

## **BILL ANALYSIS**

Senate Research Center

S.B. 1825  
By: Shapleigh  
Education  
4-15-97  
As Filed

### **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, 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 7, 8, 10, 11, 13, 14, 15, and 16 (Sections 21.031(b), 21.041, 21.044, 21.045, 21.048(a), 21.049, 21.051, and 21.054(a), 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), to include the requirement for the commissioner to provide for the certification of persons performing appraisals under Chapter 21H. 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.

SECTION 3. Amends Section 7.056(e), Education Code, to prohibit a school campus or district from receiving an exemption or waiver under this section from a requirement, restriction, or prohibition relating to educator rights and benefits under certain subchapters under Chapter 21, including Subchapters B and H.

SECTION 4. Amends Section 21.002(a), Education Code, to require a school district to employ each educator, as defined in Section 5.001, or nurse under certain provisions.

SECTION 5. Amends Section 21.002, Education Code, by adding Subsection (d) to provide that this chapter does not apply to a teacher who is not a classroom teacher, as defined in Section 5.001.

SECTION 6. Amends Section 21.003(a), Education Code, to prohibit a person from being employed as an educator, as defined in Section 5.001, rather than a teacher, teacher intern or trainee, librarian, educational aide, administrator, or counselor by a school district, unless the person holds an appropriate certificate or school district teaching permit issued as provided by Subchapter B.

SECTION 7. Amends Section 21.031(b), Education Code, to set forth a measure for adopting, rather than proposing, rules under this subchapter.

SECTION 8. Amends Sections 21.041(b) and (c), Education Code, to require the State Board for

Educator Certification (board) to adopt, rather than propose, certain rules. 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 9. Amends Section 21.041, Education Code, by adding Subsection (d), to require the board to suspend the certificate of an educator who violates Chapter 617, Government Code.

SECTION 10. Amends Section 21.044, Education Code, to require the board to adopt, rather than propose, rules establishing certain training requirements.

SECTION 11. Amends Section 21.045, 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) of this section.

SECTION 12. 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 13. 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 14. 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 15. 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 16. 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 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 prohibit a requirement that a teacher be employed under a probationary contract from applying to a teacher who is not a classroom teacher, as defined in Section 5.001, or 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.           Emergency clause.  
                          Effective date: upon passage.