

1-1 By: Crownover, VanDeaver H.B. No. 2205  
 1-2 (Senate Sponsor - Seliger)  
 1-3 (In the Senate - Received from the House May 18, 2015;  
 1-4 May 18, 2015, read first time and referred to Committee on Higher  
 1-5 Education; May 22, 2015, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;  
 1-7 May 22, 2015, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 2205 By: Watson

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

1-20 relating to the State Board for Educator Certification, educator  
 1-21 preparation programs, and educator certification.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 21.033(a), Education Code, is amended to  
 1-24 read as follows:

1-25 (a) The State Board for Educator Certification is composed  
 1-26 of 15 [~~14~~] members. The commissioner of education shall appoint an  
 1-27 employee of the agency to represent the commissioner as a nonvoting  
 1-28 member. The commissioner of higher education shall appoint an  
 1-29 employee of the Texas Higher Education Coordinating Board to  
 1-30 represent the commissioner as a nonvoting member. The governor  
 1-31 shall appoint two nonvoting members. The governor shall appoint a  
 1-32 dean of a college of education in this state as one of the [a]  
 1-33 nonvoting members [member]. The governor shall appoint a person who  
 1-34 has experience working for and knowledge of an alternative educator  
 1-35 preparation program and who is not affiliated with an institution  
 1-36 of higher education as one of the nonvoting members. The remaining  
 1-37 11 members are appointed by the governor with the advice and consent  
 1-38 of the senate, as follows:

1-39 (1) four members must be teachers employed in public  
 1-40 schools;

1-41 (2) two members must be public school administrators;

1-42 (3) one member must be a public school counselor; and

1-43 (4) four members must be citizens, three of whom are  
 1-44 not and have not, in the five years preceding appointment, been  
 1-45 employed by a public school district or by an educator preparation  
 1-46 program in an institution of higher education and one of whom is not  
 1-47 and has not been employed by a public school district or by an  
 1-48 educator preparation program in an institution of higher education.

1-49 SECTION 2. Section 21.035, Education Code, is amended to  
 1-50 read as follows:

1-51 Sec. 21.035. DELEGATION AUTHORITY; ADMINISTRATION BY  
 1-52 AGENCY. (a) The board is permitted to make a written delegation of  
 1-53 authority to the commissioner or the agency to informally dispose  
 1-54 of a contested case involving educator certification.

1-55 (b) The agency [~~Texas Education Agency~~] shall provide the  
 1-56 board's administrative functions and services.

1-57 SECTION 3. Section 21.044(b), Education Code, is amended to  
 1-58 read as follows:

1-59 (b) Any minimum academic qualifications for a certificate  
 1-60 specified under Subsection (a) that require a person to possess a

2-1 bachelor's degree must also require that the person receive, as  
2-2 part of the training required to obtain that certificate  
2-3 [curriculum for that degree], instruction in detection and  
2-4 education of students with dyslexia. ~~[This subsection does not~~  
2-5 ~~apply to a person who obtains a certificate through an alternative~~  
2-6 ~~certification program adopted under Section 21.049.]~~

2-7 SECTION 4. Section 21.0441, Education Code, is amended by  
2-8 amending Subsection (a) and adding Subsections (c) and (d) to read  
2-9 as follows:

2-10 (a) Rules of the board proposed under this subchapter must  
2-11 provide that a person, other than a person seeking career and  
2-12 technology education certification, is not eligible for admission  
2-13 to an educator preparation program, including an alternative  
2-14 educator preparation program, unless the person:

2-15 (1) except as provided by Subsection (b), satisfies  
2-16 the following minimum grade point average requirements ~~[prescribed~~  
2-17 ~~by the board, not to exceed the following]~~:

2-18 (A) an overall grade point average of at least  
2-19 2.50 ~~[2.75]~~ on a four-point scale or the equivalent on any course  
2-20 work previously attempted at a public or private institution of  
2-21 higher education; or

2-22 (B) a grade point average of at least 2.50 ~~[2.75]~~  
2-23 on a four-point scale or the equivalent for the last 60 semester  
2-24 credit hours attempted at a public or private institution of higher  
2-25 education; and

2-26 (2) if the person is seeking initial certification:

2-27 (A) has successfully completed at least:

2-28 (i) 15 semester credit hours in the  
2-29 subject-specific content area in which the person is seeking  
2-30 certification, if the person is seeking certification to teach  
2-31 mathematics or science at or above grade level seven; or

2-32 (ii) 12 semester credit hours in the  
2-33 subject-specific content area in which the person is seeking  
2-34 certification, if the person is not seeking certification to teach  
2-35 mathematics or science at or above grade level seven; or

2-36 (B) has achieved a satisfactory level of  
2-37 performance on a content certification examination, which may be a  
2-38 content certification examination administered by a vendor  
2-39 approved by the commissioner for purposes of administering such an  
2-40 examination for the year for which the person is applying for  
2-41 admission to the program.

2-42 (c) The overall grade point average of each incoming class  
2-43 admitted by an educator preparation program, including an  
2-44 alternative educator preparation program, may not be less than 3.00  
2-45 on a four-point scale or the equivalent or a higher overall grade  
2-46 point average prescribed by the board. In computing the overall  
2-47 grade point average of an incoming class for purposes of this  
2-48 subsection, a program may:

2-49 (1) include the grade point average of each person in  
2-50 the incoming class based on all course work previously attempted by  
2-51 the person at a public or private institution of higher education;  
2-52 or

2-53 (2) include the grade point average of each person in  
2-54 the incoming class based only on the last 60 semester credit hours  
2-55 attempted by the person at a public or private institution of higher  
2-56 education.

2-57 (d) A person seeking career and technology education  
2-58 certification is not included in determining the overall grade  
2-59 point average of an incoming class under Subsection (c).

2-60 SECTION 5. Subchapter B, Chapter 21, Education Code, is  
2-61 amended by adding Section 21.0443 to read as follows:

2-62 Sec. 21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND  
2-63 RENEWAL. (a) The board shall propose rules to establish standards  
2-64 to govern the approval or renewal of approval of:

2-65 (1) educator preparation programs; and

2-66 (2) certification fields authorized to be offered by  
2-67 an educator preparation program.

2-68 (b) To be eligible for approval or renewal of approval, an  
2-69 educator preparation program must adequately prepare candidates

3-1 for educator certification and meet the standards and requirements  
 3-2 of the board.

3-3 (c) The board shall require that each educator preparation  
 3-4 program be reviewed for renewal of approval at least every five  
 3-5 years. The board shall adopt an evaluation process to be used in  
 3-6 reviewing an educator preparation program for renewal of approval.

3-7 SECTION 6. Section 21.045, Education Code, is amended to  
 3-8 read as follows:

3-9 Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR  
 3-10 PREPARATION PROGRAMS. (a) The board shall propose rules necessary  
 3-11 to establish ~~[establishing]~~ standards to govern the ~~[approval and]~~  
 3-12 continuing accountability of all educator preparation programs  
 3-13 based on the following information that is disaggregated with  
 3-14 respect to race, sex, and ethnicity:

3-15 (1) results of the certification examinations  
 3-16 prescribed under Section 21.048(a);

3-17 (2) performance based on the appraisal system for  
 3-18 beginning teachers adopted by the board;

3-19 (3) achievement, including improvement in  
 3-20 achievement, of students taught by beginning teachers for the first  
 3-21 three years following certification, to the extent practicable;  
 3-22 ~~[and]~~

3-23 (4) compliance with board requirements regarding the  
 3-24 frequency, duration, and quality of structural guidance and ongoing  
 3-25 support provided by field supervisors to candidates completing  
 3-26 student teaching, clinical teaching, or an internship; and

3-27 (5) results from a teacher satisfaction survey,  
 3-28 developed by the board with stakeholder input, of new teachers  
 3-29 performed at the end of the teacher's first year of teaching  
 3-30 ~~[beginning teachers during their first year in the classroom].~~

3-31 (b) Each educator preparation program shall submit data  
 3-32 elements as required by the board for an annual performance report  
 3-33 to ensure access and equity. At a minimum, the annual report must  
 3-34 contain:

3-35 (1) the performance data from Subsection (a), other  
 3-36 than the data required for purposes of Subsection (a)(3);

3-37 (2) data related to the program's compliance with  
 3-38 requirements for field supervision of candidates during their  
 3-39 clinical teaching and internship experiences; ~~[7]~~ and

3-40 (3) the following information, disaggregated by race,  
 3-41 sex, and ethnicity:

3-42 (A) ~~[(1)]~~ the number of candidates who apply;

3-43 (B) ~~[(2)]~~ the number of candidates admitted;

3-44 (C) ~~[(3)]~~ the number of candidates retained;

3-45 (D) ~~[(4)]~~ the number of candidates completing  
 3-46 the program;

3-47 (E) ~~[(5)]~~ the number of candidates employed as  
 3-48 beginning teachers under standard teaching certificates by not  
 3-49 later than the first anniversary of ~~[in the profession after]~~  
 3-50 completing the program;

3-51 (F) the amount of time required by candidates  
 3-52 employed as beginning teachers under probationary teaching  
 3-53 certificates to be issued standard teaching certificates;

3-54 (G) ~~[(6)]~~ the number of candidates retained in  
 3-55 the profession; and

3-56 (H) ~~[(7)]~~ any other information required by  
 3-57 federal law;

3-58 (2) the ratio of field supervisors to candidates  
 3-59 completing student teaching, clinical teaching, or an internship;  
 3-60 and

3-61 (3) any other information necessary to enable the  
 3-62 board to assess the effectiveness of the program on the basis of  
 3-63 teacher retention and success criteria adopted by the board.

3-64 (c) The board shall propose rules necessary to establish  
 3-65 ~~[establishing]~~ performance standards for the Accountability System  
 3-66 for Educator Preparation for accrediting educator preparation  
 3-67 programs. At a minimum, performance standards must be based on  
 3-68 Subsection (a). ~~[The board may propose rules establishing minimum~~  
 3-69 ~~standards for approval or renewal of approval of.]~~

4-1 ~~[(1) educator preparation programs, or~~  
 4-2 ~~[(2) certification fields authorized to be offered by~~  
 4-3 ~~an educator preparation program.]~~

4-4 SECTION 7. Sections 21.0451(a), (c), and (d), Education  
 4-5 Code, are amended to read as follows:

4-6 (a) The board shall propose rules necessary for the sanction  
 4-7 of educator preparation programs that do not meet accountability  
 4-8 standards or comply with state law or rules and shall at least  
 4-9 annually review the accreditation status of each educator  
 4-10 preparation program. The rules:

4-11 (1) shall provide for the assignment of the following  
 4-12 accreditation statuses:

- 4-13 (A) not rated;
- 4-14 (B) accredited;
- 4-15 (C) accredited-warned;
- 4-16 (D) accredited-probation; and
- 4-17 (E) not accredited-revoked;

4-18 (2) may provide for the agency to take any necessary  
 4-19 action, including one or more of the following actions:

4-20 (A) requiring the program to obtain technical  
 4-21 assistance approved by the agency or board;

4-22 (B) requiring the program to obtain professional  
 4-23 services under contract with another person;

4-24 (C) appointing a monitor to participate in and  
 4-25 report to the board on the activities of the program; and

4-26 (D) if a program has been rated as  
 4-27 accredited-probation under the Accountability System for Educator  
 4-28 Preparation for a period of at least one year, revoking the approval  
 4-29 of the program and ordering the program to be closed, provided that  
 4-30 the board or agency has provided ~~[must provide]~~ the opportunity for  
 4-31 a contested case hearing ~~[before the effective date of the~~  
 4-32 ~~closure]; [and]~~

4-33 (3) shall provide for the agency to revoke the  
 4-34 approval of the program and order the program to be closed if the  
 4-35 program has been rated as accredited-probation under the  
 4-36 Accountability System for Educator Preparation for three  
 4-37 consecutive years, provided that the board or agency has provided  
 4-38 ~~[must provide]~~ the opportunity for a contested case hearing; and

4-39 (4) shall provide the board procedure for changing the  
 4-40 accreditation status of a program that:

4-41 (A) does not meet the accreditation standards  
 4-42 established under Section 21.045(a); or

4-43 (B) violates a board or agency regulation ~~[before~~  
 4-44 ~~the effective date of the closure].~~

4-45 (c) A ~~[permissive] revocation [under Subsection (a)(2) or~~  
 4-46 ~~required revocation under Subsection (a)(3)]~~ must be effective for  
 4-47 a period of at least two years. After two years, the program may  
 4-48 seek renewed approval to prepare educators for state certification.

4-49 (d) The costs of technical assistance required under  
 4-50 Subsection (a)(2)(A) or the costs associated with the appointment  
 4-51 of a monitor under Subsection (a)(2)(C) shall be paid by the  
 4-52 ~~[sponsor of the]~~ educator preparation program.

4-53 SECTION 8. Sections 21.0452(b), (c), and (d), Education  
 4-54 Code, are amended to read as follows:

4-55 (b) The board shall make available at least the following  
 4-56 information regarding each educator preparation program:

4-57 (1) the information specified in Sections 21.045(a)  
 4-58 and (b);

4-59 (2) in addition to any other appropriate information  
 4-60 indicating the quality of persons admitted to the program, the  
 4-61 average academic qualifications possessed by persons admitted to  
 4-62 the program, including:

4-63 (A) average overall grade point average and  
 4-64 average grade point average in specific subject areas; and

4-65 (B) average scores on the Scholastic Assessment  
 4-66 Test (SAT), the American College Test (ACT), or the Graduate Record  
 4-67 Examination (GRE), as applicable;

4-68 (3) the degree to which persons who complete the  
 4-69 program are successful in obtaining teaching positions;

5-1 (4) the extent to which the program prepares teachers,  
5-2 including general education teachers and special education  
5-3 teachers, to effectively teach:

- 5-4 (A) students with disabilities; and
- 5-5 (B) students of limited English proficiency, as
- 5-6 defined by Section 29.052;

5-7 (5) the activities offered by the program that are  
5-8 designed to prepare teachers to:

- 5-9 (A) integrate technology effectively into
- 5-10 curricula and instruction, including activities consistent with
- 5-11 the principles of universal design for learning; and

- 5-12 (B) use technology effectively to collect,
- 5-13 manage, and analyze data to improve teaching and learning for the
- 5-14 purpose of increasing student academic achievement;

5-15 (6) for each semester, the average ratio of field  
5-16 supervisors to candidates completing student teaching, clinical  
5-17 teaching, or an internship in an educator preparation program;

5-18 (7) the percentage of teachers employed under a  
5-19 standard teaching certificate within one year of completing the  
5-20 program;

5-21 (8) the perseverance of beginning teachers in the  
5-22 profession, as determined on the basis of the number of beginning  
5-23 teachers who maintain status as active contributing members in the  
5-24 Teacher Retirement System of Texas for at least three years after  
5-25 certification in comparison to similar programs;

5-26 (9) ~~(7)~~ the results of exit surveys given to program  
5-27 participants on completion of the program that involve evaluation  
5-28 of the program's effectiveness in preparing participants to succeed  
5-29 in the classroom; ~~and~~

5-30 (10) ~~(8)~~ the results of surveys given to school  
5-31 principals that involve evaluation of the program's effectiveness  
5-32 in preparing participants to succeed in the classroom, based on  
5-33 experience with employed program participants; and

5-34 (11) the results of teacher satisfaction surveys  
5-35 developed under Section 21.045 and given to program participants at  
5-36 the end of the first year of teaching.

5-37 (c) For purposes of Subsection (b)(9) ~~(b)(7)~~, the board  
5-38 shall require an educator preparation program to distribute an exit  
5-39 survey that a program participant must complete before the  
5-40 participant is eligible to receive a certificate under this  
5-41 subchapter.

5-42 (d) For purposes of Subsections (b)(9) ~~(b)(7)~~ and (10)  
5-43 ~~(8)~~, the board shall develop surveys for distribution to program  
5-44 participants and school principals.

5-45 SECTION 9. Subchapter B, Chapter 21, Education Code, is  
5-46 amended by adding Sections 21.0454 and 21.0455 to read as follows:

5-47 Sec. 21.0454. RISK FACTORS FOR EDUCATOR PREPARATION  
5-48 PROGRAMS; RISK-ASSESSMENT MODEL. (a) The board shall propose  
5-49 rules necessary to develop a set of risk factors to use in assessing  
5-50 the overall risk level of each educator preparation program. The  
5-51 set of risk factors must include:

5-52 (1) a history of the program's compliance with state  
5-53 law and board rules, standards, and procedures, with consideration  
5-54 given to:

5-55 (A) the seriousness of any violation of a rule,  
5-56 standard or procedure;

5-57 (B) whether the violation resulted in an action  
5-58 being taken against the program;

5-59 (C) whether the violation was promptly remedied  
5-60 by the program;

5-61 (D) the number of alleged violations; and

5-62 (E) any other matter considered to be appropriate  
5-63 in evaluating the program's compliance history; and

5-64 (2) whether the program meets the accountability  
5-65 standards under Section 21.045.

5-66 (b) The set of risk factors developed by the board may  
5-67 include whether an educator preparation program is accredited by  
5-68 other organizations.

5-69 (c) The board shall use the set of risk factors to guide the

6-1 agency in conducting monitoring, inspections, and compliance  
6-2 audits of educator preparation programs, including evaluations  
6-3 associated with renewals under Section 21.0443.

6-4 Sec. 21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION  
6-5 PROGRAMS. (a) The board shall propose rules necessary to establish  
6-6 a process for a candidate for teacher certification to direct a  
6-7 complaint against an educator preparation program to the agency.

6-8 (b) The board by rule shall require an educator preparation  
6-9 program to notify candidates for teacher certification of the  
6-10 complaint process adopted under Subsection (a). The notice must  
6-11 include the name, mailing address, telephone number, and Internet  
6-12 website address of the agency for the purpose of directing  
6-13 complaints to the agency. The educator preparation program shall  
6-14 provide for that notification:

6-15 (1) on the Internet website of the educator  
6-16 preparation program, if the program maintains a website; and

6-17 (2) on a sign prominently displayed in program  
6-18 facilities.

6-19 (c) The board shall post the complaint process adopted under  
6-20 Subsection (a) on the agency's Internet website.

6-21 (d) The board has no authority to arbitrate or resolve  
6-22 contractual or commercial issues between an educator preparation  
6-23 program and a candidate for teacher certification.

6-24 SECTION 10. Section 21.048, Education Code, is amended by  
6-25 amending Subsections (a-1) and (c-1) and adding Subsection (a-2) to  
6-26 read as follows:

6-27 (a-1) The board may not require that more than 45 days  
6-28 elapse before a person may retake an examination. A person may not  
6-29 retake an examination more than four times, unless the board waives  
6-30 the limitation for good cause as prescribed by the board.

6-31 (a-2) For purposes of the limitation imposed by Subsection  
6-32 (a-1) on the number of administrations of an examination, a person  
6-33 who initially took an examination before September 1, 2015, may  
6-34 retake the examination up to four times after that date, regardless  
6-35 of the number of times that the person attempted to perform  
6-36 satisfactorily on the examination before that date. This  
6-37 subsection expires September 1, 2018.

6-38 (c-1) The results of an examination administered under this  
6-39 section are confidential and are not subject to disclosure under  
6-40 Chapter 552, Government Code, unless[+]

6-41 [~~(1)~~] the disclosure is regarding notification to a  
6-42 parent of the assignment of an uncertified teacher to a classroom as  
6-43 required by Section 21.057[~~, or~~

6-44 [~~(2) the educator has failed the examination more than~~  
6-45 ~~five times~~].

6-46 SECTION 11. Effective September 1, 2016, Section 21.051,  
6-47 Education Code, is amended by amending Subsection (b) and adding  
6-48 Subsections (b-1), (b-2), and (c-1) to read as follows:

6-49 (b) Before a school district may employ a candidate for  
6-50 certification as a teacher of record, the candidate must complete  
6-51 at least 30 [~~15~~] hours of field-based experience in which the  
6-52 candidate is actively engaged in instructional or educational  
6-53 activities in the classroom under supervision at:

6-54 (1) a public school campus accredited or approved for  
6-55 the purpose by the agency; or

6-56 (2) a private school recognized or approved for the  
6-57 purpose by the agency.

6-58 (b-1) The hours of field-based experience required by  
6-59 Subsection (b) may not be provided through use of electronic  
6-60 transmission or other video- or technology-based method.

6-61 (b-2) Notwithstanding Subsection (b), a candidate may be  
6-62 employed by a school district as a teacher of record before  
6-63 completing the field-based experience required by that subsection  
6-64 if the candidate:

6-65 (1) is not admitted by an educator preparation program  
6-66 before June 15;

6-67 (2) is employed by the district on or after June 15 or  
6-68 after the district's school year begins; and

6-69 (3) completes the required field-based experience not

7-1 later than the 90th day after the date the candidate receives a  
7-2 teaching assignment.

7-3 (c-1) Subsections (b), (b-1), and (b-2), as amended and  
7-4 added by H.B. 2205, Acts of the 84th Legislature, Regular Session,  
7-5 2015, apply only to an initial certification issued on or after  
7-6 September 1, 2016. Those provisions do not affect:

7-7 (1) the validity of a certification issued before  
7-8 September 1, 2016; or

7-9 (2) the eligibility of a person who holds a  
7-10 certification issued before September 1, 2016, to obtain a  
7-11 subsequent renewal of the certification in accordance with board  
7-12 rule.

7-13 SECTION 12. As soon as practicable after the effective date  
7-14 of this Act, the governor shall appoint as a nonvoting member of the  
7-15 State Board for Educator Certification a person who has experience  
7-16 working for and knowledge of an alternative educator preparation  
7-17 program and who is not affiliated with an institution of higher  
7-18 education, as required by Section 21.033(a), Education Code, as  
7-19 amended by this Act.

7-20 SECTION 13. Not later than January 1, 2016, the State Board  
7-21 for Educator Certification shall develop criteria for evaluation of  
7-22 educator preparation programs based on teacher retention and  
7-23 success as required by Section 21.045(b)(3), Education Code, as  
7-24 added by this Act. The State Board for Educator Certification shall  
7-25 consult with the Texas Higher Education Coordinating Board and  
7-26 educator preparation programs in developing the criteria. The Texas  
7-27 Higher Education Coordinating Board shall participate and provide  
7-28 recommendations regarding the criteria.

7-29 SECTION 14. (a) Not later than January 1, 2016, the State  
7-30 Board for Educator Certification shall propose rules relating to  
7-31 the school turnaround specialist endorsement to the school  
7-32 principal certificate as provided by Section 21.0461, Education  
7-33 Code, as added by this Act.

7-34 (b) Not later than March 1, 2016, the State Board for  
7-35 Educator Certification shall solicit proposals for a school  
7-36 turnaround specialist endorsement program as provided by Section  
7-37 21.0461, Education Code, as added by this Act.

7-38 SECTION 15. Except as otherwise provided by this Act, this  
7-39 Act takes effect September 1, 2015.

7-40

\* \* \* \* \*