

House Bill 4064
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 21.001, Education Code, is amended to read as follows:

Sec. 21.001. DEFINITIONS [DEFINITION]. In this chapter:

(1) "Commissioner" [-"commissioner"] includes a person designated by the commissioner.

(2) "Digital learning" means any type of learning that is facilitated by technology or instructional practice that makes effective use of technology.

(3) "Digital literacy" means having the knowledge and ability to use a range of technology tools for varied purposes. The term includes the capacity to use, understand, and evaluate technology for use in education settings.

SECTION 2. Section 21.044, Education Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:

(1) be aligned with the International Society for Technology in Education's standards for teachers;

(2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and

(3) include resources to address any deficiencies identified by the digital literacy evaluation.

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SECTION 1. Same as House version.

SECTION 2. Section 21.044, Education Code, is amended by adding Subsections (c-2), (h), (i), and (j) to read as follows:
[FA1(1)]

(c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:

(1) be aligned with the International Society for Technology in Education's standards for teachers;

(2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and

(3) include resources to address any deficiencies identified by the digital literacy evaluation.

(h) In proposing rules under this section, the board must permit a program to comply with at least three of any field

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supervisor visit requirements for a candidate for certification as a classroom teacher through visits provided by video, the Internet, or another remote technological method if the program also provides at least two in-person visits. The board may not require more than five support visits by a field supervisor for a candidate for certification as a classroom teacher during the course of an internship.

(i) Subject to Subsection (j), a video or audio recording of a classroom recorded for purposes of a field supervisor visit described by Subsection (h) is confidential, may only be used for teacher training by an educator preparation program, and may only be viewed by the candidate recorded, a school district employee with a supervisory role with respect to the candidate, an employee of the educator preparation program, or another person authorized by law.

(j) Subsection (i) does not limit the access of a student's parent to a record regarding the student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or other law. [FA1(2)]

SECTION 3. Sections 21.054(d) and (e), Education Code, are amended to read as follows:

(d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:

- (1) collecting and analyzing information that will improve effectiveness in the classroom;
- (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (3) digital learning, digital teaching, and integrating

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technology into classroom instruction; and
(4) educating diverse student populations, including:
(A) students with disabilities, including mental health disorders;
(B) students who are educationally disadvantaged;
(C) students of limited English proficiency; and
(D) students at risk of dropping out of school.
(e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:
(1) effective and efficient management, including:
(A) collecting and analyzing information;
(B) making decisions and managing time; and
(C) supervising student discipline and managing behavior;
(2) recognizing early warning indicators that a student may be at risk of dropping out of school;
(3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction; and
(4) educating diverse student populations, including:
(A) students with disabilities, including mental health disorders;
(B) students who are educationally disadvantaged;
(C) students of limited English proficiency; and
(D) students at risk of dropping out of school.

SECTION 4. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0543 to read as follows:
Sec. 21.0543. CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO DIGITAL TECHNOLOGY.
The board shall propose rules allowing an educator to receive credit toward the educator's continuing education

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requirements for completion of education courses that:

- (1) use technology to increase the educator's digital literacy;
- and
- (2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

SECTION 5. Section 21.451, Education Code, is amended by amending Subsection (d) and adding Subsection (d-3) to read as follows:

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution;

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; ~~and~~

(D) preventing, identifying, responding to, and reporting incidents of bullying; and

(E) digital learning;

(2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based ~~[based on scientifically based research]~~, as defined by Section 8101, Every Student Succeeds Act ~~[9101, No Child Left Behind Act of 2001]~~ (20 U.S.C. Section 7801), that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education; and

(3) must include suicide prevention training that must be provided:

SECTION 5. Section 21.451, Education Code, is amended by amending Subsection (d) and adding Subsections (d-3) and (d-4) to read as follows: [FA3(1)]

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution;

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; ~~and~~

(D) preventing, identifying, responding to, and reporting incidents of bullying; and

(E) digital learning;

(2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based ~~[based on scientifically based research]~~, as defined by Section 8101, Every Student Succeeds Act ~~[9101, No Child Left Behind Act of 2001]~~ (20 U.S.C. Section 7801), that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education; and

(3) must include suicide prevention training and training regarding bullying that must be provided:

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(A) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and

(B) to existing school district and open-enrollment charter school educators on a schedule adopted by the agency by rule.

(d-3) The digital learning training provided by Subsection (d)(1)(E) must:

(1) discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

(2) assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

No equivalent provision.

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(A) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and

(B) to existing school district and open-enrollment charter school educators on a schedule adopted by the agency by rule.

[FA3(2)]

(d-3) The digital learning training provided by Subsection (d)(1)(E) must:

(1) discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

(2) assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

(d-4) The training regarding bullying required by Subsection (d)(3) must include instruction regarding:

(1) any penalties under state law or school district policy for bullying, including any related criminal offenses; and

(2) district procedures for reporting incidents of bullying.

[FA3(3)]

SECTION __. Section 26.009(b), Education Code, is amended to read as follows:

(b) An employee of a school district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

(1) purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;

(2) a purpose related to a cocurricular or extracurricular

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activity;

(3) a purpose related to regular classroom instruction;

(4) media coverage of the school; [ØF]

(5) a purpose related to the promotion of student safety under Section 29.022; or

(6) a purpose related to the provision of support to a beginning teacher by a field supervisor under Section 21.045.

[FA1(3)]

No equivalent provision.

SECTION __. Section 26.0031(c-1), Education Code, is amended to read as follows:

(c-1) A school district or open-enrollment charter school may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year. This subsection does not:

(1) limit the ability of the student to enroll in additional electronic courses at the student's cost; or

(2) apply to a student enrolled in a full-time online program that:

(A) was operating on January 1, 2013; or

(B) requires that educators providing the instruction have completed a specified number of hours per year of continuing education related to digital technology under Section 21.0543.

[FA5]

No equivalent provision.

SECTION __. Section 30A.153(a-1), Education Code, is amended to read as follows:

(a-1) For purposes of Subsection (a), a school district or open-enrollment charter school is limited to the funding described by that subsection for a student's enrollment in not

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more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that:

- (1) was operating on January 1, 2013; or
 - (2) requires that educators providing the instruction have completed a specified number of hours per year of continuing education related to digital technology under Section 21.0543.
- [FA5]

No equivalent provision.

SECTION __.(a) Except as provided by Subsection (b) of this section, this Act takes effect only if a specific appropriation for the Act is provided in a general appropriations act of the 85th Legislature.

(b) Notwithstanding Subsection (a) of this section, any portion of this Act that does not authorize or require the expenditure of diversion of state funds takes effect as otherwise provided by this Act, regardless of whether specific appropriation described by Subsection (a) of this section is provided. [FA2]

SECTION 6. This Act applies beginning with the 2017-2018 school year.

SECTION 6. Same as House version.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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No equivalent provision.

SECTION __. Section 11.1511, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The board may require a school district's chief business official or curriculum director or a person holding an equivalent position to appear at an executive session of the board or to testify at a public hearing held by the board. A superintendent may not interfere with an appearance or testimony required by the board under this subsection. [FA4]

No equivalent provision.

SECTION __. Section 11.1512, Education Code, is amended by adding Subsections (c-1) and (g) to read as follows:

(c-1) Except as otherwise provided by this subsection, a district shall provide a member of the board of trustees with information, documents, and records requested under Subsection (c) not later than the 20th business day after the date the district receives the request. The district may take a reasonable additional period of time, not to exceed the 30th business day after the date the district receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. The district shall inform the trustee of the reason for the delay in providing the requested information and the date by which the information will be provided.

(g) A district shall create a policy on visits to a district campus or other facility by a member of the board of trustees of the district. [FA4]

No equivalent provision.

SECTION __. Subchapter D, Chapter 11, Education Code, is amended by adding Sections 11.1515 and 11.1516 to read as

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follows:

Sec. 11.1515. OVERSIGHT OF ACADEMIC ACHIEVEMENT. The board of trustees of an independent school district or the governing body of an open-enrollment charter school shall provide oversight regarding student academic achievement and strategic leadership for maximizing student performance.

Sec. 11.1516. DISTRICT DATA ON ACADEMIC ACHIEVEMENT. (a) On request by the board of trustees of an independent school district, the agency shall create an Internet website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

(b) The Internet website must:

(1) include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:

(A) student academic achievement and growth;

(B) teacher and student attendance; and

(C) student discipline records; and

(2) be updated at least once each quarter of the school year.

(c) The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

(d) A district must provide requested information to the commissioner for the creation of an Internet website under this section.

(e) Confidential information received by the commissioner under this section from a district remains confidential. The commissioner shall design the Internet website to ensure that:

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- (1) public information is made available to the public; and
- (2) information submitted by districts noted as confidential is not made available to the public.
- (f) A request for public information under this section shall be submitted to the district that provides the agency with the information. The agency may not release information submitted by a district that is noted as confidential information.
- (g) The agency may contract with a private entity as necessary to implement this section.
- (h) The commissioner may adopt rules for the implementation of this section. [FA4]

No equivalent provision.

SECTION __. Section 11.159, Education Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

- (b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held ~~before an election of trustees~~ ~~[during a calendar year]~~ must reflect whether each trustee has met or is deficient ~~[delinquent]~~ in meeting the training required for the trustee ~~[to be completed]~~ as of the first anniversary of the date of the trustee's election or appointment ~~[date of the meeting]~~. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (c) The State Board of Education shall require a trustee to complete at least three hours of training every two years on evaluating student academic performance. The training must be research-based and designed to support the oversight role

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of the board of trustees under Section 11.1515. A candidate for trustee may complete the training up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.

(d) A trustee or candidate for trustee may complete training required under Subsection (c) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate. [FA4]

No equivalent provision.

SECTION __. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.182 to read as follows:

Sec. 11.182. BOARD IMPROVEMENT AND EVALUATION TOOL. (a) The commissioner shall develop a board of trustees improvement and evaluation tool. The evaluation tool must be research-based and designed to assist a school district in improving board oversight and academic achievement.

(b) A board of trustees may determine whether to use the evaluation tool, except as required by Section 39.102(a). [FA4]

No equivalent provision.

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

(a) If a school district does not satisfy the accreditation criteria under Section 39.052, the academic performance standards under Section 39.053 or 39.054, or any financial

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accountability standard as determined by commissioner rule, or if considered appropriate by the commissioner on the basis of a special accreditation investigation under Section 39.057, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

- (1) issue public notice of the deficiency to the board of trustees;
- (2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the interventions and sanctions that may be imposed under this section if the performance does not improve;
- (3) order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and implementation of the plan;
- (4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
- (5) arrange a monitoring review of the district;
- (6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the superintendent;
- (7) appoint a conservator to oversee the operations of the district;
- (8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another

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person;

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

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

(A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or

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

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

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

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

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

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

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(12) order the use of the board improvement and evaluation tool as provided by Section 11.182. [FA4]

No equivalent provision.

SECTION __. Section 39.107(b-1), Education Code, is amended to read as follows:

(b-1) A campus turnaround plan must include:

(1) a detailed description of the academic programs to be offered at the campus, including instructional methods, length of school day and school year, academic credit and promotion criteria, and programs to serve special student populations;

(2) the term of the charter, if a district charter is to be granted for the campus under Section 12.0522;

(3) written comments from the campus-level committee established under Section 11.251, if applicable, parents, and teachers at the campus; ~~and~~

(4) a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources; and

(5) a detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees under Section 11.1515. [FA4]

No equivalent provision.

SECTION __. A person serving on the board of trustees of a school district on the effective date of this Act must complete the training required by Section 11.159(c), Education Code, as added by this Act, not later than September 1, 2018. [FA4]