H.B. No. 159

AN ACT

relating to improving training and staff development for primary and secondary educators to enable them to more effectively serve all students.

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

SECTION 1.  Section 21.001, Education Code, is amended by adding Subdivision (4) to read as follows:

(4)  "Student with a disability" means a student who is:

(A)  eligible to participate in a school district's special education program under Section 29.003;

(B)  covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or

(C)  covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

SECTION 2.  Section 21.044, Education Code, is amended by amending Subsections (a), (b), (c-1), and (g) and adding Subsection (a-1) to read as follows:

(a)  The board shall propose rules:

(1)  specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities;

(2)  establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; and

(3)  specifying[~~. The board shall specify~~] the minimum academic qualifications required for a certificate.

(a-1)  Any training requirements for a certificate specified under Subsection (a) must require that the person demonstrate:

(1)  basic knowledge of:

(A)  each disability category under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and how each category can affect student learning and development; and

(B)  conditions that may be considered a disability under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and how a condition covered by that section can affect student learning and development;

(2)  competence in the use of proactive instructional planning techniques that:

(A)  provide flexibility in the ways:

(i)  information is presented;

(ii)  students respond or demonstrate knowledge and skills; and

(iii)  students are engaged;

(B)  reduce barriers in instruction;

(C)  provide appropriate accommodations, supports, and challenges; and

(D)  maintain high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and

(3)  competence in the use of evidence-based inclusive instructional practices, including:

(A)  general and special education collaborative and co-teaching models and approaches;

(B)  multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;

(C)  classroom management techniques using evidence-based behavioral intervention strategies and supports; and

(D)  appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction.

(b)  The [~~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 detection and education of students with dyslexia.

(c-1)  The [~~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 regarding mental health, substance abuse, and youth suicide.  The instruction required must:

(1)  be provided through:

(A)  a program selected from the list of recommended best practice-based programs and research-based practices established under Section 38.351; or

(B)  a course offered by any accredited public or private postsecondary educational institution as part of a degree program; and

(2)  include effective strategies, including de-escalation techniques and positive behavioral interventions and supports, for teaching and intervening with students with mental health conditions or who engage in substance abuse.

(g)  Each educator preparation program must provide information regarding:

(1)  the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students, including students with disabilities, in this state;

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

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

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

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

(6)  appropriate relationships, boundaries, and communications between educators and students.

SECTION 3.  Section 21.0443(b), Education Code, is amended to read as follows:

(b)  To be eligible for approval or renewal of approval, an educator preparation program must:

(1)  incorporate proactive instructional planning techniques throughout course work and across content areas using a framework that:

(A)  provides flexibility in the ways:

(i)  information is presented;

(ii)  students respond or demonstrate knowledge and skills; and

(iii)  students are engaged;

(B)  reduces barriers in instruction;

(C)  provides appropriate accommodations, supports, and challenges; and

(D)  maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency;

(2)  integrate inclusive practices for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experience, and student teaching;

(3)  adequately prepare candidates for educator certification; and

(4)  meet the standards and requirements of the board.

SECTION 4.  Section 21.045(a), Education Code, is amended to read as follows:

(a)  The board shall propose rules necessary to establish standards to govern the continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:

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

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

(3)  achievement, including improvement in achievement, of all students, including students with disabilities, taught by beginning teachers for the first three years following certification, to the extent practicable;

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

(5)  results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.

SECTION 5.  Section 21.0453(a), Education Code, is amended to read as follows:

(a)  The board shall require an educator preparation program to provide candidates for teacher certification with information concerning the following:

(1)  skills and responsibilities required of teachers with regard to all students, including students with disabilities;

(2)  expectations for student performance, including students with disabilities, based on state standards;

(3)  the current supply of and demand for teachers in this state;

(4)  the importance of developing classroom management skills; and

(5)  the state's framework for appraisal of teachers and principals.

SECTION 6.  Section 21.046(b), Education Code, is amended to read as follows:

(b)  The qualifications for certification as a principal must be sufficiently flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements. Supervised and approved on-the-job experience in addition to required internship shall be accepted in lieu of classroom hours. The qualifications must emphasize:

(1)  instructional leadership, including the ability to create an inclusive school environment and to foster parent involvement;

(2)  administration, supervision, and communication skills;

(3)  curriculum and instruction management, including curriculum and instruction management for students with disabilities;

(4)  performance evaluation;

(5)  organization; and

(6)  fiscal management.

SECTION 7.  Section 21.047(c), Education Code, is amended to read as follows:

(c)  A center may develop and implement a comprehensive field-based educator preparation program to supplement the internship hours required in Section 21.050. This comprehensive field-based teacher program must:

(1)  be designed on the basis of current research into state-of-the-art teaching practices applicable to all students, including students with disabilities, curriculum theory and application within diverse student populations, evaluation of student outcomes, and the effective application of technology; and

(2)  have rigorous internal and external evaluation procedures that focus on content, delivery systems, and teacher and student outcomes.

SECTION 8.  Sections 21.051(b) and (f), Education Code, are amended to read as follows:

(b)  Before a school district may employ a candidate for certification as a teacher of record and, except as provided by Subsection (b-1), after the candidate's admission to an educator preparation program, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities involving a diverse student population that, to the greatest extent practicable, includes students with disabilities under supervision at:

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

(2)  a private school recognized or approved for the purpose by the agency.

(f)  The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification. The options must, to the greatest extent practicable, involve interaction with a diverse student population, including students with disabilities.

SECTION 9.  Section 21.451, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2)  In designing the staff development described by Subsection (a), a school district must use procedures that, to the greatest extent possible, ensure the training included in the staff development:

(1)  incorporates proactive instructional planning techniques using a framework that:

(A)  provides flexibility in the ways:

(i)  information is presented;

(ii)  students respond or demonstrate knowledge and skills; and

(iii)  students are engaged;

(B)  reduces barriers in instruction;

(C)  provides appropriate accommodations, supports, and challenges; and

(D)  maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and

(2)  integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

SECTION 10.  This Act takes effect September 1, 2021.

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    President of the Senate Speaker of the House

I certify that H.B. No. 159 was passed by the House on May 4, 2021, by the following vote:  Yeas 103, Nays 42, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 159 was passed by the Senate on May 20, 2021, by the following vote:  Yeas 22, Nays 8, 1 present, not voting.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor