

By: Dutton

H.B. No. 1763

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation and functions of the Texas Education
3 Agency and to the abolition of the State Board for Educator
4 Certification and the transfer of its functions to the Texas
5 Education Agency; providing for the ad valorem tax rate to be
6 imposed after annexation of an insolvent or inoperative school
7 district.

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

9 SECTION 1. Section 7.004, Education Code, is amended to
10 read as follows:

11 Sec. 7.004. SUNSET PROVISION. The Texas Education Agency
12 is subject to Chapter 325, Government Code (Texas Sunset Act).
13 Unless continued in existence as provided by that chapter, the
14 agency is abolished September 1, 2027 [~~2015~~].

15 SECTION 2. Section 7.021(a), Education Code, is amended to
16 read as follows:

- 17 (a) The agency shall:
- 18 (1) distribute state and federal funding to public
19 schools and ensure the proper use of those funds;
 - 20 (2) monitor public schools for compliance with state
21 and federal guidelines, subject to the limitations in Section
22 7.028;
 - 23 (3) administer the statewide standardized testing
24 program and accountability systems;

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

4 (5) provide support to the board in developing
5 statewide curriculum standards, adopting instructional materials,
6 managing the instructional materials allotment and distribution
7 process, and carrying out duties related to the permanent school
8 fund;

9 (6) collect, analyze, and make accessible a wide array
10 of educational and financial data from public schools;

11 (7) ensure the quality of public school educators by
12 certifying educators, regulating educator preparation programs,
13 and taking enforcement action in cases of educator misconduct; and

14 (8) carry out any other duties imposed on the agency by
15 the legislature consistent with the agency's appropriations and
16 mission [~~perform the educational functions provided by Subsection~~
17 ~~(b)~~].

18 SECTION 3. Subchapter B, Chapter 7, Education Code, is
19 amended by adding Section 7.0235 to read as follows:

20 Sec. 7.0235. RESTRICTIONS ON AGENCY EMPLOYMENT. (a) In
21 this section, "Texas trade association" means a cooperative and
22 voluntarily joined statewide association of business or
23 professional competitors in this state designed to assist its
24 members and its industry or profession in dealing with mutual
25 business or professional problems and in promoting their common
26 interest.

27 (b) A person may not be an agency employee employed in a

1 "bona fide executive, administrative, or professional capacity,"
2 as that phrase is used for purposes of establishing an exemption to
3 the overtime provisions of the federal Fair Labor Standards Act of
4 1938 (29 U.S.C. Section 201 et seq.), if:

5 (1) the person is an officer, employee, or paid
6 consultant of a Texas trade association in the field of elementary
7 or secondary education; or

8 (2) the person's spouse is an officer, manager, or paid
9 consultant of a Texas trade association in the field of elementary
10 or secondary education.

11 (c) A person may not act as the general counsel to the
12 commissioner or the agency if the person is required to register as
13 a lobbyist under Chapter 305, Government Code, because of the
14 person's activities for compensation on behalf of a profession
15 related to the operation of the agency.

16 SECTION 4. Subchapter B, Chapter 7, Education Code, is
17 amended by adding Sections 7.034, 7.035, and 7.036 to read as
18 follows:

19 Sec. 7.034. PUBLIC INVOLVEMENT POLICY. The agency shall
20 develop and implement a policy regarding public involvement with
21 the agency. The policy must:

22 (1) describe how the agency will proactively engage
23 stakeholders;

24 (2) distinguish the purposes and appropriate uses of
25 advisory committees and informal work groups, including by
26 specifying that an informal work group:

27 (A) is not subject to Chapter 2110, Government

1 Code; and

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

4 (3) identify actions the agency will take that exceed
5 the minimum open meetings requirements under Chapter 551,
6 Government Code;

7 (4) include a strategy for providing updated
8 information regarding advisory committees and issues of concern to
9 stakeholders through the agency's Internet website; and

10 (5) describe how public input will affect agency
11 decisions, including by providing information regarding the
12 specific outcomes for all types of public input.

13 Sec. 7.035. COMPLAINTS. (a) The agency shall maintain a
14 system to promptly and efficiently act on complaints filed with the
15 agency. The agency shall maintain information about parties to the
16 complaint, the subject matter of the complaint, a summary of the
17 results of the review or investigation of the complaint, and its
18 disposition.

19 (b) The agency shall make information available describing
20 its procedures for complaint investigation and resolution.

21 (c) The agency shall periodically notify the complaint
22 parties of the status of the complaint until final disposition.

23 Sec. 7.036. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
24 RESOLUTION. (a) The agency shall develop a policy to encourage the
25 use of:

26 (1) negotiated rulemaking procedures under Chapter
27 2008, Government Code, for the adoption of agency rules; and

1 (2) appropriate alternative dispute resolution
2 procedures under Chapter 2009, Government Code, to assist in the
3 resolution of internal and external disputes under the agency's
4 jurisdiction.

5 (b) The agency's procedures relating to alternative dispute
6 resolution must conform, to the extent possible, to any model
7 guidelines issued by the State Office of Administrative Hearings
8 for the use of alternative dispute resolution by state agencies.

9 (c) The agency shall:

10 (1) coordinate the implementation of the policy
11 adopted under Subsection (a);

12 (2) provide training as needed to implement the
13 procedures for negotiated rulemaking or alternative dispute
14 resolution; and

15 (3) collect data concerning the effectiveness of those
16 procedures.

17 SECTION 5. Section 7.055(a), Education Code, is amended to
18 read as follows:

19 (a) The commissioner shall:

20 (1) serve as the educational leader of the state;

21 (2) serve as executive officer of the agency, with
22 authority to:

23 (A) employ division heads and any other employees
24 and clerks necessary to perform the duties of the agency;

25 (B) delegate ministerial and executive functions
26 to agency staff;

27 (C) appoint advisory committees, in accordance

1 with Chapter 2110, Government Code, as necessary to advise the
2 commissioner in carrying out the duties and mission of the agency;
3 and

4 (D) appoint an internal auditor for the agency;
5 and

6 (3) carry out the duties imposed on the commissioner
7 by the legislature [~~has the powers and duties provided by~~
8 ~~Subsection (b)~~].

9 SECTION 6. Section 7.055(b)(9), Education Code, is
10 transferred to Subchapter A, Chapter 7, Education Code,
11 redesignated as Section 7.011, Education Code, and amended to read
12 as follows:

13 Sec. 7.011. TEXAS SCHOOL LAW BULLETIN. [~~(9)~~] The
14 commissioner shall have a bulletin [~~manual~~] published at least once
15 every two years that contains Title 1 and this title, any other
16 provisions of this code relating specifically to public primary or
17 secondary education, and an appendix of all other state laws
18 relating to public primary or secondary education. The
19 commissioner [~~and~~] shall provide for the distribution of the
20 bulletin [~~manual~~] as determined by the board.

21 SECTION 7. Section 7.055(b)(40), Education Code, is
22 transferred to Subchapter A, Chapter 21, Education Code,
23 redesignated as Section 21.011, Education Code, and amended to read
24 as follows:

25 Sec. 21.011. SUSPENSION RELATING TO COLLECTIVE BARGAINING
26 OR STRIKES. [~~(40)~~] The commissioner shall suspend the certificate
27 of an educator or permit of a teacher who violates Chapter 617,

1 Government Code.

2 SECTION 8. Subchapter C, Chapter 7, Education Code, is
3 amended by adding Section 7.066 to read as follows:

4 Sec. 7.066. ADVISORY COMMITTEE RULES. (a) The
5 commissioner shall adopt rules, in compliance with Chapter 2110,
6 Government Code, regarding an advisory committee that primarily
7 functions to advise the commissioner or the agency, including rules
8 governing an advisory committee's purpose, tasks, reporting
9 requirements, and abolishment date.

10 (b) The commissioner may adopt rules under this section
11 regarding an advisory committee's:

12 (1) size and quorum requirements;

13 (2) qualifications for membership, including
14 experience requirements and geographic representation;

15 (3) appointment procedures;

16 (4) terms of service; and

17 (5) compliance with the requirements for open meetings
18 under Chapter 551, Government Code.

19 SECTION 9. Section 12.1014(f), Education Code, is amended
20 to read as follows:

21 (f) The commissioner [~~and the State Board for Educator~~
22 ~~Certification~~] shall adopt rules as necessary to administer this
23 section.

24 SECTION 10. Section 12.107(b), Education Code, is amended
25 to read as follows:

26 (b) A charter holder shall deliver to the agency a copy of a
27 direct deposit form that identifies [~~the depository contract~~

1 ~~between the charter holder and~~ any bank into which state funds are
2 deposited.

3 SECTION 11. Section 12.118, Education Code, is amended to
4 read as follows:

5 Sec. 12.118. EVALUATION OF OPEN-ENROLLMENT CHARTER
6 SCHOOLS. (a) The commissioner shall designate an impartial
7 organization with experience in evaluating school choice programs
8 to conduct an ~~[annual]~~ evaluation of open-enrollment charter
9 schools once every four years.

10 (b) An evaluation under this section must include an
11 evaluation of cost, performance, or ~~[consideration of the following~~
12 ~~items before implementing the charter and after implementing the~~
13 ~~charter:~~

14 ~~[(1) students' scores on assessment instruments~~
15 ~~administered under Subchapter B, Chapter 39,~~

16 ~~[(2) student attendance,~~

17 ~~[(3) students' grades,~~

18 ~~[(4) incidents involving student discipline,~~

19 ~~[(5) socioeconomic data on students' families,~~

20 ~~[(6) parents' satisfaction with their children's~~
21 ~~schools, and~~

22 ~~[(7) students' satisfaction with their schools.~~

23 ~~[(c) The evaluation of open-enrollment charter schools must~~
24 ~~also include an evaluation of:~~

25 ~~[(1) the costs of instruction, administration, and~~
26 ~~transportation incurred by open-enrollment charter schools,~~

27 ~~[(2) the effect of open-enrollment charter schools on~~

1 ~~school districts and on teachers, students, and parents in those~~
2 ~~districts, and~~

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

4 (c) Not later than December 1 of each year in which an
5 evaluation is conducted under Subsection (a), the agency shall
6 submit a report to the legislature regarding the findings of an
7 evaluation conducted under this section. The report must include
8 appropriate recommendations, as determined by the agency, to
9 improve the performance and regulation of open-enrollment charter
10 schools.

11 (c-1) The agency shall submit the first report required
12 under Subsection (c) not later than December 1, 2018. This
13 subsection expires January 1, 2019.

14 SECTION 12. Section 13.005(a), Education Code, is amended
15 to read as follows:

16 (a) Except as provided by this section, Section 13.054, or
17 ~~by~~ a local consolidation agreement under Section 13.158, the
18 annexation of all or part of the territory of one district to
19 another is effective on the first July 1 that is more than 30 days
20 after the date of the order or ordinance accomplishing the
21 annexation or of the declaration of the results of an election at
22 which the transfer is approved.

23 SECTION 13. Subchapter B, Chapter 13, Education Code, is
24 amended by adding Section 13.0521 to read as follows:

25 Sec. 13.0521. INSOLVENT OR INOPERATIVE DISTRICT. (a) The
26 board of trustees of a school district may notify the commissioner
27 that the district is unable to complete the current or subsequent

1 school year for financial or other reasons. On notification, the
2 commissioner shall investigate the finances and other
3 circumstances of the district. If the commissioner determines that
4 the district is unable to complete the current or subsequent school
5 year, the commissioner shall report the district to the
6 commissioners court of each county that contains district territory
7 for annexation as provided by this section.

8 (b) If a district has failed to operate school for 10 or more
9 days of its regular school year, the commissioner shall notify the
10 district that it is subject to annexation under this section. The
11 commissioner shall require the district to submit a plan not later
12 than the 10th day after the date the commissioner provides
13 notification describing how the district will complete the current
14 school year and subsequent school year. If the district fails to
15 submit a plan, or if the commissioner, after evaluating the
16 district's plan, determines that the district cannot reasonably be
17 expected to complete the current or subsequent school year, the
18 commissioner shall report the district to the commissioners court
19 of each county that contains district territory for annexation as
20 provided by this section.

21 (c) Each commissioners court by order shall annex district
22 territory within the county to one or more other districts in the
23 county or to a contiguous district in an adjacent county, provided
24 that the commissioners court of the adjacent county consents to the
25 annexation. An annexation under this section must occur in an open
26 meeting with opportunity for public comment.

27 (d) If a commissioners court fails to order annexation of

1 district territory on or before the 60th day after the date the
2 commissioner reports the district to the commissioners court, the
3 commissioner shall order annexation of the territory to one or more
4 other districts. The commissioner may annex the territory to a
5 district in the same county or to a contiguous district in an
6 adjacent county.

7 (e) The commissioners court or the commissioner, as
8 applicable, shall specify the effective date for the annexation,
9 which may not be later than the first anniversary of the date of the
10 annexation order. The order shall identify the district or
11 districts required to serve students residing in the district to be
12 annexed through any school year that begins before the effective
13 date of the annexation. A district required to serve students under
14 this subsection shall provide services equivalent to those provided
15 to the district's other students and shall be entitled to funding
16 for the attendance and transportation of students served as
17 required by the order.

18 (f) The annexation order shall define by legal boundary
19 description the resulting territory of each district to which
20 territory is annexed and shall be recorded in the minutes of the
21 commissioners court.

22 (g) The governing board of a district to which territory is
23 annexed is the governing board for the resulting district.

24 (h) Title to real property of the annexed district vests in
25 the district to which the property is annexed. Each district to
26 which territory is annexed assumes and is liable for any portion of
27 the annexed district's indebtedness that is allocated to the

1 receiving district under Section 13.004.

2 (i) A district to which territory is annexed under this
3 section is entitled to incentive aid under Section 13.281, as
4 determined by the commissioner, as if the district were created
5 through consolidation.

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

13 (k) Except as otherwise provided by this subsection, this
14 section does not affect the authority of the board of trustees of a
15 district subject to annexation under this section to pursue
16 consolidation under Subchapter D of this chapter or Subchapter B,
17 Chapter 41. Actions authorized under this section may be taken
18 pending the outcome of an election to consolidate districts under
19 Subchapter D of this chapter or a decision to consolidate under
20 Subchapter B, Chapter 41. An election to consolidate or a decision
21 to consolidate under Subchapter B, Chapter 41, that occurs not
22 later than the 60th day following the date an annexation order is
23 entered under this section prevails over the annexation order if
24 the proposition for consolidation is adopted in both districts,
25 provided that a district required to serve students under
26 Subsection (e) shall allow any student to attend school through the
27 completion of the school year in which the effective date of a

1 consolidation occurs. An election to consolidate or a decision to
2 consolidate under Subchapter B, Chapter 41, that occurs later than
3 the 60th day following the date an annexation order is entered under
4 this section is void.

5 (l) Notwithstanding Section 13.009, a determination by the
6 commissioner or a commissioners court under this section is final
7 and may not be appealed.

8 (m) The commissioner may adopt rules to implement this
9 section.

10 SECTION 14. Section 13.054, Education Code, is amended by
11 amending Subsections (a), (b), and (d) and adding Subsection (h) to
12 read as follows:

13 (a) The commissioner by order may annex to one or more
14 ~~[adjoining]~~ districts a school district that has received an
15 accreditation status of accredited-warned or accredited-probation,
16 has failed to satisfy any standard under Section 39.054(e), or has
17 failed to satisfy financial accountability standards as determined
18 by commissioner rule ~~[been rated as academically unacceptable]~~ for
19 a period of two consecutive years.

20 (b) The governing board of a district to which territory ~~[of~~
21 ~~an academically unacceptable district]~~ is annexed is the governing
22 board for the new district.

23 (d) Title to the real property of the ~~[academically~~
24 ~~unacceptable]~~ district to be annexed vests in the district to which
25 the property is annexed. Each district to which territory is
26 annexed assumes and is liable for any portion of the ~~[academically~~
27 ~~unacceptable district's]~~ indebtedness of the district to be annexed

1 that is allocated to the receiving district under Section 13.004.

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

6 SECTION 15. Sections 21.0031(a), (b-1), and (f), Education
7 Code, are amended to read as follows:

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

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

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

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

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

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

27 (2) not later than the 10th day after the date the

1 contract is void, takes necessary measures to renew, extend, or
2 otherwise validate the employee's certificate or permit, as
3 determined by the commissioner [~~State Board for Educator~~
4 ~~Certification~~].

5 (f) For purposes of this section, a certificate or permit is
6 not considered to have expired if:

7 (1) the employee has completed the requirements for
8 renewal of the certificate or permit;

9 (2) the employee submitted the request for renewal
10 prior to the expiration date; and

11 (3) the date the certificate or permit would have
12 expired is before the date the commissioner [~~State Board for~~
13 ~~Educator Certification~~] takes action to approve the renewal of the
14 certificate or permit.

15 SECTION 16. Sections 21.004(a), (b), (c), (d), and (e),
16 Education Code, are amended to read as follows:

17 (a) To the extent that funds are available, the agency[~~the~~
18 ~~State Board for Educator Certification~~] and the Texas Higher
19 Education Coordinating Board shall develop and implement programs
20 to identify talented students and recruit those students and
21 persons, including high school and undergraduate students,
22 mid-career and retired professionals, honorably discharged and
23 retired military personnel, and members of underrepresented gender
24 and ethnic groups, into the teaching profession.

25 (b) From available funds, the agency[~~the State Board for~~
26 ~~Educator Certification~~] and the Texas Higher Education
27 Coordinating Board shall develop and distribute materials that

1 emphasize the importance of the teaching profession and inform
2 individuals about state-funded loan forgiveness and tuition
3 assistance programs.

4 (c) The commissioner, in cooperation with the commissioner
5 of higher education [~~and the executive director of the State Board~~
6 ~~for Educator Certification~~], shall annually identify the need for
7 teachers in specific subject areas and geographic regions and among
8 underrepresented groups. The commissioner shall give priority to
9 developing and implementing recruitment programs to address those
10 needs from the agency's discretionary funds.

11 (d) The agency [~~, the State Board for Educator~~
12 ~~Certification,~~] and the Texas Higher Education Coordinating Board
13 shall encourage the business community to cooperate with local
14 schools to develop recruiting programs designed to attract and
15 retain capable teachers, including programs to provide summer
16 employment opportunities for teachers.

17 (e) The agency [~~, the State Board for Educator~~
18 ~~Certification,~~] and the Texas Higher Education Coordinating Board
19 shall encourage major education associations to cooperate in
20 developing a long-range program promoting teaching as a career and
21 to assist in identifying local activities and resources that may be
22 used to promote the teaching profession.

23 SECTION 17. Sections [21.006](#)(b), (b-1), (c), (d), (e), (f),
24 and (g), Education Code, are amended to read as follows:

25 (b) In addition to the reporting requirement under Section
26 [261.101](#), Family Code, the superintendent or director of a school
27 district, open-enrollment charter school, regional education

1 service center, or shared services arrangement shall notify the
2 commissioner [~~State Board for Educator Certification~~] if [~~the~~
3 ~~superintendent or director has reasonable cause to believe that~~]:

4 (1) an educator [~~employed by or~~] seeking employment by
5 the district, school, service center, or shared services
6 arrangement has a criminal record or the criminal record of an
7 educator employed by the district, school, service center, or
8 shared services arrangement changes, as determined by commissioner
9 rule;

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

13 (A) abused or otherwise committed an unlawful act
14 with a student or minor;

15 (A-1) was involved in a romantic relationship
16 with or solicited or engaged in sexual contact with a student or
17 minor;

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

22 (C) illegally transferred, appropriated, or
23 expended funds or other property of the district, school, service
24 center, or shared services arrangement;

25 (D) attempted by fraudulent or unauthorized
26 means to obtain or alter a professional certificate or license for
27 the purpose of promotion or additional compensation; or

1 (E) committed a criminal offense or any part of a
2 criminal offense on school property or at a school-sponsored event;

3 (3) the educator resigned and reasonable evidence
4 supports a recommendation by the superintendent or director to
5 terminate the educator based on a determination that the educator
6 engaged in misconduct described by Subdivision (2); or

7 (4) the educator engaged in conduct that violated the
8 assessment instrument security procedures established under
9 Section 39.0301.

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

18 (c) The superintendent or director must notify the
19 commissioner [~~State Board for Educator Certification~~] by filing a
20 report with the commissioner [~~board~~] not later than the seventh day
21 after the date the superintendent or director first learns about a
22 change in an employee's criminal record under Subsection (b)(1) or
23 a termination of employment or resignation following an alleged
24 incident of misconduct described by Subsection (b). The report
25 must be:

26 (1) in writing; and

27 (2) in a form prescribed by the commissioner [~~board~~].

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

6 (e) A superintendent or director who in good faith and while
7 acting in an official capacity files a report with the commissioner
8 [~~State Board for Educator Certification~~] under this section is
9 immune from civil or criminal liability that might otherwise be
10 incurred or imposed.

11 (f) The commissioner [~~State Board for Educator~~
12 ~~Certification~~] shall determine whether to impose sanctions against
13 a superintendent or director who fails to file a report in violation
14 of Subsection (c).

15 (g) The commissioner [~~State Board for Educator~~
16 ~~Certification~~] shall adopt [~~propose~~] rules as necessary to
17 implement this section.

18 SECTION 18. Sections 21.007(b), (c), (d), (e), and (f),
19 Education Code, are amended to read as follows:

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

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

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

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

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

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

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

20 SECTION 19. Section [21.031](#), Education Code, is amended to
21 read as follows:

22 Sec. 21.031. COMMISSIONER ROLE IN CERTIFICATION OF
23 EDUCATORS [~~PURPOSE~~]. (a) [~~The State Board for Educator~~

24 ~~Certification is established to recognize public school educators~~
25 ~~as professionals and to grant educators the authority to govern the~~
26 ~~standards of their profession.] The commissioner [~~board~~] shall~~

27 regulate and oversee all aspects of the certification, continuing

1 education, and standards of conduct of public school educators.

2 (b) In adopting [~~proposing~~] rules under this subchapter,
3 the commissioner [~~board~~] shall ensure that all candidates for
4 certification or renewal of certification demonstrate the
5 knowledge and skills necessary to improve the performance of the
6 diverse student population of this state.

7 SECTION 20. Section 21.040, Education Code, is amended to
8 read as follows:

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

11 [~~(1) supervise the executive director's performance,~~
12 [~~(2) approve an operating budget for the board and~~
13 ~~make a request for appropriations,~~

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

16 [~~(4) for each class of educator certificate,~~] appoint
17 an advisory committee [~~composed of members of that class~~] to
18 recommend standards for educator certification and educator
19 preparation programs [~~that class~~] to the commissioner [~~board,~~

20 [~~(5) provide to its members and employees, as often as~~
21 ~~necessary, information regarding their qualifications for office~~
22 ~~or employment under this chapter and their responsibilities under~~
23 ~~applicable laws relating to standards of conduct for state officers~~
24 ~~or employees,~~

25 [~~(6) develop and implement policies that clearly~~
26 ~~define the respective responsibilities of the board and the board's~~
27 ~~staff, and~~

1 ~~[(7) execute interagency contracts to perform routine~~
2 ~~administrative functions].~~

3 (b) In appointing the members of the advisory committee
4 established under this section, the commissioner shall ensure the
5 committee has a balanced representation of teachers,
6 administrators, school counselors, and representatives of both
7 traditional and alternative certification educator preparation
8 programs.

9 SECTION 21. Sections 21.041(b), (c), and (d), Education
10 Code, are amended to read as follows:

11 (b) The commissioner ~~[board]~~ shall adopt ~~[propose]~~ rules
12 that:

13 (1) provide for the regulation of educators and the
14 general administration of this subchapter in a manner consistent
15 with this subchapter;

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

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

20 (4) specify the requirements for the issuance and
21 renewal of an educator certificate;

22 (5) provide for the issuance of an educator
23 certificate to a person who holds a similar certificate issued by
24 another state or foreign country, subject to Section 21.052;

25 (6) provide for special or restricted certification of
26 educators, including certification of instructors of American Sign
27 Language;

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

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

6 (9) provide for continuing education requirements;
7 and

8 (10) provide for certification of persons performing
9 appraisals under Subchapter H.

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

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

24 SECTION 22. Section [21.044](#), Education Code, as amended by
25 Chapters 161 (S.B. 1093), 1091 (H.B. 3573), 1282 (H.B. 2012), and
26 1321 (S.B. 460), Acts of the 83rd Legislature, Regular Session,
27 2013, is amended to read as follows:

1 Sec. 21.044. EDUCATOR PREPARATION. (a) The commissioner
2 ~~[board]~~ shall adopt ~~[propose]~~ rules establishing the training
3 requirements a person must accomplish to obtain a certificate,
4 enter an internship, or enter an induction-year program. The
5 commissioner ~~[board]~~ shall specify the minimum academic
6 qualifications required for a certificate.

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

14 (c) The instruction under Subsection (b) must:

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

17 (A) employed by institutions of higher
18 education; and

19 (B) approved by the commissioner ~~[board]~~; and

20 (2) include information on:

21 (A) characteristics of dyslexia;

22 (B) identification of dyslexia; and

23 (C) effective, multisensory strategies for
24 teaching students with dyslexia.

25 (c-1) Any minimum academic qualifications for a certificate
26 specified under Subsection (a) that require a person to possess a
27 bachelor's degree must also require that the person receive, as

1 part of the training required to obtain that certificate,
2 instruction in detection of students with mental or emotional
3 disorders.

4 (c-2) The instruction under Subsection (c-1) must:

5 (1) be developed by a panel of experts in the diagnosis
6 and treatment of mental or emotional disorders who are appointed by
7 the commissioner [~~board~~]; and

8 (2) include information on:

9 (A) characteristics of the most prevalent mental
10 or emotional disorders among children;

11 (B) identification of mental or emotional
12 disorders;

13 (C) effective strategies for teaching and
14 intervening with students with mental or emotional disorders,
15 including de-escalation techniques and positive behavioral
16 interventions and supports; and

17 (D) providing, in compliance with Section
18 38.010, notice and referral to a parent or guardian of a student
19 with a mental or emotional disorder so that the parent or guardian
20 may take appropriate action such as seeking mental health services.

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

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

1 (2) have at a minimum:

2 (A) an associate degree from an accredited
3 institution of higher education; and

4 (B) three years of work experience in an
5 occupation for which the applied STEM course is intended to prepare
6 the student.

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

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

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

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

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

23 (g) [~~(e)~~] Each educator preparation program must provide
24 information regarding:

25 (1) the skills that educators are required to possess,
26 the responsibilities that educators are required to accept, and the
27 high expectations for students in this state;

1 (2) the effect of supply and demand forces on the
2 educator workforce in this state;

3 (3) the performance over time of the educator
4 preparation program;

5 (4) the importance of building strong classroom
6 management skills; and

7 (5) the framework in this state for teacher and
8 principal evaluation, including the procedures followed in
9 accordance with Subchapter H.

10 SECTION 23. Section 21.0441, Education Code, is amended to
11 read as follows:

12 Sec. 21.0441. ADMISSION REQUIREMENTS FOR EDUCATOR
13 PREPARATION PROGRAMS. (a) Rules of the commissioner adopted
14 [~~board proposed~~] under this subchapter must provide that a person,
15 other than a person seeking career and technology education
16 certification, is not eligible for admission to an educator
17 preparation program, including an alternative educator preparation
18 program, unless the person:

19 (1) except as provided by Subsection (b), satisfies
20 minimum grade point average requirements prescribed by the
21 commissioner [~~board~~], not to exceed the following:

22 (A) an overall grade point average of at least
23 2.75 on a four-point scale or the equivalent on any course work
24 previously attempted at a public or private institution of higher
25 education; or

26 (B) a grade point average of at least 2.75 on a
27 four-point scale or the equivalent for the last 60 semester credit

1 hours attempted at a public or private institution of higher
2 education; and

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

4 (A) has successfully completed at least:

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

9 (ii) 12 semester credit hours in the
10 subject-specific content area in which the person is seeking
11 certification, if the person is not seeking certification to teach
12 mathematics or science at or above grade level seven; or

13 (B) has achieved a satisfactory level of
14 performance on a content certification examination, which may be a
15 content certification examination administered by a vendor
16 approved by the commissioner for purposes of administering such an
17 examination for the year for which the person is applying for
18 admission to the program.

19 (b) The commissioner's [~~board's~~] rules must permit an
20 educator preparation program to admit in extraordinary
21 circumstances a person who fails to satisfy a grade point average
22 requirement prescribed by Subsection (a)(1)(A) or (B), provided
23 that:

24 (1) not more than 10 percent of the total number of
25 persons admitted to the program in a year fail to satisfy the
26 requirement under Subsection (a)(1)(A) or (B); and

27 (2) for each person admitted as described by this

1 subsection, the director of the program determines and certifies,
2 based on documentation provided by the person, that the person's
3 work, business, or career experience demonstrates achievement
4 comparable to the academic achievement represented by the grade
5 point average requirement.

6 SECTION 24. Section 21.045, Education Code, is amended to
7 read as follows:

8 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR
9 PREPARATION PROGRAMS; PROGRAM APPROVAL AND RENEWAL. (a) The
10 commissioner [~~board~~] shall adopt [~~propose~~] rules establishing
11 standards to govern the approval and continuing accountability of
12 all educator preparation programs based on the following
13 information that is disaggregated with respect to sex and
14 ethnicity:

15 (1) results of the certification examinations
16 prescribed under Section 21.048(a);

17 (2) performance based on the appraisal system for
18 beginning teachers adopted by the commissioner [~~board~~];

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

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

26 (b) Each educator preparation program shall submit data
27 elements as required by the commissioner [~~board~~] for an annual

1 performance report to ensure access and equity. At a minimum, the
2 annual report must contain the performance data from Subsection
3 (a), other than the data required for purposes of Subsection
4 (a)(3), and the following information, disaggregated by sex and
5 ethnicity:

- 6 (1) the number of candidates who apply;
- 7 (2) the number of candidates admitted;
- 8 (3) the number of candidates retained;
- 9 (4) the number of candidates completing the program;
- 10 (5) the number of candidates employed in the
11 profession after completing the program;
- 12 (6) the number of candidates retained in the
13 profession; and
- 14 (7) any other information required by federal law.

15 (c) The commissioner [~~board~~] shall adopt [~~propose~~] rules
16 establishing performance standards for the Accountability System
17 for Educator Preparation for accrediting educator preparation
18 programs. At a minimum, performance standards must be based on
19 Subsection (a).

20 (d) The commissioner shall adopt [~~board may propose~~] rules
21 establishing minimum standards for approval or renewal of approval
22 of:

- 23 (1) educator preparation programs; or
- 24 (2) certification fields authorized to be offered by
25 an educator preparation program.

26 (e) In adopting rules establishing minimum standards for
27 renewal of approval of educator preparation programs under

1 Subsection (d)(1), the commissioner shall require that each
2 educator preparation program obtain renewal of approval every five
3 years. The commissioner shall adopt an evaluation process to be
4 used for purposes of educator preparation program renewal. To be
5 eligible for renewal and continued accreditation, an educator
6 preparation program must meet basic standards and requirements to
7 adequately prepare candidates for educator certification, as
8 determined by the commissioner.

9 SECTION 25. The heading to Section 21.0451, Education Code,
10 is amended to read as follows:

11 Sec. 21.0451. SANCTIONS [~~UNDER ACCOUNTABILITY SYSTEM~~] FOR
12 EDUCATOR PREPARATION PROGRAMS.

13 SECTION 26. Section 21.0451, Education Code, is amended by
14 amending Subsection (a) and adding Subsections (e) and (f) to read
15 as follows:

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

21 (1) shall provide for the assignment of the following
22 accreditation statuses:

- 23 (A) not rated;
- 24 (B) accredited;
- 25 (C) accredited-warned;
- 26 (D) accredited-probation; and
- 27 (E) not accredited-revoked;

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

3 (A) requiring the program to obtain technical
4 assistance approved by the agency [~~or board~~];

5 (B) requiring the program to obtain professional
6 services under contract with another person;

7 (C) appointing a monitor to participate in and
8 report to the commissioner [~~board~~] on the activities of the
9 program; and

10 (D) if a program has been rated as
11 accredited-probation [~~under the Accountability System for Educator~~
12 ~~Preparation~~] for a period of at least one year, revoking the
13 approval of the program and ordering the program to be closed,
14 provided that the [~~board or~~] agency must provide the opportunity
15 for a hearing before the effective date of the closure; and

16 (3) shall provide for the agency to revoke the
17 approval of the program and order the program to be closed if the
18 program has been rated as accredited-probation [~~under the~~
19 ~~Accountability System for Educator Preparation~~] for three
20 consecutive years, provided that the [~~board or~~] agency must provide
21 the opportunity for a hearing before the effective date of the
22 closure.

23 (e) The commissioner shall adopt procedures to ensure that
24 sanctions under this section are applied fairly.

25 (f) The commissioner shall:

26 (1) provide information regarding sanctions under
27 this section to each educator preparation program; and

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

6 SECTION 27. Section 21.0452, Education Code, is amended to
7 read as follows:

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

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

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

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

24 (A) average overall grade point average and
25 average grade point average in specific subject areas; and

26 (B) average scores on the Scholastic Assessment
27 Test (SAT), the American College Test (ACT), or the Graduate Record

1 Examination (GRE), as applicable;

2 (3) the degree to which persons who complete the
3 program are successful in obtaining teaching positions;

4 (4) the extent to which the program prepares teachers,
5 including general education teachers and special education
6 teachers, to effectively teach:

7 (A) students with disabilities; and

8 (B) students of limited English proficiency, as
9 defined by Section [29.052](#);

10 (5) the activities offered by the program that are
11 designed to prepare teachers to:

12 (A) integrate technology effectively into
13 curricula and instruction, including activities consistent with
14 the principles of universal design for learning; and

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

18 (6) the perseverance of beginning teachers in the
19 profession, as determined on the basis of the number of beginning
20 teachers who maintain status as active contributing members in the
21 Teacher Retirement System of Texas for at least three years after
22 certification in comparison to similar programs;

23 (7) the results of exit surveys given to program
24 participants on completion of the program that involve evaluation
25 of the program's effectiveness in preparing participants to succeed
26 in the classroom; and

27 (8) the results of surveys given to school principals

1 that involve evaluation of the program's effectiveness in preparing
2 participants to succeed in the classroom, based on experience with
3 employed program participants.

4 (c) For purposes of Subsection (b)(7), the commissioner
5 [~~board~~] shall require an educator preparation program to distribute
6 an exit survey that a program participant must complete before the
7 participant is eligible to receive a certificate under this
8 subchapter.

9 (d) For purposes of Subsections (b)(7) and (8), the
10 commissioner [~~board~~] shall develop surveys for distribution to
11 program participants and school principals.

12 (e) The commissioner [~~board~~] may develop procedures under
13 which each educator preparation program receives a designation or
14 ranking based on the information required to be made available
15 under Subsection (b). If the commissioner [~~board~~] develops
16 procedures under this subsection, the designation or ranking
17 received by each program must be included in the information made
18 available under this section.

19 (f) In addition to other information required to be made
20 available under this section, the commissioner [~~board~~] shall
21 provide information identifying employment opportunities for
22 teachers in the various regions of this state. The commissioner
23 [~~board~~] shall specifically identify each region of this state in
24 which a shortage of qualified teachers exists.

25 (g) The commissioner [~~board~~] may require any person to
26 provide information to the commissioner [~~board~~] for purposes of
27 this section.

1 SECTION 28. Section 21.0453, Education Code, is amended to
2 read as follows:

3 Sec. 21.0453. INFORMATION FOR CANDIDATES FOR TEACHER
4 CERTIFICATION. (a) The commissioner [~~board~~] shall require an
5 educator preparation program to provide candidates for teacher
6 certification with information concerning the following:

- 7 (1) skills and responsibilities required of teachers;
8 (2) expectations for student performance based on
9 state standards;
10 (3) the current supply of and demand for teachers in
11 this state;
12 (4) the importance of developing classroom management
13 skills; and
14 (5) the state's framework for appraisal of teachers
15 and principals.

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

20 SECTION 29. Subchapter B, Chapter 21, Education Code, is
21 amended by adding Sections 21.0454 and 21.0455 to read as follows:

22 Sec. 21.0454. RISK FACTORS FOR EDUCATOR PREPARATION
23 PROGRAMS; RISK-ASSESSMENT MODEL. (a) The commissioner shall
24 develop a set of risk factors to use in assessing the overall risk
25 level of each educator preparation program. The set of risk factors
26 must include:

- 27 (1) a history of the program's compliance with state

1 law and commissioner rules, standards, and procedures;

2 (2) the program's operational standards;

3 (3) whether the program meets the accountability
4 standards under Section 21.045; and

5 (4) whether the program is accredited by other
6 organizations.

7 (b) The agency shall use the set of risk factors developed
8 under Subsection (a) to guide the agency in conducting monitoring,
9 inspections, and compliance audits of educator preparation
10 programs, including evaluations associated with renewals under
11 Section 21.045(e).

12 Sec. 21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION
13 PROGRAMS. (a) The commissioner shall adopt rules establishing a
14 process for a candidate for teacher certification to direct a
15 complaint against an educator preparation program to the agency.

16 (b) The commissioner by rule shall require an educator
17 preparation program to notify candidates for teacher certification
18 of the complaint process adopted under Subsection (a). The notice
19 must include the name, mailing address, telephone number, and
20 Internet website address of the agency for the purpose of directing
21 complaints to the agency. The educator preparation program shall
22 provide for that notification:

23 (1) on the Internet website of the educator
24 preparation program, if the program maintains a website;

25 (2) on a sign prominently displayed in program
26 facilities; and

27 (3) in any newsletter distributed by the educator

1 preparation program, if the program distributes a newsletter.

2 (c) The commissioner shall post the complaint process
3 adopted under Subsection (a) on the agency's Internet website.

4 (d) The agency has no authority to arbitrate or resolve
5 contractual or commercial issues between an educator preparation
6 program and a candidate for teacher certification.

7 SECTION 30. Sections 21.046(c) and (d), Education Code, are
8 amended to read as follows:

9 (c) Because an effective principal is essential to school
10 improvement, the commissioner [~~board~~] shall ensure that:

11 (1) each candidate for certification as a principal is
12 of the highest caliber; and

13 (2) multi-level screening processes, validated
14 comprehensive assessment programs, and flexible internships with
15 successful mentors exist to determine whether a candidate for
16 certification as a principal possesses the essential knowledge,
17 skills, and leadership capabilities necessary for success.

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

22 SECTION 31. Sections 21.047(a) and (b), Education Code, are
23 amended to read as follows:

24 (a) The commissioner [~~board~~] may develop the process for the
25 establishment of centers for professional development through
26 institutions of higher education for the purpose of integrating
27 technology and innovative teaching practices in the preservice and

1 staff development training of public school teachers and
2 administrators. An institution of higher education with a teacher
3 education program may develop a center through a collaborative
4 process involving public schools, regional education service
5 centers, and other entities or businesses. A center may contract
6 with other entities to develop materials and provide training.

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

13 SECTION 32. Section 21.048(a), Education Code, as amended
14 by Chapters 1282 (H.B. 2012) and 1292 (H.B. 2318), Acts of the 83rd
15 Legislature, Regular Session, 2013, is reenacted and amended to
16 read as follows:

17 (a) The commissioner [~~board~~] shall adopt [~~propose~~] rules
18 prescribing comprehensive examinations for each class of
19 certificate issued by the commissioner [~~board~~]. The commissioner
20 [~~board~~] shall determine the satisfactory level of performance
21 required for each certification examination. For the issuance of a
22 generalist certificate, the commissioner [~~board~~] shall require a
23 satisfactory level of examination performance in each core subject
24 covered by the examination.

25 SECTION 33. Sections 21.048(a-1), (b), and (c), Education
26 Code, are amended to read as follows:

27 (a-1) The commissioner [~~board~~] may not require that more

1 than 45 days elapse before a person may retake an examination.

2 (b) The commissioner [~~board~~] may not administer a written
3 examination to determine the competence or level of performance of
4 an educator who has a hearing impairment unless the examination has
5 been field tested to determine its appropriateness, reliability,
6 and validity as applied to, and minimum acceptable performance
7 scores for, persons with hearing impairments.

8 (c) An educator who has a hearing impairment is exempt from
9 taking a written examination for a period ending on the first
10 anniversary of the date on which the commissioner [~~board~~]
11 determines, on the basis of appropriate field tests, that the
12 examination complies with the standards specified in Subsection
13 (b). On application to the commissioner [~~board~~], the commissioner
14 [~~board~~] shall issue a temporary exemption certificate to a person
15 entitled to an exemption under this subsection.

16 SECTION 34. Section 21.0481, Education Code, is amended to
17 read as follows:

18 Sec. 21.0481. MASTER READING TEACHER CERTIFICATION. (a)
19 To ensure that there are teachers with special training to work with
20 other teachers and with students in order to improve student
21 reading performance, the commissioner [~~board~~] shall establish a
22 master reading teacher certificate.

23 (b) The commissioner [~~board~~] shall issue a master reading
24 teacher certificate to each eligible person.

25 (c) To be eligible for a master reading teacher certificate,
26 a person must:

27 (1) hold a reading specialist certificate issued under

1 this subchapter and satisfactorily complete a course of instruction
2 as prescribed under Subdivision (2)(B); or

3 (2) hold a teaching certificate issued under this
4 subchapter and:

5 (A) have at least three years of teaching
6 experience;

7 (B) satisfactorily complete a knowledge-based
8 and skills-based course of instruction on the science of teaching
9 children to read that includes training in:

10 (i) effective reading instruction
11 techniques, including effective techniques for students whose
12 primary language is a language other than English;

13 (ii) identification of dyslexia and related
14 reading disorders and effective reading instruction techniques for
15 students with those disorders; and

16 (iii) effective professional peer
17 mentoring techniques;

18 (C) perform satisfactorily on the master reading
19 teacher certification examination prescribed by the commissioner
20 [~~board~~]; and

21 (D) satisfy any other requirements prescribed by
22 the commissioner [~~board~~].

23 SECTION 35. Section 21.0482, Education Code, is amended to
24 read as follows:

25 Sec. 21.0482. MASTER MATHEMATICS TEACHER CERTIFICATION.

26 (a) To ensure that there are teachers with special training to work
27 with other teachers and with students in order to improve student

1 mathematics performance, the commissioner [~~board~~] shall establish:

2 (1) a master mathematics teacher certificate to teach
3 mathematics at elementary school grade levels;

4 (2) a master mathematics teacher certificate to teach
5 mathematics at middle school grade levels; and

6 (3) a master mathematics teacher certificate to teach
7 mathematics at high school grade levels.

8 (b) The commissioner [~~board~~] shall issue the appropriate
9 master mathematics teacher certificate to each eligible person.

10 (c) To be eligible for a master mathematics teacher
11 certificate, a person must:

12 (1) hold a teaching certificate issued under this
13 subchapter;

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

15 (3) satisfactorily complete a knowledge-based course
16 of instruction on the science of teaching children mathematics that
17 includes training in mathematics instruction and professional peer
18 mentoring techniques that, through scientific testing, have been
19 proven effective;

20 (4) perform satisfactorily on the appropriate master
21 mathematics teacher certification examination prescribed by the
22 commissioner [~~board~~]; and

23 (5) satisfy any other requirements prescribed by the
24 commissioner [~~board~~].

25 (d) The course of instruction prescribed under Subsection
26 (c)(3) shall be developed by the commissioner [~~board~~] in
27 consultation with mathematics and science faculty members at

1 institutions of higher education.

2 SECTION 36. Section 21.0483, Education Code, is amended to
3 read as follows:

4 Sec. 21.0483. MASTER TECHNOLOGY TEACHER CERTIFICATION. (a)
5 To ensure that there are teachers with special training to work with
6 other teachers and with students in order to increase the use of
7 technology in each classroom, the commissioner [~~board~~] shall
8 establish a master technology teacher certificate.

9 (b) The commissioner [~~board~~] shall issue a master
10 technology teacher certificate to each eligible person.

11 (c) To be eligible for a master technology teacher
12 certificate, a person must:

13 (1) hold a technology applications or Technology
14 Education certificate issued under this subchapter, satisfactorily
15 complete the course of instruction prescribed under Subdivision
16 (2)(B), and satisfactorily perform on the examination prescribed
17 under Subdivision (2)(C); or

18 (2) hold a teaching certificate issued under this
19 subchapter and:

20 (A) have at least three years of teaching
21 experience;

22 (B) satisfactorily complete a knowledge-based
23 and skills-based course of instruction on interdisciplinary
24 technology applications and the science of teaching technology that
25 includes training in:

26 (i) effective technology instruction
27 techniques, including applications designed to meet the

1 educational needs of students with disabilities;

2 (ii) classroom teaching methodology that
3 engages student learning through the integration of technology;

4 (iii) digital learning competencies,
5 including Internet research, graphics, animation, website
6 mastering, and video technologies;

7 (iv) curriculum models designed to prepare
8 teachers to facilitate an active student learning environment; and

9 (v) effective professional peer mentoring
10 techniques;

11 (C) satisfactorily perform on an examination
12 administered at the conclusion of the course of instruction
13 prescribed under Paragraph (B); and

14 (D) satisfy any other requirements prescribed by
15 the commissioner [~~board~~].

16 (d) The commissioner [~~board~~] may provide technology
17 applications training courses under Subsection (c)(2)(B) in
18 cooperation with:

19 (1) regional education service centers; and

20 (2) other public or private entities, including any
21 state council on technology.

22 SECTION 37. Section 21.0484, Education Code, is amended to
23 read as follows:

24 Sec. 21.0484. MASTER SCIENCE TEACHER CERTIFICATION. (a)

25 To ensure that there are teachers with special training to work with
26 other teachers and with students in order to improve student
27 science performance, the commissioner [~~board~~] shall establish:

1 (1) a master science teacher certificate to teach
2 science at elementary school grade levels;

3 (2) a master science teacher certificate to teach
4 science at middle school grade levels; and

5 (3) a master science teacher certificate to teach
6 science at high school grade levels.

7 (b) The commissioner [~~board~~] shall issue the appropriate
8 master science teacher certificate to each eligible person.

9 (c) To be eligible for a master science teacher certificate,
10 a person must:

11 (1) hold a teaching certificate issued under this
12 subchapter;

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

14 (3) satisfactorily complete a knowledge-based course
15 of instruction on the science of teaching children science that
16 includes training in science instruction and professional peer
17 mentoring techniques that, through scientific testing, have been
18 proven effective;

19 (4) perform satisfactorily on the appropriate master
20 science teacher certification examination prescribed by the
21 commissioner [~~board~~]; and

22 (5) satisfy any other requirements prescribed by the
23 commissioner [~~board~~].

24 (d) The course of instruction prescribed under Subsection
25 (c)(3) shall be developed by the commissioner [~~board~~] in
26 consultation with science faculty members at institutions of higher
27 education.

1 SECTION 38. Section 21.0485(a), Education Code, is amended
2 to read as follows:

3 (a) To be eligible to be issued a certificate to teach
4 students with visual impairments, a person must:

5 (1) complete either:

6 (A) all course work required for that
7 certification in an approved educator preparation program; or

8 (B) an alternative educator certification
9 program approved for the purpose by the commissioner [~~board~~];

10 (2) perform satisfactorily on each examination
11 prescribed under Section 21.048 for certification to teach students
12 with visual impairments, after completing the course work or
13 program described by Subdivision (1); and

14 (3) satisfy any other requirements prescribed by the
15 commissioner [~~board~~].

16 SECTION 39. Section 21.049, Education Code, is amended to
17 read as follows:

18 Sec. 21.049. ALTERNATIVE CERTIFICATION. (a) To provide a
19 continuing additional source of qualified educators, the
20 commissioner [~~board~~] shall adopt [~~propose~~] rules providing for
21 educator certification programs as an alternative to traditional
22 educator preparation programs. The rules may not provide that a
23 person may be certified under this section only if there is a
24 demonstrated shortage of educators in a school district or subject
25 area.

26 (b) The commissioner [~~board~~] may not require a person
27 employed as a teacher in an alternative education program under

1 Section 37.008 or a juvenile justice alternative education program
2 under Section 37.011 for at least three years to complete an
3 alternative educator certification program adopted under this
4 section before taking the appropriate certification examination.

5 SECTION 40. Sections 21.050(a) and (b), Education Code, are
6 amended to read as follows:

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

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

22 SECTION 41. Sections 21.051(c), (d), (e), and (f),
23 Education Code, are amended to read as follows:

24 (c) Subsection (b) applies only to an initial certification
25 issued on or after September 1, 2012. Subsection (b) does not
26 affect:

27 (1) the validity of a certification issued before

1 September 1, 2012; or

2 (2) the eligibility of a person who holds a
3 certification issued before September 1, 2012, to obtain a
4 subsequent renewal of the certification in accordance with
5 commissioner [~~board~~] rule.

6 (d) Subsection (b) does not affect the period within which
7 an individual must complete field-based experience hours as
8 determined by commissioner [~~board~~] rule if the individual is not
9 accepted into an educator preparation program before the deadline
10 prescribed by commissioner [~~board~~] rule and is hired for a teaching
11 assignment by a school district after the deadline prescribed by
12 commissioner [~~board~~] rule.

13 (e) The commissioner [~~board~~] shall adopt [~~propose~~] rules
14 relating to the field-based experience required by Subsection (b),
15 including rules establishing [~~. The commissioner by rule shall~~
16 ~~adopt~~] procedures and standards for recognizing a private school
17 under Subsection (b)(2).

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

21 SECTION 42. Sections 21.052(a), (c), (d), (e), (f), and
22 (h), Education Code, are amended to read as follows:

23 (a) The commissioner [~~board~~] may issue a certificate to an
24 educator who applies for a certificate and:

25 (1) holds:

26 (A) a degree issued by an institution accredited
27 by a regional accrediting agency or group that is recognized by a

1 nationally recognized accreditation board; or

2 (B) a degree issued by an institution located in
3 a foreign country, if the degree is equivalent to a degree described
4 by Paragraph (A);

5 (2) holds an appropriate certificate or other
6 credential issued by another state or country; and

7 (3) performs satisfactorily on:

8 (A) the examination prescribed under Section
9 21.048; or

10 (B) if the educator holds a certificate or other
11 credential issued by another state or country, an examination
12 similar to and at least as rigorous as that described by Paragraph
13 (A) administered to the educator under the authority of that state.

14 (c) The commissioner [~~board~~] may issue a temporary
15 certificate under this section to an educator who holds a degree
16 required by Subsection (a)(1) and a certificate or other credential
17 required by Subsection (a)(2) but who has not satisfied the
18 requirements prescribed by Subsection (a)(3). Subject to
19 Subsection (d), the commissioner [~~board~~] may specify the term of a
20 temporary certificate issued under this subsection.

21 (d) A temporary certificate issued under Subsection (c) to
22 an educator employed by a school district that has constructed or
23 expanded at least one instructional facility as a result of
24 increased student enrollment due to actions taken under the Defense
25 Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687)
26 may not expire before the first anniversary of the date on which the
27 commissioner [~~board~~] completes the review of the educator's

1 credentials and informs the educator of the examination or
2 examinations under Section 21.048 on which the educator must
3 perform successfully to receive a standard certificate.

4 (e) An educator who has submitted all documents required by
5 the commissioner [~~board~~] for certification and who receives a
6 certificate as provided by Subsection (a) must perform
7 satisfactorily on the examination prescribed under Section 21.048
8 not later than the first anniversary of the date the commissioner
9 [~~board~~] completes the review of the educator's credentials and
10 informs the educator of the examination or examinations under
11 Section 21.048 on which the educator must perform successfully to
12 receive a standard certificate.

13 (f) The commissioner [~~board~~] shall post on the
14 commissioner's [~~board's~~] Internet website the procedures for
15 obtaining a certificate under Subsection (a).

16 (h) This subsection applies only to an applicant who holds a
17 certificate or other credential issued by another state in
18 mathematics, science, special education, or bilingual education,
19 or another subject area that the commissioner determines has a
20 shortage of teachers. In any state fiscal year, the commissioner
21 [~~board~~] shall accept or reject, not later than the 14th day after
22 the date the commissioner [~~board~~] receives the completed
23 application, at least 90 percent of the applications the
24 commissioner [~~board~~] receives for a certificate under this
25 subsection, and shall accept or reject all completed applications
26 the commissioner [~~board~~] receives under this subsection not later
27 than the 30th day after the date the commissioner [~~board~~] receives

1 the completed application. An applicant under this subsection must
2 submit:

3 (1) a letter of good standing from the state in which
4 the teacher is certified on a form determined by the commissioner
5 [~~board~~];

6 (2) information necessary to complete a national
7 criminal history record information review; and

8 (3) an application fee as required by the commissioner
9 [~~board~~].

10 SECTION 43. Section 21.054(a), Education Code, is amended
11 to read as follows:

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

16 SECTION 44. Section 21.054(d), Education Code, as added by
17 Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular
18 Session, 2013, is redesignated as Section 21.054(g), Education
19 Code, and amended to read as follows:

20 (g) [~~(d)~~] The commissioner [~~board~~] shall adopt rules that
21 allow an educator to fulfill up to 12 hours of continuing education
22 by participating in a mental health first aid training program
23 offered by a local mental health authority under Section 1001.203,
24 Health and Safety Code. The number of hours of continuing
25 education an educator may fulfill under this subsection may not
26 exceed the number of hours the educator actually spends
27 participating in a mental health first aid training program.

1 SECTION 45. Section 21.055(a), Education Code, is amended
2 to read as follows:

3 (a) As provided by this section, a school district may issue
4 a school district teaching permit and employ as a teacher a person
5 who does not hold a teaching certificate issued by the commissioner
6 [~~board~~].

7 SECTION 46. Section 21.056, Education Code, is amended to
8 read as follows:

9 Sec. 21.056. ADDITIONAL CERTIFICATION. The commissioner
10 [~~board~~] by rule shall provide for a certified educator to qualify
11 for additional certification to teach at a grade level or in a
12 subject area not covered by the educator's certificate upon
13 satisfactory completion of an examination or other assessment of
14 the educator's qualification.

15 SECTION 47. Section 21.057(d), Education Code, is amended
16 to read as follows:

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

19 (1) includes:

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

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

25 (2) does not include an individual:

26 (A) who is a certified teacher assigned to teach
27 a class or classes outside his or her area of certification, as

1 determined by rules adopted [~~proposed~~] by the commissioner [~~board~~]
2 in specifying the certificate required for each assignment;

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

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

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

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

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

14 SECTION 48. Sections 21.058(b) and (d), Education Code, are
15 amended to read as follows:

16 (b) Notwithstanding Section 21.041(b)(7), not later than
17 the fifth day after the date the commissioner [~~board~~] receives
18 notice under Article 42.018, Code of Criminal Procedure, of the
19 conviction of a person who holds a certificate under this
20 subchapter, the commissioner [~~board~~] shall:

21 (1) revoke the certificate held by the person; and

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

25 (A) the revocation; and

26 (B) the basis for the revocation.

27 (d) A person whose certificate is revoked under Subsection

1 (b) may reapply for a certificate in accordance with commissioner
2 [~~board~~] rules.

3 SECTION 49. Section 21.060, Education Code, is amended to
4 read as follows:

5 Sec. 21.060. ELIGIBILITY OF PERSONS CONVICTED OF CERTAIN
6 OFFENSES. The commissioner [~~board~~] may suspend or revoke the
7 certificate or permit held by a person under this subchapter,
8 impose other sanctions against the person, or refuse to issue a
9 certificate or permit to a person under this subchapter if the
10 person has been convicted of a felony or misdemeanor offense
11 relating to the duties and responsibilities of the education
12 profession, including:

13 (1) an offense involving moral turpitude;

14 (2) an offense involving a form of sexual or physical
15 abuse of a minor or student or other illegal conduct in which the
16 victim is a minor or student;

17 (3) a felony offense involving the possession,
18 transfer, sale, or distribution of or conspiracy to possess,
19 transfer, sell, or distribute a controlled substance, as defined by
20 Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et
21 seq.;

22 (4) an offense involving the illegal transfer,
23 appropriation, or use of school district funds or other district
24 property; or

25 (5) an offense involving an attempt by fraudulent or
26 unauthorized means to obtain or alter a professional certificate or
27 license issued under this subchapter.

1 SECTION 50. Section 21.061, Education Code, is amended to
2 read as follows:

3 Sec. 21.061. REVIEW AND UPDATING OF EDUCATOR PREPARATION
4 PROGRAMS. The commissioner [~~board~~] shall, after consulting with
5 appropriate higher education faculty and public school teachers and
6 administrators and soliciting advice from other interested persons
7 with relevant knowledge and experience, develop and carry out a
8 process for reviewing and, as necessary, updating standards and
9 requirements for educator preparation programs.

10 SECTION 51. Subchapter B, Chapter 21, Education Code, is
11 amended by adding Sections 21.062 and 21.063 to read as follows:

12 Sec. 21.062. ISSUANCE OF SUBPOENAS. (a) During an
13 investigation by the commissioner of an educator for an alleged
14 incident of misconduct, the commissioner may issue a subpoena to
15 compel the production, for inspection or copying, of relevant
16 evidence that is located in this state.

17 (b) A subpoena may be served personally or by certified
18 mail.

19 (c) If a person fails to comply with a subpoena, the
20 commissioner, acting through the attorney general, may file suit to
21 enforce the subpoena in a district court in this state. On finding
22 that good cause exists for issuing the subpoena, the court shall
23 order the person to comply with the subpoena. The court may punish
24 a person who fails to obey the court order.

25 (d) All information and materials subpoenaed or compiled in
26 connection with an investigation described by Subsection (a) are
27 confidential and not subject to disclosure under Chapter 552,

1 Government Code.

2 (e) Except as provided by a protective order, and
3 notwithstanding Subsection (d), all information and materials
4 subpoenaed or compiled in connection with an investigation
5 described by Subsection (a) may be used in a disciplinary
6 proceeding against an educator based on an alleged incident of
7 misconduct.

8 Sec. 21.063. DISCIPLINARY MATRIX. (a) The commissioner
9 shall create a matrix to provide guidelines for ensuring the fair
10 and consistent application of disciplinary sanctions for educators
11 certified under this chapter who commit violations of this chapter
12 or a rule adopted under this chapter. In developing the matrix, the
13 commissioner shall consider the range of appropriate sanctions
14 available for a violation based on:

- 15 (1) the severity of the violation;
16 (2) the number of repeat violations;
17 (3) whether the sanction serves as a deterrent to
18 subsequent violations; and
19 (4) any aggravating or mitigating factors.

20 (b) The matrix developed under Subsection (a) does not
21 prevent the commissioner from exercising discretion based on the
22 specific circumstances of an individual case.

23 (c) In developing the matrix under Subsection (a), the
24 commissioner shall provide for public comment.

25 (d) The commissioner shall make the matrix developed under
26 Subsection (a) available to the public through posting the matrix
27 on the agency's Internet website and through other appropriate

1 means.

2 SECTION 52. Section 21.105(c), Education Code, is amended
3 to read as follows:

4 (c) On written complaint by the employing district, the
5 commissioner [~~State Board for Educator Certification~~] may impose
6 sanctions against a teacher employed under a probationary contract
7 who:

8 (1) resigns;

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

11 (3) fails to perform the contract.

12 SECTION 53. Section 21.160(c), Education Code, is amended
13 to read as follows:

14 (c) On written complaint by the employing district, the
15 commissioner [~~State Board for Educator Certification~~] may impose
16 sanctions against a teacher who is employed under a continuing
17 contract that obligates the district to employ the person for the
18 following school year and who:

19 (1) resigns;

20 (2) fails without good cause to comply with Subsection
21 (a) or (b); and

22 (3) fails to perform the contract.

23 SECTION 54. Section 21.210(c), Education Code, is amended
24 to read as follows:

25 (c) On written complaint by the employing district, the
26 commissioner [~~State Board for Educator Certification~~] may impose
27 sanctions against a teacher who is employed under a term contract

1 that obligates the district to employ the person for the following
2 school year and who:

- 3 (1) resigns;
4 (2) fails without good cause to comply with Subsection
5 (a) or (b); and
6 (3) fails to perform the contract.

7 SECTION 55. Section 21.253(a), Education Code, is amended
8 to read as follows:

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

15 SECTION 56. Sections 21.254(b) and (e), Education Code, are
16 amended to read as follows:

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

1 (e) After the teacher receives the notice of the proposed
2 action, the parties by agreement may select a hearing examiner from
3 the list maintained by the commissioner under Subsection (a) or a
4 person who is not certified to serve as a hearing examiner. A
5 person who is not a certified hearing examiner may be selected only
6 if the person is licensed to practice law in this state. If the
7 parties do not agree on a hearing examiner, the parties shall
8 request an assignment from [~~, before the date the commissioner is~~
9 ~~permitted to assign a hearing examiner, notify~~] the commissioner
10 under Subsection (b) not later than the 25th calendar day after the
11 date the teacher receives the notice of the proposed action [~~in~~
12 ~~writing of the agreement, including the name of the hearing~~
13 ~~examiner selected~~].

14 SECTION 57. Section 21.255(d), Education Code, is amended
15 to read as follows:

16 (d) If the hearing examiner is unable to continue presiding
17 over a case at any time before issuing a recommendation or decision,
18 the parties shall select by agreement or request the assignment of
19 another hearing examiner under Section 21.254 who, after a review
20 of the record, shall perform any remaining functions without the
21 necessity of repeating any previous proceedings.

22 SECTION 58. Section 21.4021(g), Education Code, is amended
23 to read as follows:

24 (g) If a board of trustees adopts a furlough program after
25 the date by which a teacher must give notice of resignation under
26 Section 21.105, 21.160, or 21.210, as applicable, a teacher who
27 subsequently resigns is not subject to sanctions imposed by the

1 commissioner [~~State Board for Educator Certification~~] as otherwise
2 authorized by those sections.

3 SECTION 59. Section 21.503, Education Code, is amended to
4 read as follows:

5 Sec. 21.503. ELIGIBILITY. A person is eligible for the
6 program if the person:

7 (1) has served in the armed forces of the United
8 States;

9 (2) is honorably discharged, retired, or released from
10 active duty on or after October 1, 1990, after at least six years of
11 continuous active duty service immediately before the discharge,
12 retirement, or release;

13 (3) has received a baccalaureate or advanced degree
14 from a public or private institution of higher education accredited
15 by a regional accrediting agency or group that is recognized by a
16 nationally recognized accreditation board; and

17 (4) satisfies any other criteria for selection
18 [~~jointly~~] prescribed by the agency [~~and the State Board for~~
19 ~~Educator Certification~~].

20 SECTION 60. Section 21.504(b), Education Code, is amended
21 to read as follows:

22 (b) The agency [~~and the State Board for Educator~~
23 ~~Certification~~] shall distribute the applications and information
24 regarding the program.

25 SECTION 61. Section 21.510(c), Education Code, is amended
26 to read as follows:

27 (c) For purposes of this section, a participant in the

1 program is not considered to be in violation of an agreement under
2 Section 21.508 during any period in which the participant:

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

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

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

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

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

17 (6) satisfies the provisions of any additional
18 reimbursement exception adopted by the agency.

19 SECTION 62. Sections 21.551 and 21.553, Education Code, are
20 amended to read as follows:

21 Sec. 21.551. PURPOSES. The purposes of the alternative
22 certification Teach for Texas Pilot Program are to:

23 (1) attract to the teaching profession persons who
24 have expressed interest in teaching and to support the
25 certification of those persons as teachers;

26 (2) recognize the importance of the certification
27 process [~~governed by the State Board for Educator Certification~~]

1 under Subchapter B, which requires verification of competence in
2 subject area and professional knowledge and skills;

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

9 (4) provide annual stipends to postbaccalaureate
10 teacher certification candidates.

11 Sec. 21.553. FINANCIAL INCENTIVES. (a) The pilot program
12 must offer to participants financial incentives, including tuition
13 assistance and loan forgiveness. In offering a financial
14 incentive, the commissioner [~~State Board for Educator~~
15 ~~Certification~~] shall:

16 (1) require a contract between each participant who
17 accepts a financial incentive and the commissioner [~~State Board for~~
18 ~~Educator Certification~~] under which the participant is obligated to
19 teach in a public school in this state for a stated period after
20 certification;

21 (2) provide financial incentives in proportion to the
22 length of the period the participant is obligated by contract to
23 teach after certification; and

24 (3) give special financial incentives to a participant
25 who agrees in the contract to teach in an underserved area.

26 (b) Financial incentives may be paid only from funds
27 appropriated specifically for that purpose and from gifts, grants,

1 and donations solicited or accepted by the commissioner [~~State~~
2 ~~Board for Educator Certification~~] for that purpose.

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

9 SECTION 63. Section 21.604(b), Education Code, is amended
10 to read as follows:

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

14 SECTION 64. Section 21.609(c), Education Code, is amended
15 to read as follows:

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

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

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

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

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

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

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

8 SECTION 65. Section 22.0512(b), Education Code, is amended
9 to read as follows:

10 (b) In this section, "disciplinary proceeding" means:

11 (1) an action brought by the school district employing
12 a professional employee of a school district to discharge or
13 suspend the employee or terminate or not renew the employee's term
14 contract; or

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

18 SECTION 66. Section 22.082, Education Code, is amended to
19 read as follows:

20 Sec. 22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY
21 COMMISSIONER [~~STATE BOARD FOR EDUCATOR CERTIFICATION~~]. The
22 commissioner [~~State Board for Educator Certification~~] shall
23 subscribe to the criminal history clearinghouse as provided by
24 Section 411.0845, Government Code, and may obtain from any law
25 enforcement or criminal justice agency all criminal history record
26 information and all records contained in any closed criminal
27 investigation file that relate to a specific applicant for or

1 holder of a certificate issued under Subchapter B, Chapter 21.

2 SECTION 67. Sections 22.0831(c), (d), (e), and (f),
3 Education Code, are amended to read as follows:

4 (c) The commissioner [~~board~~] shall review the national
5 criminal history record information of a person who has not
6 previously submitted fingerprints to the department or been subject
7 to a national criminal history record information review.

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

11 (e) The commissioner [~~board~~] may allow a person who is
12 applying for a certificate under Subchapter B, Chapter 21, and who
13 currently resides in another state to submit the person's
14 fingerprints and other required information in a manner that does
15 not impose an undue hardship on the person.

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

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

20 (2) sanctions for a person's failure to comply with the
21 requirements of this section, including suspension or revocation of
22 a certificate or refusal to issue a certificate.

23 SECTION 68. Section 22.0832(a), Education Code, is amended
24 to read as follows:

25 (a) The agency shall review the national criminal history
26 record information of an employee of an open-enrollment charter
27 school to whom Section 12.1059 applies in the same manner as the

1 commissioner [~~State Board for Educator Certification~~] reviews
2 certified educators under Section 22.0831. If the agency
3 determines that, based on information contained in an employee's
4 criminal history record information, the employee would not be
5 eligible for educator certification under Subchapter B, Chapter 21,
6 the agency shall notify the open-enrollment charter school in
7 writing that the person may not be employed by the school or serve
8 in a capacity described by Section 12.1059.

9 SECTION 69. Section 22.0833(h), Education Code, is amended
10 to read as follows:

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

16 SECTION 70. Sections 22.085(d) and (e), Education Code, are
17 amended to read as follows:

18 (d) A school district, open-enrollment charter school,
19 private school, regional education service center, or shared
20 services arrangement may discharge an employee if the district or
21 school obtains information of the employee's conviction of a felony
22 or of a misdemeanor involving moral turpitude that the employee did
23 not disclose to the commissioner [~~State Board for Educator~~
24 ~~Certification~~] or the district, school, service center, or shared
25 services arrangement. An employee discharged under this section is
26 considered to have been discharged for misconduct for purposes of
27 Section 207.044, Labor Code. For purposes of this subsection, a

1 disclosure to the State Board for Educator Certification before
2 September 1, 2015, is considered a disclosure to the commissioner.

3 (e) The commissioner [~~State Board for Educator~~
4 ~~Certification~~] may impose a sanction on an educator who does not
5 discharge an employee or refuse to hire an applicant if the educator
6 knows or should have known, through a criminal history record
7 information review, that the employee or applicant has been
8 convicted of an offense described by Subsection (a).

9 SECTION 71. Sections 22.086 and 22.087, Education Code, are
10 amended to read as follows:

11 Sec. 22.086. LIABILITY FOR REPORTING OFFENSES. The
12 commissioner [~~State Board for Educator Certification~~], a school
13 district, an open-enrollment charter school, a private school, a
14 regional education service center, a shared services arrangement,
15 or an employee of the agency [~~board~~], district, school, service
16 center, or shared services arrangement is not civilly or criminally
17 liable for making a report required under this subchapter.

18 Sec. 22.087. NOTIFICATION TO COMMISSIONER [~~STATE BOARD FOR~~
19 ~~EDUCATOR CERTIFICATION~~]. The superintendent of a school district
20 or the director of an open-enrollment charter school, private
21 school, regional education service center, or shared services
22 arrangement shall promptly notify the commissioner [~~State Board for~~
23 ~~Educator Certification~~] in writing if the person obtains or has
24 knowledge of information showing that an applicant for or holder of
25 a certificate issued under Subchapter B, Chapter 21, has a reported
26 criminal history.

27 SECTION 72. Section 25.001(b), Education Code, is amended

1 to read as follows:

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

9 (1) the person and either parent of the person reside
10 in the school district;

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

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

18 (4) the person has established a separate residence
19 under Subsection (d);

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

24 (6) the person is a foreign exchange student placed
25 with a host family that resides in the school district by a
26 nationally recognized foreign exchange program~~, unless the school~~
27 ~~district has applied for and been granted a waiver by the~~

1 ~~commissioner under Subsection (e)]~~;

2 (7) the person resides at a residential facility
3 located in the district;

4 (8) the person resides in the school district and is 18
5 years of age or older or the person's disabilities of minority have
6 been removed; or

7 (9) the person does not reside in the school district
8 but the grandparent of the person:

9 (A) resides in the school district; and

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

12 SECTION 73. Section 25.008(b), Education Code, is amended
13 to read as follows:

14 (b) Subsection (a) does not apply to enrollment in a program
15 under Section 29.088 or [7] 29.090 [~~7~~ ~~or~~ ~~29.098~~] or in a similar
16 intensive program.

17 SECTION 74. Section 29.007, Education Code, is amended to
18 read as follows:

19 Sec. 29.007. SHARED SERVICES ARRANGEMENTS. School
20 districts may enter into a written contract to jointly operate
21 their special education programs. [~~The contract must be approved~~
22 ~~by the commissioner.~~] Funds to which the cooperating districts are
23 entitled may be allocated to the districts jointly as shared
24 services arrangement units or shared services arrangement funds in
25 accordance with the shared services arrangement districts'
26 agreement.

27 SECTION 75. Sections 29.061(a), (b), (c), and (e),

1 Education Code, are amended to read as follows:

2 (a) The commissioner [~~State Board for Educator~~
3 ~~Certification~~] shall provide for the issuance of teaching
4 certificates appropriate for bilingual education instruction to
5 teachers who possess a speaking, reading, and writing ability in a
6 language other than English in which bilingual education programs
7 are offered and who meet the general requirements of Chapter 21.
8 The commissioner [~~board~~] shall also provide for the issuance of
9 teaching certificates appropriate for teaching English as a second
10 language. The commissioner [~~board~~] may issue emergency
11 endorsements in bilingual education and in teaching English as a
12 second language.

13 (b) A teacher assigned to a bilingual education program must
14 be appropriately certified for bilingual education by the
15 commissioner [~~board~~].

16 (c) A teacher assigned to an English as a second language or
17 other special language program must be appropriately certified for
18 English as a second language by the commissioner [~~board~~].

19 (e) The commissioner [~~State Board for Educator~~
20 ~~Certification~~] and the Texas Higher Education Coordinating Board
21 shall develop a comprehensive plan for meeting the teacher supply
22 needs created by the programs outlined in this subchapter.

23 SECTION 76. Sections 33.002(b) and (c), Education Code, are
24 amended to read as follows:

25 (b) A school district with 500 or more students enrolled in
26 elementary school grades shall employ a school counselor certified
27 under Subchapter B, Chapter 21, [~~the rules of the State Board for~~

1 ~~Educator Certification]~~ for each elementary school in the
2 district. A school district shall employ at least one school
3 counselor for every 500 elementary school students in the district.

4 (c) A school district with fewer than 500 students enrolled
5 in elementary school grades shall provide guidance and counseling
6 services to elementary school students by:

7 (1) employing a part-time school counselor certified
8 under Subchapter B, Chapter 21 ~~[the rules of the State Board for~~
9 ~~Educator Certification]~~;

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

13 (3) entering into a shared services arrangement
14 agreement with one or more school districts to share a school
15 counselor certified under Subchapter B, Chapter 21 ~~[the rules of~~
16 ~~the State Board for Educator Certification]~~.

17 SECTION 77. Section 33.007(c), Education Code, is amended
18 to read as follows:

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

27 SECTION 78. Section 33.081(d-1), Education Code, is amended

1 to read as follows:

2 (d-1) Subsections (c) and (d) do not apply to an advanced
3 placement or international baccalaureate course, or to an honors or
4 dual credit course in the subject areas of English language arts,
5 mathematics, science, social studies, economics, or a language
6 other than English. [~~The agency shall review on a biennial basis
7 courses described by this subsection to determine if other courses
8 should be excluded from the requirement that a student be suspended
9 from participation in an extracurricular activity under Subsection
10 (c). Not later than January 1 of each odd-numbered year, the agency
11 shall report the findings under this subsection to the
12 legislature.~~]

13 SECTION 79. Section 37.006(o), Education Code, is amended
14 to read as follows:

15 (o) In addition to any notice required under Article 15.27,
16 Code of Criminal Procedure, a principal or a principal's designee
17 shall inform each educator who has responsibility for, or is under
18 the direction and supervision of an educator who has responsibility
19 for, the instruction of a student who has engaged in any violation
20 listed in this section of the student's misconduct. Each educator
21 shall keep the information received under this subsection
22 confidential from any person not entitled to the information under
23 this subsection, except that the educator may share the information
24 with the student's parent or guardian as provided for by state or
25 federal law. The commissioner [~~State Board for Educator
26 Certification~~] may revoke or suspend the certification of an
27 educator who intentionally violates this subsection.

1 SECTION 80. Section 37.007(g), Education Code, is amended
2 to read as follows:

3 (g) In addition to any notice required under Article 15.27,
4 Code of Criminal Procedure, a school district shall inform each
5 educator who has responsibility for, or is under the direction and
6 supervision of an educator who has responsibility for, the
7 instruction of a student who has engaged in any violation listed in
8 this section of the student's misconduct. Each educator shall keep
9 the information received under this subsection confidential from
10 any person not entitled to the information under this subsection,
11 except that the educator may share the information with the
12 student's parent or guardian as provided for by state or federal
13 law. The commissioner [~~State Board for Educator Certification~~] may
14 revoke or suspend the certification of an educator who
15 intentionally violates this subsection.

16 SECTION 81. Sections 39.0302(a) and (d), Education Code,
17 are amended to read as follows:

18 (a) During an agency investigation or audit of a school
19 district under Section 39.0301(e) or (f), an accreditation
20 investigation under Section 39.057(a)(8) or (13), or an
21 investigation [~~by the State Board for Educator Certification~~] of an
22 educator for an alleged violation of an assessment instrument
23 security procedure established under Section 39.0301(a), the
24 commissioner may issue a subpoena to compel the attendance of a
25 relevant witness or the production, for inspection or copying, of
26 relevant evidence that is located in this state.

27 (d) All information and materials subpoenaed or compiled in

1 connection with an investigation or audit described by Subsection
2 (a):

3 (1) are confidential and not subject to disclosure
4 under Chapter 552, Government Code; and

5 (2) are not subject to disclosure, discovery,
6 subpoena, or other means of legal compulsion for release to any
7 person other than:

8 (A) the commissioner [~~or the State Board for~~
9 ~~Educator Certification, as applicable~~];

10 (B) agency employees or agents involved in the
11 investigation, as applicable; and

12 (C) the office of the attorney general, the state
13 auditor's office, and law enforcement agencies.

14 SECTION 82. Section 39.102(a), Education Code, is amended
15 to read as follows:

16 (a) If a school district does not satisfy the accreditation
17 criteria under Section 39.052, the academic performance standards
18 under Section 39.053 or 39.054, or any financial accountability
19 standard as determined by commissioner rule, the commissioner shall
20 take any of the following actions to the extent the commissioner
21 determines necessary:

22 (1) issue public notice of the deficiency to the board
23 of trustees;

24 (2) order a hearing conducted by the board of trustees
25 of the district for the purpose of notifying the public of the
26 insufficient performance, the improvements in performance expected
27 by the agency, and the interventions and sanctions that may be

1 imposed under this section if the performance does not improve;

2 (3) order the preparation of a student achievement
3 improvement plan that addresses each student achievement indicator
4 under Section 39.053(c) for which the district's performance is
5 insufficient, the submission of the plan to the commissioner for
6 approval, and implementation of the plan;

7 (4) order a hearing to be held before the commissioner
8 or the commissioner's designee at which the president of the board
9 of trustees of the district and the superintendent shall appear and
10 explain the district's low performance, lack of improvement, and
11 plans for improvement;

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

13 (6) appoint an agency monitor to participate in and
14 report to the agency on the activities of the board of trustees or
15 the superintendent;

16 (7) appoint a conservator to oversee the operations of
17 the district;

18 (8) appoint a management team to direct the operations
19 of the district in areas of insufficient performance or require the
20 district to obtain certain services under a contract with another
21 person;

22 (9) if a district has a current accreditation status
23 of accredited-warned or accredited-probation, fails to satisfy any
24 standard under Section 39.054(e), or fails to satisfy financial
25 accountability standards as determined by commissioner rule,
26 appoint a board of managers to exercise the powers and duties of the
27 board of trustees;

1 (10) if for two consecutive school years, including
2 the current school year, a district has received an accreditation
3 status of accredited-warned or accredited-probation, has failed to
4 satisfy any standard under Section 39.054(e), or has failed to
5 satisfy financial accountability standards as determined by
6 commissioner rule, revoke the district's accreditation and:

7 (A) order closure of the district and annex the
8 district to one or more [~~adjoining~~] districts under Section 13.054;
9 or

10 (B) in the case of a home-rule school district or
11 open-enrollment charter school, order closure of all programs
12 operated under the district's or school's charter; or

13 (11) if a district has failed to satisfy any standard
14 under Section 39.054(e) due to the district's dropout rates, impose
15 sanctions designed to improve high school completion rates,
16 including:

17 (A) ordering the development of a dropout
18 prevention plan for approval by the commissioner;

19 (B) restructuring the district or appropriate
20 school campuses to improve identification of and service to
21 students who are at risk of dropping out of school, as defined by
22 Section 29.081;

23 (C) ordering lower student-to-counselor ratios
24 on school campuses with high dropout rates; and

25 (D) ordering the use of any other intervention
26 strategy effective in reducing dropout rates, including mentor
27 programs and flexible class scheduling.

1 SECTION 83. Section 39.112, Education Code, is amended by
2 adding Subsection (f) to read as follows:

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

9 SECTION 84. The heading to Section 39.204, Education Code,
10 is amended to read as follows:

11 Sec. 39.204. CAMPUS DISTINCTION DESIGNATION CRITERIA[+
12 COMMITTEES].

13 SECTION 85. Section 39.233, Education Code, is amended to
14 read as follows:

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

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

21 [~~(2)~~] provide guidance for school districts and
22 campuses in establishing and improving high school completion and
23 success and college readiness programs implemented under Section
24 39.234[+ and

25 [~~(3) develop standards for selecting and methods for~~
26 ~~recognizing school districts and campuses that offer exceptional~~
27 ~~high school completion and success and college readiness programs~~

1 ~~under Section 39.234.~~

2 ~~[(b) The commissioner may adopt rules for the~~
3 ~~administration of this section].~~

4 SECTION 86. Section 39.235(a), Education Code, is amended
5 to read as follows:

6 (a) From funds appropriated for that purpose, the
7 commissioner may establish a grant program under which grants are
8 awarded to middle, junior high, and high school campuses and school
9 districts to support:

10 (1) the implementation of innovative improvement
11 programs that are based on the best available research regarding
12 middle, junior high, or high school reform, dropout prevention, and
13 preparing students for postsecondary coursework or employment; and

14 (2) enhancing education practices that have been
15 demonstrated by significant evidence of effectiveness~~;~~ ~~and~~

16 ~~[(3) the alignment of grants and programs to the~~
17 ~~strategic plan adopted under Section 39.407].~~

18 SECTION 87. Sections 39.301(c) and (d), Education Code, are
19 amended to read as follows:

20 (c) Indicators for reporting purposes must include:

21 (1) the percentage of graduating students who meet the
22 course requirements established by State Board of Education rule
23 for:

24 (A) the foundation high school program;

25 (B) the distinguished level of achievement under
26 the foundation high school program; and

27 (C) each endorsement described by Section

1 28.025(c-1);

2 (2) the results of the SAT, ACT, articulated
3 postsecondary degree programs described by Section 61.852, and
4 certified workforce training programs described by Chapter 311,
5 Labor Code;

6 (3) for students who have failed to perform
7 satisfactorily, under each performance standard under Section
8 39.0241, on an assessment instrument required under Section
9 39.023(a) or (c), the performance of those students on subsequent
10 assessment instruments required under those sections, aggregated
11 by grade level and subject area;

12 (4) for each campus, the number of students,
13 disaggregated by major student subpopulations, that take courses
14 under the foundation high school program and take additional
15 courses to earn an endorsement under Section 28.025(c-1),
16 disaggregated by type of endorsement;

17 (5) the percentage of students, aggregated by grade
18 level, provided accelerated instruction under Section 28.0211(c),
19 the results of assessment instruments administered under that
20 section, the percentage of students promoted through the grade
21 placement committee process under Section 28.0211, the subject of
22 the assessment instrument on which each student failed to perform
23 satisfactorily under each performance standard under Section
24 39.0241, and the performance of those students in the school year
25 following that promotion on the assessment instruments required
26 under Section 39.023;

27 (6) ~~[the percentage of students of limited English~~

1 ~~proficiency exempted from the administration of an assessment~~
2 ~~instrument under Sections 39.027(a)(1) and (2),~~

3 ~~(7)]~~ the percentage of students in a special
4 education program under Subchapter A, Chapter 29, assessed through
5 assessment instruments developed or adopted under Section
6 39.023(b);

7 (7) ~~(8)]~~ the percentage of students who satisfy the
8 college readiness measure;

9 (8) ~~(9)]~~ the measure of progress toward dual language
10 proficiency under Section 39.034(b), for students of limited
11 English proficiency, as defined by Section 29.052;

12 (9) ~~(10)]~~ the percentage of students who are not
13 educationally disadvantaged;

14 (10) ~~(11)]~~ the percentage of students who enroll and
15 begin instruction at an institution of higher education in the
16 school year following high school graduation; and

17 (11) ~~(12)]~~ the percentage of students who
18 successfully complete the first year of instruction at an
19 institution of higher education without needing a developmental
20 education course.

21 (d) Performance on the indicators described by Section
22 39.053(c) and Subsections (c)(3), (4), and (8) ~~(9)]~~ must be based
23 on longitudinal student data that is disaggregated by the bilingual
24 education or special language program, if any, in which students of
25 limited English proficiency, as defined by Section 29.052, are or
26 former students of limited English proficiency were enrolled. If a
27 student described by this subsection is not or was not enrolled in

1 specialized language instruction, the number and percentage of
2 those students shall be provided.

3 SECTION 88. Section 39.409, Education Code, is transferred
4 to Subchapter Z, Chapter 29, Education Code, redesignated as
5 Section 29.921, Education Code, and amended to read as follows:

6 Sec. 29.921 [~~39.409~~]. PRIVATE FOUNDATION PARTNERSHIPS.

7 (a) The commissioner of education or the commissioner of higher
8 education, as appropriate, [~~and the council~~] may coordinate with
9 private foundations that have made a substantial investment in the
10 improvement of high schools in this state to maximize the impact of
11 public and private investments.

12 (b) A private foundation is not required to obtain the
13 approval of the appropriate commissioner [~~or the council~~] under
14 Subsection (a) before allocating resources to a school in this
15 state.

16 SECTION 89. Section 39.413, Education Code, is transferred
17 to Subchapter C, Chapter 61, Education Code, redesignated as
18 Section 61.0767, Education Code, and amended to read as follows:

19 Sec. 61.0767 [~~39.413~~]. FUNDING FOR CERTAIN PROGRAMS. (a)

20 From funds appropriated, the board [~~Texas Higher Education~~
21 ~~Coordinating Board~~] shall allocate \$8.75 million each year to
22 establish mathematics, science, and technology teacher preparation
23 academies under Section 61.0766 [~~, provide funding to the~~
24 ~~commissioner of education to implement and administer the program~~
25 ~~under Section 29.098,~~] and award grants under Section
26 61.0762(a)(3).

27 (b) The board [~~Texas Higher Education Coordinating Board~~]

1 shall establish mathematics, science, and technology teacher
2 preparation academies under Section 61.0766 [~~provide funding to~~
3 ~~the commissioner of education to implement and administer the~~
4 ~~program under Section 29.098,~~] and award grants under Section
5 61.0762(a)(3) in a manner consistent with [~~the goals of this~~
6 ~~subchapter and~~] the goals in "Closing the Gaps," the state's master
7 plan for higher education.

8 SECTION 90. Subchapter A, Chapter 42, Education Code, is
9 amended by adding Section 42.011 to read as follows:

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

15 (b) The agency shall provide guidance relating to an audit
16 developed under this section through any training or reference
17 material the agency provides to school districts or open-enrollment
18 charter schools.

19 SECTION 91. Sections 45.208(a) and (e), Education Code, are
20 amended to read as follows:

21 (a) The bank or banks selected as the depository or
22 depositories and the school district shall enter into a depository
23 contract or contracts, bond or bonds, or other necessary
24 instruments setting forth the duties and agreements pertaining to
25 the depository and including any other information specified by the
26 agency [~~in a form and with the content prescribed by the State~~
27 ~~Board of Education~~]. The parties shall attach to the depository

1 contract and incorporate by reference the bid or proposal of the
2 depository.

3 (e) A copy of a direct deposit form that identifies a
4 depository [~~the depository contract and bond~~] shall be filed with
5 the agency.

6 SECTION 92. Section 52.31, Education Code, is amended to
7 read as follows:

8 Sec. 52.31. PARTICIPATING INSTITUTIONS. In this
9 subchapter, "participating higher educational institution" means a
10 public or private nonprofit institution of higher education,
11 including a junior college, accredited by a recognized accrediting
12 agency as defined by Section 61.003, or a regional education
13 service center or other entity that offers an alternative educator
14 certification program approved by the commissioner of education
15 [~~State Board for Educator Certification~~], that:

16 (1) is located in this state; and

17 (2) complies with the provisions of this chapter and
18 the rules of the board promulgated in accordance with this chapter.

19 SECTION 93. Section 52.32(b), Education Code, is amended to
20 read as follows:

21 (b) If a loan applicant is enrolled at a career school or
22 college in a degree program that is approved by the board or at a
23 regional education service center or other entity in an alternative
24 educator certification program that is approved by the commissioner
25 of education [~~State Board for Educator Certification~~], the
26 applicant is not required to provide evidence that the applicant is
27 unable to obtain a guaranteed student loan from a commercial lender

1 under Subsection (a-1).

2 SECTION 94. Section 61.0514, Education Code, is amended to
3 read as follows:

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

12 SECTION 95. Section 61.076(b), Education Code, is amended
13 to read as follows:

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

21 SECTION 96. Section 61.0761(a), Education Code, is amended
22 to read as follows:

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

1 plan must include:

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

7 (2) a description of the components of a P-16
8 individualized graduation plan sufficient to prepare students for
9 college success;

10 (3) the manner in which the Texas Education Agency
11 should provide model curricula for use as a reference tool by school
12 district employees;

13 (4) recommendations to the Texas Education Agency, the
14 State Board of Education, and the board regarding strategies for
15 decreasing the number of students enrolling in developmental course
16 work at institutions of higher education;

17 (5) recommendations [~~to the State Board for Educator~~
18 ~~Certification~~] regarding changes to educator certification and
19 professional development requirements that contribute to the
20 ability of public school teachers to prepare students for higher
21 education; and

22 (6) any other elements that the commissioner of
23 education and the board suggest for inclusion in the plan.

24 SECTION 97. Section 61.0766(b), Education Code, is amended
25 to read as follows:

26 (b) Before an institution of higher education establishes
27 an academy under this section, the institution must apply through a

1 competitive process, as determined by the board, and meet any
2 requirements established by the board for designation as an academy
3 under this section and continued funding. The institution of
4 higher education must have a teacher preparation program approved
5 by the commissioner of education [~~State Board for Educator~~
6 ~~Certification~~] or be affiliated with a program approved by the
7 commissioner [~~State Board for Educator Certification~~].

8 SECTION 98. Section 61.9832(a), Education Code, as added by
9 Chapter 1229 (S.B. 1720), Acts of the 83rd Legislature, Regular
10 Session, 2013, is amended to read as follows:

11 (a) To be eligible to receive loan repayment assistance
12 under this subchapter, a person must:

13 (1) apply annually for the loan repayment assistance
14 in the manner prescribed by the board;

15 (2) be a United States citizen;

16 (3) have completed an undergraduate or graduate
17 program in mathematics or science;

18 (4) have a cumulative grade point average of at least
19 3.5 on a four-point scale or the equivalent;

20 (5) be certified under Subchapter B, Chapter 21, to
21 teach mathematics or science in a public school in this state or be
22 enrolled in an educator preparation program to obtain that
23 certification that is accredited by the commissioner of education
24 [~~State Board for Educator Certification~~] and is provided by an
25 institution of higher education or by a private or independent
26 institution of higher education in this state;

27 (6) have been employed for at least one year as a

1 teacher teaching mathematics or science at a public school located
2 in a school district that receives funding under Title I,
3 Elementary and Secondary Education Act of 1965 (20 U.S.C. Section
4 6301 et seq.);

5 (7) not be in default on any other education loan;

6 (8) not receive any other state or federal loan
7 repayment assistance, including a Teacher Education Assistance for
8 College and Higher Education (TEACH) Grant or teacher loan
9 forgiveness;

10 (9) enter into an agreement with the board under
11 Subsection (c); and

12 (10) comply with any other requirement adopted by the
13 board under this subchapter.

14 SECTION 99. Section 61.9834, Education Code, as added by
15 Chapter 1229 (S.B. 1720), Acts of the 83rd Legislature, Regular
16 Session, 2013, is amended to read as follows:

17 Sec. 61.9834. EXCEPTION TO CONSECUTIVE YEARS OF EMPLOYMENT
18 REQUIREMENT. The board shall excuse an otherwise eligible person
19 from a requirement imposed by Section 61.9832 that the employment
20 qualifying the person for loan repayment assistance be performed in
21 consecutive years if the break in employment is a result of the
22 person's:

23 (1) full-time enrollment in a course of study related
24 to the field of teaching that is approved by the commissioner of
25 education [~~State Board for Educator Certification~~] and provided by
26 an institution of higher education or by a private or independent
27 institution of higher education in this state;

1 (2) service on active duty as a member of the armed
2 forces of the United States, including as a member of a reserve or
3 National Guard unit called for active duty;

4 (3) temporary total disability for a period of not
5 more than 36 months as established by the affidavit of a qualified
6 physician;

7 (4) inability to secure employment as required by
8 Section 61.9832 for a period not to exceed 12 months, because of
9 care required by a disabled spouse or child;

10 (5) inability, despite reasonable efforts, to secure,
11 for a single period not to exceed 12 months, employment as required
12 by Section 61.9832; or

13 (6) satisfaction of the provisions of any other
14 exception adopted by the board for purposes of this section.

15 SECTION 100. Section 1001.254(a), Education Code, is
16 amended to read as follows:

17 (a) A temporary driver education instructor license may be
18 issued authorizing a person to teach or provide classroom driver
19 education training if the person:

20 (1) has completed the educational requirements
21 prescribed by Section 1001.253(d)(1);

22 (2) holds a Texas teaching certificate with an
23 effective date before February 1, 1986;

24 (3) meets all license requirements, other than
25 successful completion of the examination required under rules
26 adopted by the commissioner of education [~~State Board for Educator~~
27 ~~Certification~~] to revalidate the teaching certificate; and

1 (4) demonstrates, in a manner prescribed by the
2 commissioner, the intention to comply with the examination
3 requirement at the first available opportunity.

4 SECTION 101. Articles 15.27(a) and (1), Code of Criminal
5 Procedure, are amended to read as follows:

6 (a) A law enforcement agency that arrests any person or
7 refers a child to the office or official designated by the juvenile
8 board who the agency believes is enrolled as a student in a public
9 primary or secondary school, for an offense listed in Subsection
10 (h), shall attempt to ascertain whether the person is so enrolled.
11 If the law enforcement agency ascertains that the individual is
12 enrolled as a student in a public primary or secondary school, the
13 head of the agency or a person designated by the head of the agency
14 shall orally notify the superintendent or a person designated by
15 the superintendent in the school district in which the student is
16 enrolled of that arrest or referral within 24 hours after the arrest
17 or referral is made, or before the next school day, whichever is
18 earlier. If the law enforcement agency cannot ascertain whether
19 the individual is enrolled as a student, the head of the agency or a
20 person designated by the head of the agency shall orally notify the
21 superintendent or a person designated by the superintendent in the
22 school district in which the student is believed to be enrolled of
23 that arrest or detention within 24 hours after the arrest or
24 detention, or before the next school day, whichever is earlier. If
25 the individual is a student, the superintendent or the
26 superintendent's designee shall immediately notify all
27 instructional and support personnel who have responsibility for

1 supervision of the student. All personnel shall keep the
2 information received in this subsection confidential. The
3 commissioner of education [~~State Board for Educator Certification~~]
4 may revoke or suspend the certification of personnel who
5 intentionally violate this subsection. Within seven days after the
6 date the oral notice is given, the head of the law enforcement
7 agency or the person designated by the head of the agency shall mail
8 written notification, marked "PERSONAL and CONFIDENTIAL" on the
9 mailing envelope, to the superintendent or the person designated by
10 the superintendent. The written notification must include the
11 facts contained in the oral notification, the name of the person who
12 was orally notified, and the date and time of the oral notification.
13 Both the oral and written notice shall contain sufficient details
14 of the arrest or referral and the acts allegedly committed by the
15 student to enable the superintendent or the superintendent's
16 designee to determine whether there is a reasonable belief that the
17 student has engaged in conduct defined as a felony offense by the
18 Penal Code. The information contained in the notice shall be
19 considered by the superintendent or the superintendent's designee
20 in making such a determination.

21 (1) If a school district board of trustees learns of a
22 failure by the superintendent of the district or a district
23 principal to provide a notice required under Subsection (a), (a-1),
24 or (b), the board of trustees shall report the failure to the
25 commissioner of education [~~State Board for Educator~~
26 ~~Certification~~]. If the governing body of a private primary or
27 secondary school learns of a failure by the principal of the school

1 to provide a notice required under Subsection (e), and the
2 principal holds a certificate issued under Subchapter B, Chapter
3 21, Education Code, the governing body shall report the failure to
4 the commissioner of education [~~State Board for Educator~~
5 ~~Certification~~].

6 SECTION 102. Article 42.018(b), Code of Criminal Procedure,
7 is amended to read as follows:

8 (b) Not later than the fifth day after the date a person who
9 holds a certificate issued under Subchapter B, Chapter 21,
10 Education Code, is convicted or granted deferred adjudication on
11 the basis of an offense, the clerk of the court in which the
12 conviction or deferred adjudication is entered shall provide to the
13 commissioner of education [~~State Board for Educator Certification~~]
14 written notice of the person's conviction or deferred adjudication,
15 including the offense on which the conviction or deferred
16 adjudication was based.

17 SECTION 103. Sections 261.308(d) and (e), Family Code, are
18 amended to read as follows:

19 (d) The department shall release information regarding a
20 person alleged to have committed abuse or neglect to persons who
21 have control over the person's access to children, including, as
22 appropriate, the Texas Education Agency, [~~the State Board for~~
23 ~~Educator Certification~~], the local school board or the school's
24 governing body, the superintendent of the school district, or the
25 school principal or director if the department determines that:

26 (1) the person alleged to have committed abuse or
27 neglect poses a substantial and immediate risk of harm to one or

1 more children outside the family of a child who is the subject of
2 the investigation; and

3 (2) the release of the information is necessary to
4 assist in protecting one or more children from the person alleged to
5 have committed abuse or neglect.

6 (e) On request, the department shall release information
7 about a person alleged to have committed abuse or neglect to the
8 commissioner of education [~~State Board for Educator Certification~~]
9 if the commissioner [~~board~~] has a reasonable basis for believing
10 that the information is necessary to assist the commissioner
11 [~~board~~] in protecting children from the person alleged to have
12 committed abuse or neglect.

13 SECTION 104. Section 261.406(b), Family Code, is amended to
14 read as follows:

15 (b) The department shall send a copy of the completed report
16 of the department's investigation to the Texas Education Agency,
17 [~~the State Board for Educator Certification,~~] the local school
18 board or the school's governing body, the superintendent of the
19 school district, and the school principal or director, unless the
20 principal or director is alleged to have committed the abuse or
21 neglect, for appropriate action. On request, the department shall
22 provide a copy of the report of investigation to the parent,
23 managing conservator, or legal guardian of a child who is the
24 subject of the investigation and to the person alleged to have
25 committed the abuse or neglect. The report of investigation shall
26 be edited to protect the identity of the persons who made the report
27 of abuse or neglect. Other than the persons authorized by the

1 section to receive a copy of the report, Section 261.201(b) applies
2 to the release of the report relating to the investigation of abuse
3 or neglect under this section and to the identity of the person who
4 made the report of abuse or neglect.

5 SECTION 105. Section 411.081(i), Government Code, as
6 amended by Chapters 42 (S.B. 966), 266 (H.B. 729), and 583 (S.B.
7 869), Acts of the 83rd Legislature, Regular Session, 2013, is
8 reenacted and amended to read as follows:

9 (i) A criminal justice agency may disclose criminal history
10 record information that is the subject of an order of nondisclosure
11 under Subsection (d) to the following noncriminal justice agencies
12 or entities only:

13 (1) ~~[the State Board for Educator Certification,~~
14 ~~(2)]~~ a school district, charter school, private
15 school, regional education service center, commercial
16 transportation company, or education shared service arrangement;

17 (2) ~~(3)~~ the Texas Medical Board;

18 (3) ~~(4)~~ the Texas School for the Blind and Visually
19 Impaired;

20 (4) ~~(5)~~ the Board of Law Examiners;

21 (5) ~~(6)~~ the State Bar of Texas;

22 (6) ~~(7)~~ a district court regarding a petition for
23 name change under Subchapter B, Chapter 45, Family Code;

24 (7) ~~(8)~~ the Texas School for the Deaf;

25 (8) ~~(9)~~ the Department of Family and Protective
26 Services;

27 (9) ~~(10)~~ the Texas Juvenile Justice Department;

- 1 (10) [~~(11)~~] the Department of Assistive and
2 Rehabilitative Services;
- 3 (11) [~~(12)~~] the Department of State Health Services, a
4 local mental health service, a local mental retardation authority,
5 or a community center providing services to persons with mental
6 illness or retardation;
- 7 (12) [~~(13)~~] the Texas Private Security Board;
- 8 (13) [~~(14)~~] a municipal or volunteer fire department;
- 9 (14) [~~(15)~~] the Texas Board of Nursing;
- 10 (15) [~~(16)~~] a safe house providing shelter to children
11 in harmful situations;
- 12 (16) [~~(17)~~] a public or nonprofit hospital or hospital
13 district, or a facility as defined by Section [250.001](#), Health and
14 Safety Code;
- 15 (17) [~~(18)~~] the securities commissioner, the banking
16 commissioner, the savings and mortgage lending commissioner, the
17 consumer credit commissioner, or the credit union commissioner;
- 18 (18) [~~(19)~~] the Texas State Board of Public
19 Accountancy;
- 20 (19) [~~(20)~~] the Texas Department of Licensing and
21 Regulation;
- 22 (20) [~~(21)~~] the Health and Human Services Commission;
- 23 (21) [~~(22)~~] the Department of Aging and Disability
24 Services;
- 25 (22) [~~(23)~~] the Texas Education Agency;
- 26 (23) [~~(24)~~] the Judicial Branch Certification
27 Commission;

1 (24) [~~(25)~~] a county clerk's office in relation to a
2 proceeding for the appointment of a guardian under Title 3, Estates
3 [~~Chapter XIII, Texas Probate~~] Code;

4 (25) [~~(26)~~] the Department of Information Resources
5 but only regarding an employee, applicant for employment,
6 contractor, subcontractor, intern, or volunteer who provides
7 network security services under Chapter 2059 to:

8 (A) the Department of Information Resources; or

9 (B) a contractor or subcontractor of the
10 Department of Information Resources;

11 (26) [~~(27)~~] the Texas Department of Insurance;

12 (27) [~~(28)~~] the Teacher Retirement System of Texas;

13 and

14 (28) [~~(30)~~] the Texas State Board of Pharmacy.

15 SECTION 106. Section 411.0901, Government Code, is amended
16 to read as follows:

17 Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD
18 INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education
19 Agency is entitled to obtain criminal history record information
20 maintained by the department about a person who:

21 (1) has applied to the commissioner of education for a
22 certificate under Subchapter B, Chapter 21, Education Code;

23 (2) is employed or is an applicant for employment by a
24 school district or open-enrollment charter school;

25 (3) [~~(2)~~] is employed or is an applicant for
26 employment by a shared services arrangement, if the employee's or
27 applicant's duties are or will be performed on school property or at

1 another location where students are regularly present; or

2 (4) [~~(3)~~] is employed or is an applicant for
3 employment by an entity that contracts with a school district,
4 open-enrollment charter school, or shared services arrangement if:

5 (A) the employee or applicant has or will have
6 continuing duties relating to the contracted services; and

7 (B) the employee or applicant has or will have
8 direct contact with students.

9 (b) Criminal history record information obtained by the
10 agency in the original form or any subsequent form:

11 (1) may be used only for a purpose authorized by the
12 Education Code;

13 (2) may not be released to any person except:

14 (A) the person who is the subject of the
15 information;

16 (B) [~~the State Board for Educator Certification;~~

17 [~~(C)~~] a local or regional educational entity as
18 provided by Section 411.097; or

19 (C) [~~(D)~~] by court order;

20 (3) is not subject to disclosure as provided by
21 Chapter 552; and

22 (4) shall be destroyed by the agency after the
23 information is used for the authorized purposes.

24 (d) The department shall notify the agency of the arrest of
25 any educator, as defined by Section 5.001, Education Code, who has
26 fingerprints on file with the department. Any record of the
27 notification and any information contained in the notification are

1 not subject to disclosure as provided by Chapter 552.

2 SECTION 107. Section 411.097(d), Government Code, is
3 amended to read as follows:

4 (d) Criminal history record information obtained by a
5 school district, charter school, private school, service center,
6 commercial transportation company, or shared services arrangement
7 in the original form or any subsequent form:

8 (1) may not be released to any person except:

9 (A) the individual who is the subject of the
10 information;

11 (B) the Texas Education Agency;

12 (C) ~~[the State Board for Educator Certification,~~

13 ~~[(D)]~~ the chief personnel officer of the
14 transportation company, if the information is obtained under
15 Subsection (a)(2); or

16 (D) ~~[(E)]~~ by court order;

17 (2) is not subject to disclosure as provided by
18 Chapter 552; and

19 (3) shall be destroyed by the school district, charter
20 school, private school, service center, commercial transportation
21 company, or shared services arrangement on the earlier of:

22 (A) the first anniversary of the date the
23 information was originally obtained; or

24 (B) the date the information is used for the
25 authorized purpose.

26 SECTION 108. Section 654.011(a), Government Code, is
27 amended to read as follows:

1 (a) The position classification plan and the salary rates
2 and provisions in the General Appropriations Act apply to all
3 hourly, part-time, temporary, and regular, full-time salaried
4 employments in the state departments, agencies, or judicial
5 entities specified in the articles of the General Appropriations
6 Act that appropriate money to:

- 7 (1) general government agencies;
- 8 (2) health and human services agencies;
- 9 (3) the judiciary, except for judges, district
10 attorneys, and assistant district attorneys;
- 11 (4) public safety and criminal justice agencies;
- 12 (5) natural resources agencies;
- 13 (6) business and economic development agencies;
- 14 (7) regulatory agencies; and
- 15 (8) agencies of public education, but only the Texas
16 Education Agency, the Texas School for the Blind and Visually
17 Impaired, [~~the State Board for Educator Certification~~], and the
18 Texas School for the Deaf.

19 SECTION 109. Section [821.001](#)(7), Government Code, is
20 amended to read as follows:

21 (7) "Employer" means any agents or agencies in the
22 state responsible for public education, including the governing
23 board of any school district created under the laws of this state,
24 any county school board, the board of trustees, the board of regents
25 of any college or university, or any other legally constituted
26 board or agency of any public school, but excluding the State Board
27 of Education and[~~7~~] the Texas Education Agency[~~7~~, and the State

1 ~~Board for Educator Certification]~~.

2 SECTION 110. Section 821.103, Government Code, is amended
3 to read as follows:

4 Sec. 821.103. CANCELLATION OF TEACHER CERTIFICATE. (a)
5 After receiving notice from the board of trustees of an offense
6 under Section 821.101 and after complying with Chapter 2001 and
7 rules adopted by the commissioner of education [~~State Board for~~
8 ~~Educator Certification~~], the commissioner [~~State Board for~~
9 ~~Educator Certification~~] may cancel the teacher certificate of a
10 person if the commissioner [~~State Board for Educator Certification~~]
11 determines that the person committed the offense.

12 (b) The commissioner of education [~~executive director of~~
13 ~~the State Board for Educator Certification~~] may enter into an
14 agreed sanction.

15 (c) A criminal prosecution of an offender under Section
16 821.101 is not a prerequisite to action by the Texas Education
17 Agency [~~State Board for Educator Certification~~] or the commissioner
18 of education [~~its executive director~~].

19 SECTION 111. Section 2054.352(a), Government Code, is
20 amended to read as follows:

21 (a) The following licensing entities shall participate in
22 the system established under Section 2054.353:

- 23 (1) Texas Board of Chiropractic Examiners;
- 24 (2) Judicial Branch Certification Commission;
- 25 (3) State Board of Dental Examiners;
- 26 (4) Texas Funeral Service Commission;
- 27 (5) Texas Board of Professional Land Surveying;

- 1 (6) Texas Medical Board;
- 2 (7) Texas Board of Nursing;
- 3 (8) Texas Optometry Board;
- 4 (9) Department of Agriculture, for licenses issued
- 5 under Chapter 1951, Occupations Code;
- 6 (10) Texas State Board of Pharmacy;
- 7 (11) Executive Council of Physical Therapy and
- 8 Occupational Therapy Examiners;
- 9 (12) Texas State Board of Plumbing Examiners;
- 10 (13) Texas State Board of Podiatric Medical Examiners;
- 11 (14) Texas State Board of Examiners of Psychologists;
- 12 (15) State Board of Veterinary Medical Examiners;
- 13 (16) Texas Real Estate Commission;
- 14 (17) Texas Appraiser Licensing and Certification
- 15 Board;
- 16 (18) Texas Department of Licensing and Regulation;
- 17 (19) Texas State Board of Public Accountancy;
- 18 (20) commissioner of education, for certificates
- 19 issued under Subchapter B, Chapter 21, Education Code [~~State Board~~
- 20 ~~for Educator Certification~~];
- 21 (21) Texas Board of Professional Engineers;
- 22 (22) Department of State Health Services;
- 23 (23) Texas Board of Architectural Examiners;
- 24 (24) Texas Racing Commission;
- 25 (25) Texas Commission on Law Enforcement; and
- 26 (26) Texas Private Security Board.

27 SECTION 112. Section 48.102(a), Human Resources Code, is

1 amended to read as follows:

2 (a) The department shall send a written report of the
3 department's investigation of alleged abuse, neglect, or
4 exploitation of a disabled adult at a school, as appropriate, to the
5 Texas Education Agency, [~~the agency responsible for teacher~~
6 ~~certification,~~] the local school board or the school's governing
7 body, and the school principal or director, unless the principal or
8 director is alleged to have committed the abuse, neglect, or
9 exploitation. The entity to which the report is sent shall take
10 appropriate action.

11 SECTION 113. Section [53.021\(e\)](#), Occupations Code, is
12 amended to read as follows:

13 (e) Subsection (c) does not apply if the person is an
14 applicant for or the holder of a license that authorizes the person
15 to provide:

16 (1) law enforcement or public health, education, or
17 safety services; or

18 (2) financial services in an industry regulated by a
19 person listed in Section [411.081\(i\)\(17\)](#) [~~[411.081\(i\)\(19\)](#)~~],
20 Government Code.

21 SECTION 114. Section [504.002\(b\)](#), Occupations Code, is
22 amended to read as follows:

23 (b) This chapter does not apply to an activity or service of
24 a person who:

25 (1) is employed as a counselor by a federal
26 institution and is providing chemical dependency counseling within
27 the scope of the person's employment;

1 (2) except as provided by Section 504.1515, is a
2 student, intern, or trainee pursuing a supervised course of study
3 in counseling at a regionally accredited institution of higher
4 education or training institution, if the person:

5 (A) is designated as a "counselor intern"; and

6 (B) is engaging in the activity or providing the
7 service as part of the course of study;

8 (3) is not a resident of this state, if the person:

9 (A) engages in the activity or provides the
10 service in this state for not more than 30 days during any year; and

11 (B) is authorized to engage in the activity or
12 provide the service under the law of the state of the person's
13 residence;

14 (4) is a licensed physician, psychologist,
15 professional counselor, or social worker;

16 (5) is a religious leader of a congregation providing
17 pastoral chemical dependency counseling within the scope of the
18 person's duties;

19 (6) is working for or providing counseling with a
20 program exempt under Subchapter C, Chapter 464, Health and Safety
21 Code;

22 (7) is a school counselor certified by the
23 commissioner of education [~~State Board for Educator~~
24 ~~Certification~~]; or

25 (8) provides chemical dependency counseling through a
26 program or in a facility that receives funding from the Texas
27 Department of Criminal Justice and who is credentialed as:

1 (A) a certified criminal justice addictions
2 professional by the International Certification and Reciprocity
3 Consortium; or

4 (B) having certified criminal justice
5 professional applicant status issued by the Texas Certification
6 Board of Addiction Professionals.

7 SECTION 115. (a) The following provisions of the Education
8 Code are repealed:

- 9 (1) Section 7.009;
- 10 (2) Sections 7.021(b) and (c);
- 11 (3) Sections 7.055(b)(1), (2), (3), (4), (5), (6),
12 (7), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),
13 (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30),
14 (31), (32), (34), (35), (36), (37), (38), (39), and (41);
- 15 (4) Section 7.055(c);
- 16 (5) Section 11.201(c);
- 17 (6) Section 11.254;
- 18 (7) Section 13.052;
- 19 (8) Section 21.007(a);
- 20 (9) Sections 21.032, 21.033, 21.034, 21.035, 21.036,
21 21.037, and 21.038;
- 22 (10) Section 21.041(a);
- 23 (11) Sections 21.042 and 21.043;
- 24 (12) Sections 21.254(c) and (d);
- 25 (13) Section 21.4541;
- 26 (14) Section 22.0831(a);
- 27 (15) Section 22.08391(b);

- 1 (16) Section 25.001(e);
- 2 (17) Sections 29.095, 29.096, 29.097, 29.098, and
- 3 29.099;
- 4 (18) Section 29.917;
- 5 (19) Section 34.015;
- 6 (20) Section 39.037(g);
- 7 (21) Sections 39.204(b), (c), (d), and (e);
- 8 (22) the heading to Subchapter M, Chapter 39;
- 9 (23) Sections 39.401, 39.402, 39.403, 39.404, 39.405,
- 10 39.406, 39.407, 39.408, 39.410, 39.411, 39.412, 39.414, 39.415, and
- 11 39.416; and
- 12 (24) Sections 42.152(q), (q-1), (q-2), (q-3), (q-4),
- 13 and (r).

14 (b) Section 411.090, Government Code, is repealed.

15 SECTION 116. (a) The State Board for Educator
16 Certification is abolished September 1, 2015. On that date, all
17 powers, duties, obligations, rights, contracts, leases, records,
18 personnel, property, and unspent and unobligated appropriations
19 and other funds of the State Board for Educator Certification are
20 transferred to the Texas Education Agency. Before that date, the
21 Texas Education Agency, with the agreement of the State Board for
22 Educator Certification, may transfer any records, personnel, or
23 property of the State Board for Educator Certification to the Texas
24 Education Agency in preparation for the transfer provided for in
25 this Act.

26 (b) The abolishment of the State Board for Educator
27 Certification does not affect the validity of a right, privilege,

1 or obligation accrued, a contract or acquisition made, any
2 liability incurred, a certificate issued, a penalty, forfeiture, or
3 punishment assessed, a rule adopted, a proceeding, investigation,
4 or remedy begun, a decision made, or other action taken by or in
5 connection with the State Board for Educator Certification. A
6 certificate issued by the State Board for Educator Certification
7 under Subchapter B, Chapter 21, Education Code, before September 1,
8 2015, is considered a certificate issued by the Texas Education
9 Agency.

10 (c) All rules, policies, procedures, and decisions of the
11 State Board for Educator Certification are continued in effect as
12 rules, policies, procedures, and decisions of the commissioner of
13 education and the Texas Education Agency until superseded by a rule
14 or other appropriate action of the Texas Education Agency.

15 (d) After the effective date of this Act, the commissioner
16 of education may adopt a rule proposed by the State Board for
17 Educator Certification before the effective date of this Act.

18 (e) Any action or proceeding before the State Board for
19 Educator Certification is transferred without change in status to
20 the commissioner of education and the Texas Education Agency, and
21 the commissioner and the agency assume, without a change in status,
22 the position of the State Board for Educator Certification in any
23 action or proceeding to which the State Board for Educator
24 Certification is a party.

25 SECTION 117. To the extent of any conflict, this Act
26 prevails over another Act of the 84th Legislature, Regular Session,
27 2015, relating to nonsubstantive additions to and corrections in

1 enacted codes.

2 SECTION 118. This Act takes effect September 1, 2015.