

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1825  
By: Shapleigh  
Education  
4-24-97  
Committee Report (Substituted)

### **DIGEST**

Currently, the State Board for Educator Certification (board) is a separate entity from the Texas Education Agency (TEA). In the transition and start-up of the board, several ambiguities in terminology as well as inadvertent discrepancies resulting from codifying the separation of the board from TEA have emerged. This bill provides cleanup language and clarifies the separation between the board and TEA.

### **PURPOSE**

As proposed, C.S.S.B. 1825 provides cleanup language and clarifies the separation between the State Board for Educator Certification and the Texas Education Agency.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the State Board for Educator Certification in SECTIONS 4, 6, 7, 8, 10, 11, 12, 13, and 14 (Sections 21.031(b), 21.041, 21.044, 21.045, 21.048(a), 21.049, 21.050(b), 21.051, and 21.0521, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 5.001(5), Education Code, to redefine "educator."

SECTION 2. Amends Section 7.055(a), Education Code, to set forth the powers and duties of the commissioner of education (commissioner) provided by Subsection (b), to include the requirement for the commissioner to provide for the certification of persons performing teacher or administrator appraisals under Subchapter H, Chapter 21, Education Code. Requires the commissioner to suspend the school district teaching permit of a person, rather than the certificate of an educator, who violates Chapter 617, Government Code. Makes conforming changes.

SECTION 3. Amends Section 21.003(a), Education Code, to prohibit a person from being employed as an educator by a school district, rather than a teacher, teacher intern or trainee, librarian, educational aide, administrator, or counselor, unless the person holds an appropriate certificate or school district teaching permit issued as provided by Subchapter B.

SECTION 4. Amends Section 21.031(b), Education Code, to set forth a measure for adopting, rather than proposing, rules under this subchapter.

SECTION 5. Amends Section 21.040, Education Code, as follows:

Sec. 21.040. GENERAL POWERS AND DUTIES OF BOARD. Sets forth the powers and duties of the State Board for Educator Certification (board), including the power for the board to appoint an advisory committee composed primarily of members of each class of educator certificate to recommend standards for that class to the board. Requires the board to provide information regarding its members' and employees' qualifications for office or employment under this subchapter, rather than chapter. Requires the board to execute contracts, rather than intraagency contracts, relating to or accept grants for the administration of this subchapter; and to suspend the certificate of an educator who violates Chapter 617, Government Code. Deletes a requirement for the board to perform routine administrative

functions.

SECTION 6. Amends Sections 21.041(b) and (c), Education Code, to require the board to adopt, rather than propose, certain rules. Requires the board to provide for disciplinary proceeding, including the sanction, rather than suspension or revocation, of an educator certificate, as provided by Chapter 2001, Government Code, which may include a delegation of authority as considered appropriate by the board. Deletes a provision requiring that adopted rules provide for certification of persons performing appraisals under Subchapter H. Requires the board to adopt a fee, rather than proposing a rule adopting a fee, for the issuance and maintenance of an educator certificate that is adequate to cover the cost of administration of this subchapter.

SECTION 7. Amends Section 21.044, Education Code, to require the board to adopt, rather than propose, rules establishing certain training requirements.

SECTION 8. Amends Section 21.045(a) and (c)-(e), Education Code, to require the board to adopt rules, rather than propose, rules establishing standards to govern the approval and continuing accountability of certain educator preparation programs. Requires the board to adopt rules establishing performance standards for the Accountability System for Educator Preparation. Requires the executive director to appoint a person to administer and manage the operations of an educator preparation program if, after one year, the program has not met the performance standards, rather than fulfilled the recommendations of the oversight team, adopted under Subsection (c). Deletes a requirement providing that the educator preparation program meet accreditation standards adopted by the State Board of Education.

SECTION 9. Amends Section 21.046, Education Code, to require the board to consider the knowledge, skills, and proficiencies for principals as developed by relevant national organizations and as adopted by the State Board for Educator Certification, rather than the State Board of Education.

SECTION 10. Amends Section 21.048(a), Education Code, to require the board to adopt, rather than propose, rules prescribing comprehensive examinations for each class of certificate issued by the board.

SECTION 11. Amends Section 21.049, Education Code, to require the board to adopt, rather than propose, rules providing for educator certification programs as an alternative to traditional educator preparation programs.

SECTION 12. Amends Section 21.050(b), Education Code to authorize the board to adopt rules requiring additional credit hours for certification in certain areas, to include reading.

SECTION 13. Amends Section 21.051, Education Code, to require the board to adopt, rather than propose, rules providing flexible options for persons for any field experience or internship required for certification.

SECTION 14. Amends Chapter 21B, Education Code, by adding Section 21.0521, as follows:

Sec. 21.0521. TEMPORARY SUSPENSION OF EDUCATOR CERTIFICATE. Sets forth the intent of the legislature regarding protection of children and school district employees. Requires the board to adopt rules for the temporary suspension of an educator's certificate if the board receives notification that the person who holds the certificate has been convicted only of an offense punishable as a Class A misdemeanor or felony that directly relates to the safety and well-being of children or school district employees. Defines conditions of an offense for purposes of this section. Provides that a temporary suspension under this section is not subject to Chapter 2001, Government Code; Article 6252-13c, V.T.C.S.; or Sections 2-5, Article 6252-13d, V.T.C.S. Requires the board to notify within one business day the employing school district and the suspended educator, upon temporarily suspending the educator's certificate. Requires the board's rules to provide an educator the opportunity for a hearing by the 30th day after the effective date of a temporary suspension. Sets forth terms of a temporary suspension. Provides that a person is considered to have been convicted of an offense if a court of a competent jurisdiction in this state, another state, the United States,

or another country applies certain provisions. Provides that a conviction in another jurisdiction of an offense containing the elements of an offense identified by the board is subject to the provisions of this section, for purposes of Subsections (b) and (e).

SECTION 15. Amends Section 21.054(a), Education Code, to require the board to adopt, rather than propose rules, establishing a process for identifying continuing education courses and programs that fulfill educator's continuing education requirements.

SECTION 16. Amends Section 21.055, Education Code, by adding Subsection (f), to require the commissioner to suspend the school district teaching permit of a person who violates Chapter 617, Government Code.

SECTION 17. Amends Section 21.101, Education Code, to redefine "teacher."

SECTION 18. Amends Section 21.201(1), Education Code, to redefine "teacher."

SECTION 19. Amends Section 21.202, Education Code, as follows:

Sec. 21.202. PROBATIONARY CONTRACT REQUIRED. Establishes the requirement for a probationary contract in Subsection (a). Provides that Subsection (a) does not apply to the employment of a superintendent.

SECTION 20. Amends Section 21.351, Education Code, by adding Subsection (e), to require the commissioner to provide for the certification of persons performing appraisals under this section.

SECTION 21. Amends Section 21.354, Education Code, by adding Subsection (f), to require the commissioner to provide for the certification of persons performing appraisals under this section.

SECTION 22. Amends Section 29.902(b), Education Code, to require the State Board for Educator Certification to provide, rather than for the Texas Education Agency to establish standards, for the certification of persons conducting the programs in the public schools.

SECTION 23. Provides that Sections 5.001(5), 21.101, and 21.201(1), Education Code, as amended by this Act, apply beginning with the 1997-1998 school year.

SECTION 24. Emergency clause.  
Effective date: upon passage.

## **SUMMARY OF COMMITTEE CHANGES**

Makes a change in the relating clause.

### SECTION 2.

Amends Section 7.055, Education Code, to set forth powers and duties of the commissioner in Subsection (b), rather than establishing the powers and duties of the commissioner. Requires the commissioner to provide for the certification of persons performing teacher or administrator appraisals under that subchapter, rather than Chapter 21H. Makes conforming changes.

### SECTION 3.

Redesignated from SECTION 6. Deletes the prohibition that the person be employed as an educator as defined in Section 5.01. Prohibits a person from being employed as an educator by a school unless the person meets certain requirements.

### SECTION 4.

Redesignated from SECTION 7.

SECTION 5.

Sets forth provisions regarding general powers and duties.

SECTION 6.

Redesignated from SECTION 8. Requires the board to adopt rules that provide for disciplinary proceedings, including the sanction, rather than suspension or revocation, of an educator certificate, as provided by Chapter 2001, Government Code, which may include a delegation of authority as considered appropriate by the board.

SECTION 7.

Deletes proposed SECTION 9. Redesignated from SECTION 10.

SECTION 8.

Redesignated from SECTION 11. Makes a nonsubstantive change.

SECTION 9.

Redesignated from SECTION 12.

SECTION 10.

Redesignated from SECTION 13.

SECTION 11.

Redesignated from SECTION 14.

SECTION 12.

Amends Section 21.050(b), Education Code, to authorize the board to adopt rules regarding certain matters, including reading. Makes conforming changes.

SECTION 13.

Redesignated from SECTION 15.

SECTION 14.

Amends Chapter 21B, Education Code, by adding Section 21.0521, regarding the temporary suspension of an educator certificate.

SECTION 15.

Redesignated from SECTION 16.

SECTION 16.

Amends Section 21.055, Education Code, by adding Subsection (f), requiring the commissioner to suspend the school district teaching permit of a person who violates Chapter 617, Government Code.

SECTION 17.

Amends Section 21.101, Education Code, to redefine "teacher."

SECTION 18.

Amends Section 21.201(1), Education Code, to redefine "teacher."

SECTION 19.

Amends Section 21.202, Education Code, to set forth probationary contract requirements. Provides that Subsection (a) does not apply to the employment of a superintendent.

SECTION 23.

Provides that Sections 5.001(5), 21.101, and 21.201(1), Education Code, as amended by this Act, apply beginning with the 1997-1998 school year.

SECTION 24.

Redesignated from SECTION 23.

Amendment 1.

Page 12, line 21, sets forth the intent of the legislature. Redesignates existing subsection.

Page 12, line 24, insert "only," after "convicted."

Page 12, line 25, insert "punishable as a Class A misdemeanor or felony" before "that."

Page 12, line 26, replaces "." with "and."

Pages 12-13, lines 26-1, deletes "For purposes of this section, an offense directly relates to the safety and well-being of children or school district employees if the offense."

Page 13, line 3, replace "parent of a student, fellow employee, or professional colleague," with "or school district employee."

Page 13, line 5, insert ", within the previous two years." after "law."

Page 13, line 10, insert "Upon temporarily suspending the educator's certificate, the board shall notify within one business day the employing school district and the suspended educator." after "Statutes)."

Page 13, line 12, insert "Within 14 days of the hearing held under this subsection, the board shall determine whether to continue the temporary suspension and shall notify the employing district and the suspended educator of its determination." after "suspension."

Page 13, line 17, insert, "temporary." after "A."

Page 13, lines 18-20, delete "unless the board or the board's designee, for good cause shown, extends the suspension beyond that date."

Page 14, line 2, replace existing Subsection (f) with "(f) For purposes of Subsection (b) and (e), a conviction in another jurisdiction of an offense that contains the elements of an offense identified by the board is subject to the provisions of this section."