

AN ACT

relating to the State Board for Educator Certification, educator preparation programs, educator certification, issuance of certain teaching permits, and certain procedures for investigating educator misconduct.

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

SECTION 1. Section 21.033(a), Education Code, is amended to read as follows:

(a) The State Board for Educator Certification is composed of 15 [~~14~~] members. The commissioner of education shall appoint an employee of the agency to represent the commissioner as a nonvoting member. The commissioner of higher education shall appoint an employee of the Texas Higher Education Coordinating Board to represent the commissioner as a nonvoting member. The governor shall appoint two nonvoting members. The governor shall appoint a dean of a college of education in this state as one of the [a] nonvoting members [member]. The governor shall appoint a person who has experience working for and knowledge of an alternative educator preparation program and who is not affiliated with an institution of higher education as one of the nonvoting members. The remaining 11 members are appointed by the governor with the advice and consent of the senate, as follows:

(1) four members must be teachers employed in public schools;

1 (2) two members must be public school administrators;

2 (3) one member must be a public school counselor; and

3 (4) four members must be citizens, three of whom are
4 not and have not, in the five years preceding appointment, been
5 employed by a public school district or by an educator preparation
6 program in an institution of higher education and one of whom is not
7 and has not been employed by a public school district or by an
8 educator preparation program in an institution of higher education.

9 SECTION 2. Section 21.035, Education Code, is amended to
10 read as follows:

11 Sec. 21.035. DELEGATION AUTHORITY; ADMINISTRATION BY
12 AGENCY. (a) The board is permitted to make a written delegation of
13 authority to the commissioner or the agency to informally dispose
14 of a contested case involving educator certification.

15 (b) The agency [~~Texas Education Agency~~] shall provide the
16 board's administrative functions and services.

17 SECTION 3. Section 21.044(b), Education Code, is amended to
18 read as follows:

19 (b) Any minimum academic qualifications for a certificate
20 specified under Subsection (a) that require a person to possess a
21 bachelor's degree must also require that the person receive, as
22 part of the training required to obtain that certificate
23 [~~curriculum for that degree~~], instruction in detection and
24 education of students with dyslexia. [~~This subsection does not~~
25 ~~apply to a person who obtains a certificate through an alternative~~
26 ~~certification program adopted under Section 21.049.~~]

27 SECTION 4. Section 21.0441, Education Code, is amended by

1 amending Subsection (a) and adding Subsections (c) and (d) to read
2 as follows:

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

8 (1) except as provided by Subsection (b), satisfies
9 the following minimum grade point average requirements [~~prescribed~~
10 ~~by the board, not to exceed the following~~]:

11 (A) an overall grade point average of at least
12 2.50 [~~2.75~~] on a four-point scale or the equivalent on any course
13 work previously attempted at a public or private institution of
14 higher education; or

15 (B) a grade point average of at least 2.50 [~~2.75~~]
16 on a four-point scale or the equivalent for the last 60 semester
17 credit hours attempted at a public or private institution of higher
18 education; and

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

20 (A) has successfully completed at least:

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

25 (ii) 12 semester credit hours in the
26 subject-specific content area in which the person is seeking
27 certification, if the person is not seeking certification to teach

1 mathematics or science at or above grade level seven; or

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

8 (c) The overall grade point average of each incoming class
9 admitted by an educator preparation program, including an
10 alternative educator preparation program, may not be less than 3.00
11 on a four-point scale or the equivalent or a higher overall grade
12 point average prescribed by the board. In computing the overall
13 grade point average of an incoming class for purposes of this
14 subsection, a program may:

15 (1) include the grade point average of each person in
16 the incoming class based on all course work previously attempted by
17 the person at a public or private institution of higher education;
18 or

19 (2) include the grade point average of each person in
20 the incoming class based only on the last 60 semester credit hours
21 attempted by the person at a public or private institution of higher
22 education.

23 (d) A person seeking career and technology education
24 certification is not included in determining the overall grade
25 point average of an incoming class under Subsection (c).

26 SECTION 5. Subchapter B, Chapter 21, Education Code, is
27 amended by adding Section 21.0443 to read as follows:

1 Sec. 21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND
2 RENEWAL. (a) The board shall propose rules to establish standards
3 to govern the approval or renewal of approval of:

4 (1) educator preparation programs; and

5 (2) certification fields authorized to be offered by
6 an educator preparation program.

7 (b) To be eligible for approval or renewal of approval, an
8 educator preparation program must adequately prepare candidates
9 for educator certification and meet the standards and requirements
10 of the board.

11 (c) The board shall require that each educator preparation
12 program be reviewed for renewal of approval at least every five
13 years. The board shall adopt an evaluation process to be used in
14 reviewing an educator preparation program for renewal of approval.

15 SECTION 6. Section 21.045, Education Code, is amended to
16 read as follows:

17 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR
18 PREPARATION PROGRAMS. (a) The board shall propose rules necessary
19 to establish [~~establishing~~] standards to govern the [~~approval and~~]
20 continuing accountability of all educator preparation programs
21 based on the following information that is disaggregated with
22 respect to race, sex, and ethnicity:

23 (1) results of the certification examinations
24 prescribed under Section 21.048(a);

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

27 (3) achievement, including improvement in

1 achievement, of students taught by beginning teachers for the first
2 three years following certification, to the extent practicable;
3 ~~[and]~~

4 (4) compliance with board requirements regarding the
5 frequency, duration, and quality of structural guidance and ongoing
6 support provided by field supervisors to candidates completing
7 student teaching, clinical teaching, or an internship; and

8 (5) results from a teacher satisfaction survey,
9 developed by the board with stakeholder input, of new teachers
10 performed at the end of the teacher's first year of teaching
11 ~~[beginning teachers during their first year in the classroom].~~

12 (b) Each educator preparation program shall submit data
13 elements as required by the board for an annual performance report
14 to ensure access and equity. At a minimum, the annual report must
15 contain:

16 (1) the performance data from Subsection (a), other
17 than the data required for purposes of Subsection (a)(3);

18 (2) data related to the program's compliance with
19 requirements for field supervision of candidates during their
20 clinical teaching and internship experiences;

21 (3) ~~[, and]~~ the following information, disaggregated
22 by race, sex, and ethnicity:

23 (A) ~~[(1)]~~ the number of candidates who apply;

24 (B) ~~[(2)]~~ the number of candidates admitted;

25 (C) ~~[(3)]~~ the number of candidates retained;

26 (D) ~~[(4)]~~ the number of candidates completing

27 the program;

1 (E) [~~(5)~~] the number of candidates employed as
2 beginning teachers under standard teaching certificates by not
3 later than the first anniversary of [~~in the profession after~~]
4 completing the program;

5 (F) the amount of time required by candidates
6 employed as beginning teachers under probationary teaching
7 certificates to be issued standard teaching certificates;

8 (G) [~~(6)~~] the number of candidates retained in
9 the profession; and

10 (H) [~~(7)~~] any other information required by
11 federal law;

12 (4) the ratio of field supervisors to candidates
13 completing student teaching, clinical teaching, or an internship;
14 and

15 (5) any other information necessary to enable the
16 board to assess the effectiveness of the program on the basis of
17 teacher retention and success criteria adopted by the board.

18 (c) The board shall propose rules necessary to establish
19 [~~establishing~~] performance standards for the Accountability System
20 for Educator Preparation for accrediting educator preparation
21 programs. At a minimum, performance standards must be based on
22 Subsection (a). [~~The board may propose rules establishing minimum~~
23 ~~standards for approval or renewal of approval of.~~

24 [~~(1) educator preparation programs, or~~

25 [~~(2) certification fields authorized to be offered by~~
26 ~~an educator preparation program.]~~

27 SECTION 7. Sections 21.0451(a), (c), and (d), Education

1 Code, are amended to read as follows:

2 (a) The board shall propose rules necessary for the sanction
3 of educator preparation programs that do not meet accountability
4 standards or comply with state law or rules and shall at least
5 annually review the accreditation status of each educator
6 preparation program. The rules:

7 (1) shall provide for the assignment of the following
8 accreditation statuses:

- 9 (A) not rated;
10 (B) accredited;
11 (C) accredited-warned;
12 (D) accredited-probation; and
13 (E) not accredited-revoked;

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

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

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

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

22 (D) if a program has been rated as
23 accredited-probation under the Accountability System for Educator
24 Preparation for a period of at least one year, revoking the approval
25 of the program and ordering the program to be closed, provided that
26 the board or agency has provided [~~must provide~~] the opportunity for
27 a contested case hearing [~~before the effective date of the~~

1 closure]; ~~and~~

2 (3) shall provide for the agency to revoke the
3 approval of the program and order the program to be closed if the
4 program has been rated as accredited-probation under the
5 Accountability System for Educator Preparation for three
6 consecutive years, provided that the board or agency has provided
7 ~~must provide~~ the opportunity for a contested case hearing; and

8 (4) shall provide the board procedure for changing the
9 accreditation status of a program that:

10 (A) does not meet the accreditation standards
11 established under Section 21.045(a); or

12 (B) violates a board or agency regulation ~~[before~~
13 ~~the effective date of the closure]~~.

14 (c) A ~~[permissive]~~ revocation ~~[under Subsection (a)(2) or~~
15 ~~required revocation under Subsection (a)(3)]~~ must be effective for
16 a period of at least two years. After two years, the program may
17 seek renewed approval to prepare educators for state certification.

18 (d) The costs of technical assistance required under
19 Subsection (a)(2)(A) or the costs associated with the appointment
20 of a monitor under Subsection (a)(2)(C) shall be paid by the
21 ~~[sponsor of the]~~ educator preparation program.

22 SECTION 8. Sections 21.0452(b), (c), and (d), Education
23 Code, are amended to read as follows:

24 (b) The board shall make available at least the following
25 information regarding each educator preparation program:

26 (1) the information specified in Sections 21.045(a)
27 and (b);

1 (2) in addition to any other appropriate information
2 indicating the quality of persons admitted to the program, the
3 average academic qualifications possessed by persons admitted to
4 the program, including:

5 (A) average overall grade point average and
6 average grade point average in specific subject areas; and

7 (B) average scores on the Scholastic Assessment
8 Test (SAT), the American College Test (ACT), or the Graduate Record
9 Examination (GRE), as applicable;

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

12 (4) the extent to which the program prepares teachers,
13 including general education teachers and special education
14 teachers, to effectively teach:

15 (A) students with disabilities; and

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

18 (5) the activities offered by the program that are
19 designed to prepare teachers to:

20 (A) integrate technology effectively into
21 curricula and instruction, including activities consistent with
22 the principles of universal design for learning; and

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

26 (6) for each semester, the average ratio of field
27 supervisors to candidates completing student teaching, clinical

1 teaching, or an internship in an educator preparation program;

2 (7) the percentage of teachers employed under a
3 standard teaching certificate within one year of completing the
4 program;

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

10 (9) [~~(7)~~] the results of exit surveys given to program
11 participants on completion of the program that involve evaluation
12 of the program's effectiveness in preparing participants to succeed
13 in the classroom; [~~and~~]

14 (10) [~~(8)~~] the results of surveys given to school
15 principals that involve evaluation of the program's effectiveness
16 in preparing participants to succeed in the classroom, based on
17 experience with employed program participants; and

18 (11) the results of teacher satisfaction surveys
19 developed under Section 21.045 and given to program participants at
20 the end of the first year of teaching.

21 (c) For purposes of Subsection (b)(9) [~~(b)(7)~~], the board
22 shall require an educator preparation program to distribute an exit
23 survey that a program participant must complete before the
24 participant is eligible to receive a certificate under this
25 subchapter.

26 (d) For purposes of Subsections (b)(9) [~~(b)(7)~~] and (10)
27 [~~(8)~~], the board shall develop surveys for distribution to program

1 participants and school principals.

2 SECTION 9. Subchapter B, Chapter 21, Education Code, is
3 amended by adding Sections 21.0454 and 21.0455 to read as follows:

4 Sec. 21.0454. RISK FACTORS FOR EDUCATOR PREPARATION
5 PROGRAMS; RISK-ASSESSMENT MODEL. (a) The board shall propose
6 rules necessary to develop a set of risk factors to use in assessing
7 the overall risk level of each educator preparation program. The
8 set of risk factors must include:

9 (1) a history of the program's compliance with state
10 law and board rules, standards, and procedures, with consideration
11 given to:

12 (A) the seriousness of any violation of a rule,
13 standard or procedure;

14 (B) whether the violation resulted in an action
15 being taken against the program;

16 (C) whether the violation was promptly remedied
17 by the program;

18 (D) the number of alleged violations; and

19 (E) any other matter considered to be appropriate
20 in evaluating the program's compliance history; and

21 (2) whether the program meets the accountability
22 standards under Section 21.045.

23 (b) The set of risk factors developed by the board may
24 include whether an educator preparation program is accredited by
25 other organizations.

26 (c) The board shall use the set of risk factors to guide the
27 agency in conducting monitoring, inspections, and compliance

1 audits of educator preparation programs, including evaluations
2 associated with renewals under Section 21.0443.

3 Sec. 21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION
4 PROGRAMS. (a) The board shall propose rules necessary to establish
5 a process for a candidate for teacher certification to direct a
6 complaint against an educator preparation program to the agency.

7 (b) The board by rule shall require an educator preparation
8 program to notify candidates for teacher certification of the
9 complaint process adopted under Subsection (a). The notice must
10 include the name, mailing address, telephone number, and Internet
11 website address of the agency for the purpose of directing
12 complaints to the agency. The educator preparation program shall
13 provide for that notification:

14 (1) on the Internet website of the educator
15 preparation program, if the program maintains a website; and

16 (2) on a sign prominently displayed in program
17 facilities.

18 (c) The board shall post the complaint process adopted under
19 Subsection (a) on the agency's Internet website.

20 (d) The board has no authority to arbitrate or resolve
21 contractual or commercial issues between an educator preparation
22 program and a candidate for teacher certification.

23 SECTION 10. Section 21.048(a), Education Code, as amended
24 by Chapters 1282 (H.B. 2012) and 1292 (H.B. 2318), Acts of the 83rd
25 Legislature, Regular Session, 2013, is reenacted and amended to
26 read as follows:

27 (a) The board shall propose rules prescribing comprehensive

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

7 SECTION 11. Section 21.048, Education Code, is amended by
8 amending Subsections (a-1) and (c-1) and adding Subsection (a-2) to
9 read as follows:

10 (a-1) The board may not require that more than 45 days
11 elapse before a person may retake an examination. A person may not
12 retake an examination more than four times, unless the board waives
13 the limitation for good cause as prescribed by the board.

14 (a-2) For purposes of the limitation imposed by Subsection
15 (a-1) on the number of administrations of an examination, a person
16 who initially took an examination before September 1, 2015, may
17 retake the examination up to four times after that date, regardless
18 of the number of times that the person attempted to perform
19 satisfactorily on the examination before that date. This
20 subsection expires September 1, 2018.

21 (c-1) The results of an examination administered under this
22 section are confidential and are not subject to disclosure under
23 Chapter 552, Government Code, unless[+]

24 [~~(1)~~] the disclosure is regarding notification to a
25 parent of the assignment of an uncertified teacher to a classroom as
26 required by Section 21.057[+ ~~or~~

27 [~~(2) the educator has failed the examination more than~~

1 ~~five times~~].

2 SECTION 12. Section 21.055, Education Code, is amended by
3 amending Subsection (b) and adding Subsection (d-1) to read as
4 follows:

5 (b) To be eligible for a school district teaching permit
6 under this section, a person must hold a baccalaureate degree.
7 ~~[This subsection does not apply to a person who will teach only
8 career and technology education.]~~

9 (d-1) Subsections (b), (c), and (d) do not apply to a person
10 who will teach only noncore academic career and technical education
11 courses. A school district board of trustees may issue a school
12 district teaching permit to a person who will teach courses only in
13 career and technical education based on qualifications certified by
14 the superintendent of the school district. Qualifications must
15 include demonstrated subject matter expertise such as professional
16 work experience, formal training and education, holding an active
17 professional relevant industry license, certification, or
18 registration, or any combination of work experience, training and
19 education, or industry license, certification, or registration, in
20 the subject matter to be taught. The superintendent of the school
21 district shall certify to the board of trustees that a new employee
22 has undergone a criminal background check and is capable of proper
23 classroom management. A school district shall require a new
24 employee to obtain at least 20 hours of classroom management
25 training and to comply with continuing education requirements as
26 determined by the board of trustees. A person may teach a career
27 and technical education course immediately upon issuance of a

1 permit under this subsection. Promptly after employing a person
2 who qualifies under this subsection, the board of trustees shall
3 send to the commissioner a written statement identifying the
4 person, the course the person will teach, and the person's
5 qualifications to teach the course.

6 SECTION 13. Subchapter B, Chapter 21, Education Code, is
7 amended by adding Section 21.062 to read as follows:

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

13 (b) A subpoena may be served personally or by certified
14 mail.

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

21 (d) All information and materials subpoenaed or compiled in
22 connection with an investigation described by Subsection (a) are
23 confidential and not subject to disclosure under Chapter 552,
24 Government Code.

25 (e) Except as provided by a protective order, and
26 notwithstanding Subsection (d), all information and materials
27 subpoenaed or compiled in connection with an investigation

1 described by Subsection (a) may be used in a disciplinary
2 proceeding against an educator based on an alleged incident of
3 misconduct.

4 SECTION 14. As soon as practicable after the effective date
5 of this Act, the governor shall appoint as a nonvoting member of the
6 State Board for Educator Certification a person who has experience
7 working for and knowledge of an alternative educator preparation
8 program and who is not affiliated with an institution of higher
9 education, as required by Section 21.033(a), Education Code, as
10 amended by this Act.

11 SECTION 15. Not later than January 1, 2016, the State Board
12 for Educator Certification shall develop criteria for evaluation of
13 educator preparation programs based on teacher retention and
14 success as required by Section 21.045(b)(5), Education Code, as
15 added by this Act. The State Board for Educator Certification shall
16 consult with the Texas Higher Education Coordinating Board and
17 educator preparation programs in developing the criteria. The Texas
18 Higher Education Coordinating Board shall participate and provide
19 recommendations regarding the criteria.

20 SECTION 16. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 2205 was passed by the House on May 15, 2015, by the following vote: Yeas 126, Nays 5, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2205 on May 29, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2205 on May 31, 2015, by the following vote: Yeas 125, Nays 16, 2 present, not voting.

Chief Clerk of the House

H.B. No. 2205

I certify that H.B. No. 2205 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2205 on May 31, 2015, by the following vote: Yeas 19, Nays 12.

Secretary of the Senate

APPROVED: _____

Date

Governor