board~~];

16-46 (B) requiring the program to obtain professional
 16-47 services under contract with another person;

16-48 (C) appointing a monitor to participate in and
 16-49 report to the commissioner [~~board~~] on the activities of the
 16-50 program; and

16-51 (D) if a program has been rated as
 16-52 accredited-probation [~~under the Accountability System for Educator~~
 16-53 ~~Preparation~~] for a period of at least one year, revoking the
 16-54 approval of the program and ordering the program to be closed,
 16-55 provided that the [~~board or~~] agency must provide the opportunity
 16-56 for a hearing before the effective date of the closure; and

16-57 (3) shall provide for the agency to revoke the
 16-58 approval of the program and order the program to be closed if the
 16-59 program has been rated as accredited-probation [~~under the~~
 16-60 ~~Accountability System for Educator Preparation~~] for three
 16-61 consecutive years, provided that the [~~board or~~] agency must provide
 16-62 the opportunity for a hearing before the effective date of the
 16-63 closure.

16-64 (e) The commissioner shall adopt procedures to ensure that
 16-65 sanctions under this section are applied fairly.

16-66 (f) The commissioner shall:

16-67 (1) provide information regarding sanctions under
 16-68 this section to each educator preparation program; and

16-69 (2) provide information to at-risk educator

17-1 preparation programs about sanctions the specific program could
 17-2 face, including the consequences of those sanctions, a timeline for
 17-3 the program to comply with rules and meet accreditation standards,
 17-4 and how to appeal a sanction under this section.

17-5 SECTION 35. Section 21.0452, Education Code, is amended to
 17-6 read as follows:

17-7 Sec. 21.0452. CONSUMER INFORMATION REGARDING EDUCATOR
 17-8 PREPARATION PROGRAMS. (a) To assist persons interested in
 17-9 obtaining teaching certification in selecting an educator
 17-10 preparation program and assist school districts in making staffing
 17-11 decisions, the commissioner [~~board~~] shall make information
 17-12 regarding educator programs in this state available to the public
 17-13 through the agency's [~~board's~~] Internet website.

17-14 (b) The commissioner [~~board~~] shall make available at least
 17-15 the following information regarding each educator preparation
 17-16 program:

17-17 (1) the information specified in Sections 21.045(a)
 17-18 and (b);

17-19 (2) in addition to any other appropriate information
 17-20 indicating the quality of persons admitted to the program, the
 17-21 average academic qualifications possessed by persons admitted to
 17-22 the program, including:

17-23 (A) average overall grade point average and
 17-24 average grade point average in specific subject areas; and

17-25 (B) average scores on the Scholastic Assessment
 17-26 Test (SAT), the American College Test (ACT), or the Graduate Record
 17-27 Examination (GRE), as applicable;

17-28 (3) the degree to which persons who complete the
 17-29 program are successful in obtaining teaching positions;

17-30 (4) the extent to which the program prepares teachers,
 17-31 including general education teachers and special education
 17-32 teachers, to effectively teach:

17-33 (A) students with disabilities; and

17-34 (B) students of limited English proficiency, as
 17-35 defined by Section 29.052;

17-36 (5) the activities offered by the program that are
 17-37 designed to prepare teachers to:

17-38 (A) integrate technology effectively into
 17-39 curricula and instruction, including activities consistent with
 17-40 the principles of universal design for learning; and

17-41 (B) use technology effectively to collect,
 17-42 manage, and analyze data to improve teaching and learning for the
 17-43 purpose of increasing student academic achievement;

17-44 (6) the perseverance of beginning teachers in the
 17-45 profession, as determined on the basis of the number of beginning
 17-46 teachers who maintain status as active contributing members in the
 17-47 Teacher Retirement System of Texas for at least three years after
 17-48 certification in comparison to similar programs;

17-49 (7) the results of exit surveys given to program
 17-50 participants on completion of the program that involve evaluation
 17-51 of the program's effectiveness in preparing participants to succeed
 17-52 in the classroom; and

17-53 (8) the results of surveys given to school principals
 17-54 that involve evaluation of the program's effectiveness in preparing
 17-55 participants to succeed in the classroom, based on experience with
 17-56 employed program participants.

17-57 (c) For purposes of Subsection (b)(7), the commissioner
 17-58 [~~board~~] shall require an educator preparation program to distribute
 17-59 an exit survey that a program participant must complete before the
 17-60 participant is eligible to receive a certificate under this
 17-61 subchapter.

17-62 (d) For purposes of Subsections (b)(7) and (8), the
 17-63 commissioner [~~board~~] shall develop surveys for distribution to
 17-64 program participants and school principals.

17-65 (e) The commissioner [~~board~~] may develop procedures under
 17-66 which each educator preparation program receives a designation or
 17-67 ranking based on the information required to be made available
 17-68 under Subsection (b). If the commissioner [~~board~~] develops
 17-69 procedures under this subsection, the designation or ranking

18-1 received by each program must be included in the information made
18-2 available under this section.

18-3 (f) In addition to other information required to be made
18-4 available under this section, the commissioner [~~board~~] shall
18-5 provide information identifying employment opportunities for
18-6 teachers in the various regions of this state. The commissioner
18-7 [~~board~~] shall specifically identify each region of this state in
18-8 which a shortage of qualified teachers exists.

18-9 (g) The commissioner [~~board~~] may require any person to
18-10 provide information to the commissioner [~~board~~] for purposes of
18-11 this section.

18-12 SECTION 36. Subchapter B, Chapter 21, Education Code, is
18-13 amended by adding Sections 21.0454 and 21.0455 to read as follows:

18-14 Sec. 21.0454. RISK FACTORS FOR EDUCATOR PREPARATION
18-15 PROGRAMS; RISK-ASSESSMENT MODEL. (a) The commissioner shall
18-16 develop a set of risk factors to use in assessing the overall risk
18-17 level of each educator preparation program. The set of risk factors
18-18 must include:

18-19 (1) a history of the program's compliance with state
18-20 law and commissioner rules, standards, and procedures;

18-21 (2) the program's operational standards;

18-22 (3) whether the program meets the accountability
18-23 standards under Section 21.045; and

18-24 (4) whether the program is accredited by other
18-25 organizations.

18-26 (b) The agency shall use the set of risk factors developed
18-27 under Subsection (a) to guide the agency in conducting monitoring,
18-28 inspections, and compliance audits of educator preparation
18-29 programs, including evaluations associated with renewals under
18-30 Section 21.045(e).

18-31 Sec. 21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION
18-32 PROGRAMS. (a) The commissioner shall adopt rules establishing a
18-33 process for a candidate for teacher certification to direct a
18-34 complaint against an educator preparation program to the agency.

18-35 (b) The commissioner by rule shall require an educator
18-36 preparation program to notify candidates for teacher certification
18-37 of the complaint process adopted under Subsection (a). The notice
18-38 must include the name, mailing address, telephone number, and
18-39 Internet website address of the agency for the purpose of directing
18-40 complaints to the agency. The educator preparation program shall
18-41 provide for that notification:

18-42 (1) on the Internet website of the educator
18-43 preparation program, if the program maintains a website;

18-44 (2) on a sign prominently displayed in program
18-45 facilities; and

18-46 (3) in any newsletter distributed by the educator
18-47 preparation program, if the program distributes a newsletter.

18-48 (c) The commissioner shall post the complaint process
18-49 adopted under Subsection (a) on the agency's Internet website.

18-50 (d) The agency has no authority to arbitrate or resolve
18-51 contractual or commercial issues between an educator preparation
18-52 program and a candidate for teacher certification.

18-53 SECTION 37. Subsections (c) and (d), Section 21.046,
18-54 Education Code, are amended to read as follows:

18-55 (c) Because an effective principal is essential to school
18-56 improvement, the commissioner [~~board~~] shall ensure that:

18-57 (1) each candidate for certification as a principal is
18-58 of the highest caliber; and

18-59 (2) multi-level screening processes, validated
18-60 comprehensive assessment programs, and flexible internships with
18-61 successful mentors exist to determine whether a candidate for
18-62 certification as a principal possesses the essential knowledge,
18-63 skills, and leadership capabilities necessary for success.

18-64 (d) In creating the qualifications for certification as a
18-65 principal, the commissioner [~~board~~] shall consider the knowledge,
18-66 skills, and proficiencies for principals as developed by relevant
18-67 national organizations and the State Board of Education.

18-68 SECTION 38. Subsections (a) and (b), Section 21.047,
18-69 Education Code, are amended to read as follows:

19-1 (a) The commissioner [~~board~~] may develop the process for the
 19-2 establishment of centers for professional development through
 19-3 institutions of higher education for the purpose of integrating
 19-4 technology and innovative teaching practices in the preservice and
 19-5 staff development training of public school teachers and
 19-6 administrators. An institution of higher education with a teacher
 19-7 education program may develop a center through a collaborative
 19-8 process involving public schools, regional education service
 19-9 centers, and other entities or businesses. A center may contract
 19-10 with other entities to develop materials and provide training.

19-11 (b) On application by a center, the commissioner [~~board~~]
 19-12 shall make grants to the center for its programs from funds derived
 19-13 from gifts, grants, and legislative appropriations for that
 19-14 purpose. The commissioner [~~board~~] shall award the grants on a
 19-15 competitive basis according to requirements established by
 19-16 commissioner [~~the board~~] rules.

19-17 SECTION 39. Subsections (a), (b), and (c), Section 21.048,
 19-18 Education Code, are amended to read as follows:

19-19 (a) The commissioner [~~board~~] shall adopt [~~propose~~] rules
 19-20 prescribing comprehensive examinations for each class of
 19-21 certificate issued by the commissioner [~~board~~].

19-22 (b) The commissioner [~~board~~] may not administer a written
 19-23 examination to determine the competence or level of performance of
 19-24 an educator who has a hearing impairment unless the examination has
 19-25 been field tested to determine its appropriateness, reliability,
 19-26 and validity as applied to, and minimum acceptable performance
 19-27 scores for, persons with hearing impairments.

19-28 (c) An educator who has a hearing impairment is exempt from
 19-29 taking a written examination for a period ending on the first
 19-30 anniversary of the date on which the commissioner [~~board~~]
 19-31 determines, on the basis of appropriate field tests, that the
 19-32 examination complies with the standards specified in Subsection
 19-33 (b). On application to the commissioner [~~board~~], the commissioner
 19-34 [~~board~~] shall issue a temporary exemption certificate to a person
 19-35 entitled to an exemption under this subsection.

19-36 SECTION 40. Section 21.0481, Education Code, is amended to
 19-37 read as follows:

19-38 Sec. 21.0481. MASTER READING TEACHER CERTIFICATION.

19-39 (a) To ensure that there are teachers with special training to
 19-40 work with other teachers and with students in order to improve
 19-41 student reading performance, the commissioner [~~board~~] shall
 19-42 establish a master reading teacher certificate.

19-43 (b) The commissioner [~~board~~] shall issue a master reading
 19-44 teacher certificate to each eligible person.

19-45 (c) To be eligible for a master reading teacher certificate,
 19-46 a person must:

19-47 (1) hold a reading specialist certificate issued under
 19-48 this subchapter and satisfactorily complete a course of instruction
 19-49 as prescribed under Subdivision (2)(B); or

19-50 (2) hold a teaching certificate issued under this
 19-51 subchapter and:

19-52 (A) have at least three years of teaching
 19-53 experience;

19-54 (B) satisfactorily complete a knowledge-based
 19-55 and skills-based course of instruction on the science of teaching
 19-56 children to read that includes training in:

19-57 (i) effective reading instruction
 19-58 techniques, including effective techniques for students whose
 19-59 primary language is a language other than English;

19-60 (ii) identification of dyslexia and related
 19-61 reading disorders and effective reading instruction techniques for
 19-62 students with those disorders; and

19-63 (iii) effective professional peer
 19-64 mentoring techniques;

19-65 (C) perform satisfactorily on the master reading
 19-66 teacher certification examination prescribed by the commissioner
 19-67 [~~board~~]; and

19-68 (D) satisfy any other requirements prescribed by
 19-69 the commissioner [~~board~~].

20-1 SECTION 41. Section 21.0482, Education Code, is amended to
20-2 read as follows:

20-3 Sec. 21.0482. MASTER MATHEMATICS TEACHER CERTIFICATION.

20-4 (a) To ensure that there are teachers with special training to
20-5 work with other teachers and with students in order to improve
20-6 student mathematics performance, the commissioner [~~board~~] shall
20-7 establish:

20-8 (1) a master mathematics teacher certificate to teach
20-9 mathematics at elementary school grade levels;

20-10 (2) a master mathematics teacher certificate to teach
20-11 mathematics at middle school grade levels; and

20-12 (3) a master mathematics teacher certificate to teach
20-13 mathematics at high school grade levels.

20-14 (b) The commissioner [~~board~~] shall issue the appropriate
20-15 master mathematics teacher certificate to each eligible person.

20-16 (c) To be eligible for a master mathematics teacher
20-17 certificate, a person must:

20-18 (1) hold a teaching certificate issued under this
20-19 subchapter;

20-20 (2) have at least three years of teaching experience;

20-21 (3) satisfactorily complete a knowledge-based course
20-22 of instruction on the science of teaching children mathematics that
20-23 includes training in mathematics instruction and professional peer
20-24 mentoring techniques that, through scientific testing, have been
20-25 proven effective;

20-26 (4) perform satisfactorily on the appropriate master
20-27 mathematics teacher certification examination prescribed by the
20-28 commissioner [~~board~~]; and

20-29 (5) satisfy any other requirements prescribed by the
20-30 commissioner [~~board~~].

20-31 (d) The course of instruction prescribed under Subsection
20-32 (c)(3) shall be developed by the commissioner [~~board~~] in
20-33 consultation with mathematics and science faculty members at
20-34 institutions of higher education.

20-35 SECTION 42. Section 21.0483, Education Code, is amended to
20-36 read as follows:

20-37 Sec. 21.0483. MASTER TECHNOLOGY TEACHER CERTIFICATION.

20-38 (a) To ensure that there are teachers with special training to
20-39 work with other teachers and with students in order to increase the
20-40 use of technology in each classroom, the commissioner [~~board~~] shall
20-41 establish a master technology teacher certificate.

20-42 (b) The commissioner [~~board~~] shall issue a master
20-43 technology teacher certificate to each eligible person.

20-44 (c) To be eligible for a master technology teacher
20-45 certificate, a person must:

20-46 (1) hold a technology applications or Technology
20-47 Education certificate issued under this subchapter, satisfactorily
20-48 complete the course of instruction prescribed under Subdivision
20-49 (2)(B), and satisfactorily perform on the examination prescribed
20-50 under Subdivision (2)(C); or

20-51 (2) hold a teaching certificate issued under this
20-52 subchapter and:

20-53 (A) have at least three years of teaching
20-54 experience;

20-55 (B) satisfactorily complete a knowledge-based
20-56 and skills-based course of instruction on interdisciplinary
20-57 technology applications and the science of teaching technology that
20-58 includes training in:

20-59 (i) effective technology instruction
20-60 techniques, including applications designed to meet the
20-61 educational needs of students with disabilities;

20-62 (ii) classroom teaching methodology that
20-63 engages student learning through the integration of technology;

20-64 (iii) digital learning competencies,
20-65 including Internet research, graphics, animation, website
20-66 mastering, and video technologies;

20-67 (iv) curriculum models designed to prepare
20-68 teachers to facilitate an active student learning environment; and

20-69 (v) effective professional peer mentoring

21-1 techniques;

21-2 (C) satisfactorily perform on an examination

21-3 administered at the conclusion of the course of instruction

21-4 prescribed under Paragraph (B); and

21-5 (D) satisfy any other requirements prescribed by

21-6 the commissioner [~~board~~].

21-7 (d) The commissioner [~~board~~] may provide technology

21-8 applications training courses under Subsection (c)(2)(B) in

21-9 cooperation with:

21-10 (1) regional education service centers; and

21-11 (2) other public or private entities, including any

21-12 state council on technology.

21-13 SECTION 43. Section 21.0484, Education Code, is amended to

21-14 read as follows:

21-15 Sec. 21.0484. MASTER SCIENCE TEACHER CERTIFICATION.

21-16 (a) To ensure that there are teachers with special training to

21-17 work with other teachers and with students in order to improve

21-18 student science performance, the commissioner [~~board~~] shall

21-19 establish:

21-20 (1) a master science teacher certificate to teach

21-21 science at elementary school grade levels;

21-22 (2) a master science teacher certificate to teach

21-23 science at middle school grade levels; and

21-24 (3) a master science teacher certificate to teach

21-25 science at high school grade levels.

21-26 (b) The commissioner [~~board~~] shall issue the appropriate

21-27 master science teacher certificate to each eligible person.

21-28 (c) To be eligible for a master science teacher certificate,

21-29 a person must:

21-30 (1) hold a teaching certificate issued under this

21-31 subchapter;

21-32 (2) have at least three years of teaching experience;

21-33 (3) satisfactorily complete a knowledge-based course

21-34 of instruction on the science of teaching children science that

21-35 includes training in science instruction and professional peer

21-36 mentoring techniques that, through scientific testing, have been

21-37 proven effective;

21-38 (4) perform satisfactorily on the appropriate master

21-39 science teacher certification examination prescribed by the

21-40 commissioner [~~board~~]; and

21-41 (5) satisfy any other requirements prescribed by the

21-42 commissioner [~~board~~].

21-43 (d) The course of instruction prescribed under Subsection

21-44 (c)(3) shall be developed by the commissioner [~~board~~] in

21-45 consultation with science faculty members at institutions of higher

21-46 education.

21-47 SECTION 44. Subsection (a), Section 21.0485, Education

21-48 Code, is amended to read as follows:

21-49 (a) To be eligible to be issued a certificate to teach

21-50 students with visual impairments, a person must:

21-51 (1) complete either:

21-52 (A) all course work required for that

21-53 certification in an approved educator preparation program; or

21-54 (B) an alternative educator certification

21-55 program approved for the purpose by the commissioner [~~board~~];

21-56 (2) perform satisfactorily on each examination

21-57 prescribed under Section 21.048 for certification to teach students

21-58 with visual impairments, after completing the course work or

21-59 program described by Subdivision (1); and

21-60 (3) satisfy any other requirements prescribed by the

21-61 commissioner [~~board~~].

21-62 SECTION 45. Section 21.049, Education Code, is amended to

21-63 read as follows:

21-64 Sec. 21.049. ALTERNATIVE CERTIFICATION. (a) To provide a

21-65 continuing additional source of qualified educators, the

21-66 commissioner [~~board~~] shall adopt [~~propose~~] rules providing for

21-67 educator certification programs as an alternative to traditional

21-68 educator preparation programs. The rules may not provide that a

21-69 person may be certified under this section only if there is a

22-1 demonstrated shortage of educators in a school district or subject
22-2 area.

22-3 (b) The commissioner [~~board~~] may not require a person
22-4 employed as a teacher in an alternative education program under
22-5 Section 37.008 or a juvenile justice alternative education program
22-6 under Section 37.011 for at least three years to complete an
22-7 alternative educator certification program adopted under this
22-8 section before taking the appropriate certification examination.

22-9 SECTION 46. Subsections (a) and (b), Section 21.050,
22-10 Education Code, are amended to read as follows:

22-11 (a) A person who applies for a teaching certificate for
22-12 which commissioner [~~board~~] rules require a bachelor's degree must
22-13 possess a bachelor's degree received with an academic major or
22-14 interdisciplinary academic major, including reading, other than
22-15 education, that is related to the curriculum as prescribed under
22-16 Subchapter A, Chapter 28.

22-17 (b) The commissioner [~~board~~] may not require more than 18
22-18 semester credit hours of education courses at the baccalaureate
22-19 level for the granting of a teaching certificate. The commissioner
22-20 [~~board~~] shall provide for a minimum number of semester credit hours
22-21 of internship to be included in the hours needed for certification.
22-22 The commissioner [~~board~~] may adopt [~~propose~~] rules requiring
22-23 additional credit hours for certification in bilingual education,
22-24 English as a second language, early childhood education, or special
22-25 education.

22-26 SECTION 47. Subsections (c), (d), (e), and (f), Section
22-27 21.051, Education Code, are amended to read as follows:

22-28 (c) Subsection (b) applies only to an initial certification
22-29 issued on or after September 1, 2012. Subsection (b) does not
22-30 affect:

22-31 (1) the validity of a certification issued before
22-32 September 1, 2012; or

22-33 (2) the eligibility of a person who holds a
22-34 certification issued before September 1, 2012, to obtain a
22-35 subsequent renewal of the certification in accordance with
22-36 commissioner [~~board~~] rule.

22-37 (d) Subsection (b) does not affect the period within which
22-38 an individual must complete field-based experience hours as
22-39 determined by commissioner [~~board~~] rule if the individual is not
22-40 accepted into an educator preparation program before the deadline
22-41 prescribed by commissioner [~~board~~] rule and is hired for a teaching
22-42 assignment by a school district after the deadline prescribed by
22-43 commissioner [~~board~~] rule.

22-44 (e) The commissioner [~~board~~] shall adopt [~~propose~~] rules
22-45 relating to the field-based experience required by Subsection (b),
22-46 including rules establishing [~~The commissioner by rule shall~~
22-47 ~~adopt~~] procedures and standards for recognizing a private school
22-48 under Subsection (b)(2).

22-49 (f) The commissioner [~~board~~] shall adopt [~~propose~~] rules
22-50 providing flexible options for persons for any field-based
22-51 experience or internship required for certification.

22-52 SECTION 48. Subsections (a), (c), (d), (e), (f), and (h),
22-53 Section 21.052, Education Code, are amended to read as follows:

22-54 (a) The commissioner [~~board~~] may issue a certificate to an
22-55 educator who applies for a certificate and:

22-56 (1) holds:

22-57 (A) a degree issued by an institution accredited
22-58 by a regional accrediting agency or group that is recognized by a
22-59 nationally recognized accreditation board; or

22-60 (B) a degree issued by an institution located in
22-61 a foreign country, if the degree is equivalent to a degree described
22-62 by Paragraph (A);

22-63 (2) holds an appropriate certificate or other
22-64 credential issued by another state or country; and

22-65 (3) performs satisfactorily on:

22-66 (A) the examination prescribed under Section
22-67 21.048; or

22-68 (B) if the educator holds a certificate or other
22-69 credential issued by another state or country, an examination

23-1 similar to and at least as rigorous as that described by Paragraph
23-2 (A) administered to the educator under the authority of that state.

23-3 (c) The commissioner [~~board~~] may issue a temporary
23-4 certificate under this section to an educator who holds a degree
23-5 required by Subsection (a)(1) and a certificate or other credential
23-6 required by Subsection (a)(2) but who has not satisfied the
23-7 requirements prescribed by Subsection (a)(3). Subject to
23-8 Subsection (d), the commissioner [~~board~~] may specify the term of a
23-9 temporary certificate issued under this subsection.

23-10 (d) A temporary certificate issued under Subsection (c) to
23-11 an educator employed by a school district that has constructed or
23-12 expanded at least one instructional facility as a result of
23-13 increased student enrollment due to actions taken under the Defense
23-14 Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687)
23-15 may not expire before the first anniversary of the date on which the
23-16 commissioner [~~board~~] completes the review of the educator's
23-17 credentials and informs the educator of the examination or
23-18 examinations under Section 21.048 on which the educator must
23-19 perform successfully to receive a standard certificate.

23-20 (e) An educator who has submitted all documents required by
23-21 the commissioner [~~board~~] for certification and who receives a
23-22 certificate as provided by Subsection (a) must perform
23-23 satisfactorily on the examination prescribed under Section 21.048
23-24 not later than the first anniversary of the date the commissioner
23-25 [~~board~~] completes the review of the educator's credentials and
23-26 informs the educator of the examination or examinations under
23-27 Section 21.048 on which the educator must perform successfully to
23-28 receive a standard certificate.

23-29 (f) The commissioner [~~board~~] shall post on the
23-30 commissioner's [~~board's~~] Internet website the procedures for
23-31 obtaining a certificate under Subsection (a).

23-32 (h) This subsection applies only to an applicant who holds a
23-33 certificate or other credential issued by another state in
23-34 mathematics, science, special education, or bilingual education,
23-35 or another subject area that the commissioner determines has a
23-36 shortage of teachers. In any state fiscal year, the commissioner
23-37 [~~board~~] shall accept or reject, not later than the 14th day after
23-38 the date the commissioner [~~board~~] receives the completed
23-39 application, at least 90 percent of the applications the
23-40 commissioner [~~board~~] receives for a certificate under this
23-41 subsection, and shall accept or reject all completed applications
23-42 the commissioner [~~board~~] receives under this subsection not later
23-43 than the 30th day after the date the commissioner [~~board~~] receives
23-44 the completed application. An applicant under this subsection must
23-45 submit:

23-46 (1) a letter of good standing from the state in which
23-47 the teacher is certified on a form determined by the commissioner
23-48 [~~board~~];

23-49 (2) information necessary to complete a national
23-50 criminal history record information review; and

23-51 (3) an application fee as required by the commissioner
23-52 [~~board~~].

23-53 SECTION 49. Subsection (a), Section 21.054, Education Code,
23-54 is amended to read as follows:

23-55 (a) The commissioner [~~board~~] shall adopt [~~propose~~] rules
23-56 establishing a process for identifying continuing education
23-57 courses and programs that fulfill educators' continuing education
23-58 requirements.

23-59 SECTION 50. Subsection (a), Section 21.055, Education Code,
23-60 is amended to read as follows:

23-61 (a) As provided by this section, a school district may issue
23-62 a school district teaching permit and employ as a teacher a person
23-63 who does not hold a teaching certificate issued by the commissioner
23-64 [~~board~~].

23-65 SECTION 51. Section 21.056, Education Code, is amended to
23-66 read as follows:

23-67 Sec. 21.056. ADDITIONAL CERTIFICATION. The commissioner
23-68 [~~board~~] by rule shall provide for a certified educator to qualify
23-69 for additional certification to teach at a grade level or in a

24-1 subject area not covered by the educator's certificate upon
 24-2 satisfactory completion of an examination or other assessment of
 24-3 the educator's qualification.

24-4 SECTION 52. Subsection (d), Section 21.057, Education Code,
 24-5 is amended to read as follows:

24-6 (d) For purposes of this section, "inappropriately
 24-7 certified or uncertified teacher":

24-8 (1) includes:

24-9 (A) an individual serving on an emergency
 24-10 certificate issued under Section 21.041(b)(2); or

24-11 (B) an individual who does not hold any
 24-12 certificate or permit issued under this chapter and is not employed
 24-13 as specified by Subdivision (2)(E); and

24-14 (2) does not include an individual:

24-15 (A) who is a certified teacher assigned to teach
 24-16 a class or classes outside his or her area of certification, as
 24-17 determined by rules adopted [~~proposed~~] by the commissioner [~~board~~]
 24-18 in specifying the certificate required for each assignment;

24-19 (B) serving on a certificate issued due to a
 24-20 hearing impairment under Section 21.048;

24-21 (C) serving on a certificate issued pursuant to
 24-22 enrollment in an approved alternative certification program under
 24-23 Section 21.049;

24-24 (D) certified by another state or country and
 24-25 serving on a certificate issued under Section 21.052;

24-26 (E) serving on a school district teaching permit
 24-27 issued under Section 21.055; or

24-28 (F) employed under a waiver granted by the
 24-29 commissioner pursuant to Section 7.056.

24-30 SECTION 53. Subsections (b) and (d), Section 21.058,
 24-31 Education Code, are amended to read as follows:

24-32 (b) Notwithstanding Section 21.041(b)(7), not later than
 24-33 the fifth day after the date the commissioner [~~board~~] receives
 24-34 notice under Article 42.018, Code of Criminal Procedure, of the
 24-35 conviction of a person who holds a certificate under this
 24-36 subchapter, the commissioner [~~board~~] shall:

24-37 (1) revoke the certificate held by the person; and

24-38 (2) provide to the person and to any school district or
 24-39 open-enrollment charter school employing the person at the time of
 24-40 revocation written notice of:

24-41 (A) the revocation; and

24-42 (B) the basis for the revocation.

24-43 (d) A person whose certificate is revoked under Subsection
 24-44 (b) may reapply for a certificate in accordance with commissioner
 24-45 [~~board~~] rules.

24-46 SECTION 54. Section 21.060, Education Code, is amended to
 24-47 read as follows:

24-48 Sec. 21.060. ELIGIBILITY OF PERSONS CONVICTED OF CERTAIN
 24-49 OFFENSES. The commissioner [~~board~~] may suspend or revoke the
 24-50 certificate or permit held by a person under this subchapter,
 24-51 impose other sanctions against the person, or refuse to issue a
 24-52 certificate or permit to a person under this subchapter if the
 24-53 person has been convicted of a felony or misdemeanor offense
 24-54 relating to the duties and responsibilities of the education
 24-55 profession, including:

24-56 (1) an offense involving moral turpitude;

24-57 (2) an offense involving a form of sexual or physical
 24-58 abuse of a minor or student or other illegal conduct in which the
 24-59 victim is a minor or student;

24-60 (3) a felony offense involving the possession,
 24-61 transfer, sale, or distribution of or conspiracy to possess,
 24-62 transfer, sell, or distribute a controlled substance, as defined by
 24-63 Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et
 24-64 seq.;

24-65 (4) an offense involving the illegal transfer,
 24-66 appropriation, or use of school district funds or other district
 24-67 property; or

24-68 (5) an offense involving an attempt by fraudulent or
 24-69 unauthorized means to obtain or alter a professional certificate or

25-1 license issued under this subchapter.

25-2 SECTION 55. Subchapter B, Chapter 21, Education Code, is
25-3 amended by adding Sections 21.062 and 21.063 to read as follows:

25-4 Sec. 21.062. ISSUANCE OF SUBPOENAS. (a) During an
25-5 investigation by the commissioner of an educator for an alleged
25-6 incident of misconduct, the commissioner may issue a subpoena to
25-7 compel the production, for inspection or copying, of relevant
25-8 evidence that is located in this state.

25-9 (b) A subpoena may be served personally or by certified
25-10 mail.

25-11 (c) If a person fails to comply with a subpoena, the
25-12 commissioner, acting through the attorney general, may file suit to
25-13 enforce the subpoena in a district court in this state. On finding
25-14 that good cause exists for issuing the subpoena, the court shall
25-15 order the person to comply with the subpoena. The court may punish
25-16 a person who fails to obey the court order.

25-17 (d) All information and materials subpoenaed or compiled in
25-18 connection with an investigation described by Subsection (a) are
25-19 confidential and not subject to disclosure under Chapter 552,
25-20 Government Code.

25-21 (e) Except as provided by a protective order, and
25-22 notwithstanding Subsection (d), all information and materials
25-23 subpoenaed or compiled in connection with an investigation
25-24 described by Subsection (a) may be used in a disciplinary
25-25 proceeding against an educator based on an alleged incident of
25-26 misconduct.

25-27 Sec. 21.063. DISCIPLINARY MATRIX. (a) The commissioner
25-28 shall create a matrix to provide guidelines for ensuring the fair
25-29 and consistent application of disciplinary sanctions for educators
25-30 certified under this chapter who commit violations of this chapter
25-31 or a rule adopted under this chapter. In developing the matrix, the
25-32 commissioner shall consider the range of appropriate sanctions
25-33 available for a violation based on:

25-34 (1) the severity of the violation;

25-35 (2) the number of repeat violations;

25-36 (3) whether the sanction serves as a deterrent to
25-37 subsequent violations; and

25-38 (4) any aggravating or mitigating factors.

25-39 (b) The matrix developed under Subsection (a) does not
25-40 prevent the commissioner from exercising discretion based on the
25-41 specific circumstances of an individual case.

25-42 (c) In developing the matrix under Subsection (a), the
25-43 commissioner shall provide for public comment.

25-44 (d) The commissioner shall make the matrix developed under
25-45 Subsection (a) available to the public through posting the matrix
25-46 on the agency's Internet website and through other appropriate
25-47 means.

25-48 SECTION 56. Subsection (c), Section 21.105, Education Code,
25-49 is amended to read as follows:

25-50 (c) On written complaint by the employing district, the
25-51 commissioner [~~State Board for Educator Certification~~] may impose
25-52 sanctions against a teacher employed under a probationary contract
25-53 who:

25-54 (1) resigns;

25-55 (2) fails without good cause to comply with Subsection
25-56 (a) or (b); and

25-57 (3) fails to perform the contract.

25-58 SECTION 57. Subsection (c), Section 21.160, Education Code,
25-59 is amended to read as follows:

25-60 (c) On written complaint by the employing district, the
25-61 commissioner [~~State Board for Educator Certification~~] may impose
25-62 sanctions against a teacher who is employed under a continuing
25-63 contract that obligates the district to employ the person for the
25-64 following school year and who:

25-65 (1) resigns;

25-66 (2) fails without good cause to comply with Subsection
25-67 (a) or (b); and

25-68 (3) fails to perform the contract.

25-69 SECTION 58. Subsection (c), Section 21.210, Education Code,

26-1 is amended to read as follows:

26-2 (c) On written complaint by the employing district, the
26-3 commissioner [~~State Board for Educator Certification~~] may impose
26-4 sanctions against a teacher who is employed under a term contract
26-5 that obligates the district to employ the person for the following
26-6 school year and who:

26-7 (1) resigns;

26-8 (2) fails without good cause to comply with Subsection
26-9 (a) or (b); and

26-10 (3) fails to perform the contract.

26-11 SECTION 59. Subsection (a), Section 21.253, Education Code,
26-12 is amended to read as follows:

26-13 (a) A teacher must file a written request for a hearing
26-14 under this subchapter with the district [~~commissioner~~] not later
26-15 than the 15th day after the date the teacher receives written notice
26-16 of the proposed action. [~~The teacher must provide the district with~~
26-17 ~~a copy of the request and must provide the commissioner with a copy~~
26-18 ~~of the notice.~~]

26-19 SECTION 60. Subsections (b) and (e), Section 21.254,
26-20 Education Code, are amended to read as follows:

26-21 (b) If a hearing examiner is not selected by the parties to a
26-22 pending case under Subsection (e), the [~~The~~] commissioner shall
26-23 immediately assign the hearing examiner for a particular case by
26-24 selecting the next person named on the list who resides within
26-25 reasonable proximity to the district as determined by the
26-26 commissioner. The commissioner may not change the order of names
26-27 once the order is established under this section, except that once
26-28 each hearing examiner on the list has been assigned to a case, the
26-29 names shall be randomly reordered. When a hearing examiner has been
26-30 assigned to a case, the commissioner shall immediately notify the
26-31 parties. An assignment under this section is final.

26-32 (e) After the teacher receives the notice of the proposed
26-33 action, the parties by agreement may select a hearing examiner from
26-34 the list maintained by the commissioner under Subsection (a) or a
26-35 person who is not certified to serve as a hearing examiner. A
26-36 person who is not a certified hearing examiner may be selected only
26-37 if the person is licensed to practice law in this state. If the
26-38 parties do not agree on a hearing examiner, the parties shall
26-39 request an assignment from [~~before the date the commissioner is~~
26-40 ~~permitted to assign a hearing examiner, notify~~] the commissioner
26-41 under Subsection (b) not later than the 25th calendar day after the
26-42 date the teacher receives the notice of the proposed action [~~in~~
26-43 ~~writing of the agreement, including the name of the hearing~~
26-44 ~~examiner selected~~].

26-45 SECTION 61. Subsection (d), Section 21.255, Education Code,
26-46 is amended to read as follows:

26-47 (d) If the hearing examiner is unable to continue presiding
26-48 over a case at any time before issuing a recommendation or decision,
26-49 the parties shall select by agreement or request the assignment of
26-50 another hearing examiner under Section 21.254 who, after a review
26-51 of the record, shall perform any remaining functions without the
26-52 necessity of repeating any previous proceedings.

26-53 SECTION 62. Subsection (g), Section 21.4021, Education
26-54 Code, is amended to read as follows:

26-55 (g) If a board of trustees adopts a furlough program after
26-56 the date by which a teacher must give notice of resignation under
26-57 Section 21.105, 21.160, or 21.210, as applicable, a teacher who
26-58 subsequently resigns is not subject to sanctions imposed by the
26-59 commissioner [~~State Board for Educator Certification~~] as otherwise
26-60 authorized by those sections.

26-61 SECTION 63. Section 21.503, Education Code, is amended to
26-62 read as follows:

26-63 Sec. 21.503. ELIGIBILITY. A person is eligible for the
26-64 program if the person:

26-65 (1) has served in the armed forces of the United
26-66 States;

26-67 (2) is honorably discharged, retired, or released from
26-68 active duty on or after October 1, 1990, after at least six years of
26-69 continuous active duty service immediately before the discharge,

27-1 retirement, or release;

27-2 (3) has received a baccalaureate or advanced degree
27-3 from a public or private institution of higher education accredited
27-4 by a regional accrediting agency or group that is recognized by a
27-5 nationally recognized accreditation board; and

27-6 (4) satisfies any other criteria for selection
27-7 [~~jointly~~] prescribed by the agency [~~and the State Board for~~
27-8 ~~Educator Certification~~].

27-9 SECTION 64. Subsection (b), Section 21.504, Education Code,
27-10 is amended to read as follows:

27-11 (b) The agency [~~and the State Board for Educator~~
27-12 ~~Certification~~] shall distribute the applications and information
27-13 regarding the program.

27-14 SECTION 65. Subsection (c), Section 21.510, Education Code,
27-15 is amended to read as follows:

27-16 (c) For purposes of this section, a participant in the
27-17 program is not considered to be in violation of an agreement under
27-18 Section 21.508 during any period in which the participant:

27-19 (1) is pursuing a full-time course of study related to
27-20 the field of teaching at a public or private institution of higher
27-21 education approved by the commissioner [~~State Board for Educator~~
27-22 ~~Certification~~];

27-23 (2) is serving on active duty as a member of the armed
27-24 forces of the United States;

27-25 (3) is temporarily totally disabled for a period not
27-26 to exceed three years as established by sworn affidavit of a
27-27 qualified physician;

27-28 (4) is unable to secure employment for a period not to
27-29 exceed one year because of care required by a disabled spouse;

27-30 (5) is seeking and unable to find full-time employment
27-31 as a teacher in a public elementary or secondary school for a single
27-32 period not to exceed 27 months; or

27-33 (6) satisfies the provisions of any additional
27-34 reimbursement exception adopted by the agency.

27-35 SECTION 66. Sections 21.551 and 21.553, Education Code, are
27-36 amended to read as follows:

27-37 Sec. 21.551. PURPOSES. The purposes of the alternative
27-38 certification Teach for Texas Pilot Program are to:

27-39 (1) attract to the teaching profession persons who
27-40 have expressed interest in teaching and to support the
27-41 certification of those persons as teachers;

27-42 (2) recognize the importance of the certification
27-43 process [~~governed by the State Board for Educator Certification~~]
27-44 under Subchapter B, which requires verification of competence in
27-45 subject area and professional knowledge and skills;

27-46 (3) encourage the creation and expansion of educator
27-47 preparation programs that recognize the knowledge and skills gained
27-48 through previous educational and work-related experiences and that
27-49 are delivered in a manner that recognizes individual circumstances,
27-50 including the need to remain employed full-time while enrolled in
27-51 the Teach for Texas Pilot Program; and

27-52 (4) provide annual stipends to postbaccalaureate
27-53 teacher certification candidates.

27-54 Sec. 21.553. FINANCIAL INCENTIVES. (a) The pilot program
27-55 must offer to participants financial incentives, including tuition
27-56 assistance and loan forgiveness. In offering a financial
27-57 incentive, the commissioner [~~State Board for Educator~~
27-58 ~~Certification~~] shall:

27-59 (1) require a contract between each participant who
27-60 accepts a financial incentive and the commissioner [~~State Board for~~
27-61 ~~Educator Certification~~] under which the participant is obligated to
27-62 teach in a public school in this state for a stated period after
27-63 certification;

27-64 (2) provide financial incentives in proportion to the
27-65 length of the period the participant is obligated by contract to
27-66 teach after certification; and

27-67 (3) give special financial incentives to a participant
27-68 who agrees in the contract to teach in an underserved area.

27-69 (b) Financial incentives may be paid only from funds

28-1 appropriated specifically for that purpose and from gifts, grants,
 28-2 and donations solicited or accepted by the commissioner [~~State~~
 28-3 ~~Board for Educator Certification~~] for that purpose.

28-4 (c) The commissioner [~~State Board for Educator~~
 28-5 ~~Certification~~] shall adopt [~~propose~~] rules establishing criteria
 28-6 for awarding financial incentives under this section, including
 28-7 criteria for awarding financial incentives if there are more
 28-8 participants than funds available to provide the financial
 28-9 incentives.

28-10 SECTION 67. Subsection (b), Section 21.604, Education Code,
 28-11 is amended to read as follows:

28-12 (b) The agency [~~and the State Board for Educator~~
 28-13 ~~Certification~~] shall distribute the applications and information
 28-14 regarding the program.

28-15 SECTION 68. Subsection (c), Section 21.609, Education Code,
 28-16 is amended to read as follows:

28-17 (c) For purposes of this section, a participant in the
 28-18 program is not considered to be in violation of an agreement under
 28-19 Section 21.607 during any period in which the participant:

28-20 (1) is pursuing a full-time course of study related to
 28-21 the field of teaching at an institution of higher education
 28-22 approved by the commissioner [~~State Board for Educator~~
 28-23 ~~Certification~~];

28-24 (2) is serving on active duty as a member of the armed
 28-25 forces of the United States;

28-26 (3) is temporarily totally disabled for a period not
 28-27 to exceed three years as established by affidavit of a qualified
 28-28 physician;

28-29 (4) is unable to secure employment for a period not to
 28-30 exceed one year because of care required by a disabled spouse;

28-31 (5) is seeking and unable to find full-time employment
 28-32 as a teacher in a public elementary or secondary school for a single
 28-33 period not to exceed 27 months; or

28-34 (6) satisfies the provisions of any additional
 28-35 reimbursement exception adopted by the agency.

28-36 SECTION 69. Subsection (b), Section 22.0512, Education
 28-37 Code, is amended to read as follows:

28-38 (b) In this section, "disciplinary proceeding" means:

28-39 (1) an action brought by the school district employing
 28-40 a professional employee of a school district to discharge or
 28-41 suspend the employee or terminate or not renew the employee's term
 28-42 contract; or

28-43 (2) an action brought by the commissioner [~~State Board~~
 28-44 ~~for Educator Certification~~] to enforce the educator's code of
 28-45 ethics adopted under Section 21.041(b)(8).

28-46 SECTION 70. Section 22.082, Education Code, is amended to
 28-47 read as follows:

28-48 Sec. 22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY
 28-49 COMMISSIONER [~~STATE BOARD FOR EDUCATOR CERTIFICATION~~]. The
 28-50 commissioner [~~State Board for Educator Certification~~] shall
 28-51 subscribe to the criminal history clearinghouse as provided by
 28-52 Section 411.0845, Government Code, and may obtain from any law
 28-53 enforcement or criminal justice agency all criminal history record
 28-54 information and all records contained in any closed criminal
 28-55 investigation file that relate to a specific applicant for or
 28-56 holder of a certificate issued under Subchapter B, Chapter 21.

28-57 SECTION 71. Subsections (c), (d), (e), and (f), Section
 28-58 22.0831, Education Code, are amended to read as follows:

28-59 (c) The commissioner [~~board~~] shall review the national
 28-60 criminal history record information of a person who has not
 28-61 previously submitted fingerprints to the department or been subject
 28-62 to a national criminal history record information review.

28-63 (d) The commissioner [~~board~~] shall place an educator's
 28-64 certificate on inactive status for failure to comply with a
 28-65 deadline for submitting information required under this section.

28-66 (e) The commissioner [~~board~~] may allow a person who is
 28-67 applying for a certificate under Subchapter B, Chapter 21, and who
 28-68 currently resides in another state to submit the person's
 28-69 fingerprints and other required information in a manner that does

29-1 not impose an undue hardship on the person.

29-2 (f) The commissioner [~~board~~] may adopt [~~propose~~] rules to
29-3 implement this section, including rules establishing:

29-4 (1) deadlines for a person to submit fingerprints and
29-5 photographs in compliance with this section; and

29-6 (2) sanctions for a person's failure to comply with the
29-7 requirements of this section, including suspension or revocation of
29-8 a certificate or refusal to issue a certificate.

29-9 SECTION 72. Subsection (a), Section 22.0832, Education
29-10 Code, is amended to read as follows:

29-11 (a) The agency shall review the national criminal history
29-12 record information of an employee of an open-enrollment charter
29-13 school to whom Section 12.1059 applies in the same manner as the
29-14 commissioner [~~State Board for Educator Certification~~] reviews
29-15 certified educators under Section 22.0831. If the agency
29-16 determines that, based on information contained in an employee's
29-17 criminal history record information, the employee would not be
29-18 eligible for educator certification under Subchapter B, Chapter 21,
29-19 the agency shall notify the open-enrollment charter school in
29-20 writing that the person may not be employed by the school or serve
29-21 in a capacity described by Section 12.1059.

29-22 SECTION 73. Subsection (h), Section 22.0833, Education
29-23 Code, is amended to read as follows:

29-24 (h) The agency, [~~the State Board for Educator~~
29-25 ~~Certification~~], school districts, open-enrollment charter schools,
29-26 and shared services arrangements may coordinate as necessary to
29-27 ensure that criminal history reviews authorized or required under
29-28 this subchapter are not unnecessarily duplicated.

29-29 SECTION 74. Subsections (d) and (e), Section 22.085,
29-30 Education Code, are amended to read as follows:

29-31 (d) A school district, open-enrollment charter school,
29-32 private school, regional education service center, or shared
29-33 services arrangement may discharge an employee if the district or
29-34 school obtains information of the employee's conviction of a felony
29-35 or of a misdemeanor involving moral turpitude that the employee did
29-36 not disclose to the commissioner [~~State Board for Educator~~
29-37 ~~Certification~~] or the district, school, service center, or shared
29-38 services arrangement. An employee discharged under this section is
29-39 considered to have been discharged for misconduct for purposes of
29-40 Section 207.044, Labor Code. For purposes of this subsection, a
29-41 disclosure to the State Board for Educator Certification before
29-42 September 1, 2013, is considered a disclosure to the commissioner.

29-43 (e) The commissioner [~~State Board for Educator~~
29-44 ~~Certification~~] may impose a sanction on an educator who does not
29-45 discharge an employee or refuse to hire an applicant if the educator
29-46 knows or should have known, through a criminal history record
29-47 information review, that the employee or applicant has been
29-48 convicted of an offense described by Subsection (a).

29-49 SECTION 75. Sections 22.086 and 22.087, Education Code, are
29-50 amended to read as follows:

29-51 Sec. 22.086. LIABILITY FOR REPORTING OFFENSES. The
29-52 commissioner [~~State Board for Educator Certification~~], a school
29-53 district, an open-enrollment charter school, a private school, a
29-54 regional education service center, a shared services arrangement,
29-55 or an employee of the agency [~~board~~], district, school, service
29-56 center, or shared services arrangement is not civilly or criminally
29-57 liable for making a report required under this subchapter.

29-58 Sec. 22.087. NOTIFICATION TO COMMISSIONER [~~STATE BOARD FOR~~
29-59 ~~EDUCATOR CERTIFICATION~~]. The superintendent of a school district
29-60 or the director of an open-enrollment charter school, private
29-61 school, regional education service center, or shared services
29-62 arrangement shall promptly notify the commissioner [~~State Board for~~
29-63 ~~Educator Certification~~] in writing if the person obtains or has
29-64 knowledge of information showing that an applicant for or holder of
29-65 a certificate issued under Subchapter B, Chapter 21, has a reported
29-66 criminal history.

29-67 SECTION 76. Subsection (b), Section 25.001, Education Code,
29-68 is amended to read as follows:

29-69 (b) The board of trustees of a school district or its

30-1 designee shall admit into the public schools of the district free of
30-2 tuition a person who is over five and younger than 21 years of age on
30-3 the first day of September of the school year in which admission is
30-4 sought, and may admit a person who is at least 21 years of age and
30-5 under 26 years of age for the purpose of completing the requirements
30-6 for a high school diploma, if:

30-7 (1) the person and either parent of the person reside
30-8 in the school district;

30-9 (2) the person does not reside in the school district
30-10 but a parent of the person resides in the school district and that
30-11 parent is a joint managing conservator or the sole managing
30-12 conservator or possessory conservator of the person;

30-13 (3) the person and the person's guardian or other
30-14 person having lawful control of the person under a court order
30-15 reside within the school district;

30-16 (4) the person has established a separate residence
30-17 under Subsection (d);

30-18 (5) the person is homeless, as defined by 42 U.S.C.
30-19 Section 11302, regardless of the residence of the person, of either
30-20 parent of the person, or of the person's guardian or other person
30-21 having lawful control of the person;

30-22 (6) the person is a foreign exchange student placed
30-23 with a host family that resides in the school district by a
30-24 nationally recognized foreign exchange program~~[, unless the school~~
30-25 ~~district has applied for and been granted a waiver by the~~
30-26 ~~commissioner under Subsection (e)];~~

30-27 (7) the person resides at a residential facility
30-28 located in the district;

30-29 (8) the person resides in the school district and is 18
30-30 years of age or older or the person's disabilities of minority have
30-31 been removed; or

30-32 (9) the person does not reside in the school district
30-33 but the grandparent of the person:

30-34 (A) resides in the school district; and

30-35 (B) provides a substantial amount of
30-36 after-school care for the person as determined by the board.

30-37 SECTION 77. Subsection (d), Section 28.014, Education Code,
30-38 is amended to read as follows:

30-39 (d) The agency, in coordination with the Texas Higher
30-40 Education Coordinating Board, shall adopt a series of questions to
30-41 be included in an end-of-course assessment instrument administered
30-42 under Subsection (c) to be used for purposes of Section 51.3062.
30-43 The questions must be developed in a manner consistent with any
30-44 college readiness standards adopted under Section ~~[Sections 39.233~~
30-45 ~~and]~~ 51.3062.

30-46 SECTION 78. Section 29.007, Education Code, is amended to
30-47 read as follows:

30-48 Sec. 29.007. SHARED SERVICES ARRANGEMENTS. School
30-49 districts may enter into a written contract to jointly operate
30-50 their special education programs. ~~[The contract must be approved~~
30-51 ~~by the commissioner.]~~ Funds to which the cooperating districts are
30-52 entitled may be allocated to the districts jointly as shared
30-53 services arrangement units or shared services arrangement funds in
30-54 accordance with the shared services arrangement districts'
30-55 agreement.

30-56 SECTION 79. Subsections (a), (b), (c), and (e), Section
30-57 29.061, Education Code, are amended to read as follows:

30-58 (a) The commissioner ~~[State Board for Educator~~
30-59 ~~Certification]~~ shall provide for the issuance of teaching
30-60 certificates appropriate for bilingual education instruction to
30-61 teachers who possess a speaking, reading, and writing ability in a
30-62 language other than English in which bilingual education programs
30-63 are offered and who meet the general requirements of Chapter 21.
30-64 The commissioner ~~[board]~~ shall also provide for the issuance of
30-65 teaching certificates appropriate for teaching English as a second
30-66 language. The commissioner ~~[board]~~ may issue emergency
30-67 endorsements in bilingual education and in teaching English as a
30-68 second language.

30-69 (b) A teacher assigned to a bilingual education program must

31-1 be appropriately certified for bilingual education by the
31-2 commissioner [~~board~~].

31-3 (c) A teacher assigned to an English as a second language or
31-4 other special language program must be appropriately certified for
31-5 English as a second language by the commissioner [~~board~~].

31-6 (e) The commissioner [~~State Board for Educator~~
31-7 ~~Certification~~] and the Texas Higher Education Coordinating Board
31-8 shall develop a comprehensive plan for meeting the teacher supply
31-9 needs created by the programs outlined in this subchapter.

31-10 SECTION 80. The heading to Subchapter H, Chapter 29,
31-11 Education Code, is amended to read as follows:

31-12 SUBCHAPTER H. [~~ADULT AND~~] COMMUNITY EDUCATION PROGRAMS

31-13 SECTION 81. Subdivision (4), Section 29.251, Education
31-14 Code, is amended to read as follows:

31-15 (4) "Community education" means the process by which
31-16 the citizens in a school district, using the resources and
31-17 facilities of the district, organize to support each other and to
31-18 solve their mutual educational problems and meet their mutual
31-19 lifelong needs. Community education may include:

31-20 (A) educational programs, including programs
31-21 relating to [~~for occupational and technological skills training,~~
31-22 ~~retraining of displaced workers,~~] cultural awareness, parenting
31-23 skills education and parental involvement in school programs, and
31-24 multilevel adult education and personal growth;

31-25 (B) community involvement programs, including
31-26 programs for community economic development, school volunteers,
31-27 partnerships between schools and businesses, coordination with
31-28 community agencies, school-age child care, family [~~and workplace~~]
31-29 literacy, and community use of facilities; and

31-30 (C) programs for youth enrolled in schools,
31-31 including programs for dropout prevention and recovery programs,
31-32 drug-free school programs, school-age parenting programs, and
31-33 academic enhancement.

31-34 SECTION 82. Section 29.252, Education Code, is amended to
31-35 read as follows:

31-36 Sec. 29.252. AGENCY [~~STATE~~] ROLE IN [~~ADULT AND~~] COMMUNITY
31-37 EDUCATION. (a) The agency shall:

31-38 (1) [~~provide adequate staffing to develop,~~
31-39 ~~administer, and support a comprehensive statewide adult education~~
31-40 ~~program and coordinate related federal and state programs for~~
31-41 ~~education and training of adults,~~

31-42 [(2)] develop, implement, and regulate a
31-43 comprehensive statewide program for community [~~level~~] education
31-44 services [~~to meet the special needs of adults~~];

31-45 (2) [(3)] ~~develop the mechanism and guidelines for~~
31-46 ~~coordination of comprehensive adult education and related skill~~
31-47 ~~training services for adults with other agencies, both public and~~
31-48 ~~private, in planning, developing, and implementing related~~
31-49 ~~programs, including community education programs,~~

31-50 [(4)] administer all state and federal funds for
31-51 community [~~adult~~] education [~~and related skill training~~] in this
31-52 state, other than funds that [~~except in programs for which~~] another
31-53 entity is specifically authorized to administer [~~do so~~] under other
31-54 law; and

31-55 (3) [(5)] ~~prescribe and administer standards and~~
31-56 ~~accrediting policies for adult education,~~

31-57 [(6)] ~~prescribe and administer rules for teacher~~
31-58 ~~certification for adult education,~~

31-59 [(7)] accept and administer grants, gifts, services,
31-60 and funds from available sources for use in community [~~adult~~]
31-61 education[+]

31-62 [(8)] ~~adopt or develop and administer a standardized~~
31-63 ~~assessment mechanism for assessing all adult education program~~
31-64 ~~participants who need literacy instruction, adult basic education,~~
31-65 ~~or secondary education leading to an adult high school diploma or~~
31-66 ~~the equivalent,~~

31-67 [(9)] ~~collaborate with the Texas Workforce Commission~~
31-68 ~~to improve the coordination and implementation of adult education~~
31-69 ~~and literacy services in this state, and~~

32-1 ~~[(10) monitor and evaluate educational and employment~~
 32-2 ~~outcomes of students who participate in the agency's adult~~
 32-3 ~~education and literacy programs].~~

32-4 (b) ~~The commissioner may adopt rules for the administration~~
 32-5 ~~of this subchapter [assessment mechanism prescribed under~~
 32-6 ~~Subsection (a)(8) must include an initial basic skills screening~~
 32-7 ~~instrument and must provide comprehensive information concerning~~
 32-8 ~~baseline student skills before and student progress after~~
 32-9 ~~participation in an adult education program].~~

32-10 SECTION 83. Section 29.255, Education Code, is amended to
 32-11 read as follows:

32-12 Sec. 29.255. STATE FUNDING. ~~[(a)]~~ Funds shall be
 32-13 appropriated to implement statewide community ~~[adult basic]~~
 32-14 ~~education[, adult bilingual education, high school equivalency,~~
 32-15 ~~and high school credit] programs, including [to eliminate~~
 32-16 ~~illiteracy in this state and to implement and support a statewide~~
 32-17 ~~program to meet the total range of adult needs for adult education,~~
 32-18 ~~related skill training, and] pilot programs to demonstrate the~~
 32-19 ~~effectiveness of the community education concept. The agency shall~~
 32-20 ~~ensure that public local education agencies, public nonprofit~~
 32-21 ~~agencies, and community-based organizations have direct and~~
 32-22 ~~equitable access to those funds. [An additional sum of money may be~~
 32-23 ~~appropriated to the Texas Department of Commerce for the purpose of~~
 32-24 ~~skill training in direct support of industrial expansion and~~
 32-25 ~~start-up, and those locations, industries, and occupations~~
 32-26 ~~designated by the Texas Department of Commerce, when such training~~
 32-27 ~~is also in support of the basic purposes of this subchapter. To~~
 32-28 ~~fulfill the basic purposes of this subchapter, an additional sum of~~
 32-29 ~~money may be appropriated for skill training that is conducted to~~
 32-30 ~~support the expansion of civilian employment opportunities on~~
 32-31 ~~United States military reservations.~~

32-32 ~~[(b) The agency, in conjunction with the Texas Department of~~
 32-33 ~~Commerce, may adopt rules to administer skill training programs for~~
 32-34 ~~which the agency is responsible, and the Texas Department of~~
 32-35 ~~Commerce may adopt rules to administer skill training programs for~~
 32-36 ~~which it is responsible.]~~

32-37 SECTION 84. Section 29.902, Education Code, is amended to
 32-38 read as follows:

32-39 Sec. 29.902. DRIVER EDUCATION. (a) The Texas Department
 32-40 of Licensing and Regulation ~~[agency]~~ shall develop a program of
 32-41 organized instruction in driver education and traffic safety for
 32-42 public school students. A student who will be 15 years of age or
 32-43 older before a driver education and traffic safety course ends may
 32-44 enroll in the course.

32-45 (b) The agency shall establish standards for the
 32-46 certification of professional and paraprofessional personnel who
 32-47 conduct the programs in the public schools.

32-48 (c) A school district shall consider offering a driver
 32-49 education and traffic safety course during each school year. If the
 32-50 district offers the course, the district may:

32-51 (1) conduct the course and charge a fee for the course
 32-52 in the amount determined by the agency to be comparable to the fee
 32-53 charged by a driver education school that holds a license under
 32-54 Chapter 1001; or

32-55 (2) contract with a driver education school that holds
 32-56 a license under Chapter 1001 to conduct the course.

32-57 SECTION 85. Subsections (b) and (c), Section 33.002,
 32-58 Education Code, are amended to read as follows:

32-59 (b) A school district with 500 or more students enrolled in
 32-60 elementary school grades shall employ a counselor certified under
 32-61 Subchapter B, Chapter 21, [the rules of the State Board for Educator
 32-62 Certification] for each elementary school in the district. A
 32-63 school district shall employ at least one counselor for every 500
 32-64 elementary school students in the district.

32-65 (c) A school district with fewer than 500 students enrolled
 32-66 in elementary school grades shall provide guidance and counseling
 32-67 services to elementary school students by:

32-68 (1) employing a part-time counselor certified under
 32-69 Subchapter B, Chapter 21 [the rules of the State Board for Educator

33-1 ~~Certification];~~

33-2 (2) employing a part-time teacher certified as a
33-3 counselor under Subchapter B, Chapter 21 ~~[the rules of the State~~
33-4 ~~Board for Educator Certification];~~ or

33-5 (3) entering into a shared services arrangement
33-6 agreement with one or more school districts to share a counselor
33-7 certified under Subchapter B, Chapter 21 ~~[the rules of the State~~
33-8 ~~Board for Educator Certification].~~

33-9 SECTION 86. Subsection (c), Section 33.007, Education Code,
33-10 is amended to read as follows:

33-11 (c) At the beginning of grades 10 and 11, a school counselor
33-12 certified under Subchapter B, Chapter 21, ~~[the rules of the State~~
33-13 ~~Board for Educator Certification]~~ shall explain the requirements of
33-14 automatic admission to a general academic teaching institution
33-15 under Section 51.803 to each student enrolled in a high school or at
33-16 the high school level in an open-enrollment charter school who has a
33-17 grade point average in the top 25 percent of the student's high
33-18 school class.

33-19 SECTION 87. Subsection (d-1), Section 33.081, Education
33-20 Code, is amended to read as follows:

33-21 (d-1) Subsections (c) and (d) do not apply to an advanced
33-22 placement or international baccalaureate course, or to an honors or
33-23 dual credit course in the subject areas of English language arts,
33-24 mathematics, science, social studies, economics, or a language
33-25 other than English. ~~[The agency shall review on a biennial basis~~
33-26 ~~courses described by this subsection to determine if other courses~~
33-27 ~~should be excluded from the requirement that a student be suspended~~
33-28 ~~from participation in an extracurricular activity under Subsection~~
33-29 ~~(c). Not later than January 1 of each odd-numbered year, the agency~~
33-30 ~~shall report the findings under this subsection to the~~
33-31 ~~legislature.]~~

33-32 SECTION 88. Subsection (o), Section 37.006, Education Code,
33-33 is amended to read as follows:

33-34 (o) In addition to any notice required under Article 15.27,
33-35 Code of Criminal Procedure, a principal or a principal's designee
33-36 shall inform each educator who has responsibility for, or is under
33-37 the direction and supervision of an educator who has responsibility
33-38 for, the instruction of a student who has engaged in any violation
33-39 listed in this section of the student's misconduct. Each educator
33-40 shall keep the information received under this subsection
33-41 confidential from any person not entitled to the information under
33-42 this subsection, except that the educator may share the information
33-43 with the student's parent or guardian as provided for by state or
33-44 federal law. The commissioner ~~[State Board for Educator~~
33-45 ~~Certification]~~ may revoke or suspend the certification of an
33-46 educator who intentionally violates this subsection.

33-47 SECTION 89. Subsection (g), Section 37.007, Education Code,
33-48 is amended to read as follows:

33-49 (g) In addition to any notice required under Article 15.27,
33-50 Code of Criminal Procedure, a school district shall inform each
33-51 educator who has responsibility for, or is under the direction and
33-52 supervision of an educator who has responsibility for, the
33-53 instruction of a student who has engaged in any violation listed in
33-54 this section of the student's misconduct. Each educator shall keep
33-55 the information received under this subsection confidential from
33-56 any person not entitled to the information under this subsection,
33-57 except that the educator may share the information with the
33-58 student's parent or guardian as provided for by state or federal
33-59 law. The commissioner ~~[State Board for Educator Certification]~~ may
33-60 revoke or suspend the certification of an educator who
33-61 intentionally violates this subsection.

33-62 SECTION 90. Subsection (e), Section 39.027, Education Code,
33-63 is amended to read as follows:

33-64 (e) The commissioner shall develop an assessment system
33-65 that shall be used for evaluating the academic progress, including
33-66 reading proficiency in English, of all students of limited English
33-67 proficiency, as defined by Section 29.052. A student who is exempt
33-68 from the administration of an assessment instrument under
33-69 Subsection (a)(1) or (2) who achieves reading proficiency in

34-1 English as determined by the assessment system developed under this
 34-2 subsection shall be administered the assessment instruments
 34-3 described by Sections 39.023(a) and (c). The performance under the
 34-4 assessment system developed under this subsection of students to
 34-5 whom Subsection (a)(1) or (2) applies shall be included in the
 34-6 indicator systems under Section 39.301, as applicable, the local
 34-7 performance report under Section 39.306, and the comprehensive
 34-8 biennial [~~annual~~] report under Section 39.332. This information
 34-9 shall be provided in a manner that is disaggregated by the bilingual
 34-10 education or special language program, if any, in which the student
 34-11 is enrolled.

34-12 SECTION 91. Subsections (a) and (d), Section 39.0302,
 34-13 Education Code, are amended to read as follows:

34-14 (a) During an agency investigation or audit of a school
 34-15 district under Section 39.0301(e) or (f), an accreditation
 34-16 investigation under Section 39.057(a)(8) [~~39.075(a)(8)]~~, or an
 34-17 investigation [~~by the State Board for Educator Certification~~] of an
 34-18 educator for an alleged violation of an assessment instrument
 34-19 security procedure established under Section 39.0301(a), the
 34-20 commissioner may issue a subpoena to compel the attendance of a
 34-21 relevant witness or the production, for inspection or copying, of
 34-22 relevant evidence that is located in this state.

34-23 (d) All information and materials subpoenaed or compiled in
 34-24 connection with an investigation or audit described by Subsection
 34-25 (a):

34-26 (1) are confidential and not subject to disclosure
 34-27 under Chapter 552, Government Code; and

34-28 (2) are not subject to disclosure, discovery,
 34-29 subpoena, or other means of legal compulsion for release to any
 34-30 person other than:

34-31 (A) the commissioner [~~or the State Board for~~
 34-32 ~~Educator Certification, as applicable~~];

34-33 (B) agency employees or agents involved in the
 34-34 investigation, as applicable; and

34-35 (C) the office of the attorney general, the state
 34-36 auditor's office, and law enforcement agencies.

34-37 SECTION 92. Section 39.082, Education Code, is amended by
 34-38 amending Subsections (a) and (b) and adding Subsections (d), (e),
 34-39 (f), (g), and (g-1) to read as follows:

34-40 (a) The commissioner shall, in consultation with the
 34-41 comptroller, develop and implement separate financial
 34-42 accountability rating systems for school districts and
 34-43 open-enrollment charter schools in this state that:

34-44 (1) distinguish among school districts and
 34-45 distinguish among open-enrollment charter schools, as applicable,
 34-46 based on levels of financial performance; [~~and~~]

34-47 (2) include procedures to:

34-48 (A) provide additional transparency to public
 34-49 education finance; and

34-50 (B) enable the commissioner and school district
 34-51 and open-enrollment charter school administrators to provide
 34-52 meaningful financial oversight and improvement; and

34-53 (3) include processes for anticipating the future
 34-54 financial solvency of each school district and open-enrollment
 34-55 charter school, including analysis of district and school revenues
 34-56 and expenditures for preceding school years.

34-57 (b) The system must include uniform indicators adopted by
 34-58 [~~the~~] commissioner rule by which to measure the financial
 34-59 management performance and future financial solvency of a district
 34-60 or open-enrollment charter school. In adopting indicators under
 34-61 this subsection, the commissioner shall assign a point value to
 34-62 each indicator to be used in a scoring matrix developed by the
 34-63 commissioner.

34-64 (d) The commissioner shall evaluate indicators adopted
 34-65 under Subsection (b) at least once every three years.

34-66 (e) A district or open-enrollment charter school shall
 34-67 receive a failing rating under the system if the district or school
 34-68 fails to achieve a satisfactory rating on:

34-69 (1) an indicator adopted under Subsection (b) relating

35-1 to financial management or solvency that the commissioner
35-2 determines to be critical; or

35-3 (2) a category of indicators that suggest trends
35-4 leading to financial distress as determined by the commissioner.

35-5 (f) Before assigning a final rating under the system, the
35-6 commissioner shall assign each district or open-enrollment charter
35-7 school a preliminary rating. A district or school may submit
35-8 additional information to the commissioner relating to any
35-9 indicator on which performance was considered unsatisfactory. The
35-10 commissioner shall consider any additional information submitted
35-11 by a district or school before assigning a final rating. If the
35-12 commissioner determines that the additional information negates
35-13 the concern raised by the indicator on which performance was
35-14 considered unsatisfactory, the commissioner may not penalize the
35-15 district or school on the basis of the indicator.

35-16 (g) The commissioner shall adopt rules for the
35-17 implementation of this section.

35-18 (g-1) The commissioner shall adopt initial rules necessary
35-19 to implement the changes to this section made by the 83rd
35-20 Legislature, Regular Session, 2013, not later than March 1, 2015.
35-21 This subsection expires April 1, 2015.

35-22 SECTION 93. Section 39.0823, Education Code, is amended by
35-23 amending Subsection (a) and adding Subsection (d) to read as
35-24 follows:

35-25 (a) If the commissioner, based on the indicators adopted
35-26 under Section 39.082 or other relevant information, projects a
35-27 ~~[review process under Section 39.0822 indicates a projected]~~
35-28 deficit for a school district or open-enrollment charter school
35-29 general fund within the following three school years, the agency
35-30 ~~[district]~~ shall provide the district or school ~~[agency]~~ interim
35-31 financial reports, including projected revenues and expenditures
35-32 ~~[supplemented by staff and student count data, as needed]~~, to
35-33 evaluate the ~~[district's]~~ current budget status of the district or
35-34 school.

35-35 (d) The agency may require a district or open-enrollment
35-36 charter school to submit additional information needed to produce a
35-37 financial report under Subsection (a). If a district or school
35-38 fails to provide information requested under this subsection or if
35-39 the commissioner determines that the information submitted by a
35-40 district or school is unreliable, the commissioner may order the
35-41 district or school to acquire professional services as provided by
35-42 Section 39.109.

35-43 SECTION 94. Subchapter D, Chapter 39, Education Code, is
35-44 amended by adding Section 39.0824 to read as follows:

35-45 Sec. 39.0824. CORRECTIVE ACTION PLAN. (a) A school
35-46 district or open-enrollment charter school assigned a failing
35-47 rating under Section 39.082 shall submit to the commissioner a
35-48 corrective action plan to address the financial weaknesses of the
35-49 district or school. A corrective action plan must identify
35-50 problems and include strategies for improvement.

35-51 (b) The commissioner may impose appropriate sanctions under
35-52 Subchapter E against a district or school failing to submit or
35-53 implement a corrective action plan required under Subsection (a).

35-54 SECTION 95. Subsection (b), Section 39.083, Education Code,
35-55 is amended to read as follows:

35-56 (b) The annual financial management report must include:

35-57 (1) a description of the district's financial
35-58 management performance based on a comparison, provided by the
35-59 agency, of the district's performance on the indicators adopted
35-60 under Section 39.082(b) to:

35-61 (A) state-established standards; and

35-62 (B) the district's previous performance on the
35-63 indicators; and

35-64 (2) ~~[a description of the data submitted using the~~
35-65 ~~electronic-based program developed under Section 39.0822, and~~

35-66 ~~[(3)]~~ any descriptive information required by the
35-67 commissioner.

35-68 SECTION 96. Subsection (a), Section 39.102, Education Code,
35-69 is amended to read as follows:

36-1 (a) If a school district does not satisfy the accreditation
 36-2 criteria under Section 39.052, the academic performance standards
 36-3 under Section 39.053 or 39.054, or any financial accountability
 36-4 standard as determined by commissioner rule, the commissioner shall
 36-5 take any of the following actions to the extent the commissioner
 36-6 determines necessary:

36-7 (1) issue public notice of the deficiency to the board
 36-8 of trustees;

36-9 (2) order a hearing conducted by the board of trustees
 36-10 of the district for the purpose of notifying the public of the
 36-11 insufficient performance, the improvements in performance expected
 36-12 by the agency, and the interventions and sanctions that may be
 36-13 imposed under this section if the performance does not improve;

36-14 (3) order the preparation of a student achievement
 36-15 improvement plan that addresses each student achievement indicator
 36-16 under Section 39.053(c) for which the district's performance is
 36-17 insufficient, the submission of the plan to the commissioner for
 36-18 approval, and implementation of the plan;

36-19 (4) order a hearing to be held before the commissioner
 36-20 or the commissioner's designee at which the president of the board
 36-21 of trustees of the district and the superintendent shall appear and
 36-22 explain the district's low performance, lack of improvement, and
 36-23 plans for improvement;

36-24 (5) arrange an on-site investigation of the district;

36-25 (6) appoint an agency monitor to participate in and
 36-26 report to the agency on the activities of the board of trustees or
 36-27 the superintendent;

36-28 (7) appoint a conservator to oversee the operations of
 36-29 the district;

36-30 (8) appoint a management team to direct the operations
 36-31 of the district in areas of insufficient performance or require the
 36-32 district to obtain certain services under a contract with another
 36-33 person;

36-34 (9) if a district has a current accreditation status
 36-35 of accredited-warned or accredited-probation, fails to satisfy any
 36-36 standard under Section 39.054(e), or fails to satisfy financial
 36-37 accountability standards as determined by commissioner rule,
 36-38 appoint a board of managers to exercise the powers and duties of the
 36-39 board of trustees;

36-40 (10) if for two consecutive school years, including
 36-41 the current school year, a district has received an accreditation
 36-42 status of accredited-warned or accredited-probation, has failed to
 36-43 satisfy any standard under Section 39.054(e), or has failed to
 36-44 satisfy financial accountability standards as determined by
 36-45 commissioner rule, revoke the district's accreditation and:

36-46 (A) order closure of the district and annex the
 36-47 district to one or more ~~adjoining~~ districts under Section 13.054;
 36-48 or

36-49 (B) in the case of a home-rule school district or
 36-50 open-enrollment charter school, order closure of all programs
 36-51 operated under the district's or school's charter; or

36-52 (11) if a district has failed to satisfy any standard
 36-53 under Section 39.054(e) due to the district's dropout rates, impose
 36-54 sanctions designed to improve high school completion rates,
 36-55 including:

36-56 (A) ordering the development of a dropout
 36-57 prevention plan for approval by the commissioner;

36-58 (B) restructuring the district or appropriate
 36-59 school campuses to improve identification of and service to
 36-60 students who are at risk of dropping out of school, as defined by
 36-61 Section 29.081;

36-62 (C) ordering lower student-to-counselor ratios
 36-63 on school campuses with high dropout rates; and

36-64 (D) ordering the use of any other intervention
 36-65 strategy effective in reducing dropout rates, including mentor
 36-66 programs and flexible class scheduling.

36-67 SECTION 97. Section 39.104, Education Code, is amended by
 36-68 adding Subsection (e) to read as follows:

36-69 (e) In addition to the interventions and sanctions

37-1 authorized under this chapter, the commissioner may reconstitute
 37-2 the governing body of a charter holder as provided by Section
 37-3 12.1201.

37-4 SECTION 98. Section 39.112, Education Code, is amended by
 37-5 adding Subsection (f) to read as follows:

37-6 (f) Subsection (e) does not apply if the district will be
 37-7 closed and its territory annexed to one or more other school
 37-8 districts in accordance with other law. In that circumstance, the
 37-9 board of managers may, as determined by the commissioner, continue
 37-10 to oversee the closure and annexation of the district until the
 37-11 effective date of the district's annexation.

37-12 SECTION 99. Section 39.233, Education Code, is amended to
 37-13 read as follows:

37-14 Sec. 39.233. [~~RECOGNITION OF~~] HIGH SCHOOL COMPLETION AND
 37-15 SUCCESS AND COLLEGE READINESS PROGRAMS; AGENCY GUIDANCE. [~~(a)~~]
 37-16 The agency shall[+]

37-17 [~~(1) develop standards for evaluating the success and~~
 37-18 ~~cost-effectiveness of high school completion and success and~~
 37-19 ~~college readiness programs implemented under Section 39.234;~~

37-20 [~~(2)~~] provide guidance for school districts and
 37-21 campuses in establishing and improving high school completion and
 37-22 success and college readiness programs implemented under Section
 37-23 39.234[+and

37-24 [~~(3) develop standards for selecting and methods for~~
 37-25 ~~recognizing school districts and campuses that offer exceptional~~
 37-26 ~~high school completion and success and college readiness programs~~
 37-27 ~~under Section 39.234.~~

37-28 [~~(b) The commissioner may adopt rules for the~~
 37-29 ~~administration of this section].~~

37-30 SECTION 100. Subsection (a), Section 39.235, Education
 37-31 Code, is amended to read as follows:

37-32 (a) From funds appropriated for that purpose, the
 37-33 commissioner may establish a grant program under which grants are
 37-34 awarded to middle, junior high, and high school campuses and school
 37-35 districts to support:

37-36 (1) the implementation of innovative improvement
 37-37 programs that are based on the best available research regarding
 37-38 middle, junior high, or high school reform, dropout prevention, and
 37-39 preparing students for postsecondary coursework or employment; and

37-40 (2) enhancing education practices that have been
 37-41 demonstrated by significant evidence of effectiveness[+and

37-42 [~~(3) the alignment of grants and programs to the~~
 37-43 ~~strategic plan adopted under Section 39.407].~~

37-44 SECTION 101. Section 39.301, Education Code, is amended by
 37-45 amending Subsections (a) and (c) and adding Subsection (c-1) to
 37-46 read as follows:

37-47 (a) In addition to the indicators adopted under Section
 37-48 39.053, the commissioner may [~~shall~~] adopt indicators of the
 37-49 quality of learning for the purpose of preparing state performance
 37-50 reports under Section 39.305 [~~this chapter~~]. The commissioner
 37-51 biennially shall review the indicators for the consideration of
 37-52 appropriate revisions.

37-53 (c) Indicators for reporting purposes may [~~must~~] include:

37-54 (1) the percentage of graduating students who meet the
 37-55 course requirements established by State Board of Education rule
 37-56 for the minimum high school program, the recommended high school
 37-57 program, and the advanced high school program;

37-58 (2) the results of the SAT, ACT, articulated
 37-59 postsecondary degree programs described by Section 61.852, and
 37-60 certified workforce training programs described by Chapter 311, Labor
 37-61 Code;

37-62 (3) for students who have failed to perform
 37-63 satisfactorily, under each performance standard under Section
 37-64 39.0241, on an assessment instrument required under Section
 37-65 39.023(a) or (c), the performance of those students on subsequent
 37-66 assessment instruments required under those sections, aggregated
 37-67 by grade level and subject area;

37-68 (4) for each campus, the number of students,
 37-69 disaggregated by major student subpopulations, that agree under

38-1 Section 28.025(b) to take courses under the minimum high school
38-2 program;

38-3 (5) the percentage of students, aggregated by grade
38-4 level, provided accelerated instruction under Section 28.0211(c),
38-5 the results of assessment instruments administered under that
38-6 section, the percentage of students promoted through the grade
38-7 placement committee process under Section 28.0211, the subject of
38-8 the assessment instrument on which each student failed to perform
38-9 satisfactorily under each performance standard under Section
38-10 39.0241, and the performance of those students in the school year
38-11 following that promotion on the assessment instruments required
38-12 under Section 39.023;

38-13 (6) the percentage of students of limited English
38-14 proficiency exempted from the administration of an assessment
38-15 instrument under Sections 39.027(a)(1) and (2);

38-16 (7) the percentage of students in a special education
38-17 program under Subchapter A, Chapter 29, assessed through assessment
38-18 instruments developed or adopted under Section 39.023(b);

38-19 (8) the percentage of students who satisfy the college
38-20 readiness measure;

38-21 (9) the measure of progress toward dual language
38-22 proficiency under Section 39.034(b), for students of limited
38-23 English proficiency, as defined by Section 29.052;

38-24 (10) the percentage of students who are not
38-25 educationally disadvantaged;

38-26 (11) the percentage of students who enroll and begin
38-27 instruction at an institution of higher education in the school
38-28 year following high school graduation; ~~and~~

38-29 (12) the percentage of students who successfully
38-30 complete the first year of instruction at an institution of higher
38-31 education without needing a developmental education course; and

38-32 (13) additional quality indicators, as determined by
38-33 the commissioner.

38-34 (c-1) Notwithstanding Subsection (a) or (c), the
38-35 commissioner shall adopt an indicator of the quality of learning
38-36 that includes the information described by Subsection (c)(5) for
38-37 purposes of evaluating programs under Section 28.006(j).

38-38 SECTION 102. Section 39.305, Education Code, is amended to
38-39 read as follows:

38-40 Sec. 39.305. STATE PERFORMANCE REPORTS [~~CAMPUS REPORT~~
38-41 ~~CARD~~]. (a) Each school year, the agency shall prepare and
38-42 distribute to each school district a state performance report
38-43 [~~card~~] for each campus. The reports [~~campus report cards~~] must be
38-44 based on the most current data available disaggregated by student
38-45 groups. Campus performance must be compared to previous campus and
38-46 district performance, current district performance, and state
38-47 established standards.

38-48 (b) The report [~~card~~] shall include the following
38-49 information:

38-50 (1) where applicable, the student achievement
38-51 indicators described by Section 39.053(c) and the reporting
38-52 indicators adopted under Section 39.301 [~~described by Sections~~
38-53 ~~39.301(c)(1) through (5)~~];

38-54 (2) average class size by grade level and subject;

38-55 (3) the administrative and instructional costs per
38-56 student, computed in a manner consistent with Section 44.0071; and

38-57 (4) the district's instructional expenditures ratio
38-58 and instructional employees ratio computed under Section 44.0071,
38-59 and the statewide average of those ratios, as determined by the
38-60 commissioner.

38-61 (c) The commissioner shall adopt rules requiring
38-62 dissemination of the information included in a state [~~required~~
38-63 ~~under Subsection (b)(4) and appropriate class size and student~~]
38-64 performance [~~portions of campus~~] report under this section [~~cards~~]
38-65 annually to the parent, guardian, conservator, or other person
38-66 having lawful control of each student in [~~at~~] the district in a
38-67 manner consistent with campus policy regarding providing notice to
38-68 parents. On written request, the school district shall provide a
38-69 copy of a [~~campus~~] report [~~card~~] to any other party.

39-1 (d) The agency shall promptly post the information included
 39-2 in reports on the agency's Internet website.

39-3 SECTION 103. The heading to Section 39.306, Education Code,
 39-4 is amended to read as follows:

39-5 Sec. 39.306. LOCAL PERFORMANCE REPORT.

39-6 SECTION 104. The heading to Section 39.307, Education Code,
 39-7 is amended to read as follows:

39-8 Sec. 39.307. USES OF LOCAL PERFORMANCE REPORT.

39-9 SECTION 105. The heading to Section 39.332, Education Code,
 39-10 is amended to read as follows:

39-11 Sec. 39.332. COMPREHENSIVE BIENNIAL [~~ANNUAL~~] REPORT.

39-12 SECTION 106. Subsection (a), Section 39.332, Education
 39-13 Code, is amended to read as follows:

39-14 (a) The [~~Not later than December 1 of each year, the~~] agency
 39-15 shall prepare and deliver to the governor, the lieutenant governor,
 39-16 the speaker of the house of representatives, each member of the
 39-17 legislature, the Legislative Budget Board, and the clerks of the
 39-18 standing committees of the senate and house of representatives with
 39-19 primary jurisdiction over the public school system a comprehensive
 39-20 report covering the preceding two school years [~~year~~] and
 39-21 containing the information described by Subsection (b).

39-22 SECTION 107. Subdivisions (2) and (20), Subsection (b),
 39-23 Section 39.332, Education Code, are amended to read as follows:

39-24 (2) The report must contain an evaluation of the
 39-25 status of education in the state as reflected by:

39-26 (A) the student achievement indicators described
 39-27 by Section 39.053; and

39-28 (B) the reporting indicators adopted under
 39-29 [~~described by~~] Section 39.301.

39-30 (20) The report must contain a comparison of the
 39-31 performance of open-enrollment charter schools and school
 39-32 districts on the student achievement indicators described by
 39-33 Section 39.053(c), the reporting indicators adopted under
 39-34 [~~described by~~] Section 39.301 [~~39.301(e)~~], and the accountability
 39-35 measures adopted under Section 39.053(i), with a separately
 39-36 aggregated comparison of the performance of open-enrollment
 39-37 charter schools predominantly serving students at risk of dropping
 39-38 out of school, as described by Section 29.081(d), with the
 39-39 performance of school districts.

39-40 SECTION 108. Section 39.362, Education Code, is amended to
 39-41 read as follows:

39-42 Sec. 39.362. NOTICE ON DISTRICT WEBSITE. Not later than the
 39-43 10th day after the first day of instruction of each school year, a
 39-44 school district that maintains an Internet website shall make the
 39-45 following information available to the public on the website:

39-46 (1) the information contained in the most recent state
 39-47 performance [~~campus~~] report [~~card~~] for each campus in the district
 39-48 under Section 39.305;

39-49 (2) the information contained in the most recent local
 39-50 performance report for the district under Section 39.306;

39-51 (3) the most recent accreditation status and
 39-52 performance rating of the district under Sections 39.052 and
 39-53 39.054; and

39-54 (4) a definition and explanation of each accreditation
 39-55 status under Section 39.051, based on commissioner rule adopted
 39-56 under that section.

39-57 SECTION 109. Section 39.409, Education Code, is transferred
 39-58 to Subchapter Z, Chapter 29, Education Code, redesignated as
 39-59 Section 29.921, Education Code, and amended to read as follows:

39-60 Sec. 29.921 [~~39.409~~]. PRIVATE FOUNDATION PARTNERSHIPS.

39-61 (a) The commissioner of education or the commissioner of higher
 39-62 education, as appropriate, [~~and the council~~] may coordinate with
 39-63 private foundations that have made a substantial investment in the
 39-64 improvement of high schools in this state to maximize the impact of
 39-65 public and private investments.

39-66 (b) A private foundation is not required to obtain the
 39-67 approval of the appropriate commissioner [~~or the council~~] under
 39-68 Subsection (a) before allocating resources to a school in this state.

39-69 SECTION 110. Section 39.413, Education Code, is transferred

40-1 to Subchapter C, Chapter 61, Education Code, redesignated as
40-2 Section 61.0767, Education Code, and amended to read as follows:

40-3 Sec. 61.0767 [39.413]. FUNDING FOR CERTAIN PROGRAMS.

40-4 (a) From funds appropriated, the board [~~Texas Higher Education~~
40-5 ~~Coordinating Board~~] shall allocate \$8.75 million each year to
40-6 establish mathematics, science, and technology teacher preparation
40-7 academies under Section 61.0766[, ~~provide funding to the~~
40-8 ~~commissioner of education to implement and administer the program~~
40-9 ~~under Section 29.098,~~] and award grants under Section
40-10 61.0762(a)(3).

40-11 (b) The board [~~Texas Higher Education Coordinating Board~~]
40-12 shall establish mathematics, science, and technology teacher
40-13 preparation academies under Section 61.0766[, ~~provide funding to~~
40-14 ~~the commissioner of education to implement and administer the~~
40-15 ~~program under Section 29.098,~~] and award grants under Section
40-16 61.0762(a)(3) in a manner consistent with [~~the goals of this~~
40-17 ~~subchapter and~~] the goals in "Closing the Gaps," the state's master
40-18 plan for higher education.

40-19 SECTION 111. Subchapter A, Chapter 42, Education Code, is
40-20 amended by adding Section 42.011 to read as follows:

40-21 Sec. 42.011. FUNDS AUDIT. (a) The agency shall develop
40-22 and implement by rule an auditing system for expenditures of funds
40-23 under the Foundation School Program by school districts and
40-24 open-enrollment charter schools. An auditing system developed
40-25 under this section must use a standard, risk-based approach.

40-26 (b) The agency shall provide guidance relating to an audit
40-27 developed under this section through any training or reference
40-28 material the agency provides to school districts or open-enrollment
40-29 charter schools.

40-30 SECTION 112. Subsection (a), Section 45.208, Education
40-31 Code, is amended to read as follows:

40-32 (a) The bank or banks selected as the depository or
40-33 depositories and the school district shall enter into a depository
40-34 contract or contracts, bond or bonds, or other necessary
40-35 instruments setting forth the duties and agreements pertaining to
40-36 the depository[, ~~in a form and with the content prescribed by the~~
40-37 ~~State Board of Education~~]. The parties shall attach to the
40-38 depository contract and incorporate by reference the bid or
40-39 proposal of the depository.

40-40 SECTION 113. Section 51.308, Education Code, is amended to
40-41 read as follows:

40-42 Sec. 51.308. DRIVER EDUCATION. A driver education course
40-43 for the purpose of preparing students to obtain a driver's license
40-44 may be offered by an institution of higher education, as defined by
40-45 Section 61.003, with the approval of the Texas Department of
40-46 Licensing and Regulation [Central Education Agency].

40-47 SECTION 114. Section 52.31, Education Code, is amended to
40-48 read as follows:

40-49 Sec. 52.31. PARTICIPATING INSTITUTIONS. In this
40-50 subchapter, "participating higher educational institution" means a
40-51 public or private nonprofit institution of higher education,
40-52 including a junior college, accredited by a recognized accrediting
40-53 agency as defined by Section 61.003, or a regional education
40-54 service center or other entity that offers an alternative educator
40-55 certification program approved by the commissioner of education
40-56 [State Board for Educator Certification], that:

40-57 (1) is located in this state; and

40-58 (2) complies with the provisions of this chapter and
40-59 the rules of the board promulgated in accordance with this chapter.

40-60 SECTION 115. Subsection (b), Section 52.32, Education Code,
40-61 is amended to read as follows:

40-62 (b) If a loan applicant is enrolled at a career school or
40-63 college in a degree program that is approved by the board or at a
40-64 regional education service center or other entity in an alternative
40-65 educator certification program that is approved by the commissioner
40-66 of education [~~State Board for Educator Certification~~], the
40-67 applicant is not required to provide evidence that the applicant is
40-68 unable to obtain a guaranteed student loan from a commercial lender
40-69 under Subsection (a-1).

41-1 SECTION 116. Section 61.0514, Education Code, is amended to
41-2 read as follows:

41-3 Sec. 61.0514. INTEGRATED COURSEWORK. The board, with the
41-4 cooperation and advice of the commissioner of education [~~State~~
41-5 ~~Board for Educator Certification~~], shall adopt educator
41-6 preparation coursework guidelines that promote, to the greatest
41-7 extent practicable, the integration of subject matter knowledge
41-8 with classroom teaching strategies and techniques in order to
41-9 maximize the effectiveness and efficiency of coursework required
41-10 for certification under Subchapter B, Chapter 21.

41-11 SECTION 117. Subsection (b), Section 61.076, Education
41-12 Code, is amended to read as follows:

41-13 (b) The P-16 Council is composed of the commissioner of
41-14 education, the commissioner of higher education, the executive
41-15 director of the Texas Workforce Commission, [~~the executive director~~
41-16 ~~of the State Board for Educator Certification~~], and the
41-17 commissioner of assistive and rehabilitative services. The
41-18 commissioner of higher education and the commissioner of education
41-19 shall serve as co-chairs of the council.

41-20 SECTION 118. Subsection (a), Section 61.0761, Education
41-21 Code, is amended to read as follows:

41-22 (a) The P-16 Council established under Section 61.076 shall
41-23 recommend to the commissioner of education and the board a college
41-24 readiness and success strategic action plan to increase student
41-25 success and decrease the number of students enrolling in
41-26 developmental course work in institutions of higher education. The
41-27 plan must include:

41-28 (1) definitions, as determined by the P-16 Council in
41-29 coordination with the State Board of Education, of the standards
41-30 and expectations for college readiness that address the knowledge
41-31 and skills expected of students to perform successfully in
41-32 entry-level courses offered at institutions of higher education;

41-33 (2) a description of the components of a P-16
41-34 individualized graduation plan sufficient to prepare students for
41-35 college success;

41-36 (3) the manner in which the Texas Education Agency
41-37 should provide model curricula for use as a reference tool by school
41-38 district employees;

41-39 (4) recommendations to the Texas Education Agency, the
41-40 State Board of Education, and the board regarding strategies for
41-41 decreasing the number of students enrolling in developmental course
41-42 work at institutions of higher education;

41-43 (5) recommendations [~~to the State Board for Educator~~
41-44 ~~Certification~~] regarding changes to educator certification and
41-45 professional development requirements that contribute to the
41-46 ability of public school teachers to prepare students for higher
41-47 education; and

41-48 (6) any other elements that the commissioner of
41-49 education and the board suggest for inclusion in the plan.

41-50 SECTION 119. Subsection (b), Section 61.0766, Education
41-51 Code, is amended to read as follows:

41-52 (b) Before an institution of higher education establishes
41-53 an academy under this section, the institution must apply through a
41-54 competitive process, as determined by the board, and meet any
41-55 requirements established by the board for designation as an academy
41-56 under this section and continued funding. The institution of
41-57 higher education must have a teacher preparation program approved
41-58 by the commissioner of education [~~State Board for Educator~~
41-59 ~~Certification~~] or be affiliated with a program approved by the
41-60 commissioner [~~State Board for Educator Certification~~].

41-61 SECTION 120. Section 1001.001, Education Code, is amended
41-62 by amending Subdivisions (2), (3), (4), and (5) and adding
41-63 Subdivision (13-a) to read as follows:

41-64 (2) "Approved driving safety course" means a driving
41-65 safety course approved by the department [~~commissioner~~].

41-66 (3) "Commission" [~~"Commissioner"~~] means the Texas
41-67 Commission of Licensing and Regulation [~~commissioner of~~
41-68 ~~education~~].

41-69 (4) "Course provider" means an enterprise that:

42-1 (A) maintains a place of business or solicits
42-2 business in this state;

42-3 (B) is operated by an individual, association,
42-4 partnership, or corporation; and

42-5 (C) has received an approval for a driving safety
42-6 course from the department [~~commissioner~~] or has been designated by
42-7 a person who has received that approval to conduct business and
42-8 represent the person in this state.

42-9 (5) "Department" means the Texas Department of
42-10 Licensing and Regulation [~~Public Safety~~].

42-11 (13-a) "Executive director" means the executive
42-12 director of the department.

42-13 SECTION 121. Subsection (c), Section 1001.002, Education
42-14 Code, is amended to read as follows:

42-15 (c) A driver education course is exempt from this chapter,
42-16 other than Section 1001.055, if the course is:

42-17 (1) conducted by a vocational driver training school
42-18 operated to train or prepare a person for a field of endeavor in a
42-19 business, trade, technical, or industrial occupation;

42-20 (2) conducted by a school or training program that
42-21 offers only instruction of purely avocational or recreational
42-22 subjects as determined by the department [~~commissioner~~];

42-23 (3) sponsored by an employer to train its own
42-24 employees without charging tuition;

42-25 (4) sponsored by a recognized trade, business, or
42-26 professional organization with a closed membership to instruct the
42-27 members of the organization; or

42-28 (5) conducted by a school regulated and approved under
42-29 another law of this state.

42-30 SECTION 122. Section 1001.003, Education Code, is amended
42-31 to read as follows:

42-32 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
42-33 BUSINESSES. It is the intent of the legislature that commission
42-34 [~~agency~~] rules that affect driver training schools that qualify as
42-35 small businesses be adopted and administered so as to have the least
42-36 possible adverse economic effect on the schools.

42-37 SECTION 123. Section 1001.004, Education Code, as amended
42-38 by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st
42-39 Legislature, Regular Session, 2009, is reenacted and amended to
42-40 read as follows:

42-41 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Except
42-42 as provided by Subsection (b), the cost of administering this
42-43 chapter shall be included in the state budget allowance for the
42-44 department [~~agency~~].

42-45 (b) The department [~~commissioner~~] may charge a fee to each
42-46 driver education school in an amount not to exceed the actual
42-47 expense incurred in the regulation of driver education courses
42-48 established under Section 1001.1015.

42-49 SECTION 124. Sections 1001.051, 1001.052, 1001.053, and
42-50 1001.054, Education Code, are amended to read as follows:

42-51 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
42-52 [~~agency~~] has jurisdiction over and control of driver training
42-53 schools regulated under this chapter.

42-54 Sec. 1001.052. RULES. The commission [~~agency~~] shall adopt
42-55 [~~and administer~~] comprehensive rules governing driving safety
42-56 courses.

42-57 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT, COMMISSION,
42-58 AND EXECUTIVE DIRECTOR [~~COMMISSIONER~~]. (a) The department and
42-59 executive director, as appropriate, [commissioner] shall:

42-60 (1) administer [~~the policies of~~] this chapter;

42-61 (2) enforce minimum standards for driver training
42-62 schools under this chapter;

42-63 (3) [~~adopt and~~] enforce rules adopted by the
42-64 commission that are necessary to administer this chapter; and

42-65 (4) visit a driver training school or course provider
42-66 and reexamine the school or course provider for compliance with
42-67 this chapter.

42-68 (b) The executive director [~~commissioner~~] may designate a
42-69 person knowledgeable in the administration of regulating driver

43-1 training schools to administer this chapter.

43-2 (c) The commission shall adopt rules necessary to
 43-3 administer this chapter. The commission [commissioner] may adopt
 43-4 rules to ensure the integrity of approved driving safety courses
 43-5 and to enhance program quality.

43-6 Sec. 1001.054. RULES RESTRICTING ADVERTISING OR
 43-7 COMPETITIVE BIDDING. (a) The commission [commissioner] may not
 43-8 adopt a rule restricting advertising or competitive bidding by a
 43-9 driver training school except to prohibit a false, misleading, or
 43-10 deceptive practice.

43-11 (b) The commission [commissioner] may not include in rules
 43-12 to prohibit false, misleading, or deceptive practices by a driver
 43-13 training school a rule that restricts:

43-14 (1) the use of an advertising medium;

43-15 (2) the outside dimensions of a printed advertisement
 43-16 or outdoor display;

43-17 (3) the duration of an advertisement; or

43-18 (4) advertisement under a trade name.

43-19 (c) The commission [commissioner] by rule may restrict
 43-20 advertising by a branch location of a driver training school so that
 43-21 the location adequately identifies the primary location of the
 43-22 school in a solicitation.

43-23 SECTION 125. Subsections (a), (a-1), (a-2), (b), and (c),
 43-24 Section 1001.055, Education Code, are amended to read as follows:

43-25 (a) The department [agency] shall provide to each licensed
 43-26 or exempt driver education school and to each parent-taught course
 43-27 provider approved by the Department of Public Safety under Section
 43-28 521.205, Transportation Code, driver education certificates or
 43-29 certificate numbers to enable the school or [and each approved
 43-30 parent-taught] course provider [(approved by the Texas Department
 43-31 of Public Safety under Section 521.205 of the Transportation Code)]
 43-32 to print and issue department-approved [agency-approved] driver
 43-33 education certificates [with the certificate numbers] to certify
 43-34 [be used for certifying] completion of an approved driver education
 43-35 course and [to] satisfy the requirements of Sections 521.204(a)(2)
 43-36 and 521.1601, Transportation Code.

43-37 (a-1) A certificate printed and issued by a driver education
 43-38 school or Department of Public Safety approved course provider
 43-39 must:

43-40 (1) be in a form required by the department [agency]; and

43-41 (2) include an identifying certificate number
 43-42 provided by the department [agency] that may be used to verify the
 43-43 authenticity of the certificate with the driver education school or
 43-44 Department of Public Safety approved course provider.

43-45 (a-2) A driver education school or Department of Public
 43-46 Safety approved course provider that purchases driver education
 43-47 certificate numbers shall provide for the printing and issuance of
 43-48 original and duplicate certificates in a manner that, to the
 43-49 greatest extent possible, prevents the unauthorized production or
 43-50 the misuse of the certificates. The driver education school or
 43-51 Department of Public Safety approved course provider shall
 43-52 electronically submit to the department [agency] in the manner
 43-53 established by the department [agency] data identified by the
 43-54 department [agency] relating to issuance of department-approved
 43-55 [agency-approved] driver education certificates with the
 43-56 certificate numbers.

43-57 (b) The commission [agency] by rule shall provide for the
 43-58 design and distribution of the certificates and certificate numbers
 43-59 in a manner that, to the greatest extent possible, prevents the
 43-60 unauthorized reproduction or misuse of the certificates or
 43-61 certificate numbers.

43-62 (c) The commission by rule shall establish [agency may
 43-63 charge] a fee [of not more than \$4] for each certificate or
 43-64 certificate number.

43-65 SECTION 126. Subsections (b), (c), (d), (e), and (g),
 43-66 Section 1001.056, Education Code, are amended to read as follows:

43-67 (b) The department [agency] shall provide each licensed
 43-68 course provider with course completion certificate numbers to
 43-69 enable the provider to print and issue department-approved

44-1 ~~[agency-approved]~~ uniform certificates of course completion.
 44-2 (c) The commission ~~[agency]~~ by rule shall provide for the
 44-3 design of the certificates and the distribution of certificate
 44-4 numbers in a manner that, to the greatest extent possible, prevents
 44-5 the unauthorized production or the misuse of the certificates or
 44-6 certificate numbers.

44-7 (d) A certificate under this section must:
 44-8 (1) be in a form required by the department ~~[agency]~~;
 44-9 and
 44-10 (2) include an identifying number by which the
 44-11 department ~~[agency]~~, a court, or the Department of Public Safety
 44-12 ~~[department]~~ may verify its authenticity with the course provider.

44-13 (e) The commission by rule shall establish ~~[agency may~~
 44-14 ~~charge]~~ a fee ~~[of not more than \$4]~~ for each course completion
 44-15 certificate number. A course provider that supplies a certificate
 44-16 to an operator shall collect from the operator a fee equal to the
 44-17 amount of the fee paid to the department ~~[agency]~~ for the
 44-18 certificate number.

44-19 (g) A course provider shall issue a duplicate certificate by
 44-20 United States mail or commercial delivery. The commission
 44-21 ~~[commissioner]~~ by rule shall determine the amount of the fee for
 44-22 issuance of a duplicate certificate under this subsection.

44-23 SECTION 127. Section 1001.057, Education Code, is amended
 44-24 to read as follows:

44-25 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
 44-26 COURSE INFORMATION. The department ~~[agency]~~ shall investigate
 44-27 options to develop and implement procedures to electronically
 44-28 transmit information relating to driving safety courses to
 44-29 municipal and justice courts.

44-30 SECTION 128. Subchapter B, Chapter 1001, Education Code, is
 44-31 amended by adding Sections 1001.058 and 1001.059 to read as
 44-32 follows:

44-33 Sec. 1001.058. ADVISORY COMMITTEE. (a) The commission
 44-34 shall establish an advisory committee to advise the commission and
 44-35 department on driver training rules and standards and driver
 44-36 education curriculum.

44-37 (b) The advisory committee consists of seven members
 44-38 appointed for staggered six-year terms by the presiding officer of
 44-39 the commission, with the approval of the commission, as follows:

- 44-40 (1) one member representing a driver education school;
- 44-41 (2) one member representing a driving safety school;
- 44-42 (3) one member representing a course provider;
- 44-43 (4) one instructor;
- 44-44 (5) one employee of the Department of Public Safety; and
- 44-45 (6) two members representing the public.

44-46 (c) The presiding officer of the commission shall appoint
 44-47 the presiding officer of the advisory committee.

44-48 Sec. 1001.059. COMPLAINTS. (a) The department shall
 44-49 maintain a system to promptly and efficiently act on complaints
 44-50 filed with the department regarding driver training. The
 44-51 department shall maintain information about parties to the
 44-52 complaint, the subject matter of the complaint, a summary of the
 44-53 results of the review or investigation of the complaint, and its
 44-54 disposition.

44-55 (b) The department shall make information available
 44-56 describing its procedures for complaint investigation and
 44-57 resolution.

44-58 (c) The department shall periodically notify the complaint
 44-59 parties of the status of the complaint until final disposition.

44-60 SECTION 129. Section 1001.101, Education Code, as amended
 44-61 by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st
 44-62 Legislature, Regular Session, 2009, is reenacted and amended to
 44-63 read as follows:

44-64 Sec. 1001.101. ADULT AND MINOR DRIVER EDUCATION COURSE
 44-65 CURRICULUM AND TEXTBOOKS. (a) The commission ~~[commissioner]~~ by
 44-66 rule shall establish or approve the curriculum and designate the
 44-67 textbooks to be used in a driver education course for minors and
 44-68 adults, including a driver education course conducted by a school
 44-69 district, driver education school, or parent or other individual

45-1 under Section 521.205, Transportation Code.

45-2 (b) A driver education course must require the student to
45-3 complete:

45-4 (1) 7 hours of behind-the-wheel instruction in the
45-5 presence of a person who holds a driver education instructor
45-6 license or who meets the requirements imposed under Section
45-7 521.205, Transportation Code;

45-8 (2) 7 hours of observation instruction in the presence
45-9 of a person who holds a driver education instructor license or who
45-10 meets the requirements imposed under Section 521.205,
45-11 Transportation Code; and

45-12 (3) 20 hours of behind-the-wheel instruction,
45-13 including at least 10 hours of instruction that takes place at
45-14 night, in the presence of an adult who meets the requirements of
45-15 Section 521.222(d)(2), Transportation Code.

45-16 SECTION 130. Subsection (a), Section 1001.1015, Education
45-17 Code, is amended to read as follows:

45-18 (a) The commission [~~commissioner~~] by rule shall establish
45-19 the curriculum and designate the educational materials to be used
45-20 in a driver education course exclusively for adults.

45-21 SECTION 131. Section 1001.102, Education Code, is amended
45-22 to read as follows:

45-23 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
45-24 commission [~~agency~~] by rule shall require that information relating
45-25 to alcohol awareness and the effect of alcohol on the effective
45-26 operation of a motor vehicle be included in the curriculum of any
45-27 driver education course or driving safety course.

45-28 (b) In developing rules under this section, the commission
45-29 [~~agency~~] shall consult with the Department of Public Safety
45-30 [~~department~~].

45-31 SECTION 132. Section 1001.1025, Education Code, is amended
45-32 to read as follows:

45-33 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION.
45-34 (a) The commission [~~agency~~] by rule shall require that information
45-35 relating to motorcycle awareness, the dangers of failing to yield
45-36 the right-of-way to a motorcyclist, and the need to share the road
45-37 with motorcyclists be included in the curriculum of any driver
45-38 education course or driving safety course.

45-39 (b) In developing rules under this section, the commission
45-40 [~~agency~~] shall consult with the Department of Public Safety
45-41 [~~department~~].

45-42 SECTION 133. Subsections (b), (d), and (e), Section
45-43 1001.103, Education Code, are amended to read as follows:

45-44 (b) The department [~~agency~~] shall develop standards for a
45-45 separate school certification and approve curricula for drug and
45-46 alcohol driving awareness programs that include one or more
45-47 courses. Except as provided by commission [~~agency~~] rule, a program
45-48 must be offered in the same manner as a driving safety course.

45-49 (d) In accordance with Section 461.013(b), Health and
45-50 Safety Code, the department [~~agency~~] and the Department of State
45-51 Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] shall
45-52 enter into a memorandum of understanding for the interagency
45-53 approval of the required curricula.

45-54 (e) The commission [~~Notwithstanding Section 1001.056,~~
45-55 ~~Subchapter D, and Sections 1001.213 and 1001.303, the commissioner~~]
45-56 may establish fees in connection with the programs under this
45-57 section. The fees must be in amounts reasonable and necessary to
45-58 administer the department's [~~agency's~~] duties under this section.

45-59 SECTION 134. Sections 1001.104 and 1001.105, Education
45-60 Code, are amended to read as follows:

45-61 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES.
45-62 (a) The department [~~agency~~] shall enter into a memorandum of
45-63 understanding with the Department of Assistive and Rehabilitative
45-64 Services [~~Texas Rehabilitation Commission~~] and the Department of
45-65 Public Safety [~~department~~] for the interagency development of
45-66 curricula and licensing criteria for hospital and rehabilitation
45-67 facilities that teach driver education.

45-68 (b) The department [~~agency~~] shall administer comprehensive
45-69 rules governing driver education courses adopted by mutual

46-1 agreement among the commission [agency], the Department of
 46-2 Assistive and Rehabilitative Services [Texas Rehabilitation
 46-3 Commission], and the Department of Public Safety [department].

46-4 Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The
 46-5 department [agency] shall enter into a memorandum of understanding
 46-6 with the Texas Department of Insurance for the interagency
 46-7 development of a curriculum for driving safety courses.

46-8 SECTION 135. Subsections (b), (c), and (d), Section
 46-9 1001.106, Education Code, are amended to read as follows:

46-10 (b) The commission [commissioner] by rule shall provide
 46-11 minimum standards of curriculum relating to operation of vehicles
 46-12 at railroad and highway grade crossings.

46-13 (c) Subchapter F, Chapter 51, Occupations Code, Section
 46-14 51.353, Occupations Code, and Sections [1001.454,] 1001.456[7] and
 46-15 1001.553 of this code do not apply to a violation of this section or
 46-16 a rule adopted under this section.

46-17 (d) Section 51.352, Occupations Code, and Sections
 46-18 1001.455(a)(6), 1001.501, [1001.551, 1001.552,] and 1001.554 of
 46-19 this code do not apply to a violation of this section.

46-20 SECTION 136. Section 1001.107, Education Code, is amended
 46-21 to read as follows:

46-22 Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

46-23 (a) The commission [commissioner] by rule shall require that
 46-24 information relating to litter prevention be included in the
 46-25 curriculum of each driver education and driving safety course.

46-26 (b) In developing rules under this section, the commission
 46-27 [commissioner] shall consult the Department of Public Safety
 46-28 [department].

46-29 SECTION 137. Subsections (a) and (c), Section 1001.108,
 46-30 Education Code, are amended to read as follows:

46-31 (a) The commission [commissioner] by rule shall require
 46-32 that information relating to anatomical gifts be included in the
 46-33 curriculum of each driver education course and driving safety
 46-34 course.

46-35 (c) In developing rules under this section, the commission
 46-36 [commissioner] shall consult with the Department of Public Safety
 46-37 [department] and the [Texas] Department of State Health Services.

46-38 SECTION 138. Section 1001.110, Education Code, is amended
 46-39 to read as follows:

46-40 Sec. 1001.110. INFORMATION RELATING TO DRIVING
 46-41 DISTRACTIONS. (a) The commission [commissioner] by rule shall
 46-42 require that information relating to the effect of using a wireless
 46-43 communication device or engaging in other actions that may distract
 46-44 a driver on the safe or effective operation of a motor vehicle be
 46-45 included in the curriculum of each driver education course or
 46-46 driving safety course.

46-47 (b) In developing rules under this section, the commission
 46-48 [commissioner] shall consult with the Department of Public Safety
 46-49 [department].

46-50 SECTION 139. Subsection (a), 1001.111, Education Code, is
 46-51 amended to read as follows:

46-52 (a) The commission [commissioner] by rule shall provide
 46-53 minimum standards of curriculum for and designate the educational
 46-54 materials to be used in a driving safety course designed for drivers
 46-55 younger than 25 years of age.

46-56 SECTION 140. Sections 1001.151, 1001.152, and 1001.153,
 46-57 Education Code, are amended to read as follows:

46-58 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
 46-59 FEES. (a) The commission by rule [commissioner] shall establish
 46-60 [collect] application, license, and registration fees. The fees
 46-61 must be in amounts sufficient to cover administrative costs and are
 46-62 nonrefundable. The department shall collect the application,
 46-63 license, and registration fees.

46-64 (b) The commission by rule shall establish a fee for:
 46-65 (1) an initial driver education school license and [is
 46-66 \$1,000 plus \$850] for each branch location;

46-67 (2) [
 46-68 [(c) The fee for] an initial driving safety school license;
 46-69 (3) [is an appropriate amount established by the

47-1 ~~commissioner not to exceed \$200.~~

47-2 ~~[(d) The fee for] an initial course provider license [is an~~
 47-3 ~~appropriate amount established by the commissioner not to exceed~~
 47-4 ~~\$2,000], except that the commission [~~agency~~] may waive the fee if~~
 47-5 ~~revenue received from the course provider is sufficient to cover~~
 47-6 ~~the cost of licensing the course provider;~~

47-7 ~~(4) the [-~~

47-8 ~~[(e) The] annual renewal [fee] for a course provider,~~
 47-9 ~~driving safety school, driver education school, or branch location~~
 47-10 ~~[is an appropriate amount established by the commissioner not to~~
 47-11 ~~exceed \$200], except that the commission [~~agency~~] may waive the fee~~
 47-12 ~~if revenue generated by the issuance of course completion~~
 47-13 ~~certificate numbers and driver education certificates is~~
 47-14 ~~sufficient to cover the cost of administering this chapter and~~
 47-15 ~~Article 45.0511, Code of Criminal Procedure;~~

47-16 ~~(5) [-~~

47-17 ~~[(f) The fee for] a change of address of [+~~
 47-18 ~~[(1) a driver education school, [is \$180, and~~
 47-19 ~~[(2) a] driving safety school, or course provider;~~

47-20 ~~(6) [is \$50.~~

47-21 ~~[(g) The fee for] a change of name of:~~

47-22 ~~(A) [(1) a driver education school or course~~
 47-23 ~~provider or an owner of a driver education school or course provider~~
 47-24 ~~[is \$100]; or~~

47-25 ~~(B) [and~~

47-26 ~~[(2) a] driving safety school or owner of a driving~~
 47-27 ~~safety school;~~

47-28 ~~(7) [is \$50.~~

47-29 ~~[(h) The application fee for] each additional driver~~
 47-30 ~~education or driving safety course at a driver training school; and~~

47-31 ~~(8) an [is \$25.~~

47-32 ~~[(i) The application fee for:~~

47-33 ~~[(1) each director is \$30, and~~

47-34 ~~[(2) each assistant director or administrative staff~~
 47-35 ~~member is \$15.~~

47-36 ~~[(j) Each] application for approval of a driving safety~~
 47-37 ~~course that has not been evaluated by the department [~~commissioner~~~~
 47-38 ~~must be accompanied by a nonrefundable fee of \$9,000].~~

47-39 ~~(c) [(k)] An application for an original driver education~~
 47-40 ~~or driving safety instructor license must be accompanied by a~~
 47-41 ~~processing fee [of \$50] and an annual license fee [of \$25], except~~
 47-42 ~~that the department [~~commissioner~~] may not collect the processing~~
 47-43 ~~fee from an applicant for a driver education instructor license who~~
 47-44 ~~is currently teaching a driver education course in a public school~~
 47-45 ~~in this state.~~

47-46 ~~(d) [(l)] The commission [~~commissioner~~] shall establish the~~
 47-47 ~~amount of the fee for a duplicate license.~~

47-48 ~~(e) [(m)] The commission [~~commissioner~~] may establish a fee~~
 47-49 ~~for an application for approval to offer a driver education course~~
 47-50 ~~by an alternative method of instruction under Section 1001.3541 in~~
 47-51 ~~an amount the commission [~~commissioner~~] considers appropriate, not~~
 47-52 ~~to exceed the amount sufficient to cover the costs of considering~~
 47-53 ~~the application.~~

47-54 Sec. 1001.152. DUTY TO REVIEW AND RECOMMEND ADJUSTMENTS IN
 47-55 FEE AMOUNTS. The commission [~~commissioner~~] shall periodically
 47-56 review the amounts of fees and recommend to the legislature
 47-57 adjustments to those amounts.

47-58 Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The
 47-59 commission [~~commissioner~~] shall establish the amount of the fee to
 47-60 investigate a driver training school or course provider to resolve
 47-61 a complaint against the school or course provider.

47-62 (b) The fee may be charged only if:

47-63 (1) the complaint could not have been resolved solely
 47-64 by telephone or in writing;

47-65 (2) a representative of the department [~~agency~~]
 47-66 visited the school or course provider as a part of the complaint
 47-67 resolution process; and

47-68 (3) the school or course provider was found to be at
 47-69 fault.

48-1 SECTION 141. Subsection (b), Section 1001.202, Education
48-2 Code, is amended to read as follows:

48-3 (b) A driving safety school may use multiple classroom
48-4 locations to teach a driving safety course if each location:

48-5 (1) is approved by the parent school and the
48-6 department [~~agency~~];

48-7 (2) has the same name as the parent school; and

48-8 (3) has the same ownership as the parent school.

48-9 SECTION 142. Sections 1001.203, 1001.204, 1001.205, and
48-10 1001.206, Education Code, are amended to read as follows:

48-11 Sec. 1001.203. APPLICATION. To operate or do business in
48-12 this state, a driver training school must apply to the department
48-13 [~~commissioner~~] for the appropriate license. The application must:

48-14 (1) be in writing;

48-15 (2) be in the form prescribed by the department
48-16 [~~commissioner~~];

48-17 (3) include all required information; and

48-18 (4) be verified.

48-19 Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL
48-20 LICENSE. The department [~~commissioner~~] shall approve an
48-21 application for a driver education school license if, on
48-22 investigation of the premises of the school, it is determined that
48-23 the school:

48-24 (1) has courses, curricula, and instruction of a
48-25 quality, content, and length that reasonably and adequately achieve
48-26 the stated objective for which the courses, curricula, and
48-27 instruction are offered;

48-28 (2) has adequate space, equipment, instructional
48-29 material, and instructors to provide training of good quality in
48-30 the classroom and behind the wheel;

48-31 (3) has [~~directors,~~] instructors[, ~~and~~
48-32 ~~administrators~~] who have adequate educational qualifications and
48-33 experience;

48-34 (4) provides to each student before enrollment:

48-35 (A) a copy of:

48-36 (i) the refund policy;

48-37 (ii) the schedule of tuition, fees, and
48-38 other charges; and

48-39 (iii) the regulations relating to absence,
48-40 grading policy, and rules of operation and conduct; and

48-41 (B) the department's name, mailing address,
48-42 [~~and~~] telephone number, and Internet website address [~~of the~~
48-43 ~~agency~~] for the purpose of directing complaints to the department
48-44 [~~agency~~];

48-45 (5) maintains adequate records as prescribed by the
48-46 department [~~commissioner~~] to show attendance and progress or grades
48-47 and enforces satisfactory standards relating to attendance,
48-48 progress, and conduct;

48-49 (6) on completion of training, issues each student a
48-50 certificate indicating the course name and satisfactory completion;

48-51 (7) complies with all county, municipal, state, and
48-52 federal regulations, including fire, building, and sanitation
48-53 codes and assumed name registration;

48-54 (8) is financially sound and capable of fulfilling its
48-55 commitments for training;

48-56 (9) has [~~administrators, directors,~~] owners[~~7~~] and
48-57 instructors who are of good reputation and character;

48-58 (10) maintains and publishes as part of its student
48-59 enrollment contract the proper policy for the refund of the unused
48-60 portion of tuition, fees, and other charges if a student fails to
48-61 take the course or withdraws or is discontinued from the school at
48-62 any time before completion;

48-63 (11) does not use erroneous or misleading advertising,
48-64 either by actual statement, omission, or intimation, as determined
48-65 by the department [~~commissioner~~];

48-66 (12) does not use a name similar to the name of another
48-67 existing school or tax-supported educational institution in this
48-68 state, unless specifically approved in writing by the executive
48-69 director [~~commissioner~~];

49-1 (13) submits to the department [~~agency~~] for approval
 49-2 the applicable course hour lengths and curriculum content for each
 49-3 course offered by the school;

49-4 (14) does not owe an administrative penalty for a
 49-5 violation of [~~under~~] this chapter; and

49-6 (15) meets any additional criteria required by the
 49-7 department [~~agency~~].

49-8 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL
 49-9 LICENSE. The department [~~commissioner~~] shall approve an
 49-10 application for a driving safety school license if on investigation
 49-11 the department [~~agency~~] determines that the school:

49-12 (1) has driving safety courses, curricula, and
 49-13 instruction of a quality, content, and length that reasonably and
 49-14 adequately achieve the stated objective for which the course,
 49-15 curricula, and instruction are developed by the course provider;

49-16 (2) has adequate space, equipment, instructional
 49-17 material, and instructors to provide training of good quality;

49-18 (3) has instructors [~~and administrators~~] who have
 49-19 adequate educational qualifications and experience;

49-20 (4) maintains adequate records as prescribed by the
 49-21 department [~~commissioner~~] to show attendance and progress or grades
 49-22 and enforces satisfactory standards relating to attendance,
 49-23 progress, and conduct;

49-24 (5) complies with all county, municipal, state, and
 49-25 federal laws, including fire, building, and sanitation codes and
 49-26 assumed name registration;

49-27 (6) has [~~administrators,~~] owners[~~,~~] and instructors
 49-28 who are of good reputation and character;

49-29 (7) does not use erroneous or misleading advertising,
 49-30 either by actual statement, omission, or intimation, as determined
 49-31 by the department [~~commissioner~~];

49-32 (8) does not use a name similar to the name of another
 49-33 existing school or tax-supported educational establishment in this
 49-34 state, unless specifically approved in writing by the executive
 49-35 director [~~commissioner~~];

49-36 (9) maintains and uses the approved contract and
 49-37 policies developed by the course provider;

49-38 (10) does not owe an administrative penalty for a
 49-39 violation of [~~under~~] this chapter;

49-40 (11) will not provide a driving safety course to a
 49-41 person for less than \$25; and

49-42 (12) meets additional criteria required by the
 49-43 department [~~commissioner~~].

49-44 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.
 49-45 The department [~~commissioner~~] shall approve an application for a
 49-46 course provider license if on investigation the department [~~agency~~]
 49-47 determines that:

49-48 (1) the course provider has an approved course that at
 49-49 least one licensed driving safety school is willing to offer;

49-50 (2) the course provider has adequate educational
 49-51 qualifications and experience;

49-52 (3) the course provider will:

49-53 (A) develop and provide to each driving safety
 49-54 school that offers the approved course a copy of:

49-55 (i) the refund policy; and

49-56 (ii) the regulations relating to absence,
 49-57 grading policy, and rules of operation and conduct; and

49-58 (B) provide to the driving safety school the
 49-59 department's name, mailing address, [~~and~~] telephone number, and
 49-60 Internet website address [~~of the agency~~] for the purpose of
 49-61 directing complaints to the department [~~agency~~];

49-62 (4) a copy of the information provided to each driving
 49-63 safety school under Subdivision (3) will be provided to each
 49-64 student by the school before enrollment;

49-65 (5) not later than the 15th working day after the date
 49-66 a [~~the~~] person successfully completes the course, the course
 49-67 provider will issue and deliver to the person by United States mail
 49-68 or commercial delivery [~~mail~~] a uniform certificate of course
 49-69 completion [~~to the person~~] indicating the course name and

50-1 successful completion;

50-2 (6) the course provider maintains adequate records as
50-3 prescribed by the department [~~commissioner~~] to show attendance and
50-4 progress or grades and enforces satisfactory standards relating to
50-5 attendance, progress, and conduct;

50-6 (7) the course provider complies with all county,
50-7 municipal, state, and federal laws, including assumed name
50-8 registration and other applicable requirements;

50-9 (8) the course provider is financially sound and
50-10 capable of fulfilling its commitments for training;

50-11 (9) the course provider is of good reputation and
50-12 character;

50-13 (10) the course provider maintains and publishes as a
50-14 part of its student enrollment contract the proper policy for the
50-15 refund of the unused portion of tuition, fees, and other charges if
50-16 a student fails to take the course or withdraws or is discontinued
50-17 from the school at any time before completion;

50-18 (11) the course provider does not use erroneous or
50-19 misleading advertising, either by actual statement, omission, or
50-20 intimation, as determined by the department [~~commissioner~~];

50-21 (12) the course provider does not use a name similar to
50-22 the name of another existing school or tax-supported educational
50-23 institution in this state, unless specifically approved in writing
50-24 by the executive director [~~commissioner~~];

50-25 (13) the course provider does not owe an
50-26 administrative penalty for a violation of [~~under~~] this chapter; and

50-27 (14) the course provider meets additional criteria
50-28 required by the department [~~commissioner~~].

50-29 SECTION 143. Subsections (a) and (b), Section 1001.207,
50-30 Education Code, are amended to read as follows:

50-31 (a) Before a driver education school may be issued a
50-32 license, the school must file a corporate surety bond with the
50-33 department [~~commissioner~~] in the amount of:

50-34 (1) \$10,000 for the primary location of the school; and

50-35 (2) \$5,000 for each branch location.

50-36 (b) A bond issued under Subsection (a) must be:

50-37 (1) issued in a form approved by the department
50-38 [~~commissioner~~];

50-39 (2) issued by a company authorized to do business in
50-40 this state;

50-41 (3) payable to the state to be used only for payment of
50-42 a refund due to a student or potential student;

50-43 (4) conditioned on the compliance of the school and
50-44 its officers, agents, and employees with this chapter and rules
50-45 adopted under this chapter; and

50-46 (5) issued for a period corresponding to the term of
50-47 the license.

50-48 SECTION 144. Subsection (b), Section 1001.209, Education
50-49 Code, is amended to read as follows:

50-50 (b) A bond issued under Subsection (a) must be:

50-51 (1) issued by a company authorized to do business in
50-52 this state;

50-53 (2) payable to the state to be used:

50-54 (A) for payment of a refund due a student of the
50-55 course provider's approved course;

50-56 (B) to cover the payment of unpaid fees or
50-57 penalties assessed by the executive director [~~agency~~]; or

50-58 (C) to recover any cost associated with providing
50-59 course completion certificate numbers, including the cancellation
50-60 of certificate numbers;

50-61 (3) conditioned on the compliance of the course
50-62 provider and its officers, agents, and employees with this chapter
50-63 and rules adopted under this chapter; and

50-64 (4) issued for a period corresponding to the term of
50-65 the license.

50-66 SECTION 145. Section 1001.210, Education Code, is amended
50-67 to read as follows:

50-68 Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the
50-69 bond required by Section 1001.207 or 1001.209, a driver education

51-1 school or course provider may provide another form of security that
51-2 is:

51-3 (1) ~~[(A)]~~ approved by the department ~~[commissioner]~~;
51-4 and

51-5 (2) ~~[(B)]~~ in the amount required for a comparable bond
51-6 under Section 1001.207 or 1001.209.

51-7 SECTION 146. Subsections (a) and (b), Section 1001.211,
51-8 Education Code, are amended to read as follows:

51-9 (a) The executive director ~~[commissioner]~~ shall issue a
51-10 license to an applicant for a license under this subchapter if:

51-11 (1) the application is submitted in accordance with
51-12 this subchapter; and

51-13 (2) the applicant meets the requirements of this
51-14 chapter.

51-15 (b) A license must be in a form determined by the department
51-16 ~~[commissioner]~~ and must show in a clear and conspicuous manner:

51-17 (1) the date of issuance, effective date, and term of
51-18 the license;

51-19 (2) the name and address of the driver training school
51-20 or course provider;

51-21 (3) the authority for and conditions of approval;

51-22 (4) the executive director's ~~[commissioner's]~~
51-23 signature; and

51-24 (5) any other fair and reasonable representation that
51-25 is consistent with this chapter and that the department
51-26 ~~[commissioner]~~ considers necessary.

51-27 SECTION 147. Section 1001.212, Education Code, is amended
51-28 to read as follows:

51-29 Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department
51-30 ~~[commissioner]~~ shall provide a person whose application for a
51-31 license under this subchapter is denied a written statement of the
51-32 reasons for the denial.

51-33 SECTION 148. Subsections (c) and (d), Section 1001.213,
51-34 Education Code, are amended to read as follows:

51-35 (c) The commission may establish ~~[Instead of the]~~ fees in
51-36 amounts that are different from the amounts established under
51-37 ~~[required by]~~ Section 1001.151~~[, the fee]~~ for a new driver
51-38 education school or course provider license under Subsection (b)
51-39 and [is \$500, plus \$200] for each branch location~~[,]~~ if:

51-40 (1) the new owner is substantially similar to the
51-41 previous owner; and

51-42 (2) there is no significant change in the management
51-43 or control of the driver education school or course provider.

51-44 (d) The department ~~[commissioner]~~ is not required to
51-45 reinspect a school or a branch location after a change of ownership.

51-46 SECTION 149. Section 1001.214, Education Code, is amended
51-47 to read as follows:

51-48 Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may
51-49 be issued to a driver training school or course provider if:

51-50 (1) the original license is lost or destroyed; and

51-51 (2) an affidavit of that fact is filed with the
51-52 department ~~[agency]~~.

51-53 SECTION 150. Section 1001.251, Education Code, is amended
51-54 to read as follows:

51-55 Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A
51-56 person may not teach or provide driver education, either as an
51-57 individual or in a driver education school, or conduct any phase of
51-58 driver education, unless the person holds a driver education
51-59 instructor license issued by the executive director ~~[agency]~~.

51-60 (b) A person may not teach or provide driving safety
51-61 training, either as an individual or in a driving safety school, or
51-62 conduct any phase of driving safety education, unless the person
51-63 holds a driving safety instructor license issued by the executive
51-64 director ~~[agency]~~. This subsection does not apply to an instructor
51-65 of a driving safety course that does not provide a uniform
51-66 certificate of course completion to its graduates.

51-67 SECTION 151. Subsections (b), (c), (d), (e), and (f),
51-68 Section 1001.2511, Education Code, are amended to read as follows:

51-69 (b) The department ~~[agency]~~ shall review the national

52-1 criminal history record information of a person who holds a license
52-2 described by Subsection (a).

52-3 (c) The executive director [~~agency~~] shall place a license
52-4 described by Subsection (a) on inactive status for the license
52-5 holder's failure to comply with a deadline for submitting
52-6 information required under this section.

52-7 (d) The department [~~agency~~] may allow a person who is
52-8 applying for a license described by Subsection (a) and who
52-9 currently resides in another state to submit the person's
52-10 fingerprints and other required information in a manner that does
52-11 not impose an undue hardship on the person.

52-12 (e) The commission [~~commissioner~~] may adopt rules to
52-13 administer this section, including rules establishing:

52-14 (1) deadlines for a person to submit fingerprints and
52-15 photographs in compliance with this section;

52-16 (2) sanctions for a person's failure to comply with the
52-17 requirements of this section, including suspension or revocation of
52-18 or refusal to issue a license described by Subsection (a); and

52-19 (3) notification to a driver education school of
52-20 relevant information obtained by the department [~~agency~~] under this
52-21 section.

52-22 (f) The department [~~agency~~] is not civilly or criminally
52-23 liable for an action taken in compliance with this section.

52-24 SECTION 152. Section 1001.2512, Education Code, is amended
52-25 to read as follows:

52-26 Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD
52-27 INFORMATION REVIEW. The commission [~~commissioner~~] by rule shall
52-28 require a person submitting to a national criminal history record
52-29 information review under Section 1001.2511 or the driver education
52-30 school employing the person, as determined by the department
52-31 [~~agency~~], to pay a fee for the review in an amount not to exceed the
52-32 amount of any fee imposed on an application for certification under
52-33 Subchapter B, Chapter 21, for a national criminal history record
52-34 information review under Section 22.0837.

52-35 SECTION 153. Subsections (a), (b), and (d), Section
52-36 1001.2514, Education Code, are amended to read as follows:

52-37 (a) A driver education school shall discharge or refuse to
52-38 hire as an instructor an employee or applicant for employment if the
52-39 department [~~agency~~] obtains information through a criminal history
52-40 record information review that:

52-41 (1) the employee or applicant has been convicted of:

52-42 (A) a felony offense under Title 5, Penal Code;

52-43 (B) an offense on conviction of which a defendant
52-44 is required to register as a sex offender under Chapter 62, Code of
52-45 Criminal Procedure; or

52-46 (C) an offense under the laws of another state or
52-47 federal law that is equivalent to an offense under Paragraph (A) or
52-48 (B); and

52-49 (2) at the time the offense occurred, the victim of the
52-50 offense described by Subdivision (1) was under 18 years of age or
52-51 was enrolled in a public school.

52-52 (b) The executive director [~~agency~~] shall suspend or revoke
52-53 a license described by Section 1001.2511(a) held by a person under
52-54 this subchapter and shall refuse to issue or renew a license
52-55 described by Section 1001.2511(a) to a person under this subchapter
52-56 if the person has been convicted of an offense described by
52-57 Subsection (a) of this section.

52-58 (d) A driver education school may discharge an employee who
52-59 serves as an instructor if the school obtains information of the
52-60 employee's conviction of a felony or of a misdemeanor involving
52-61 moral turpitude that the employee did not disclose to the school or
52-62 the department [~~agency~~]. An employee discharged under this
52-63 subsection is considered to have been discharged for misconduct for
52-64 purposes of Section 207.044, Labor Code.

52-65 SECTION 154. Section 1001.252, Education Code, is amended
52-66 to read as follows:

52-67 Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A
52-68 license under this subchapter must be signed by the executive
52-69 director [~~commissioner~~].

53-1 SECTION 155. Subsections (a), (b), (c), (d), (e), and (f),
53-2 Section 1001.253, Education Code, are amended to read as follows:

53-3 (a) The department [~~commissioner~~] shall establish standards
53-4 for certification of professional and paraprofessional personnel
53-5 who conduct driver education programs in driver education schools.

53-6 (b) A driver education instructor license authorizing a
53-7 person to teach or provide behind-the-wheel training may not be
53-8 issued unless the person has successfully completed six semester
53-9 hours of driver and traffic safety education or a program of study
53-10 in driver education approved by the department [~~commissioner~~] from
53-11 an approved driver education school.

53-12 (c) A person who holds a driver education instructor license
53-13 authorizing behind-the-wheel training may not be approved to assist
53-14 a classroom instructor in the classroom phase of driver education
53-15 unless the person has successfully completed the three additional
53-16 semester hours of training required for a classroom instructor or a
53-17 program of study in driver education approved by the department
53-18 [~~commissioner~~].

53-19 (d) Except as provided by Subsection (g) or Section
53-20 1001.254, a driver education instructor license authorizing a
53-21 person to teach or provide classroom training may not be issued
53-22 unless the person:

53-23 (1) has completed nine semester hours of driver and
53-24 traffic safety education or a program of study in driver education
53-25 approved by the department [~~commissioner~~] from an approved driver
53-26 education school; and

53-27 (2) holds a teaching certificate and any additional
53-28 certification required to teach driver education.

53-29 (e) A driver education instructor who has completed the
53-30 educational requirements prescribed by Subsection (d)(1) may not
53-31 teach instructor training classes unless the instructor has
53-32 successfully completed a supervising instructor development
53-33 program consisting of at least six additional semester hours or a
53-34 program of study in driver education approved by the department
53-35 [~~commissioner~~] that includes administering driver education
53-36 programs and supervising and administering traffic safety
53-37 education.

53-38 (f) A driver education school may submit for department
53-39 [~~agency~~] approval a curriculum for an instructor development
53-40 program for driver education instructors. The program must:

53-41 (1) be taught by a person who has completed a
53-42 supervising instructor development program under Subsection (e);
53-43 and

53-44 (2) satisfy the requirements of this section for the
53-45 particular program or type of training to be provided.

53-46 SECTION 156. Subsection (a), Section 1001.254, Education
53-47 Code, is amended to read as follows:

53-48 (a) A temporary driver education instructor license may be
53-49 issued authorizing a person to teach or provide classroom driver
53-50 education training if the person:

53-51 (1) has completed the educational requirements
53-52 prescribed by Section 1001.253(d)(1);

53-53 (2) holds a Texas teaching certificate with an
53-54 effective date before February 1, 1986;

53-55 (3) meets all license requirements, other than
53-56 successful completion of the examination required under rules
53-57 adopted by the commissioner of education [~~State Board for Educator
53-58 Certification~~] to revalidate the teaching certificate; and

53-59 (4) demonstrates, in a manner prescribed by the
53-60 department [~~commissioner~~], the intention to comply with the
53-61 examination requirement at the first available opportunity.

53-62 SECTION 157. Subsections (a), (b), and (c), Section
53-63 1001.255, Education Code, are amended to read as follows:

53-64 (a) The department [~~agency~~] shall regulate as a driver
53-65 education school a driver education instructor who:

53-66 (1) teaches driver education courses in a county
53-67 having a population of 50,000 or less; and

53-68 (2) does not teach more than 200 students annually.

53-69 (b) An instructor described by Subsection (a) must submit to

54-1 the department [~~agency~~] an application for an initial or renewal
 54-2 driver education school license, together with all required
 54-3 documentation and information.

54-4 (c) The department [~~commissioner~~] may waive initial or
 54-5 renewal driver education school license fees or the fee for a
 54-6 director or administrative staff member.

54-7 SECTION 158. Section 1001.256, Education Code, is amended
 54-8 to read as follows:

54-9 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
 54-10 be issued to a driver education instructor or driving safety
 54-11 instructor if:

54-12 (1) the original license is lost or destroyed; and
 54-13 (2) an affidavit of that fact is filed with the
 54-14 department [~~agency~~].

54-15 SECTION 159. Section 1001.257, Education Code, is amended
 54-16 to read as follows:

54-17 Sec. 1001.257. DENIAL OF LICENSE. The executive director
 54-18 [~~commissioner~~] may not issue or renew a driver education instructor
 54-19 license, including a temporary license, to a person who has six or
 54-20 more points assigned to the person's driver's license under
 54-21 Subchapter B, Chapter 708, Transportation Code.

54-22 SECTION 160. Section 1001.303, Education Code, is amended
 54-23 to read as follows:

54-24 Sec. 1001.303. RENEWAL OF SCHOOL OR COURSE PROVIDER
 54-25 LICENSE. (a) To renew the license of a driver education school,
 54-26 driving safety school, or course provider, the school or course
 54-27 provider must submit to the department [~~commissioner~~] a complete
 54-28 application for renewal at least 30 days before the expiration date
 54-29 of the license.

54-30 (b) A school or course provider that does not comply with
 54-31 Subsection (a) must, as a condition of renewal of the person's
 54-32 license, pay a late renewal fee. The late renewal fee is in
 54-33 addition to the annual renewal fee. The commission by rule shall
 54-34 establish a late renewal fee [must be in the amount established by
 54-35 board rule of at least \$100, subject to Subchapter D].

54-36 (c) The department [~~commissioner~~] may reexamine a driver
 54-37 education school's premises.

54-38 (d) The executive director [~~commissioner~~] shall renew or
 54-39 cancel the driver education school, driving safety school, or
 54-40 course provider license.

54-41 SECTION 161. Subsections (b) and (c), Section 1001.304,
 54-42 Education Code, are amended to read as follows:

54-43 (b) The continuing education must be:

54-44 (1) in courses approved by the department
 54-45 [~~commissioner~~]; and

54-46 (2) for the number of hours established by the
 54-47 commission [~~commissioner~~].

54-48 (c) An applicant who does not comply with Subsection (a)
 54-49 must pay a late renewal fee in the amount established by commission
 54-50 rule [of \$25].

54-51 SECTION 162. Subsections (a) and (b), Section 1001.351,
 54-52 Education Code, are amended to read as follows:

54-53 (a) Not later than the 15th working day after the course
 54-54 completion date, a course provider or a person at the course
 54-55 provider's facilities shall issue and deliver by United States mail
 54-56 or commercial delivery a uniform certificate of course completion
 54-57 [~~by mail or commercial delivery~~] to a person who successfully
 54-58 completes an approved driving safety course.

54-59 (b) A course provider shall electronically submit to the
 54-60 department [~~agency~~] in the manner established by the department
 54-61 [~~agency~~] data identified by the department [~~agency~~] relating to
 54-62 uniform certificates of course completion issued by the course
 54-63 provider.

54-64 SECTION 163. Subsections (a) and (b), Section 1001.354,
 54-65 Education Code, are amended to read as follows:

54-66 (a) A driving safety course may be taught at a driving
 54-67 safety school if the school is approved by the department [~~agency~~].

54-68 (b) A driving safety school may teach an approved driving
 54-69 safety course by an alternative method that does not require

55-1 students to be present in a classroom if the department
 55-2 [~~commissioner~~] approves the alternative method. The department
 55-3 [~~commissioner~~] may approve the alternative method if:

55-4 (1) the department [~~commissioner~~] determines that the
 55-5 approved driving safety course can be taught by the alternative
 55-6 method; and

55-7 (2) the alternative method includes testing and
 55-8 security measures that are at least as secure as the measures
 55-9 available in the usual classroom setting.

55-10 SECTION 164. Section 1001.3541, Education Code, is amended
 55-11 to read as follows:

55-12 Sec. 1001.3541. ALTERNATIVE METHOD OF INSTRUCTION FOR
 55-13 DRIVER EDUCATION COURSE. (a) A driver education school may teach
 55-14 all or part of the classroom portion of an approved driver education
 55-15 course by an alternative method of instruction that does not
 55-16 require students to be present in a classroom if the department
 55-17 [~~commissioner~~] approves the alternative method.

55-18 (b) The department [~~commissioner~~] may approve the
 55-19 alternative method only if:

55-20 (1) the alternative method includes testing and
 55-21 security measures that the department [~~commissioner~~] determines
 55-22 are at least as secure as the measures available in the usual
 55-23 classroom setting; and

55-24 (2) the course, with the use of the alternative
 55-25 method, satisfies any other requirement applicable to a course in
 55-26 which the classroom portion is taught to students in the usual
 55-27 classroom setting.

55-28 SECTION 165. Subsections (b) and (c), Section 1001.404,
 55-29 Education Code, are amended to read as follows:

55-30 (b) The department [~~commissioner~~] shall establish annually
 55-31 the rate of interest for a refund at a rate sufficient to provide a
 55-32 deterrent to the retention of student money.

55-33 (c) The department [~~agency~~] may except a driver education
 55-34 school or course provider from the payment of interest if the school
 55-35 or course provider makes a good-faith effort to refund tuition,
 55-36 fees, and other charges but is unable to locate the student to whom
 55-37 the refund is owed. On request of the department [~~agency~~], the
 55-38 school or course provider shall document the effort to locate a
 55-39 student.

55-40 SECTION 166. Sections 1001.451 and 1001.452, Education
 55-41 Code, are amended to read as follows:

55-42 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

55-43 (1) use advertising designed to mislead or deceive a
 55-44 prospective student;

55-45 (2) fail to notify the department [~~commissioner~~] of
 55-46 the discontinuance of the operation of a driver training school
 55-47 before the fourth working day after the date of cessation of classes
 55-48 and make available accurate records as required by this chapter;

55-49 (3) issue, sell, trade, or transfer:

55-50 (A) a uniform certificate of course completion or
 55-51 driver education certificate to a person or driver training school
 55-52 not authorized to possess the certificate;

55-53 (B) a uniform certificate of course completion to
 55-54 a person who has not successfully completed an approved, six-hour
 55-55 driving safety course; or

55-56 (C) a driver education certificate to a person
 55-57 who has not successfully completed a department-approved
 55-58 [~~commissioner-approved~~] driver education course;

55-59 (4) negotiate a promissory instrument received as
 55-60 payment of tuition or another charge before the student completes
 55-61 75 percent of the course, except that before that time the
 55-62 instrument may be assigned to a purchaser who becomes subject to any
 55-63 defense available against the school named as payee; or

55-64 (5) conduct any part of an approved driver education
 55-65 course or driving safety course without having an instructor
 55-66 physically present in appropriate proximity to the student for the
 55-67 type of instruction being given.

55-68 Sec. 1001.452. COURSE OF INSTRUCTION. A driver training
 55-69 school may not maintain, advertise, solicit for, or conduct a

56-1 course of instruction in this state before the later of:

56-2 (1) the 30th day after the date the school applies for
56-3 a driver training school license; or

56-4 (2) the date the school receives a driver training
56-5 school license from the department [~~commissioner~~].

56-6 SECTION 167. Subsections (d) and (e), Section 1001.453,
56-7 Education Code, are amended to read as follows:

56-8 (d) Subchapter F, Chapter 51, Occupations Code, Section
56-9 51.353, Occupations Code, and Sections [~~1001.454,~~] 1001.456(a)[~~7~~]
56-10 and 1001.553 of this code do not apply to a violation of this
56-11 section or a rule adopted under this section.

56-12 (e) Section 51.352, Occupations Code, and Sections
56-13 1001.455(a)(6), 1001.501, [~~1001.551, 1001.552,~~] and 1001.554 of
56-14 this code do not apply to a violation of this section.

56-15 SECTION 168. Section 1001.455, Education Code, is amended
56-16 to read as follows:

56-17 Sec. 1001.455. DENIAL, SUSPENSION, OR REVOCATION OF
56-18 INSTRUCTOR LICENSE. (a) The executive director [~~agency~~] may deny
56-19 an application for an instructor license or suspend or revoke the
56-20 license of an instructor if the instructor:

56-21 (1) fails to meet a requirement for issuance of or
56-22 holding a license under this chapter;

56-23 (2) permits fraud or engages in fraudulent practices
56-24 relating to the application;

56-25 (3) induces or countenances fraud or fraudulent
56-26 practices on the part of an applicant for a driver's license or
56-27 permit;

56-28 (4) permits or engages in any other fraudulent
56-29 practice in an action between the applicant or license holder and
56-30 the public;

56-31 (5) fails to comply with commission [~~agency~~] rules
56-32 relating to driver instruction; or

56-33 (6) fails to comply with this chapter.

56-34 (b) Not later than the 10th day after the date of a denial,
56-35 suspension, or revocation under this section, the department
56-36 [~~agency~~] shall notify the applicant or license holder of that
56-37 action by certified mail.

56-38 SECTION 169. Section 1001.456, Education Code, is amended
56-39 to read as follows:

56-40 Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the
56-41 executive director [~~agency~~] believes that a driver education school
56-42 or instructor has violated this chapter or a rule adopted under this
56-43 chapter, the executive director [~~agency~~] may, without notice:

56-44 (1) order a peer review;

56-45 (2) suspend the enrollment of students in the school
56-46 or the offering of instruction by the instructor; or

56-47 (3) suspend the right to purchase driver education
56-48 certificates.

56-49 (b) If the executive director [~~agency~~] believes that a
56-50 course provider, driving safety school, or driving safety
56-51 instructor has violated this chapter or a rule adopted under this
56-52 chapter, the executive director [~~agency~~] may, without notice:

56-53 (1) order a peer review of the course provider,
56-54 driving safety school, or driving safety instructor;

56-55 (2) suspend the enrollment of students in the school
56-56 or the offering of instruction by the instructor; or

56-57 (3) suspend the right to purchase course completion
56-58 certificate numbers.

56-59 (c) A peer review ordered under this section must be
56-60 conducted by a team of knowledgeable persons selected by the
56-61 department [~~agency~~]. The team shall provide the department
56-62 [~~agency~~] with an objective assessment of the content of the
56-63 school's or course provider's curriculum and its application. The
56-64 school or course provider shall pay the costs of the peer review.

56-65 (d) A suspension of enrollment under Subsection (a)(2) or
56-66 (b)(2) means a ruling by the executive director [~~commissioner~~] that
56-67 restricts a school from:

56-68 (1) accepting enrollments or reenrollments;

56-69 (2) advertising;

57-1 (3) soliciting; or
 57-2 (4) directly or indirectly advising prospective
 57-3 students of its program or course offerings.

57-4 SECTION 170. Section 1001.458, Education Code, is amended
 57-5 to read as follows:

57-6 Sec. 1001.458. SURRENDER OF LICENSE. (a) A license holder
 57-7 whose license is suspended or revoked shall surrender the license
 57-8 to the department [~~agency~~] not later than the fifth day after the
 57-9 date of suspension or revocation.

57-10 (b) The department [~~agency~~] may reinstate a suspended
 57-11 license on full compliance by the license holder with this chapter.

57-12 SECTION 171. Section 1001.459, Education Code, is amended
 57-13 to read as follows:

57-14 Sec. 1001.459. APPEAL AND REQUEST FOR HEARING. (a) A
 57-15 person aggrieved by a denial, suspension, or revocation of a
 57-16 license may appeal the action and request a hearing before the State
 57-17 Office of Administrative Hearings, which shall promptly set a
 57-18 hearing date and give written notice of the time and place of the
 57-19 hearing to the person. An administrative law judge of the State
 57-20 Office of Administrative Hearings shall conduct the hearing
 57-21 [~~commissioner~~].

57-22 (b) The administrative law judge shall make findings of fact
 57-23 and conclusions of law and promptly issue to the commission a
 57-24 proposal for a decision about the appealed action [~~request must be~~
 57-25 ~~submitted not later than the 15th day after the date the person~~
 57-26 ~~receives notice under Section 1001.455. On receipt of a request for~~
 57-27 ~~a hearing, the commissioner shall set a time and place for the~~
 57-28 ~~hearing and send notice of the time and place to the aggrieved~~
 57-29 ~~person~~].

57-30 SECTION 172. Subsections (a), (b), and (c), Section
 57-31 1001.553, Education Code, are amended to read as follows:

57-32 (a) After an opportunity for a hearing, the executive
 57-33 director or commission [~~commissioner~~] may impose an administrative
 57-34 penalty on a person who violates this chapter or a rule adopted
 57-35 under this chapter.

57-36 (b) The amount of the penalty may not exceed \$5,000 [~~\$1,000~~]
 57-37 a day for each violation.

57-38 (c) An administrative penalty under this section shall be
 57-39 imposed and collected as provided by Subchapter F, Chapter 51,
 57-40 Occupations Code. [~~The attorney general, at the request of the~~
 57-41 ~~agency, may bring an action to collect the penalty.~~]

57-42 SECTION 173. Subsection (b), Section 1001.555, Education
 57-43 Code, is amended to read as follows:

57-44 (b) The department [~~agency~~] shall contract with the
 57-45 Department of Public Safety [~~department~~] to provide undercover and
 57-46 investigative assistance in the enforcement of Subsection (a).

57-47 SECTION 174. Subsections (a) and (l), Article 15.27, Code
 57-48 of Criminal Procedure, are amended to read as follows:

57-49 (a) A law enforcement agency that arrests any person or
 57-50 refers a child to the office or official designated by the juvenile
 57-51 board who the agency believes is enrolled as a student in a public
 57-52 primary or secondary school, for an offense listed in Subsection
 57-53 (h), shall attempt to ascertain whether the person is so enrolled.
 57-54 If the law enforcement agency ascertains that the individual is
 57-55 enrolled as a student in a public primary or secondary school, the
 57-56 head of the agency or a person designated by the head of the agency
 57-57 shall orally notify the superintendent or a person designated by
 57-58 the superintendent in the school district in which the student is
 57-59 enrolled of that arrest or referral within 24 hours after the arrest
 57-60 or referral is made, or before the next school day, whichever is
 57-61 earlier. If the law enforcement agency cannot ascertain whether
 57-62 the individual is enrolled as a student, the head of the agency or a
 57-63 person designated by the head of the agency shall orally notify the
 57-64 superintendent or a person designated by the superintendent in the
 57-65 school district in which the student is believed to be enrolled of
 57-66 that arrest or detention within 24 hours after the arrest or
 57-67 detention, or before the next school day, whichever is earlier. If
 57-68 the individual is a student, the superintendent or the
 57-69 superintendent's designee shall immediately notify all

58-1 instructional and support personnel who have responsibility for
 58-2 supervision of the student. All personnel shall keep the
 58-3 information received in this subsection confidential. The
 58-4 commissioner of education [~~State Board for Educator Certification~~]
 58-5 may revoke or suspend the certification of personnel who
 58-6 intentionally violate this subsection. Within seven days after the
 58-7 date the oral notice is given, the head of the law enforcement
 58-8 agency or the person designated by the head of the agency shall mail
 58-9 written notification, marked "PERSONAL and CONFIDENTIAL" on the
 58-10 mailing envelope, to the superintendent or the person designated by
 58-11 the superintendent. The written notification must include the
 58-12 facts contained in the oral notification, the name of the person who
 58-13 was orally notified, and the date and time of the oral notification.
 58-14 Both the oral and written notice shall contain sufficient details
 58-15 of the arrest or referral and the acts allegedly committed by the
 58-16 student to enable the superintendent or the superintendent's
 58-17 designee to determine whether there is a reasonable belief that the
 58-18 student has engaged in conduct defined as a felony offense by the
 58-19 Penal Code. The information contained in the notice shall be
 58-20 considered by the superintendent or the superintendent's designee
 58-21 in making such a determination.

58-22 (1) If a school district board of trustees learns of a
 58-23 failure by the superintendent of the district or a district
 58-24 principal to provide a notice required under Subsection (a), (a-1),
 58-25 or (b), the board of trustees shall report the failure to the
 58-26 commissioner of education [~~State Board for Educator~~
 58-27 ~~Certification~~]. If the governing body of a private primary or
 58-28 secondary school learns of a failure by the principal of the school
 58-29 to provide a notice required under Subsection (e), and the
 58-30 principal holds a certificate issued under Subchapter B, Chapter
 58-31 21, Education Code, the governing body shall report the failure to
 58-32 the commissioner of education [~~State Board for Educator~~
 58-33 ~~Certification~~].

58-34 SECTION 175. Subsection (b), Article 42.018, Code of
 58-35 Criminal Procedure, is amended to read as follows:

58-36 (b) Not later than the fifth day after the date a person who
 58-37 holds a certificate issued under Subchapter B, Chapter 21,
 58-38 Education Code, is convicted or granted deferred adjudication on
 58-39 the basis of an offense, the clerk of the court in which the
 58-40 conviction or deferred adjudication is entered shall provide to the
 58-41 commissioner of education [~~State Board for Educator Certification~~]
 58-42 written notice of the person's conviction or deferred adjudication,
 58-43 including the offense on which the conviction or deferred
 58-44 adjudication was based.

58-45 SECTION 176. Subsection (b), Article 45.0511, Code of
 58-46 Criminal Procedure, is amended to read as follows:

58-47 (b) The judge shall require the defendant to successfully
 58-48 complete a driving safety course approved by the Texas Department
 58-49 of Licensing and Regulation [~~Education Agency~~] or a course under
 58-50 the motorcycle operator training and safety program approved by the
 58-51 designated state agency under Chapter 662, Transportation Code, if:

58-52 (1) the defendant elects driving safety course or
 58-53 motorcycle operator training course dismissal under this article;

58-54 (2) the defendant:

58-55 (A) has not completed an approved driving safety
 58-56 course or motorcycle operator training course, as appropriate,
 58-57 within the 12 months preceding the date of the offense; or

58-58 (B) does not have a valid Texas driver's license
 58-59 or permit, is a member, or the spouse or dependent child of a
 58-60 member, of the United States military forces serving on active
 58-61 duty, and has not completed a driving safety course or motorcycle
 58-62 operator training course, as appropriate, in another state within
 58-63 the 12 months preceding the date of the offense;

58-64 (3) the defendant enters a plea under Article 45.021
 58-65 in person or in writing of no contest or guilty on or before the
 58-66 answer date on the notice to appear and:

58-67 (A) presents in person or by counsel to the court
 58-68 a request to take a course; or

58-69 (B) sends to the court by certified mail, return

59-1 receipt requested, postmarked on or before the answer date on the
 59-2 notice to appear, a written request to take a course;
 59-3 (4) the defendant:
 59-4 (A) has a valid Texas driver's license or permit;
 59-5 or
 59-6 (B) is a member, or the spouse or dependent child
 59-7 of a member, of the United States military forces serving on active
 59-8 duty;
 59-9 (5) the defendant is charged with an offense to which
 59-10 this article applies, other than speeding at a speed of:
 59-11 (A) 95 miles per hour or more; or
 59-12 (B) 25 miles per hour or more over the posted
 59-13 speed limit; and
 59-14 (6) the defendant provides evidence of financial
 59-15 responsibility as required by Chapter 601, Transportation Code.

59-16 SECTION 177. Subsections (d) and (e), Section 261.308,
 59-17 Family Code, are amended to read as follows:

59-18 (d) The department shall release information regarding a
 59-19 person alleged to have committed abuse or neglect to persons who
 59-20 have control over the person's access to children, including, as
 59-21 appropriate, the Texas Education Agency, [~~the State Board for~~
 59-22 ~~Educator Certification,~~] the local school board or the school's
 59-23 governing body, the superintendent of the school district, or the
 59-24 school principal or director if the department determines that:

59-25 (1) the person alleged to have committed abuse or
 59-26 neglect poses a substantial and immediate risk of harm to one or
 59-27 more children outside the family of a child who is the subject of
 59-28 the investigation; and

59-29 (2) the release of the information is necessary to
 59-30 assist in protecting one or more children from the person alleged to
 59-31 have committed abuse or neglect.

59-32 (e) On request, the department shall release information
 59-33 about a person alleged to have committed abuse or neglect to the
 59-34 commissioner of education [~~State Board for Educator Certification]~~
 59-35 if the commissioner [~~board~~] has a reasonable basis for believing
 59-36 that the information is necessary to assist the commissioner
 59-37 [~~board~~] in protecting children from the person alleged to have
 59-38 committed abuse or neglect.

59-39 SECTION 178. Subsection (b), Section 261.406, Family Code,
 59-40 is amended to read as follows:

59-41 (b) The department shall send a copy of the completed report
 59-42 of the department's investigation to the Texas Education Agency,
 59-43 [~~the State Board for Educator Certification,~~] the local school
 59-44 board or the school's governing body, the superintendent of the
 59-45 school district, and the school principal or director, unless the
 59-46 principal or director is alleged to have committed the abuse or
 59-47 neglect, for appropriate action. On request, the department shall
 59-48 provide a copy of the report of investigation to the parent,
 59-49 managing conservator, or legal guardian of a child who is the
 59-50 subject of the investigation and to the person alleged to have
 59-51 committed the abuse or neglect. The report of investigation shall
 59-52 be edited to protect the identity of the persons who made the report
 59-53 of abuse or neglect. Other than the persons authorized by the
 59-54 section to receive a copy of the report, Section 261.201(b) applies
 59-55 to the release of the report relating to the investigation of abuse
 59-56 or neglect under this section and to the identity of the person who
 59-57 made the report of abuse or neglect.

59-58 SECTION 179. Subsection (i), Section 411.081, Government
 59-59 Code, is amended to read as follows:

59-60 (i) A criminal justice agency may disclose criminal history
 59-61 record information that is the subject of an order of nondisclosure
 59-62 under Subsection (d) to the following noncriminal justice agencies
 59-63 or entities only:

- 59-64 (1) [~~the State Board for Educator Certification,~~
 59-65 ~~(2)~~] a school district, charter school, private
 59-66 school, regional education service center, commercial
 59-67 transportation company, or education shared service arrangement;
- 59-68 (2) [~~(3)~~] the Texas Medical Board;
- 59-69 (3) [~~(4)~~] the Texas School for the Blind and Visually

60-1 Impaired;

60-2 (4) [~~(5)~~] the Board of Law Examiners;

60-3 (5) [~~(6)~~] the State Bar of Texas;

60-4 (6) [~~(7)~~] a district court regarding a petition for

60-5 name change under Subchapter B, Chapter 45, Family Code;

60-6 (7) [~~(8)~~] the Texas School for the Deaf;

60-7 (8) [~~(9)~~] the Department of Family and Protective

60-8 Services;

60-9 (9) [~~(10)~~] the Texas Juvenile Justice Department

60-10 [~~Youth Commission~~];

60-11 (10) [~~(11)~~] the Department of Assistive and

60-12 Rehabilitative Services;

60-13 (11) [~~(12)~~] the Department of State Health Services, a

60-14 local mental health service, a local mental retardation authority,

60-15 or a community center providing services to persons with mental

60-16 illness or retardation;

60-17 (12) [~~(13)~~] the Texas Private Security Board;

60-18 (13) [~~(14)~~] a municipal or volunteer fire department;

60-19 (14) [~~(15)~~] the Texas Board of Nursing;

60-20 (15) [~~(16)~~] a safe house providing shelter to children

60-21 in harmful situations;

60-22 (16) [~~(17)~~] a public or nonprofit hospital or hospital

60-23 district;

60-24 (17) [~~(18)~~] ~~the Texas Juvenile Probation Commission,~~

60-25 [~~(19)~~] the securities commissioner, the banking

60-26 commissioner, the savings and mortgage lending commissioner, the

60-27 consumer credit commissioner, or the credit union commissioner;

60-28 (18) [~~(20)~~] the Texas State Board of Public

60-29 Accountancy;

60-30 (19) [~~(21)~~] the Texas Department of Licensing and

60-31 Regulation;

60-32 (20) [~~(22)~~] the Health and Human Services Commission;

60-33 (21) [~~(23)~~] the Department of Aging and Disability

60-34 Services;

60-35 (22) [~~(24)~~] the Texas Education Agency;

60-36 (23) [~~(25)~~] the Guardianship Certification Board;

60-37 (24) [~~(26)~~] a county clerk's office in relation to a

60-38 proceeding for the appointment of a guardian under Chapter XIII,

60-39 Texas Probate Code;

60-40 (25) [~~(27)~~] the Department of Information Resources

60-41 but only regarding an employee, applicant for employment,

60-42 contractor, subcontractor, intern, or volunteer who provides

60-43 network security services under Chapter 2059 to:

60-44 (A) the Department of Information Resources; or

60-45 (B) a contractor or subcontractor of the

60-46 Department of Information Resources;

60-47 (26) [~~(28)~~] the Court Reporters Certification Board;

60-48 (27) [~~(29)~~] the Texas Department of Insurance; and

60-49 (28) [~~(30)~~] the Teacher Retirement System of Texas.

60-50 SECTION 180. Section 411.0901, Government Code, is amended

60-51 to read as follows:

60-52 Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD

60-53 INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education

60-54 Agency is entitled to obtain criminal history record information

60-55 maintained by the department about a person who:

60-56 (1) has applied to the commissioner of education for a

60-57 certificate under Subchapter B, Chapter 21, Education Code;

60-58 (2) is employed or is an applicant for employment by a

60-59 school district or open-enrollment charter school;

60-60 (3) [~~(2)~~] is employed or is an applicant for

60-61 employment by a shared services arrangement, if the employee's or

60-62 applicant's duties are or will be performed on school property or at

60-63 another location where students are regularly present; or

60-64 (4) [~~(3)~~] is employed or is an applicant for

60-65 employment by an entity that contracts with a school district,

60-66 open-enrollment charter school, or shared services arrangement if:

60-67 (A) the employee or applicant has or will have

60-68 continuing duties relating to the contracted services; and

60-69 (B) the employee or applicant has or will have

61-1 direct contact with students.

61-2 (b) Criminal history record information obtained by the
61-3 agency in the original form or any subsequent form:

61-4 (1) may be used only for a purpose authorized by the
61-5 Education Code;

61-6 (2) may not be released to any person except:

61-7 (A) the person who is the subject of the
61-8 information;

61-9 (B) [~~the State Board for Educator Certification,~~
61-10 [~~(C)~~] a local or regional educational entity as
61-11 provided by Section 411.097; or

61-12 (C) [~~(D)~~] by court order;

61-13 (3) is not subject to disclosure as provided by
61-14 Chapter 552; and

61-15 (4) shall be destroyed by the agency after the
61-16 information is used for the authorized purposes.

61-17 (c) The department shall notify the agency of the arrest of
61-18 any educator, as defined by Section 5.001, Education Code, who has
61-19 fingerprints on file with the department. Any record of the
61-20 notification and any information contained in the notification are
61-21 not subject to disclosure as provided by Chapter 552.

61-22 SECTION 181. Subsection (d), Section 411.097, Government
61-23 Code, is amended to read as follows:

61-24 (d) Criminal history record information obtained by a
61-25 school district, charter school, private school, service center,
61-26 commercial transportation company, or shared services arrangement
61-27 in the original form or any subsequent form:

61-28 (1) may not be released to any person except:

61-29 (A) the individual who is the subject of the
61-30 information;

61-31 (B) the Texas Education Agency;

61-32 (C) [~~the State Board for Educator Certification,~~
61-33 [~~(D)~~] the chief personnel officer of the

61-34 transportation company, if the information is obtained under
61-35 Subsection (a)(2); or

61-36 (D) [~~(E)~~] by court order;

61-37 (2) is not subject to disclosure as provided by
61-38 Chapter 552; and

61-39 (3) shall be destroyed by the school district, charter
61-40 school, private school, service center, commercial transportation
61-41 company, or shared services arrangement on the earlier of:

61-42 (A) the first anniversary of the date the
61-43 information was originally obtained; or

61-44 (B) the date the information is used for the
61-45 authorized purpose.

61-46 SECTION 182. Subsection (a), Section 654.011, Government
61-47 Code, is amended to read as follows:

61-48 (a) The position classification plan and the salary rates
61-49 and provisions in the General Appropriations Act apply to all
61-50 hourly, part-time, temporary, and regular, full-time salaried
61-51 employments in the state departments, agencies, or judicial
61-52 entities specified in the articles of the General Appropriations
61-53 Act that appropriate money to:

61-54 (1) general government agencies;

61-55 (2) health and human services agencies;

61-56 (3) the judiciary, except for judges, district
61-57 attorneys, and assistant district attorneys;

61-58 (4) public safety and criminal justice agencies;

61-59 (5) natural resources agencies;

61-60 (6) business and economic development agencies;

61-61 (7) regulatory agencies; and

61-62 (8) agencies of public education, but only the Texas
61-63 Education Agency, the Texas School for the Blind and Visually
61-64 Impaired, [~~the State Board for Educator Certification,~~] and the
61-65 Texas School for the Deaf.

61-66 SECTION 183. Subdivision (7), Section 821.001, Government
61-67 Code, is amended to read as follows:

61-68 (7) "Employer" means any agents or agencies in the
61-69 state responsible for public education, including the governing

62-1 board of any school district created under the laws of this state,
62-2 any county school board, the board of trustees, the board of regents
62-3 of any college or university, or any other legally constituted
62-4 board or agency of any public school, but excluding the State Board
62-5 of Education and~~[,]~~ the Texas Education Agency~~[, and the State~~
62-6 ~~Board for Educator Certification]~~.

62-7 SECTION 184. Section 821.103, Government Code, is amended
62-8 to read as follows:

62-9 Sec. 821.103. CANCELLATION OF TEACHER CERTIFICATE.

62-10 (a) After receiving notice from the board of trustees of an
62-11 offense under Section 821.101 and after complying with Chapter 2001
62-12 and rules adopted by the commissioner of education [~~State Board for~~
62-13 ~~Educator Certification]~~, the commissioner [~~State Board for~~
62-14 ~~Educator Certification]~~ may cancel the teacher certificate of a
62-15 person if the commissioner [~~State Board for Educator Certification]~~
62-16 determines that the person committed the offense.

62-17 (b) The commissioner of education [~~executive director of~~
62-18 ~~the State Board for Educator Certification]~~ may enter into an
62-19 agreed sanction.

62-20 (c) A criminal prosecution of an offender under Section
62-21 821.101 is not a prerequisite to action by the Texas Education
62-22 Agency [~~State Board for Educator Certification]~~ or the commissioner
62-23 of education [~~its executive director]~~.

62-24 SECTION 185. Subsection (a), Section 2054.352, Government
62-25 Code, is amended to read as follows:

62-26 (a) The following licensing entities shall participate in
62-27 the system established under Section 2054.353:

- 62-28 (1) Texas Board of Chiropractic Examiners;
- 62-29 (2) Court Reporters Certification Board;
- 62-30 (3) State Board of Dental Examiners;
- 62-31 (4) Texas Funeral Service Commission;
- 62-32 (5) Texas Board of Professional Land Surveying;
- 62-33 (6) Texas Medical Board;
- 62-34 (7) Texas Board of Nursing;
- 62-35 (8) Texas Optometry Board;
- 62-36 (9) Department of Agriculture, for licenses issued
62-37 under Chapter 1951, Occupations Code;
- 62-38 (10) Texas State Board of Pharmacy;
- 62-39 (11) Executive Council of Physical Therapy and
62-40 Occupational Therapy Examiners;
- 62-41 (12) Texas State Board of Plumbing Examiners;
- 62-42 (13) Texas State Board of Podiatric Medical Examiners;
- 62-43 (14) Texas State Board of Examiners of Psychologists;
- 62-44 (15) State Board of Veterinary Medical Examiners;
- 62-45 (16) Texas Real Estate Commission;
- 62-46 (17) Texas Appraiser Licensing and Certification
62-47 Board;
- 62-48 (18) Texas Department of Licensing and Regulation;
- 62-49 (19) Texas State Board of Public Accountancy;
- 62-50 (20) commissioner of education, for certificates
62-51 issued under Subchapter B, Chapter 21, Education Code [~~State Board~~
62-52 ~~for Educator Certification]~~;
- 62-53 (21) Texas Board of Professional Engineers;
- 62-54 (22) Department of State Health Services;
- 62-55 (23) Texas Board of Architectural Examiners;
- 62-56 (24) Texas Racing Commission;
- 62-57 (25) Commission on Law Enforcement Officer Standards
62-58 and Education; and
- 62-59 (26) Texas Private Security Board.

62-60 SECTION 186. Subsection (a), Section 48.102, Human
62-61 Resources Code, is amended to read as follows:

62-62 (a) The department shall send a written report of the
62-63 department's investigation of alleged abuse, neglect, or
62-64 exploitation of a disabled adult at a school, as appropriate, to the
62-65 Texas Education Agency, [~~the agency responsible for teacher~~
62-66 ~~certification]~~, the local school board or the school's governing
62-67 body, and the school principal or director, unless the principal or
62-68 director is alleged to have committed the abuse, neglect, or
62-69 exploitation. The entity to which the report is sent shall take

63-1 appropriate action.

63-2 SECTION 187. Subtitle B, Title 4, Labor Code, is amended by
63-3 adding Chapter 315 to read as follows:

63-4 CHAPTER 315. ADULT EDUCATION PROGRAMS

63-5 Sec. 315.001. DEFINITIONS. In this chapter:

63-6 (1) "Adult" means any individual who is over the age of
63-7 compulsory school attendance prescribed by Section 25.085,
63-8 Education Code.

63-9 (2) "Adult education" means services and instruction
63-10 provided below the college level for adults by public local
63-11 education agencies, public nonprofit agencies, or community-based
63-12 organizations.

63-13 (3) "Community-based organization" has the meaning
63-14 assigned by 20 U.S.C. Section 7801.

63-15 Sec. 315.002. COMMISSION DUTIES. (a) The commission
63-16 shall:

63-17 (1) provide adequate staffing to develop, administer,
63-18 and support a comprehensive statewide adult education program and
63-19 coordinate related federal and state programs for the education and
63-20 training of adults;

63-21 (2) develop the mechanism and guidelines for the
63-22 coordination of comprehensive adult education and related skill
63-23 training services for adults with other entities, including public
63-24 agencies and private organizations, in planning, developing, and
63-25 implementing related programs;

63-26 (3) administer all state and federal funds for adult
63-27 education and related skill training services in this state, other
63-28 than funds that another entity is specifically authorized to
63-29 administer under other law;

63-30 (4) prescribe and administer standards and
63-31 accrediting policies for adult education;

63-32 (5) prescribe and administer rules for teacher
63-33 certification for adult education;

63-34 (6) accept and administer grants, gifts, services, and
63-35 funds from available sources for use in adult education;

63-36 (7) adopt or develop and administer a standardized
63-37 assessment mechanism for assessing all adult education program
63-38 participants who need literacy instruction, adult basic education,
63-39 or secondary education leading to an adult high school diploma or
63-40 the equivalent;

63-41 (8) monitor and evaluate educational and employment
63-42 outcomes of students who participate in the commission's adult
63-43 education and literacy programs; and

63-44 (9) collaborate with the Texas Education Agency to
63-45 improve the coordination and implementation of adult education and
63-46 literacy services in this state.

63-47 (b) The assessment mechanism prescribed by Subsection
63-48 (a)(7) must include an initial basic skills screening instrument
63-49 and must provide comprehensive information concerning baseline
63-50 student skills before and student progress after participation in
63-51 an adult education program.

63-52 (c) The commission may adopt rules for the administration of
63-53 this chapter.

63-54 Sec. 315.003. PROVISION OF ADULT EDUCATION PROGRAMS. Adult
63-55 education programs must be provided by public school districts,
63-56 public junior colleges, public universities, public nonprofit
63-57 agencies, and community-based organizations approved in accordance
63-58 with state statutes and rules adopted by the commission. The
63-59 programs must be designed to meet the education and training needs
63-60 of adults to the extent possible using available public and private
63-61 resources. Bilingual education may be used to instruct students
63-62 who do not function satisfactorily in English whenever it is
63-63 appropriate for those students' optimum development.

63-64 Sec. 315.004. ADULT EDUCATION ASSESSMENT. The commission
63-65 shall, in consultation with the Texas Higher Education Coordinating
63-66 Board, review the standardized assessment mechanism required under
63-67 Section 315.002(a)(7) and recommend any changes necessary to align
63-68 the assessment with the assessments designated under Section
63-69 51.3062, Education Code, to allow for the proper placement of a

64-1 student in an adult basic education course or to provide the student
 64-2 with the proper developmental or English as a second language
 64-3 course work, as appropriate.

64-4 Sec. 315.005. ADULT EDUCATION ADVISORY COMMITTEE. (a) In
 64-5 this section, "advisory committee" means the adult education
 64-6 advisory committee created under this section.

64-7 (b) The commission shall establish an adult education
 64-8 advisory committee composed of not more than seven members
 64-9 appointed by the commission. Members of the advisory committee
 64-10 must have expertise in the field of adult education and may include
 64-11 adult educators, providers, advocates, and current or former adult
 64-12 education program students.

64-13 (c) The advisory committee shall advise the commission on:

64-14 (1) the development of policies and program priorities
 64-15 that support the development of an educated and skilled workforce
 64-16 in this state; and

64-17 (2) any other issue the commission considers
 64-18 appropriate.

64-19 Sec. 315.006. STATE FUNDING. (a) Funds shall be
 64-20 appropriated to implement statewide adult basic education, adult
 64-21 bilingual education, high school equivalency, and high school
 64-22 credit programs to eliminate illiteracy in this state and to
 64-23 implement and support a statewide program to meet the total range of
 64-24 adult needs for adult education and related skill training. The
 64-25 commission shall ensure that public local education agencies,
 64-26 public nonprofit agencies, and community-based organizations have
 64-27 direct and equitable access to those funds.

64-28 (b) In addition to any amount appropriated under Subsection
 64-29 (a), the legislature may appropriate an additional amount to the
 64-30 commission for the purpose of skill training in direct support of
 64-31 industrial expansion and new business development in locations,
 64-32 industries, and occupations designated by the commission, if the
 64-33 training supports the basic purposes of this chapter. To support
 64-34 the basic purposes of this chapter, the legislature may also
 64-35 appropriate an additional amount to the commission for skill
 64-36 training that is conducted to support the expansion of civilian
 64-37 employment opportunities on United States military reservations.

64-38 Sec. 315.007. SERVICE PROVIDER CONTRACTS: COMPETITIVE
 64-39 PROCUREMENT REQUIREMENT. (a) The commission shall use a
 64-40 competitive procurement process to award a contract to a service
 64-41 provider of an adult education program.

64-42 (b) The commission shall adopt rules to administer this
 64-43 section.

64-44 SECTION 188. Subsection (g), Section 302.062, Labor Code,
 64-45 is amended to read as follows:

64-46 (g) Block grant funding under this section does not apply
 64-47 to:

64-48 (1) the work and family policies program under Chapter
 64-49 81;

64-50 (2) a program under the skills development fund
 64-51 created under Chapter 303;

64-52 (3) the job counseling program for displaced
 64-53 homemakers under Chapter 304;

64-54 (4) the Communities In Schools program under
 64-55 Subchapter E, Chapter 33, Education Code, to the extent that funds
 64-56 are available to the commission for that program;

64-57 (5) the reintegration of offenders program under
 64-58 Chapter 306;

64-59 (6) apprenticeship programs under Chapter 133,
 64-60 Education Code;

64-61 (7) the continuity of care program under Section
 64-62 501.095, Government Code;

64-63 (8) employment programs under Chapter 31, Human
 64-64 Resources Code;

64-65 (9) the senior citizens employment program under
 64-66 Chapter 101, Human Resources Code;

64-67 (10) the programs described by Section 302.021(b)(2);

64-68 (11) the community service program under the National
 64-69 and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);

65-1 (12) the trade adjustment assistance program under
65-2 Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et
65-3 seq.);

65-4 (13) the programs to enhance the employment
65-5 opportunities of veterans; ~~and~~

65-6 (14) the functions of the State Occupational
65-7 Information Coordinating Committee; and

65-8 (15) the adult education program under Chapter 315.

65-9 SECTION 189. Subsection (b), Section 504.002, Occupations
65-10 Code, is amended to read as follows:

65-11 (b) This chapter does not apply to an activity or service of
65-12 a person who:

65-13 (1) is employed as a counselor by a federal
65-14 institution and is providing chemical dependency counseling within
65-15 the scope of the person's employment;

65-16 (2) except as provided by Section 504.1515, is a
65-17 student, intern, or trainee pursuing a supervised course of study
65-18 in counseling at a regionally accredited institution of higher
65-19 education or training institution, if the person:

65-20 (A) is designated as a "counselor intern"; and

65-21 (B) is engaging in the activity or providing the
65-22 service as part of the course of study;

65-23 (3) is not a resident of this state, if the person:

65-24 (A) engages in the activity or provides the
65-25 service in this state for not more than 30 days during any year; and

65-26 (B) is authorized to engage in the activity or
65-27 provide the service under the law of the state of the person's
65-28 residence;

65-29 (4) is a licensed physician, psychologist,
65-30 professional counselor, or social worker;

65-31 (5) is a religious leader of a congregation providing
65-32 pastoral chemical dependency counseling within the scope of the
65-33 person's duties;

65-34 (6) is working for or providing counseling with a
65-35 program exempt under Subchapter C, Chapter 464, Health and Safety
65-36 Code;

65-37 (7) is a school counselor certified by the
65-38 commissioner of education [~~State Board for Educator~~
65-39 ~~Certification~~]; or

65-40 (8) provides chemical dependency counseling through a
65-41 program or in a facility that receives funding from the Texas
65-42 Department of Criminal Justice and who is credentialed as:

65-43 (A) a certified criminal justice addictions
65-44 professional by the International Certification and Reciprocity
65-45 Consortium; or

65-46 (B) having certified criminal justice
65-47 professional applicant status issued by the Texas Certification
65-48 Board of Addiction Professionals.

65-49 SECTION 190. Subsection (b), Section 501.004,
65-50 Transportation Code, is amended to read as follows:

65-51 (b) This chapter does not apply to:

65-52 (1) a trailer or semitrailer used only for the
65-53 transportation of farm products if the products are not transported
65-54 for hire;

65-55 (2) the filing or recording of a lien that is created
65-56 only on an automobile accessory, including a tire, radio, or
65-57 heater;

65-58 (3) a motor vehicle while it is owned or operated by
65-59 the United States; or

65-60 (4) a new motor vehicle on loan to a political
65-61 subdivision of the state for use only in a driver education course
65-62 approved by the Texas Department of Licensing and Regulation
65-63 [~~Central Education Agency~~].

65-64 SECTION 191. Section 521.1601, Transportation Code, as
65-65 added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature,
65-66 Regular Session, 2009, is amended to read as follows:

65-67 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
65-68 may not issue a driver's license to a person who is younger than 21
65-69 years of age unless the person submits to the department a driver

66-1 education certificate issued under Chapter 1001, Education Code,
 66-2 that states that the person has completed and passed:

66-3 (1) a driver education and traffic safety course
 66-4 approved by the Texas Department of Licensing and Regulation
 66-5 [~~Education Agency~~] under Section 29.902, Education Code, or a
 66-6 driver education course approved by the Texas Department of
 66-7 Licensing and Regulation [~~that agency~~] under Section 1001.101 of
 66-8 that code or approved by the department under Section 521.205; or

66-9 (2) if the person is 18 years of age or older, a driver
 66-10 education course approved by the Texas Department of Licensing and
 66-11 Regulation [~~Education Agency~~] under Section 1001.101 or 1001.1015,
 66-12 Education Code.

66-13 SECTION 192. Section 521.1601, Transportation Code, as
 66-14 added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature,
 66-15 Regular Session, 2009, is amended to read as follows:

66-16 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
 66-17 may not issue a driver's license to a person who is younger than 25
 66-18 years of age unless the person submits to the department a driver
 66-19 education certificate issued under Chapter 1001, Education Code,
 66-20 that states that the person has completed and passed:

66-21 (1) a driver education and traffic safety course
 66-22 approved by the Texas Department of Licensing and Regulation
 66-23 [~~Education Agency~~] under Section 29.902, Education Code, or a
 66-24 driver education course approved by the Texas Department of
 66-25 Licensing and Regulation [~~that agency~~] under Section 1001.101
 66-26 [~~1001.101(a)(1)~~] of that code or approved by the department under
 66-27 Section 521.205; or

66-28 (2) if the person is 18 years of age or older, a driver
 66-29 education course approved by the Texas Department of Licensing and
 66-30 Regulation [~~Education Agency~~] under Section 1001.101 or 1001.1015
 66-31 [~~Section 1001.101(a)(1) or (2)~~], Education Code.

66-32 SECTION 193. Subsection (a), Section 521.1655,
 66-33 Transportation Code, is amended to read as follows:

66-34 (a) A driver education school licensed under Chapter 1001,
 66-35 Education Code, [~~the Texas Driver and Traffic Safety Education Act~~
 66-36 [~~Article 4413(29c), Vernon's Texas Civil Statutes~~)] may administer
 66-37 to a student of that school the vision, highway sign, and traffic
 66-38 law parts of the examination required by Section 521.161.

66-39 SECTION 194. Section 521.167, Transportation Code, as added
 66-40 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
 66-41 Session, 2009, is amended to read as follows:

66-42 Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION
 66-43 REQUIREMENTS. A person who has completed and passed a driver
 66-44 education course approved by the Texas Department of Licensing and
 66-45 Regulation [~~Education Agency~~] under Section 1001.1015, Education
 66-46 Code, is not required to take the highway sign and traffic law parts
 66-47 of the examination required under Section 521.161 if those parts
 66-48 have been successfully completed as determined by a licensed driver
 66-49 education instructor.

66-50 SECTION 195. Section 521.203, Transportation Code, is
 66-51 amended to read as follows:

66-52 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
 66-53 department may not issue a Class A or Class B driver's license to a
 66-54 person who:

66-55 (1) is under 17 years of age;
 66-56 (2) is under 18 years of age unless the person has
 66-57 completed a driver training course approved by the Texas Department
 66-58 of Licensing and Regulation [~~Central Education Agency~~]; or

66-59 (3) has not provided the department with an affidavit,
 66-60 on a form prescribed by the department, that states that no vehicle
 66-61 that the person will drive that requires a Class A or Class B
 66-62 license is a commercial motor vehicle as defined by Section
 66-63 522.003.

66-64 SECTION 196. Subsection (a), Section 521.204,
 66-65 Transportation Code, is amended to read as follows:

66-66 (a) The department may issue a Class C driver's license to
 66-67 an applicant under 18 years of age only if the applicant:

66-68 (1) is 16 years of age or older;
 66-69 (2) has submitted to the department a driver education

67-1 certificate issued under Section 1001.055, Education Code, that
 67-2 states that the person has completed and passed a driver education
 67-3 course approved by the department under Section 521.205 or by the
 67-4 Texas Department of Licensing and Regulation [~~Education Agency~~];

67-5 (3) has obtained a high school diploma or its
 67-6 equivalent or is a student:

67-7 (A) enrolled in a public school, home school, or
 67-8 private school who attended school for at least 80 days in the fall
 67-9 or spring semester preceding the date of the driver's license
 67-10 application; or

67-11 (B) who has been enrolled for at least 45 days,
 67-12 and is enrolled as of the date of the application, in a program to
 67-13 prepare persons to pass the high school equivalency exam;

67-14 (4) has submitted to the department written parental
 67-15 or guardian permission:

67-16 (A) for the department to access the applicant's
 67-17 school enrollment records maintained by the Texas Education Agency;
 67-18 and

67-19 (B) for a school administrator or law enforcement
 67-20 officer to notify the department in the event that the person has
 67-21 been absent from school for at least 20 consecutive instructional
 67-22 days; and

67-23 (5) has passed the examination required by Section
 67-24 521.161.

67-25 SECTION 197. Subsections (b) and (d), Section 521.205,
 67-26 Transportation Code, are amended to read as follows:

67-27 (b) The department may not approve a course unless it
 67-28 determines that the course materials are at least equal to those
 67-29 required in a course approved by the Texas Department of Licensing
 67-30 and Regulation [~~Education Agency~~], except that the department may
 67-31 not require that:

67-32 (1) the classroom instruction be provided in a room
 67-33 with particular characteristics or equipment; or

67-34 (2) the vehicle used for the behind-the-wheel
 67-35 instruction have equipment other than the equipment otherwise
 67-36 required by law for operation of the vehicle on a highway while the
 67-37 vehicle is not being used for driver training.

67-38 (d) Completion of a driver education course approved under
 67-39 this section has the same effect under this chapter as completion of
 67-40 a driver education course approved by the Texas Department of
 67-41 Licensing and Regulation [~~Education Agency~~].

67-42 SECTION 198. Subsections (a) and (c), Section 521.222,
 67-43 Transportation Code, are amended to read as follows:

67-44 (a) The department or a driver education school licensed
 67-45 under Chapter 1001, Education Code, [~~the Texas Driver and Traffic~~
 67-46 ~~Safety Education Act (Article 4413(29c), Vernon's Texas Civil~~
 67-47 ~~Statutes)~~] may issue an instruction permit, including a Class A or
 67-48 Class B driver's license instruction permit, to a person who:

67-49 (1) is 15 years of age or older but under 18 years of
 67-50 age;

67-51 (2) has satisfactorily completed and passed the
 67-52 classroom phase of an approved driver education course, which may
 67-53 be a course approved under Section 521.205;

67-54 (3) meets the requirements imposed under Section
 67-55 521.204(a)(3) [~~521.204(3)~~]; and

67-56 (4) has passed each examination required under Section
 67-57 521.161 other than the driving test.

67-58 (c) A driver education school may issue an instruction
 67-59 permit to a person 18 years of age or older who has successfully
 67-60 passed:

67-61 (1) a six-hour adult classroom driver education course
 67-62 approved by the Texas Department of Licensing and Regulation
 67-63 [~~Education Agency~~]; and

67-64 (2) each part of the driver's examination required by
 67-65 Section 521.161 other than the driving test.

67-66 SECTION 199. Sections 543.111 and 543.112, Transportation
 67-67 Code, are amended to read as follows:

67-68 Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES.
 67-69 (a) The Texas Commission of Licensing and Regulation [~~State Board~~

68-1 ~~of Education]~~ shall enter into a memorandum of understanding with
 68-2 the Texas Department of Insurance for the interagency development
 68-3 of a curriculum for driving safety courses.

68-4 (b) The Texas Commission of Licensing and Regulation and
 68-5 Texas Department of Licensing and Regulation, as appropriate,
 68-6 ~~[Education Agency]~~ shall:

68-7 (1) adopt and administer comprehensive rules
 68-8 governing driving safety courses; and

68-9 (2) investigate options to develop and implement
 68-10 procedures to electronically transmit information pertaining to
 68-11 driving safety courses to municipal and justice courts.

68-12 Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE
 68-13 COMPLETION. (a) The Texas Commission of Licensing and Regulation
 68-14 ~~[Education Agency]~~ by rule shall provide for the design and
 68-15 distribution of uniform certificates of course completion so as to
 68-16 prevent to the greatest extent possible the unauthorized production
 68-17 or misuse of the certificates.

68-18 (b) The uniform certificate of course completion must
 68-19 include an identifying number by which the Texas Department of
 68-20 Licensing and Regulation ~~[Education Agency]~~, the court, or the
 68-21 department may verify its authenticity with the course provider and
 68-22 must be in a form adopted by the Texas Department of Licensing and
 68-23 Regulation ~~[Education Agency]~~.

68-24 (c) The Texas Department of Licensing and Regulation
 68-25 ~~[Education Agency]~~ shall issue duplicate uniform certificates of
 68-26 course completion. The Texas Commission of Licensing and
 68-27 Regulation ~~[State Board of Education]~~ by rule shall determine the
 68-28 amount of the fee to be charged for issuance of a duplicate
 68-29 certificate.

68-30 (d) A driving safety course provider shall electronically
 68-31 submit data identified by the Texas Department of Licensing and
 68-32 Regulation ~~[Education Agency]~~ pertaining to issued uniform
 68-33 certificates of course completion to the Texas Department of
 68-34 Licensing and Regulation ~~[agency]~~ as directed by the Texas
 68-35 Department of Licensing and Regulation ~~[agency]~~.

68-36 SECTION 200. Subsections (a) and (c), Section 543.113,
 68-37 Transportation Code, are amended to read as follows:

68-38 (a) The Texas Department of Licensing and Regulation
 68-39 ~~[Education Agency]~~ shall print the uniform certificates and supply
 68-40 them to persons who are licensed providers of courses approved
 68-41 under Chapter 1001, Education Code ~~[the Texas Driver and Traffic~~
 68-42 ~~Safety Education Act (Article 4413(29c), Vernon's Texas Civil~~
 68-43 ~~Statutes)]~~. The Texas Commission of Licensing and Regulation by
 68-44 rule shall establish ~~[Agency may charge]~~ a fee for each
 68-45 certificate. ~~[The fee may not exceed \$4.]~~

68-46 (c) Money collected by the Texas Department of Licensing and
 68-47 Regulation ~~[Education Agency]~~ under this section may be used only
 68-48 to pay monetary awards for information relating to abuse of uniform
 68-49 certificates that leads to the conviction or removal of an
 68-50 approval, license, or authorization.

68-51 SECTION 201. Subsection (a), Section 543.114,
 68-52 Transportation Code, is amended to read as follows:

68-53 (a) A person may not distribute written information to
 68-54 advertise a provider of a driving safety course within 500 feet of a
 68-55 court having jurisdiction over an offense to which this subchapter
 68-56 applies. A violation of this section by a provider or a provider's
 68-57 agent, employee, or representative results in loss of the
 68-58 provider's status as a provider of a course approved under Chapter
 68-59 1001, Education Code ~~[the Texas Driver and Safety Education Act~~
 68-60 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)]~~.

68-61 SECTION 202. Subsection (g), Section 545.412,
 68-62 Transportation Code, is amended to read as follows:

68-63 (g) A judge, acting under Article 45.0511, Code of Criminal
 68-64 Procedure, who elects to defer further proceedings and to place a
 68-65 defendant accused of a violation of this section on probation under
 68-66 that article, in lieu of requiring the defendant to complete a
 68-67 driving safety course approved by the Texas Department of Licensing
 68-68 and Regulation ~~[Education Agency]~~, shall require the defendant to
 68-69 attend and present proof that the defendant has successfully

69-1 completed a specialized driving safety course approved by the Texas
69-2 Department of Licensing and Regulation [~~Education Agency~~] under
69-3 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
69-4 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]
69-5 that includes four hours of instruction that encourages the use of
69-6 child passenger safety seat systems and the wearing of seat belts
69-7 and emphasizes:

69-8 (1) the effectiveness of child passenger safety seat
69-9 systems and seat belts in reducing the harm to children being
69-10 transported in motor vehicles; and

69-11 (2) the requirements of this section and the penalty
69-12 for noncompliance.

69-13 SECTION 203. Subsection (i), Section 545.413,
69-14 Transportation Code, is amended to read as follows:

69-15 (i) A judge, acting under Article 45.0511, Code of Criminal
69-16 Procedure, who elects to defer further proceedings and to place a
69-17 defendant accused of a violation of Subsection (b) on probation
69-18 under that article, in lieu of requiring the defendant to complete a
69-19 driving safety course approved by the Texas Department of Licensing
69-20 and Regulation [~~Education Agency~~], shall require the defendant to
69-21 attend and present proof that the defendant has successfully
69-22 completed a specialized driving safety course approved by the Texas
69-23 Department of Licensing and Regulation [~~Education Agency~~] under
69-24 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
69-25 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]
69-26 that includes four hours of instruction that encourages the use of
69-27 child passenger safety seat systems and the wearing of seat belts
69-28 and emphasizes:

69-29 (1) the effectiveness of child passenger safety seat
69-30 systems and seat belts in reducing the harm to children being
69-31 transported in motor vehicles; and

69-32 (2) the requirements of this section and the penalty
69-33 for noncompliance.

69-34 SECTION 204. (a) The following provisions of the Education
69-35 Code are repealed:

- 69-36 (1) Section 7.009;
- 69-37 (2) Subsections (b) and (c), Section 7.021;
- 69-38 (3) Subdivisions (1), (2), (3), (4), (5), (6), (7),
69-39 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20),
69-40 (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31),
69-41 (32), (34), (35), (36), (37), (38), (39), and (41), Subsection (b),
69-42 Section 7.055;
- 69-43 (4) Subsection (c), Section 7.055;
- 69-44 (5) Subdivision (16), Subsection (c), Section 7.102;
- 69-45 (6) Subsection (c), Section 11.201;
- 69-46 (7) Section 11.254;
- 69-47 (8) Subsection (b), Section 12.1055;
- 69-48 (9) Subsection (b), Section 12.107;
- 69-49 (10) Subsection (b), Section 12.115;
- 69-50 (11) Section 13.052;
- 69-51 (12) Subsection (a), Section 21.007;
- 69-52 (13) Sections 21.032, 21.033, 21.034, 21.035, 21.036,
69-53 21.037, and 21.038;
- 69-54 (14) Subsection (a), Section 21.041;
- 69-55 (15) Sections 21.042 and 21.043;
- 69-56 (16) Subsections (c) and (d), Section 21.254;
- 69-57 (17) Section 21.4541;
- 69-58 (18) Subsection (a), Section 22.0831;
- 69-59 (19) Subsection (e), Section 25.001;
- 69-60 (20) Sections 29.095, 29.096, 29.097, 29.098, and
69-61 29.099;
- 69-62 (21) Subdivisions (1), (2), and (3), Section 29.251;
- 69-63 (22) Sections 29.253, 29.2531, 29.2535, and 29.254;
- 69-64 (23) Section 29.917;
- 69-65 (24) Section 34.015;
- 69-66 (25) Section 38.104;
- 69-67 (26) Subsection (g), Section 39.037;
- 69-68 (27) Section 39.0822;
- 69-69 (28) Subsection (b) and (c), Section 39.0823;

- 70-1 (29) Subsection (c), Section 39.203;
70-2 (30) Section 39.204;
70-3 (31) the heading to Subchapter M, Chapter 39;
70-4 (32) Sections 39.401, 39.402, 39.403, 39.404, 39.405,
70-5 39.406, 39.407, 39.408, 39.410, 39.411, 39.412, 39.414, 39.415, and
70-6 39.416;
70-7 (33) Subsections (q), (q-1), (q-2), (q-3), (q-4), and
70-8 (r), Section 42.152;
70-9 (34) Subsection (e), Section 45.208;
70-10 (35) Subdivision (1), Section 1001.001;
70-11 (36) Section 1001.006;
70-12 (37) Section 1001.454;
70-13 (38) Sections 1001.460 and 1001.461; and
70-14 (39) Sections 1001.551 and 1001.552.
70-15 (b) Section 411.090, Government Code, is repealed.
70-16 (c) Section 521.167, Transportation Code, as added by
70-17 Chapter 1413 (Senate Bill No. 1317), Acts of the 81st Legislature,
70-18 Regular Session, 2009, is repealed.
70-19 SECTION 205. The changes in law made by this Act to
70-20 Subchapter D, Chapter 12, Education Code, relating to enforcement
70-21 actions against an open-enrollment charter school apply beginning
70-22 June 1, 2014, based on school performance during preceding school
70-23 years.
70-24 SECTION 206. The change in law made by this Act to
70-25 Subsection (b), Section 1001.553, Education Code, applies only to
70-26 the imposition of an administrative penalty for a violation that
70-27 occurs on or after the effective date of this Act. The imposition
70-28 of an administrative penalty for a violation that occurs before the
70-29 effective date of this Act is governed by the law in effect on the
70-30 date the violation occurred, and that law is continued in effect for
70-31 that purpose.
70-32 SECTION 207. (a) The State Board for Educator
70-33 Certification is abolished September 1, 2013. On that date, all
70-34 powers, duties, obligations, rights, contracts, leases, records,
70-35 personnel, property, and unspent and unobligated appropriations
70-36 and other funds of the State Board for Educator Certification are
70-37 transferred to the Texas Education Agency. Before that date, the
70-38 Texas Education Agency, with the agreement of the State Board for
70-39 Educator Certification, may transfer any records, personnel, or
70-40 property of the State Board for Educator Certification to the Texas
70-41 Education Agency in preparation for the transfer provided for in
70-42 this Act.
70-43 (b) The abolishment of the State Board for Educator
70-44 Certification does not affect the validity of a right, privilege,
70-45 or obligation accrued, a contract or acquisition made, any
70-46 liability incurred, a certificate issued, a penalty, forfeiture, or
70-47 punishment assessed, a rule adopted, a proceeding, investigation,
70-48 or remedy begun, a decision made, or other action taken by or in
70-49 connection with the State Board for Educator Certification. A
70-50 certificate issued by the State Board for Educator Certification
70-51 under Subchapter B, Chapter 21, Education Code, before September 1,
70-52 2013, is considered a certificate issued by the Texas Education
70-53 Agency.
70-54 (c) All rules, policies, procedures, and decisions of the
70-55 State Board for Educator Certification are continued in effect as
70-56 rules, policies, procedures, and decisions of the commissioner of
70-57 education and the Texas Education Agency until superseded by a rule
70-58 or other appropriate action of the Texas Education Agency.
70-59 (d) After the effective date of this Act, the commissioner
70-60 of education may adopt a rule proposed by the State Board for
70-61 Educator Certification before the effective date of this Act.
70-62 (e) Any action or proceeding before the State Board for
70-63 Educator Certification is transferred without change in status to
70-64 the commissioner of education and the Texas Education Agency, and
70-65 the commissioner and the agency assume, without a change in status,
70-66 the position of the State Board for Educator Certification in any
70-67 action or proceeding to which the State Board for Educator
70-68 Certification is a party.
70-69 SECTION 208. (a) On September 1, 2013:

71-1 (1) all functions and activities relating to adult
71-2 education programs are transferred from the Texas Education Agency
71-3 to the Texas Workforce Commission;

71-4 (2) all rules, policies, procedures, decisions, and
71-5 forms of the Texas Education Agency, the commissioner of education,
71-6 or the State Board of Education relating to the administration of
71-7 adult education programs are continued in effect as rules,
71-8 policies, procedures, decisions, and forms of the Texas Workforce
71-9 Commission until superseded by a rule or other appropriate action
71-10 by the Texas Workforce Commission;

71-11 (3) a reference in law or administrative rule to the
71-12 Texas Education Agency, the commissioner of education, or the State
71-13 Board of Education relating to the administration of adult
71-14 education programs means the Texas Workforce Commission;

71-15 (4) a complaint, investigation, or other proceeding
71-16 before the Texas Education Agency that is related to adult
71-17 education programs is transferred without change in status to the
71-18 Texas Workforce Commission, and the Texas Workforce Commission
71-19 assumes, as appropriate and without a change in status, the
71-20 position of the Texas Education Agency in an action or proceeding to
71-21 which the Texas Education Agency is a party;

71-22 (5) all money, contracts, leases, property, and
71-23 obligations of the Texas Education Agency related to the
71-24 administration of adult education programs are transferred to the
71-25 Texas Workforce Commission;

71-26 (6) all property in the custody of the Texas Education
71-27 Agency related to the administration of adult education programs is
71-28 transferred to the Texas Workforce Commission; and

71-29 (7) the unexpended and unobligated balance of any
71-30 money appropriated by the legislature for the Texas Education
71-31 Agency related to the administration of adult education programs is
71-32 transferred to the Texas Workforce Commission.

71-33 (b) Before September 1, 2013, the Texas Education Agency may
71-34 agree with the Texas Workforce Commission to transfer any property
71-35 of the Texas Education Agency to the Texas Workforce Commission to
71-36 implement the transfer required by this Act.

71-37 (c) The Texas Workforce Commission shall hold public
71-38 hearings to develop rules to establish a new allocation formula for
71-39 adult education provider grants under Chapter 315, Labor Code, as
71-40 added by this Act.

71-41 (d) The Texas Workforce Commission shall adopt and
71-42 implement the new allocation formula for adult education provider
71-43 grants beginning with the 2014-2015 school year.

71-44 SECTION 209. (a) On September 1, 2013:

71-45 (1) all functions and activities relating to Chapter
71-46 1001, Education Code, performed by the Texas Education Agency
71-47 immediately before that date are transferred to the Texas
71-48 Department of Licensing and Regulation;

71-49 (2) all rules, policies, procedures, decisions, and
71-50 forms adopted by the commissioner of education that relate to
71-51 Chapter 1001, Education Code, are continued in effect as rules,
71-52 policies, procedures, decisions, and forms of the Texas Commission
71-53 of Licensing and Regulation or the Texas Department of Licensing
71-54 and Regulation, as applicable, and remain in effect until amended
71-55 or replaced by that commission or department;

71-56 (3) a reference to the Texas Education Agency in a law
71-57 or administrative rule that relates to Chapter 1001, Education
71-58 Code, means the Texas Commission of Licensing and Regulation or the
71-59 Texas Department of Licensing and Regulation, as applicable;

71-60 (4) a complaint, investigation, or other proceeding
71-61 before the Texas Education Agency that is related to Chapter 1001,
71-62 Education Code, is transferred without change in status to the
71-63 Texas Department of Licensing and Regulation, and the Texas
71-64 Department of Licensing and Regulation assumes, as appropriate and
71-65 without a change in status, the position of the Texas Education
71-66 Agency in an action or proceeding to which the Texas Education
71-67 Agency is a party;

71-68 (5) all money, contracts, leases, property, and
71-69 obligations of the Texas Education Agency related to Chapter 1001,

72-1 Education Code, are transferred to the Texas Department of
72-2 Licensing and Regulation;

72-3 (6) all property in the custody of the Texas Education
72-4 Agency related to Chapter 1001, Education Code, is transferred to
72-5 the Texas Department of Licensing and Regulation; and

72-6 (7) the unexpended and unobligated balance of any
72-7 money appropriated by the legislature for the Texas Education
72-8 Agency related to Chapter 1001, Education Code, is transferred to
72-9 the Texas Department of Licensing and Regulation.

72-10 (b) Before September 1, 2013, the Texas Education Agency may
72-11 agree with the Texas Department of Licensing and Regulation to
72-12 transfer any property of the Texas Education Agency to the Texas
72-13 Department of Licensing and Regulation to implement the transfer
72-14 required by this Act.

72-15 SECTION 210. The changes in law made by this Act to Chapter
72-16 1001, Education Code, apply only to a fee charged on or after
72-17 September 1, 2013. A fee charged before September 1, 2013, is
72-18 governed by the law in effect immediately before that date, and the
72-19 former law is continued in effect for that purpose.

72-20 SECTION 211. To the extent of any conflict, this Act
72-21 prevails over another Act of the 83rd Legislature, Regular Session,
72-22 2013, relating to nonsubstantive additions to and corrections in
72-23 enacted codes.

72-24 SECTION 212. This Act takes effect September 1, 2013.

72-25 * * * * *