

## **BILL ANALYSIS**

Senate Research Center  
87R4894 JES-D

S.B. 1267  
By: West  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1267 seeks to streamline educator training requirements and comes after a workgroup of educator and school leader advocacy groups, policy organizations, and others met over the course of nine months to establish a slimmer, more meaningful set of requirements.

The workgroup was formed in response to the Senate Committee on Education's 86th Legislative Session interim charge to review existing teacher continuing education requirements, professional development and training for teachers, and examine whether they are appropriate, should be reduced, eliminated, or increased to improve student academic outcomes.

S.B. 1267 provides a framework to rethink educators' professional learning expectations by streamlining training and continuing education mandates. This would create more opportunities for educators to freely select meaningful training that would improve their craft and advance better student outcomes.

#### Key Points:

- Creates a clearinghouse of all training requirements within the State Board for Educator Certification (SBEC). SBEC's clearinghouse will include research-driven best practices recommendations and industry-informed frequency recommendations with an opportunity for stakeholder feedback.
- Assists local public schools with review and adoption of professional learning policies (guided by SBEC's clearinghouse) but tailored to local boards' and communities' preferences.
- Distinguishes and differentiates between certification renewal where educators hone their craft vs. professional development which is often related to situations working in a school environment.
- Streamlines and consolidates duplicative training to reduce confusion and waste of precious public school resources.

Refines record-keeping and reporting requirements on public schools; however, permits TEA to audit upon request.

As proposed, S.B. 1267 amends current law relating to continuing education and training requirements for educators and other school district personnel.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Education Agency is rescinded in SECTION 4 (Section 21.451, Education Code), SECTION 16 (Section 38.0041, Education Code), and SECTION 18 (Section 38.036, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 9 (Section 21.458, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 23 (Sections 21.4541 and 21.4551, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Public Safety is rescinded in SECTION 23 (Section 34.0021, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 7.058, Education Code, as follows:

Sec. 7.058. RESEARCH ON MATHEMATICS SKILLS ACQUISITION AND PROGRAM EFFECTIVENESS. Requires the commissioner of education (commissioner), from funds appropriated for the purpose, to award to one or more institutions that have demonstrated an ability to conduct science-based research on effective instructional strategies that improve student performance in mathematics a grant to be used to:

- (1) makes no changes to this subdivision;
- (2) monitor the effectiveness of mathematics achievement academies, rather than professional development institutes, under Section 21.4553 (Teacher Mathematics Achievement Academies), rather than under Section 21.455 (Professional Development Institutes in Mathematics), based on performance in mathematics by the students of teachers who have attended an academy;
- (3) makes conforming changes to this subdivision; and
- (4) and (5) makes no changes to these subdivisions.

SECTION 2. Amends Section 11.175, Education Code, by adding Subsection (g), as follows:

(g) Provides that, notwithstanding Section 2054.5191 (Cybersecurity Training Required: Certain Employees), Government Code, only the district's cybersecurity coordinator is required to complete the cybersecurity training under that section on an annual basis. Requires any other school district employee required to complete the cybersecurity training to complete the training as determined by the district, in consultation with the district's cybersecurity coordinator.

SECTION 3. Amends Sections 21.054(d), (e), and (f), Education Code, as follows:

(d) Requires that continuing education requirements for a classroom teacher provide that not more than, rather than at least, 25 percent of the training required every five years include certain instruction including instruction regarding educating diverse student populations, including students with mental health conditions or who engage in substance abuse, students with intellectual or developmental disabilities, students who are educationally disadvantaged, and students at risk of dropping out of school.

Deletes existing text relating to instruction regarding students who are eligible to participate in special education programs under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), and students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Deletes existing text referring to instruction regarding students of limited English proficiency and deletes existing text relating to instruction regarding how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma. Makes nonsubstantive changes.

(e) Requires that continuing education requirements for a principal provide that not more than, rather than at least, 25 percent of the training required every five years include

certain instruction, including instruction regarding educating diverse student populations, including students with intellectual or developmental disabilities; students with mental health conditions or who engage in substance abuse; students who are educationally disadvantaged; students of limited English proficiency; and students at risk of dropping out of school.

Deletes existing text relating to instruction regarding students who are eligible to participate in special education programs under Subchapter A, Chapter 29 and to students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Deletes existing text relating to instruction regarding how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma. Makes nonsubstantive changes.

(f) Requires that continuing education requirements for a counselor provide that not more than, rather than at least, 25 percent of training required every five years include instruction regarding certain topics. Deletes existing text requiring instruction regarding informing students concerning certain academic and career issues, and counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies. Makes nonsubstantive changes.

SECTION 4. Amends Sections 21.451(d), (d-1), and (d-3), Education Code, as follows:

(d) Deletes existing text requiring that the staff development provided by a school district to an educator other than a principal include training on recognizing the signs of mental health conditions and substance abuse; and how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma. Makes nonsubstantive changes.

(d-1) Requires that the training required by Subsection (d)(3) (relating to required training provided by a school district to an educator on certain mental health and substance abuse topics) be provided in accordance with the frequency requirement adopted for the training under Section 21.4515. Deletes existing text requiring that the training be provided on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators, and to existing school district and open-enrollment charter school educators on a schedule adopted by the Texas Education Agency (TEA) by rule. Makes a nonsubstantive change.

(d-3) Makes conforming changes to this subsection.

SECTION 5. Amends Subchapter J, Chapter 21, Education Code, by adding Sections 21.4514 and 21.4515, as follows:

Sec. 21.4514. CONTINUING EDUCATION AND TRAINING CLEARINGHOUSE. (a) Requires the State Board for Educator Certification (SBEC) to develop and publish a comprehensive clearinghouse of information regarding continuing education and training requirements of educators and other school personnel.

(b) Requires that the clearinghouse include the recommendations of SBEC regarding the frequency for the completion of each continuing education or training by educators or other school personnel based on best practices and industry recommendations for the provision of that continuing education or training.

Sec. 21.4515. FREQUENCY REQUIREMENTS FOR COMPLETION OF TRAININGS.

(a) Requires the board of trustees of a school district and the governing body of an open-enrollment charter school, to the extent applicable, to annually review the clearinghouse

developed under Section 21.4514 and adopt frequency requirements for the completion of each required continuing education or training for which a frequency is not provided by statute. Provides that the board of trustees or the governing body, in adopting the frequency requirements, is required to consider the recommendations provided in the clearinghouse but is authorized to adjust the required frequency for the completion of each continuing education or training to best meet the needs of the district or school.

(b) Provides that to the extent of any conflict, a frequency requirement for the completion of continuing education or training adopted by the board of trustees of a school district or the governing body of an open-enrollment charter school under Subsection (a) prevails over a state agency rule regarding a required frequency for the completion of continuing education or training for which a required frequency is not provided by statute, including a rule requiring training on exposure to bloodborne pathogens.

SECTION 6. Amends Section 21.4552, Education Code, by amending Subsections (a), (b), and (c) and adding Subsection (b-1), as follows:

(a) Requires the commissioner to develop and make available literacy achievement academies for teachers who provide reading instruction to students at any grade level, rather than at the kindergarten or first, second, or third grade level.

(b) Provides that a literacy achievement academy developed under Section 21.4552 (Teacher Literacy Achievement Academies):

(1) for teachers who provide reading instruction to students at the kindergarten or first, second, or third grade level:

(A) is required to include training in effective and systematic instructional practices in reading, including phonemic awareness, phonics, fluency, vocabulary, and comprehension, and the use of empirically validated instructional methods that are appropriate for struggling readers; and

(B) is authorized to include training in effective instructional practices in writing;

(2) for teachers who provide reading instruction to students at the fourth or fifth grade level:

(A) is required to include effective instructional practices that promote student development of reading comprehension and inferential and critical thinking;

(B) is required to provide training in the use of empirically validated instructional methods that are appropriate for struggling readers; and

(C) is authorized to include material on writing instruction;

(3) for teachers who provide reading instruction to students at the seventh or eighth grade level, is required to include training in:

(A) administration of the reading instrument required by Section 28.006(c-1) (relating to an instrument to assess reading level for certain seventh grade students); and

(B) interpretation of the results of the reading instrument required by Section 28.006(c-1) and strategies, based on scientific research regarding effective reading instruction, for long-term intensive intervention to target identified student needs in word recognition, vocabulary, fluency, and comprehension;

(4) for teachers who provide reading instruction to students at the sixth, seventh, or eighth grade level, is required to include training in:

(A) strategies to be implemented in English language arts and other subject areas for multisyllable word reading, vocabulary development, and comprehension of expository and narrative text;

(B) an adaptation framework that enables teachers to respond to differing student strengths and needs, including adaptations for students of limited English proficiency or students receiving special education services under Subchapter A, Chapter 29;

(C) collaborative strategies to increase active student involvement and motivation to read; and

(D) other areas identified by the commissioner as essential components of reading instruction; and

(5) for teachers who provide instruction in mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level, is required to include training in:

(A) strategies for incorporating reading instruction into the curriculum for the subject area taught by the teacher; and

(B) other areas identified by the commissioner.

(b-1) Provides that the completion of a literacy achievement academy under this section by an educator who teaches students with dyslexia satisfies the training requirement under Section 21.054(b) (relating to continuing education requirements for educators teaching students with dyslexia).

(c) Requires the commissioner to adopt criteria for selecting teachers who are authorized to attend a literacy achievement academy. Requires the commissioner, in adopting selection criteria under this subsection, to:

(1) require a teacher to attend a literacy achievement academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that fails to satisfy any standard under Section 39.054(e) (relating to an annual performance review of school districts and campuses including certain achievement indicators) on the basis of student performance on the reading assessment instrument administered under Section 39.023(a) (relating to criterion-referenced assessment instruments for subjects for which students are required to be assessed) to students in any grade level at the campus; and

(2) and (3) creates these subdivisions from existing text and makes nonsubstantive and conforming changes.

SECTION 7. Amends Sections 21.4553(a) and (b), Education Code, as follows:

(a) Requires the commissioner to develop and make available mathematics achievement academies for teachers who provide mathematics instruction to students at any grade level, rather than at the kindergarten or first, second, or third grade level.

(b) Requires that a mathematics achievement academy developed under this section, if appropriate for the grade level at which the teacher provides instruction, include training in:

- (1) creates this subdivision from existing text and makes a nonsubstantive change;
- (2) the underlying mathematical skills required to be taught; and
- (3) mathematical instruction techniques that, through scientific testing, have been proven effective.

SECTION 8. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.4571, as follows:

Sec. 21.4571. TEXAS ENGLISH LANGUAGE PROFICIENCY ASSESSMENT SYSTEM TRAINING. (a) Prohibits the commissioner from requiring a school district employee to repeat training the employee has previously successfully completed related to administering the Texas English Language Proficiency Assessment System, except that the commissioner is authorized to require the employee to complete training consisting of online calibration activities if the administration of or assessment using the Texas English Language Proficiency Assessment System has changed since the employee completed the training.

(b) Authorizes the school district employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System at a district campus to, with discretion, require other district employees involved in administering the Texas English Language Proficiency Assessment System to complete training described by Subsection (a).

(c) Prohibits a school district employee from being required to complete a training described by Subsection (a) in one sitting.

SECTION 9. Amends Sections 21.458(b) and (b-1), Education Code, as follows:

(b) Requires that the rules adopted by the commissioner concerning qualifications require that to serve as a mentor a teacher is required to:

- (1) complete a research-based mentor and induction training program approved by the commissioner;
- (2) complete a mentor training program provided by the district, which the district is authorized to allow to be satisfied by completing the training program described by Subdivision (1); and
- (3) and (4) makes no changes to these subdivisions.

(b-1) Requires that a school district provide training as described by Subsection (b)(2) to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. Authorizes a district to allow a training program approved by the commissioner under Subsection (b)(1) to qualify for the training required by Section 21.458 (Mentors).

SECTION 10. Amends Section 22.902, Education Code, by amending Subsection (a) and adding Subsection (c-1), as follows:

(a) Requires a school district to make available, rather than to make available annually, to district employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator, as defined by Section 779.001 (Definition), Health and Safety Code.

(c-1) Requires each school district to adopt procedures for each person required to be certified under Subsection (c) (relating to certain school officials and student athletic trainers participating in instruction in the use of an automated external defibrillator) to submit proof of current certification. Requires that procedures adopted by a district under

Section 22.902 (Instruction Related to Cardiopulmonary Resuscitation and use of Automated External Defibrillator) include the time and manner in which proof of current certification must be submitted.

SECTION 11. Section 28.006(g-1), Education Code, as follows:

(g-1) Provides that training and support for activities required by this subsection is required to be provided by regional education service centers and teacher literacy achievement academies, rather than by teacher reading academies, established under Section 21.4552, rather than under Section 21.4551 (Teacher Reading Academies), and is authorized to be provided by other public and private providers.

SECTION 12. Amends Section 28.0062(a), Education Code, to require each school district and open-enrollment charter school to ensure that, not later than the 2022-2023 school year, rather than the 2021-2022 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Section 21.4552. Makes a conforming change.

SECTION 13. Amends Section 29.063, Education Code, by adding Subsection (e), to prohibit TEA from requiring members of a language proficiency assessment committee to complete training to serve on that committee.

SECTION 14. Amends Sections 33.202(b) and (c), Education Code, as follows:

(b) Requires certain persons to satisfactorily complete the safety training program in accordance with the frequency requirement adopted under Section 21.4515. Deletes existing text requiring, with certain exceptions, a physician who is employed by a school or school district or who volunteers to assist with an extracurricular athletic activity to complete the safety training program. Makes nonsubstantive changes.

(c) Deletes existing text requiring that the safety training program include current training in cardiopulmonary resuscitation if the person is not required to obtain certification under Section 33.086 and specifying that the required safety drill take place at least once each school year. Makes conforming and nonsubstantive changes.

SECTION 15. Amends Section 37.0831(b), Education Code, to require that a dating violence policy address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade six or higher, counseling for affected students, and awareness education for students and parents.

SECTION 16. Amends Sections 38.0041(c) and (d), Education Code, as follows:

(c) Requires that the training concerning the prevention and recognition of sexual abuse and maltreatment in children be provided in accordance with the frequency requirement adopted for the training under Section 21.4515. Deletes existing text requiring that the training be provided, as part of a new employee orientation, to all new school district and open-enrollment charter school employees and to existing district and open-enrollment charter school employees on a schedule adopted by TEA by rule until all district and open-enrollment charter school employees have taken the training.

(d) Requires each school district and open-enrollment charter school, for any training under Subsection (c), to maintain records that include the number of district or charter school staff members who participated in the training, rather than the name of each district or charter school staff member who participated in the training.

SECTION 17. Amends Section 38.030(g), Education Code, as follows:

(g) Authorizes, rather than prohibits, that the course of instruction for training described under Subsection (f) (relating to a course developed or endorsed by certain medical entities in order to fulfill approval requirements) be provided as an online course.

SECTION 18. Amends Section 38.036, Education Code, by amending Subsections (c) and (d) and adding Subsection (c-1), as follows:

(c) Requires that the methods under Subsection (b)(1) (relating to methods for increasing awareness of trauma informed care) for increasing awareness and implementation of trauma-informed care include training as provided by this subsection. Requires that the training:

(1) be provided:

(A) through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 38.351 (Mental Health Promotion and Intervention, Substance Abuse Prevention and Intervention, and Suicide Prevention), rather than under Section 161.325 (Mental Health Promotion and Intervention, Substance Abuse Prevention and Intervention, and Suicide Prevention), Health and Safety Code; and

(B) in accordance with the frequency requirement adopted for the training under Section 21.4515, rather than as part of any new employee orientation for all new school district educators; and

(2) address how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

Deletes existing text relating to a requirement for training provided to existing school district educators on a schedule adopted by TEA by rule that requires educators to be trained at intervals necessary to keep educators informed of developments in the field.

(c-1) Authorizes the training under Subsection (c) to include two or more listed topics together.

(d) Requires that each school district, for any training under Subsection (c), maintain records that include the number of district staff members who participated in the training, rather than the name of each district staff member who participated in the training.

SECTION 19. Amends Section 38.210(b), Education Code, as follows:

(b) Requires that the training in the administration of an epinephrine auto-injector required under Section 38.210 (Training) be provided before the beginning of the school year or as soon as practicable following the enrollment of a student with a diagnosed food allergy at risk for anaphylaxis at a campus that previously had no students with a diagnosed food allergy at risk for anaphylaxis, or following a diagnosis of a student with a food allergy that makes the student at risk for anaphylaxis at a campus that previously had no students with a diagnosed food allergy at risk for anaphylaxis. Deletes existing text requiring training under this section to be completed annually. Makes nonsubstantive changes.

SECTION 20. Amends Section 38.351(h), Education Code, as follows:

(h) Requires a school district, if a school district provides the training under Subsection (g) (relating to the requirement for a school district to provide suicide prevention training for teachers, school counselors, principals, and other appropriate personnel), to require completion of the training in accordance with the frequency requirement established for that training under Section 21.4515 and to maintain records that include the number of

district employees who participated in the training. Deletes existing text requiring the school district to maintain records that include the name of each district employee who participated in the training. Deletes existing text requiring a school district employee to participate in the training at least one time if the school district provides training under Subsection (g).

SECTION 21. Amends Section 39.0304, Education Code, by amending Subsection (a) and adding Subsections (b-1) and (b-2), as follows:

(a) Authorizes the commissioner, to ensure that each administration of assessment instruments under Section 39.023 (Adoption and Administration of Instruments) is valid, reliable, and in compliance with the requirements of Subchapter B (Assessment of Academic Skills), to require training for school district employees involved in the administration of the assessment instruments, subject to Subsection (b-1).

(b-1) Authorizes the commissioner to only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training required under Subsection (a).

(b-2) Authorizes the school district employee who oversees test administration on a district campus to, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training under Subsection (a).

SECTION 22. Amends Section 39.408, Education Code, as follows:

Sec. 39.408. ELIGIBILITY CRITERIA FOR CERTAIN GRANT PROGRAMS. Provides that a school district or campus is eligible to participate in programs under Sections 29.095 (Grants for Student Clubs) and 29.096 (Collaborative Dropout Reduction Pilot Program), rather than under Sections 29.095, 29.096, and 21.4541 (Mathematics Instructional Coaches Pilot Program), if the district or campus exhibited during each of the three preceding school years characteristics that strongly correlate with high dropout rates.

SECTION 23. Repealer: Section 21.054(d-2) (relating to requirements for instruction relating to continuing education for classroom teachers for mental health conditions affecting student behavior), Education Code, as amended by Chapter 464 (S.B. 11) and Chapter 352 (H.B. 18), Acts of the 86th Legislature, Regular Session, 2019.

Repealer: Section 21.054(e-2) (relating to requirements for instruction being based on practice-based and research-based programs and approved by the commissioner), Education Code.

Repealer: Section 21.454 (Mathematics Training), Education Code.

Repealer: Section 21.4541 (Mathematics Instructional Coaches Pilot Program), Education Code.

Repealer: Section 21.455 (Professional Development Institutes in Mathematics), Education Code.

Repealer: Section 21.4551 (Teacher Reading Academies), Education Code.

Repealer: Section 21.4554 (Reading-to-Learn Academies), Education Code.

Repealer: Section 21.457 (Training for Teachers of Students of Limited English Proficiency), Education Code.

Repealer: Section 28.013(d) (relating to instruction in the nature science curriculum at the Texas Tech University Center at Junction) , Education Code.

Repealer: Section 33.086 (Certification in Cardiopulmonary Resuscitation and First Aid), Education Code.

Repealer: Sections 33.202(d) (relating to the requirement that the University Interscholastic League provide to certain students training involving recognizing certain injuries and the risks of using certain dietary supplements), Education Code.

Repealer: Section 33.202 (e) (relating to the requirement that the training required in 33.202(d) be conducted by the University Interscholastic League or certain other entities), Education Code.

Repealer: Section 33.202(f) (relating to certain physicians employed by a school or school district being exempt from completing the safety training program), Education Code.

Repealer: Section 34.0021 (School Bus Emergency Evacuation Training), Education Code.

Repealer: Section 38.036(e) (relating to reporting requirements for each school district regarding the number of certain employees in the district), Education Code.

SECTION 24. Provides that to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 25. (a) Requires SBEC, not later than June 1, 2022, to develop the continuing education and training clearinghouse required by Section 21.4514, Education Code, as added by this Act.

(b) Requires each school district, not later than August 1, 2022, to establish frequency requirements for continuing education and training for district personnel in accordance with Section 21.4515, Education Code, as added by this Act. Requires district personnel who are required to complete continuing education or training that is subject to Section 21.4515, Education Code, as added by this Act, to complete the continuing education or training in accordance with the frequency requirement established under Section 21.4515, Education Code, as added by this Act, beginning with the 2022-2023 school year.

(c) Provides that, except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

SECTION 26. Effective date: upon passage or September 1, 2021.