

BILL ANALYSIS

Senate Research Center

S.B. 1267
By: West
Education
6/2/2021
Enrolled

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.

(Original Author's/Sponsor's Statement of Intent)

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Rulemaking authority previously granted to the Texas Education Agency is rescinded in SECTION 4 (Section 21.451, Education Code), SECTION 17 (Section 38.0041, Education Code), and SECTION 19 (Section 38.036, Education Code) of this bill.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 24 (Sections 21.4541 and 21.4551, Education Code) of this bill.

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is rescinded in SECTION 24 (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 for certain purposes, including to monitor the effectiveness of mathematics achievement academies under Section 21.4553 (Teacher Mathematics Achievement Academies), rather than professional development institutes under Section 21.455 (Professional Development Institutes in Mathematics), based on performance in mathematics by the students of teachers who have attended an academy and examine the effect of the academies on the classroom performance of such teachers.

SECTION 2. Amends Section 11.175, Education Code, by adding Subsection (g), to provide that, notwithstanding Section 2054.5191 (Cybersecurity Training Required: Certain Employees), Government Code, only the school 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 Section 21.054, Education Code, by adding Subsection (a-1) and amending Subsections (d), (e), and (f), as follows:

(a-1) Requires that continuing education requirements for educators include training regarding educating students with disabilities.

(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 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), students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), students with mental health conditions or who engage in substance abuse, students with intellectual or developmental disabilities, and students of limited English proficiency. 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 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, students with intellectual or developmental disabilities, students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and students with mental health conditions or who engage in substance abuse. 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. 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 signs of mental health conditions and substance abuse and on 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 policy adopted 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; ADVISORY GROUP. (a) Defines "board" and "clearinghouse advisory group."

(b) Requires the State Board for Educator Certification (SBEC) to publish a comprehensive clearinghouse of information regarding continuing education requirements for educators and other school personnel.

(c) Requires that the clearinghouse include best practices and industry recommendations for the frequency for training of educators and other school personnel and be published in consultation with the clearinghouse advisory group.

(d) Requires SBEC to establish a clearinghouse advisory group consisting of educators, including classroom teachers, and representatives of organizations that represent educators to review and provide input regarding the best practices and industry recommendations included in the clearinghouse. Requires SBEC, in publishing the clearinghouse, to ensure the clearinghouse reflects input provided by the clearinghouse advisory group.

(e) Requires the clearinghouse advisory group, not later than December 1 of each even-numbered year, to complete a review of the clearinghouse and submit a report to the legislature of the group's recommendations regarding whether any

required continuing education or training is authorized to be reduced, eliminated, or consolidated with other existing continuing education or training.

Sec. 21.4515. ANNUAL ADOPTION OF PROFESSIONAL DEVELOPMENT POLICY. (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 published under Section 21.4514 and adopt a professional development policy that is required to be guided by the recommendations for training in the clearinghouse, to note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse, and to include a schedule of all training required for educators or other school personnel at the district or school.

(b) Provides that to the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the policy adopted by the board of trustees of a school district or the governing body of an open-enrollment charter school under Subsection (a).

(c) Prohibits the commissioner from adopting rules regarding a required frequency for the completion of training unless a frequency is provided by statute for that training and the commissioner is granted explicit rulemaking authority related to that training.

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 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

(4) 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); 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; 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.

Makes nonsubstantive changes.

(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), and a training requirement adopted by the State Board of Education (SBOE) pursuant to Section 38.003 (Screening and Treatment for Dyslexia and Related Disorders) related to the screening or treatment of a student for dyslexia or a related disorder.

(c) Requires the commissioner in adopting criteria for selecting teachers who are authorized to attend a literacy achievement academy, 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 or online calibration activities 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 or online calibration activities if the administration of or assessment using the Texas English Language Proficiency Assessment System has changed significantly 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 or online calibration activities described by Subsection (a).

(c) Prohibits a school district employee from being required to complete a training or online calibration activity 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 for a teacher to serve as a mentor require a teacher 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(a), Education Code, to require a school district, in accordance with the policy adopted under Section 21.4515, 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.

SECTION 11. Amends Section 28.006(g-1), Education Code, to provide 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 established under Section 21.4552, rather than by teacher reading academies 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 Section 33.086(b), Education Code, to require each school district to adopt, in accordance with the policy adopted under Section 21.4515, procedures necessary for administering Section 33.086 (Certification in Cardiopulmonary Resuscitation and First Aid), including procedures for the time and manner in which proof of current certification is required to be submitted.

SECTION 15. 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 policy 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 16. 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 17. 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 policy adopted under Section 21.4515 and as part of a new employee orientation to all new school district and open-enrollment charter school employees. Deletes existing text requiring that the training be provided 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 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 18. Amends Section 38.030(g), Education Code, to authorize, rather than prohibit, 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) to be provided as an online course.

SECTION 19. 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 policy adopted under Section 21.4515, and

(C) 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. Makes nonsubstantive changes.

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

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

SECTION 20. Amends Section 38.210(b), Education Code, to require that training required under Section 38.210 (Training) be provided in accordance with the policy adopted under Section 21.4515, rather than be completed annually.

SECTION 21. Amends Section 38.351(h), Education Code, to require 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 policy adopted under Section 21.4515 and to maintain records that include the district employees who participated in the training. Makes conforming changes.

SECTION 22. 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 23. 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 24. 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 28.013(d) (relating to instruction in the nature science curriculum at the Texas Tech University Center at Junction), Education Code.

Repealer: Section 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 25. 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 26. (a) Requires SBEC, not later than June 1, 2022, to publish 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 adopt a professional development policy for district personnel in accordance with Section 21.4515, Education Code, as added by this Act.

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

SECTION 27. Provides that TEA is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, TEA is authorized, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 28. Effective date: upon passage or September 1, 2021.