

78th LEGISLATIVE UPDATE

**SIGNIFICANT NEW LAWS AFFECTING SBEC or EDUCATOR CERTIFICATION
78th Legislature (2003)**

Bill No./Sponsor	Synopsis/Impact	Action Req'd by SBEC	Effective Date of Law	Agency Implementation Date	Additional Resources Appropriated to SBEC?
<p>SUNSET H.B. 2455 (Chisum, et al.) Amends §21.035, Educ. Code <i>Sunset Schedule Bill</i></p>	<ul style="list-style-type: none"> • Postpones SBEC's Sunset date till Sept. 1, 2005. • Requires SBEC & TEA to reach a memorandum of understanding to cut costs and achieve greater efficiencies. 	<ul style="list-style-type: none"> • Cooperate with Sunset Commission in extended review, which is limited to appropriateness of Sunset recommendations made to the 78th Leg. and compliance with the MOU to consolidate functions. • Implement MOU consolidating administrative services & functions with TEA. 	September 1, 2003	September 1, 2003	No.
<p>ADDITIONAL EMPLOYEES H.B. 1 (General Appropriation Act for 2004-05 biennium) (Heflin)</p>	<ul style="list-style-type: none"> • Adds 20 full-time equivalent employees (FTE) to SBEC's staff. 	<ul style="list-style-type: none"> • Bring currently outsourced Information & Support Services functions in house and convert contracted personnel positions in San Antonio to Austin HQ FTE. • Convert currently contracted IR personnel positions to FTE. 	September 1, 2003	Target date: September 1, 2003	Yes.

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REDUCED FY 2003 APPROPRIATION H.B. 7 (Heflin) Amends 2001 General Appropriations Act (for 2002-03 biennium)	<ul style="list-style-type: none"> Reduces SBEC's appropriation for FY 2003 by \$1,227,725 in general revenue. 	<ul style="list-style-type: none"> Implement cost-saving strategies. 	June 1, 2003	Already in progress.	No.
MASTER SCIENCE TEACHER CERT'N H.B. 411 (Grusendorf) Adds §21.0484, Educ. Code	<ul style="list-style-type: none"> Establish 3 levels of Master Science Teacher (MST) certification (elementary, middle, & high school). TEA must establish MST grant & stipend program. 	<ul style="list-style-type: none"> Adopt rules establishing MST certification. Develop standards and test for MST certificate. Approve MST preparation programs. 	September 1, 2003	<u>Jan. 1, 2005</u> : Propose rules establishing MST certification program. <u>Beginning of 2005-06 SY</u> : Begin giving MST test and issuing certificates.	TEA Commissioner "shall allocate funds as necessary for the creation of the master science teacher certification." Rider 45(b) of TEA's 2004-05 appropriation (III-14).
ONLINE TESTING H.B. 1 (Heflin) Performance Measure	<ul style="list-style-type: none"> Annually administer 10% of certification examinations online. 	<ul style="list-style-type: none"> Establish online testing system. 	September 1, 2003	Same as effective date.	No.
FINGERPRINTING H.B. 1 (Heflin) Rider 10 of SBEC's 2004-05 appropriation (III-26)	<ul style="list-style-type: none"> SBEC may conduct fingerprint-based national criminal history checks of certificate applicants. 	<ul style="list-style-type: none"> Increase the certification fee to cover the cost of national criminal history checks. Establish process for fingerprinting applicants. 	September 1, 2003	Same as effective date.	<ul style="list-style-type: none"> <u>2004</u>: \$2,734,000 in contingent fee revenue. <u>2003</u>: \$2,761,000 in contingent fee revenue.

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SEXUAL OFFENSE BY EDUCATOR WITH STUDENT H.B. 532 (Giddings) Adds §21.12, Penal Code	<ul style="list-style-type: none"> • Creates the offense of improper sexual relations between employees of a public or private primary or secondary school and students younger than 18 years of age. 	No rulemaking needed (puts existing SBEC rule in statute).	September 1, 2003	Same as effective date.	No.
REPORTING EDUCATOR MISCONDUCT S.B. 1488 (Ogden) Adds §21.006, Educ. Code; Amends §12.04, Educ. Code, and §261.105, Fam. Code.	<ul style="list-style-type: none"> • Requires a superintendent or director of a school district, regional ESC, or shared services arrangement, to file a report with SBEC if a superintendent has reason to believe that an educator has engaged in certain types of misconduct. 	No rulemaking needed (puts existing SBEC rule in statute).	June 18, 2003	Same as effective date.	No.

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Disciplinary Alternative Education Programs (DAEPs) H.B. 1314 (Pitts) Amends §37.08, Educ. Code	<ul style="list-style-type: none"> Requires teachers in DAEPs to be certified. 	<ul style="list-style-type: none"> None. 	June 20, 2003	Same as effective date.	No.
Parental Notification of Public School Teacher Qualifications H.B. 673 (Madden) Amends §21.057, Educ. Code	<ul style="list-style-type: none"> A district does not have to notify a parent about an uncertified/inappropriately certified teacher under state law if the No Child Left Behind Act requires the district to provide notice to parents regarding a teacher who is not "highly qualified." 	<ul style="list-style-type: none"> None. 	June 20, 2003	n/a	No.
Failure to Obtain Certification H.B. 1022 (Eissler) Adds §21.0031, Educ. Code	<ul style="list-style-type: none"> Failure to acquire full certification voids the educator's employment contract without any need for a termination or non-renewal hearing. 	<ul style="list-style-type: none"> None. 	September 1, 2003	n/a	No.

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Liability of school districts, employees, and board members S.B. 930 (Shapiro) Amends §22.051, Educ. Code, and adds §§22.0511 - 22.0517, Educ. Code	<ul style="list-style-type: none"> Expands immunities for teachers from liability and disciplinary proceedings. 	<ul style="list-style-type: none"> None. 	September 1, 2003	n/a	No.
Certificate Revocation for Conviction of Certain Offenses S.B. 1109 (Shapiro) Adds §21.058, Educ. Code	<ul style="list-style-type: none"> Requires SBEC to be notified of educators convicted of a felony or an offense requiring sex offender registration and the victim is under 18. Requires the educator's certificate to be revoked upon notification of conviction. 	<ul style="list-style-type: none"> No additional rulemaking needed. 	June 20, 2003	Same as effective date	No.
Texas OnLine S.B. 1152 (Shapleigh) Amends Ch. 2054, Gov't Code	<ul style="list-style-type: none"> Requires SBEC to increase certification fees to pay Texas OnLine for providing on-line payment of such fees by credit card. May use DPS to verify identity of on-line certificate applicants. 	<ul style="list-style-type: none"> Amend rules to increase certification fees and establish renewal fees. 	June 20, 2003	February 2004	No.

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Space Allocation H.B. 3042 (Cook) Amends §2165.104(c), Gov't Code	<ul style="list-style-type: none"> Reduces space allocation from 153 to 135 square feet per agency employee. 	<ul style="list-style-type: none"> Awaiting review by Tex. Building & Procurement Comm'n (TBPC) to determine if it would be cost-effective to bring existing lease into compliance with 135 sq. ft. requirement. 	June 18, 2003	Depends on outcome of TBPC review.	No.
Early Child Education Teacher Recruitment & Retention H.B. 453 (Villareal) Amends §302.0055, Labor Code	<ul style="list-style-type: none"> Continues program to recruit and retain child care teachers. Authorizes Tex. Workforce Comm. to work with certain early childhood teacher pilot programs to establish and administer program. 	<ul style="list-style-type: none"> None. 	June 20, 2003	n/a	No.

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<p>P-16 Council S.B. 286 (Shapleigh) <i>Coordinating Bd's Sunset Bill</i> Amends §61.076, Educ. Code</p>	<ul style="list-style-type: none"> • Creates P-16 Council composed of commissioner of education and higher education, Workforce Commission's and SBEC's executive directors. • Must coordinate teacher recruitment & retention 	<ul style="list-style-type: none"> • Cooperate with P-16 members. 	September 1, 2003	Same as effective date.	<ul style="list-style-type: none"> • No.