

BILL ANALYSIS

C.S.H.B. 4656
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is currently a shortage of educators across Texas, and being able to hire highly qualified educators who have already been accredited in other states is critically important. The process and paperwork for hiring qualified educators from out of state is onerous--it can take up to a year for prospective teachers to complete the credential review process. School districts are losing out on many qualified candidates because the length of this process extends past the short hiring window that exists due to academic calendars and contract hiring requirements. Meanwhile, prospective candidates are unable to work while they complete the certification process. As a result, many out-of-state educators simply avoid taking jobs in Texas or they find work elsewhere. C.S.H.B. 4656 seeks to address this issue by providing for the immediate issuance of a one-year temporary certificate to out-of-state educators who apply for certification in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board for Educator Certification in SECTIONS 1 and 3 of this bill.

ANALYSIS

C.S.H.B. 4656 repeals certain Education Code provisions relating to the temporary educator certificates issued to certain educators certified by another state and amends the Education Code to instead require the State Board for Educator Certification (SBEC) to create a temporary educator certificate for educators certified by other states and to immediately issue such a certificate to a person who applies for permanent certification and meets the following eligibility requirements for the certificate:

- holds a valid, unexpired, non-temporary certificate or similar credential in another state that qualifies the person to be employed as an educator in that state; and
- holds a bachelor's degree from an institution of higher education that is, and at the time the person received the degree was, accredited.

The bill authorizes the SBEC to rescind a temporary educator certificate issued to a person if the SBEC determines as a result of a review of the person's credentials that the person does not meet the eligibility requirements.

C.S.H.B. 4656 prohibits the temporary educator certificate from being reissued or renewed and establishes that the certificate expires on one of the following dates:

- on the earlier of either the first anniversary of the date the temporary teaching certificate is issued or the date the person is issued a certification of educators from outside Texas; or
- for an educator who is the spouse of a person serving on active duty as a member of the U.S. armed forces, the third anniversary of the date the certificate is issued, or a later date specified by SBEC rule.

C.S.H.B. 4656 requires the SBEC to adopt rules necessary to implement the temporary certification as soon as practicable after the bill's effective date.

C.S.H.B. 4656 repeals Sections 21.052(c), (d), (d-1), (e), and (i)(1) and (2), Education Code, relating to temporary certifications for educators from outside Texas.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4656 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision that was absent from the introduced authorizing the SBEC to rescind a temporary educator certificate issued to a person the SBEC determines does not meet the eligibility requirements.

The substitute, with respect to eligibility criteria for a temporary educator certificate the substitute and introduced share requiring a person to hold a valid, unexpired certificate or similar credential in another state that qualifies the person to be employed as an educator in that state, includes a specification not in the introduced that the valid, unexpired certificate or similar credential be a non-temporary educator certificate or credential.

The substitute and the introduced both require the immediate issuance of a temporary certificate to an educator certified by another state but the substitute requires immediate issuance to a person who applies under the state law, as revised by the substitute's conforming repeals, for a permanent certificate, whereas the introduced merely required immediate issuance to an applicant who meets the bill's eligibility requirements, and the introduced did not conform the current law to its provisions by repealing, as the substitute does, the provisions in state law providing for temporary certification of educators from outside Texas.

The substitute and the introduced both set out the same provision for the expiration date for a temporary certificate issued under the bill's provisions, but the substitute provides a different date for the expiration of a temporary certificate issued to an educator who is the spouse of a person serving on active duty as a member of the U.S. armed forces to specify that it expires on the third anniversary of the date the temporary certificate is issued or a later date specified by SBEC rule.