

By: Farias

H.B. No. 4041

A BILL TO BE ENTITLED

AN ACT

1
2 relating to abolishing the State Board for Educator Certification
3 and establishing the Texas State Board for Professional Educators;
4 authorizing the adoption of a fee.

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

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

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

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

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

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

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

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

24 SECTION 3. Section 21.031, Education Code, is amended to

1 read as follows:

2 Sec. 21.031. PURPOSE. (a) The Texas State Board for
3 Professional Educators [~~Educator Certification~~] is established to
4 recognize public school educators as professionals and to grant
5 educators the authority to govern the standards of their
6 profession. The board shall regulate and oversee all aspects of the
7 certification, continuing education, and standards of conduct of
8 public school educators.

9 (b) In adopting [~~proposing~~] rules under this subchapter,
10 the board shall ensure that all candidates for certification or
11 renewal of certification demonstrate the knowledge and skills
12 necessary to improve the performance of the diverse student
13 population of this state.

14 SECTION 4. Section 21.032, Education Code, is amended to
15 read as follows:

16 Sec. 21.032. DEFINITION. In this subchapter, "board" means
17 the Texas State Board for Professional Educators [~~Educator~~
18 ~~Certification~~].

19 SECTION 5. Subchapter B, Chapter 21, Education Code, is
20 amended by adding Section 21.0321 to read as follows:

21 Sec. 21.0321. POWERS AND DUTIES; REFERENCES IN LAW TO
22 BOARD. (a) The powers and duties of the State Board for Educator
23 Certification under this chapter and other law shall be exercised
24 and performed by the Texas State Board for Professional Educators.

25 (b) In this chapter or other law, a reference to the State
26 Board for Educator Certification means the Texas State Board for
27 Professional Educators.

1 SECTION 6. The heading to Section 21.033, Education Code,
2 is amended to read as follows:

3 Sec. 21.033. TEXAS STATE BOARD FOR PROFESSIONAL EDUCATORS
4 ~~[EDUCATOR CERTIFICATION]~~.

5 SECTION 7. Section 21.033(a), Education Code, is amended to
6 read as follows:

7 (a) The Texas State Board for Professional Educators
8 ~~[Educator Certification]~~ is composed of 11 ~~[14]~~ members. ~~[The~~
9 ~~commissioner of education shall appoint an employee of the agency~~
10 ~~to represent the commissioner as a nonvoting member. The~~
11 ~~commissioner of higher education shall appoint an employee of the~~
12 ~~Texas Higher Education Coordinating Board to represent the~~
13 ~~commissioner as a nonvoting member.]~~ The governor shall appoint
14 two members of the public as members with the advice and consent of
15 the senate ~~[a dean of a college of education in this state as a~~
16 ~~nonvoting member]~~. The remaining nine ~~[11]~~ members are appointed
17 by a plurality vote of each respective profession or group ~~[the~~
18 ~~governor with the advice and consent of the senate,]~~ as follows:

19 (1) three ~~[four]~~ members must be teachers employed in
20 public schools, elected by teachers certified under this
21 subchapter;

22 (2) two members must be public school principals,
23 elected by principals certified under this subchapter
24 ~~[administrators]~~;

25 (3) one member must be a public school superintendent,
26 elected by superintendents certified under this subchapter;

27 (4) one member must be a public school counselor,

1 elected by public school counselors certified under this
2 subchapter; and

3 (5) two [(4) four] members must be representatives
4 from educator preparation programs, one of whom is elected by
5 representatives of alternative educator preparation programs, and
6 one of whom is elected by representatives of traditional educator
7 preparation programs [citizens, three of whom are not and have not,
8 in the five years preceding appointment, been employed by a public
9 school district or by an educator preparation program in an
10 institution of higher education and one of whom is not and has not
11 been employed by a public school district or by an educator
12 preparation program in an institution of higher education].

13 SECTION 8. Section 21.034, Education Code, is amended to
14 read as follows:

15 Sec. 21.034. TERMS; VACANCY. (a) The board members
16 [~~appointed by the governor~~] hold office for staggered terms of four
17 [~~six~~] years with the terms of one-half [~~one-third~~] of the members
18 expiring on February 1 of each odd-numbered year. [~~A member~~
19 ~~appointed by the commissioner of education or the commissioner of~~
20 ~~higher education serves at the will of the appointing~~
21 ~~commissioner.~~]

22 (b) In the event of a vacancy during a term of a board member
23 [~~appointed by the governor~~], the governor or group that elected the
24 member, as applicable, shall select [~~appoint~~] a replacement who
25 meets the qualifications of the vacated office to fill the
26 unexpired portion of the term.

27 (c) A vacancy arises if a member [~~appointed by the governor~~]

1 no longer qualifies for the office to which the member was
2 appointed.

3 SECTION 9. Subchapter B, Chapter 21, Education Code, is
4 amended by adding Section 21.0341 to read as follows:

5 Sec. 21.0341. EXECUTIVE DIRECTOR; PERSONNEL. The board
6 shall employ an executive director. The executive director shall:

7 (1) perform duties as assigned by the board or
8 specified by law;

9 (2) administer and enforce all laws and rules
10 implemented by the board; and

11 (3) hire and dismiss employees of the board.

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

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

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

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

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

22 (4) specify the requirements for the issuance and
23 renewal of an educator certificate;

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

27 (6) provide for special or restricted certification of

1 educators, including certification of instructors of American Sign
2 Language;

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

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

8 (9) provide for continuing education requirements;
9 and

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

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

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

26 SECTION 11. Sections [21.044](#)(a), (d), and (f), Education
27 Code, are amended to read as follows:

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

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

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

13 (2) have at a minimum:

14 (A) an associate degree from an accredited
15 institution of higher education; and

16 (B) three years of work experience in an
17 occupation for which the applied STEM course is intended to prepare
18 the student.

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

24 SECTION 12. Section 21.044(e), Education Code, as added by
25 Chapter 1091 (H.B. 3573), Acts of the 83rd Legislature, Regular
26 Session, 2013, is amended to read as follows:

27 (e) In adopting [~~proposing~~] rules under this section for a

1 person to obtain a certificate to teach a health science technology
2 education course, the board shall specify that a person must have:

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

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

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

10 SECTION 13. Section 21.0441(a), Education Code, is amended
11 to read as follows:

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

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

20 (A) an overall grade point average of at least
21 2.75 on a four-point scale or the equivalent on any course work
22 previously attempted at a public or private institution of higher
23 education; or

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

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

2 (A) has successfully completed at least:

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

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

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

17 SECTION 14. Sections 21.045(a) and (c), Education Code, are
18 amended to read as follows:

19 (a) The board shall adopt [~~propose~~] rules establishing
20 standards to govern the approval and continuing accountability of
21 all educator preparation programs based on the following
22 information that is disaggregated with respect to sex and
23 ethnicity:

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

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

1 (3) achievement, including improvement in
2 achievement, of students taught by beginning teachers for the first
3 three years following certification, to the extent practicable; 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 beginning teachers during
7 their first year in the classroom.

8 (c) The board shall adopt [~~propose~~] rules establishing
9 performance standards for the Accountability System for Educator
10 Preparation for accrediting educator preparation programs. At a
11 minimum, performance standards must be based on Subsection (a).
12 The board may adopt [~~propose~~] rules establishing minimum standards
13 for approval or renewal of approval of:

14 (1) educator preparation programs; or

15 (2) certification fields authorized to be offered by
16 an educator preparation program.

17 SECTION 15. Section [21.0451](#)(a), Education Code, is amended
18 to read as follows:

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

23 (1) shall provide for the assignment of the following
24 accreditation statuses:

25 (A) not rated;

26 (B) accredited;

27 (C) accredited-warned;

1 (D) accredited-probation; and

2 (E) not accredited-revoked;

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

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

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

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

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

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

24 SECTION 16. Section 21.0453(b), Education Code, is amended
25 to read as follows:

26 (b) The board may adopt [~~propose~~] rules as necessary for
27 administration of this section, including rules to ensure that

1 accurate and consistent information is provided by all educator
2 preparation programs.

3 SECTION 17. Section 21.048(a), Education Code, as amended
4 by Chapters 1282 (H.B. 2012) and 1292 (H.B. 2318), Acts of the 83rd
5 Legislature, Regular Session, 2013, is reenacted and amended to
6 read as follows:

7 (a) The board shall adopt [~~propose~~] rules prescribing
8 comprehensive examinations for each class of certificate issued by
9 the board. The commissioner [~~board~~] shall determine the
10 satisfactory level of performance required for each certification
11 examination. For the issuance of a generalist certificate, the
12 commissioner [~~board~~] shall require a satisfactory level of
13 examination performance in each core subject covered by the
14 examination.

15 SECTION 18. Section 21.049(a), Education Code, is amended
16 to read as follows:

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

24 SECTION 19. Section 21.050(b), Education Code, is amended
25 to read as follows:

26 (b) The board may not require more than 18 semester credit
27 hours of education courses at the baccalaureate level for the

1 granting of a teaching certificate. The board shall provide for a
2 minimum number of semester credit hours of internship to be
3 included in the hours needed for certification. The board may adopt
4 [~~propose~~] rules requiring additional credit hours for
5 certification in bilingual education, English as a second language,
6 early childhood education, or special education.

7 SECTION 20. Sections [21.051](#)(e) and (f), Education Code, are
8 amended to read as follows:

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

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

16 SECTION 21. Section [21.054](#)(a), Education Code, is amended
17 to read as follows:

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

21 SECTION 22. Section [21.057](#)(d), Education Code, is amended
22 to read as follows:

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

25 (1) includes:

26 (A) an individual serving on an emergency
27 certificate issued under Section [21.041](#)(b)(2); or

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

4 (2) does not include an individual:

5 (A) who is a certified teacher assigned to teach
6 a class or classes outside his or her area of certification, as
7 determined by rules adopted [~~proposed~~] by the board in specifying
8 the certificate required for each assignment;

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

11 (C) serving on a certificate issued pursuant to
12 enrollment in an approved alternative certification program under
13 Section 21.049;

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

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

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

20 SECTION 23. Section 21.553(c), Education Code, is amended
21 to read as follows:

22 (c) The Texas State Board for Professional Educators
23 [~~Educator Certification~~] shall adopt [~~propose~~] rules establishing
24 criteria for awarding financial incentives under this section,
25 including criteria for awarding financial incentives if there are
26 more participants than funds available to provide the financial
27 incentives.

1 SECTION 24. Section 22.0831(f), Education Code, is amended
2 to read as follows:

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

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

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

10 SECTION 25. The following sections of the Education Code
11 are repealed:

12 (1) Section 21.035; and

13 (2) Section 21.042.

14 SECTION 26. (a) The State Board for Educator Certification
15 is abolished September 1, 2015. On that date, all powers, duties,
16 obligations, rights, contracts, leases, records, personnel,
17 property, and unspent and unobligated appropriations and other
18 funds of the State Board for Educator Certification are transferred
19 to the Texas State Board for Professional Educators established by
20 this Act. Before that date, the State Board for Educator
21 Certification may transfer any records, personnel, or property of
22 the State Board for Educator Certification to the Texas State Board
23 for Professional Educators in preparation for the transfer provided
24 for in this Act.

25 (b) The abolishment of the State Board for Educator
26 Certification does not affect the validity of a right, privilege,
27 or obligation accrued, a contract or acquisition made, any

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

9 (c) All rules, policies, procedures, and decisions of the
10 State Board for Educator Certification are continued in effect as
11 rules, policies, procedures, and decisions of the Texas State Board
12 for Professional Educators until superseded by a rule or other
13 appropriate action of that board.

14 (d) After the effective date of this Act, the Texas State
15 Board for Professional Educators may adopt a rule proposed by the
16 State Board for Educator Certification before the effective date of
17 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 Texas State Board for Professional Educators, and that board
21 assumes, without a change in status, the position of the State Board
22 for Educator Certification in any action or proceeding to which the
23 State Board for Educator Certification is a party.

24 SECTION 27. This Act takes effect September 1, 2015.