

By: Gutierrez

H.B. No. 680

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the rulemaking authority of the State Board for
3 Educator Certification.

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

5 SECTION 1. Section 21.006(g), Education Code, is amended to
6 read as follows:

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

9 SECTION 2. Sections 21.007(d) and (f), Education Code, are
10 amended to read as follows:

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

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

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

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

22 SECTION 3. Section 21.031(b), Education Code, is amended to
23 read as follows:

24 (b) In adopting [~~proposing~~] rules under this subchapter,

1 the board shall ensure that all candidates for certification or
2 renewal of certification demonstrate the knowledge and skills
3 necessary to improve the performance of the diverse student
4 population of this state.

5 SECTION 4. Sections [21.041](#)(b), (c), and (d), Education
6 Code, are amended to read as follows:

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

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

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

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

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

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

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

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

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

1 (9) provide for continuing education requirements;
2 and

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

5 (c) The board shall adopt [~~propose~~] a rule establishing
6 [~~adopting~~] a fee for the issuance and maintenance of an educator
7 certificate that, when combined with any fees imposed under
8 Subsection (d), is adequate to cover the cost of administration of
9 this subchapter.

10 (d) The board may adopt [~~propose~~] a rule establishing
11 [~~adopting~~] a fee for the approval or renewal of approval of an
12 educator preparation program, or for the addition of a certificate
13 or field of certification to the scope of a program's approval. A
14 fee imposed under this subsection may not exceed the amount
15 necessary, as determined by the board, to provide for the
16 administrative cost of approving, renewing the approval of, and
17 appropriately ensuring the accountability of educator preparation
18 programs under this subchapter.

19 SECTION 5. Sections [21.044](#)(a), (d), and (f), Education
20 Code, are amended to read as follows:

21 (a) The board shall adopt [~~propose~~] rules establishing the
22 training requirements a person must accomplish to obtain a
23 certificate, enter an internship, or enter an induction-year
24 program. The board shall specify the minimum academic
25 qualifications required for a certificate.

26 (d) In adopting [~~proposing~~] rules under this section, the
27 board shall specify that to obtain a certificate to teach an

1 "applied STEM course," as that term is defined by Section 28.027, at
2 a secondary school, a person must:

3 (1) pass the certification test administered by the
4 recognized national or international business and industry group
5 that created the curriculum the applied STEM course is based on; and

6 (2) have at a minimum:

7 (A) an associate degree from an accredited
8 institution of higher education; and

9 (B) three years of work experience in an
10 occupation for which the applied STEM course is intended to prepare
11 the student.

12 (f) The board may not adopt [~~propose~~] rules for a
13 certificate to teach a health science technology education course
14 that specify that a person must have a bachelor's degree or that
15 establish any other credential or teaching experience requirements
16 that exceed the requirements under Subsection (e).

17 SECTION 6. Section 21.044(e), Education Code, as added by
18 Chapter 1091 (H.B. 3573), Acts of the 83rd Legislature, Regular
19 Session, 2013, is amended to read as follows:

20 (e) In adopting [~~proposing~~] rules under this section for a
21 person to obtain a certificate to teach a health science technology
22 education course, the board shall specify that a person must have:

23 (1) an associate degree or more advanced degree from
24 an accredited institution of higher education;

25 (2) current licensure, certification, or registration
26 as a health professions practitioner issued by a nationally
27 recognized accrediting agency for health professionals; and

1 (3) at least two years of wage earning experience
2 utilizing the licensure requirement.

3 SECTION 7. Section 21.0441(a), Education Code, is amended
4 to read as follows:

5 (a) Rules of the board adopted [~~proposed~~] under this
6 subchapter must provide that a person, other than a person seeking
7 career and technology education certification, is not eligible for
8 admission to an educator preparation program, including an
9 alternative educator preparation program, unless the person:

10 (1) except as provided by Subsection (b), satisfies
11 minimum grade point average requirements prescribed by the board,
12 not to exceed the following:

13 (A) an overall grade point average of at least
14 2.75 on a four-point scale or the equivalent on any course work
15 previously attempted at a public or private institution of higher
16 education; or

17 (B) a grade point average of at least 2.75 on a
18 four-point scale or the equivalent for the last 60 semester credit
19 hours attempted at a public or private institution of higher
20 education; and

21 (2) if the person is seeking initial certification:

22 (A) has successfully completed at least:

23 (i) 15 semester credit hours in the
24 subject-specific content area in which the person is seeking
25 certification, if the person is seeking certification to teach
26 mathematics or science at or above grade level seven; or

27 (ii) 12 semester credit hours in the

1 subject-specific content area in which the person is seeking
2 certification, if the person is not seeking certification to teach
3 mathematics or science at or above grade level seven; or

4 (B) has achieved a satisfactory level of
5 performance on a content certification examination, which may be a
6 content certification examination administered by a vendor
7 approved by the commissioner for purposes of administering such an
8 examination for the year for which the person is applying for
9 admission to the program.

10 SECTION 8. Sections 21.045(a) and (c), Education Code, are
11 amended to read as follows:

12 (a) The board shall adopt [~~propose~~] rules establishing
13 standards to govern the approval and continuing accountability of
14 all educator preparation programs based on the following
15 information that is disaggregated with respect to sex and
16 ethnicity:

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

19 (2) performance based on the appraisal system for
20 beginning teachers adopted by the board;

21 (3) achievement, including improvement in
22 achievement, of students taught by beginning teachers for the first
23 three years following certification, to the extent practicable; and

24 (4) compliance with board requirements regarding the
25 frequency, duration, and quality of structural guidance and ongoing
26 support provided by field supervisors to beginning teachers during
27 their first year in the classroom.

1 (c) The board shall adopt [~~propose~~] rules establishing
2 performance standards for the Accountability System for Educator
3 Preparation for accrediting educator preparation programs. At a
4 minimum, performance standards must be based on Subsection (a).
5 The board may adopt [~~propose~~] rules establishing minimum standards
6 for approval or renewal of approval of:

- 7 (1) educator preparation programs; or
8 (2) certification fields authorized to be offered by
9 an educator preparation program.

10 SECTION 9. Section [21.0451](#)(a), Education Code, is amended
11 to read as follows:

12 (a) The board shall adopt [~~propose~~] rules for the sanction
13 of educator preparation programs that do not meet accountability
14 standards and shall annually review the accreditation status of
15 each educator preparation program. The rules:

16 (1) shall provide for the assignment of the following
17 accreditation statuses:

- 18 (A) not rated;
19 (B) accredited;
20 (C) accredited-warned;
21 (D) accredited-probation; and
22 (E) not accredited-revoked;

23 (2) may provide for the agency to take any necessary
24 action, including one or more of the following actions:

25 (A) requiring the program to obtain technical
26 assistance approved by the agency or board;

27 (B) requiring the program to obtain professional

1 services under contract with another person;

2 (C) appointing a monitor to participate in and
3 report to the board on the activities of the program; and

4 (D) if a program has been rated as
5 accredited-probation under the Accountability System for Educator
6 Preparation for a period of at least one year, revoking the approval
7 of the program and ordering the program to be closed, provided that
8 the board or agency must provide the opportunity for a hearing
9 before the effective date of the closure; and

10 (3) shall provide for the agency to revoke the
11 approval of the program and order the program to be closed if the
12 program has been rated as accredited-probation under the
13 Accountability System for Educator Preparation for three
14 consecutive years, provided that the board or agency must provide
15 the opportunity for a hearing before the effective date of the
16 closure.

17 SECTION 10. Section 21.0453(b), Education Code, is amended
18 to read as follows:

19 (b) The board may adopt [~~propose~~] rules as necessary for
20 administration of this section, including rules to ensure that
21 accurate and consistent information is provided by all educator
22 preparation programs.

23 SECTION 11. Section 21.048(a), Education Code, as amended
24 by Chapters 1282 (H.B. 2012) and 1292 (H.B. 2318), Acts of the 83rd
25 Legislature, Regular Session, 2013, is reenacted and amended to
26 read as follows:

27 (a) The board shall adopt [~~propose~~] rules prescribing

1 comprehensive examinations for each class of certificate issued by
2 the board. The commissioner [~~board~~] shall determine the
3 satisfactory level of performance required for each certification
4 examination. For the issuance of a generalist certificate, the
5 commissioner [~~board~~] shall require a satisfactory level of
6 examination performance in each core subject covered by the
7 examination.

8 SECTION 12. Section 21.049(a), Education Code, is amended
9 to read as follows:

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

17 SECTION 13. Section 21.050(b), Education Code, is amended
18 to read as follows:

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

27 SECTION 14. Sections 21.051(e) and (f), Education Code, are

1 amended to read as follows:

2 (e) The board shall adopt [~~propose~~] rules relating to the
3 field-based experience required by Subsection (b). The
4 commissioner by rule shall adopt procedures and standards for
5 recognizing a private school under Subsection (b)(2).

6 (f) The board shall adopt [~~propose~~] rules providing
7 flexible options for persons for any field-based experience or
8 internship required for certification.

9 SECTION 15. Section 21.054(a), Education Code, is amended
10 to read as follows:

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

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

16 (d) For purposes of this section, "inappropriately
17 certified or uncertified teacher":

18 (1) includes:

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

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

24 (2) does not include an individual:

25 (A) who is a certified teacher assigned to teach
26 a class or classes outside his or her area of certification, as
27 determined by rules adopted [~~proposed~~] by the board in specifying

1 the certificate required for each assignment;

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

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

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

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

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

13 SECTION 17. Section 21.553(c), Education Code, is amended
14 to read as follows:

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

20 SECTION 18. Section 22.0831(f), Education Code, is amended
21 to read as follows:

22 (f) The board may adopt [~~propose~~] rules to implement this
23 section, including rules establishing:

24 (1) deadlines for a person to submit fingerprints and
25 photographs in compliance with this section; and

26 (2) sanctions for a person's failure to comply with the
27 requirements of this section, including suspension or revocation of

1 a certificate or refusal to issue a certificate.

2 SECTION 19. Section 21.042, Education Code, is repealed.

3 SECTION 20. This Act applies to a rule proposed by the State
4 Board for Educator Certification that has not taken effect or been
5 rejected by the State Board of Education before the effective date
6 of this Act, regardless of the date on which the State Board for
7 Educator Certification proposed the rule.

8 SECTION 21. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2015.