

BILL ANALYSIS

C.S.S.B. 1267
By: West
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A work group was formed in response to a Senate Education Committee interim charge to review existing continuing education, professional development, and other training requirements for educators and to examine whether those requirements should be reduced, eliminated, or consolidated to improve student academic outcomes. C.S.S.B. 1267 seeks to implement the recommendations of this work group by requiring the State Board for Educator Certification to publish a clearinghouse of continuing education and training requirements, providing for the review and adoption of professional development policies, consolidating duplicative training, and refining related record-keeping and reporting requirements for public school districts and open-enrollment charter schools.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1267 amends the Education Code to require the State Board for Educator Certification (SBEC) to publish, not later than June 1, 2022, a comprehensive clearinghouse of information regarding continuing education and training requirements for educators and other school personnel, including best practices and industry recommendations for the frequency of such training. The bill requires the SBEC to establish a clearinghouse advisory group consisting of educators and representatives of organizations that represent educators to review and provide input regarding those best practices and industry recommendations. The bill requires the clearinghouse to be published in consultation with the advisory group and requires the SBEC to ensure the clearinghouse reflects the group's input. The bill requires the 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 may be reduced, eliminated, or consolidated.

C.S.S.B. 1267 requires the board of trustees of a public school district and the governing body of an open-enrollment charter school, to the extent applicable, to adopt a professional development policy not later than August 1, 2022, and to annually review the clearinghouse. The bill requires the adopted policy to be guided by the training recommendations in the clearinghouse, to note any differences in the policy from those recommendations, and to include a schedule of all training required for district or charter school educators or other personnel. The bill establishes that, to the extent of any conflict, a statutory frequency requirement for the

completion of training prevails over a frequency requirement included in the district or charter school policy. The bill prohibits the commissioner of education from adopting rules regarding a required frequency for the completion of training unless a frequency is provided by statute and the commissioner is granted explicit rulemaking authority related to that training.

C.S.S.B. 1267 requires the following to be implemented in accordance with the professional development policy adopted by a district:

- the district's provision of instruction related to cardiopulmonary resuscitation and the use of an automated external defibrillator;
- the adoption of district procedures relating to certification in cardiopulmonary resuscitation and first aid for certain employees;
- the completion of the University Interscholastic League (UIL) safety training program by specified persons;
- staff development training required for an educator other than a principal relating to suicide prevention, strategies for establishing and maintaining positive relationships among students, and bullying incidents;
- other suicide prevention training programs, as applicable;
- training relating to prevention and recognition of sexual abuse, sex trafficking, and other maltreatment of children;
- training in trauma-informed care; and
- training in the administration of epinephrine auto-injectors.

C.S.S.B. 1267 requires continuing education requirements for educators to include training regarding educating students with disabilities. The bill changes requirements for continuing education content for a classroom teacher, a principal, and a counselor from requiring at least 25 percent of the training required every five years to include instruction on specified topics, as applicable to each role, to requiring not more than 25 percent of that training to include instruction on those topics. With respect to those specified topics for a classroom teacher and a principal, the bill removes requirements for instruction on educating diverse student populations to specifically address the following:

- students who are eligible to participate in special education programs;
- students who are eligible to receive educational services required under the federal Rehabilitation Act of 1973;
- students with mental health conditions or who engage in substance abuse; and
- students with intellectual or developmental disabilities.

The bill also removes specific instruction on educating students of limited English proficiency, under the general topic of educating diverse student populations, from classroom teacher continuing education requirements but retains that requirement for a principal. The bill removes from the specified topics for a classroom teacher and a principal instruction regarding how mental health conditions 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.

C.S.S.B. 1267 removes from staff development requirements for an educator other than a principal training on the following:

- recognizing 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.

The bill removes specifications requiring staff development training on certain mental and behavioral health topics to be provided annually as part of new employee orientation and providing for TEA-determined scheduling of that training for existing district and charter school educators.

C.S.S.B. 1267 revises and consolidates provisions relating to certain reading instruction academies for teachers as follows:

- extends the scope of teacher literacy achievement academies to teachers who provide reading instruction to students at any grade level;
- repeals provisions establishing reading-to-learn academies for teachers who provide reading comprehension instruction at the fourth or fifth grade level and provisions establishing teacher reading academies for teachers who provide instruction at the sixth through eighth grade level;
- restricts existing content requirements for teacher literacy achievement academy training to teachers who provide reading instruction at the kindergarten through third grade levels; and
- for teachers at other grade levels, incorporates certain content requirements applicable to reading-to-learn academies and teacher reading academies, respectively, as additional content requirements for teacher literacy achievement academies.

C.S.S.B. 1267 requires the commissioner to require a teacher to attend a literacy achievement academy if the teacher provides instruction in reading, mathematics, science, or social studies to sixth through eighth grade students at a campus that fails to satisfy any achievement indicator under the public school accountability system on the basis of student performance on the statewide standardized reading test for grades three through eight administered to campus students in any applicable grade level. The bill postpones from the 2021-2022 school year to the 2022-2023 school year the date by which each district and charter school must ensure that each classroom teacher in kindergarten through third grade and each principal at a campus that includes those grade levels has met applicable requirements to attend a teacher literacy achievement academy. The bill establishes that completion of a literacy achievement academy by an educator who teaches students with dyslexia satisfies a continuing education requirement for such a teacher regarding new research and practices in educating students with dyslexia and a State Board of Education training requirement related to the screening or treatment of a student for dyslexia or a related disorder.

C.S.S.B. 1267 revises and consolidates provisions relating to certain mathematics instruction academies for teachers as follows:

- extends the availability of mathematics achievement academies from teachers who provide mathematics instruction at the kindergarten through third grade levels to teachers who provide such instruction at any grade level;
- repeals provisions requiring the commissioner to develop and make available to districts certain mathematics teacher training resources, provisions establishing the mathematics instructional coaches pilot program, and provisions establishing professional development institutes in mathematics for teachers who provide mathematics instruction at the fifth through eighth grade levels;
- requires a mathematics achievement academy, as appropriate for the grade level at which an attendee teaches, to incorporate certain content requirements applicable to professional development institutes in mathematics; and
- revises the purposes of research grants for the study of mathematics skills acquisition and program effectiveness to include monitoring the effectiveness for student performance and examining the effect on teacher classroom performance of mathematics achievement academies instead of monitoring and examining those aspects of professional development institutes.

C.S.S.B. 1267 prohibits the commissioner from requiring a district employee to repeat successfully completed training or online calibration activities related to administering the Texas English Language Proficiency Assessment System (TELPAS) unless the administration of or assessment using TELPAS has changed significantly since the employee completed the training. The bill authorizes the district employee assigned to oversee TELPAS administration at a district campus, with discretion, to require other district employees involved in administering TELPAS to complete the training or online calibration activities. The bill prohibits a district employee from being required to complete the training or online calibration activity in one sitting. The bill prohibits the Texas Education Agency (TEA) from requiring

members of a language proficiency assessment committee to complete training to serve on that committee.

C.S.S.B. 1267 authorizes a district to allow the completion of the required commissioner-approved mentor and induction training program also to satisfy the requirement to complete a district-provided mentor training program for the following employees:

- a teacher seeking to serve as a mentor; and
- any appropriate district and campus employees who work with or supervise a mentored classroom teacher.

C.S.S.B. 1267 limits the commissioner's authority to require annual training for district employees involved in the administration of statewide standardized tests to apply only to the employee at each district campus who oversees the test administration. The bill authorizes that district employee, with discretion, to require other district employees involved in the test administration to repeat the training.

C.S.S.B. 1267 makes the following revisions regarding the UIL safety training program:

- removes the requirement for a physician who is a district or school employee or extracurricular athletic activity volunteer to complete the program;
- removes a requirement for the program to include training in cardiopulmonary resuscitation for a person who is not required to obtain certification under applicable statutory provisions;
- removes a specification that a required safety drill must occur at least once each school year; and
- repeals provisions requiring the UIL to provide associated safety training to certain students and specifying the entity required to conduct the safety training program.

C.S.S.B. 1267 removes the prohibition against providing certain required training on the use of a bleeding control station as an online course. The bill removes a specification that a district's provision of instruction related to cardiopulmonary resuscitation and the use of an automated external defibrillator to employees and volunteers must be made available annually.

C.S.S.B. 1267 revises requirements for training relating to prevention and recognition of sexual abuse, sex trafficking, and other maltreatment of children by removing specifications regarding TEA-determined scheduling of the training and its inclusion in new employee orientation and removing a requirement for related district and charter school records to include the name of each participating staff member. The bill limits a requirement for teacher and administrator training relating to a dating violence policy to campuses that instruct students in grade six or higher.

C.S.S.B. 1267 revises training requirements relating to trauma-informed care as follows:

- includes in that training the topic removed from certain continuing education and staff development requirements regarding 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;
- removes specifications regarding TEA-determined scheduling of the training and its inclusion in new employee orientation and removes a requirement for related district and charter school records to include the name of each participating staff member; and
- repeals a related annual reporting requirement.

The bill authorizes the training to include two or more listed topics together.

C.S.S.B. 1267 removes the requirement for an applicable district employee to participate in suicide prevention training, if provided by the district, at least one time and removes a requirement for related district records to include the name of each participating employee.

C.S.S.B. 1267 repeals provisions relating to optional school bus emergency evacuation training and provisions requiring the Texas Tech University Center at Junction, with assistance from South Llano River State Park, to present to classroom teachers and state park employees staff development courses in teaching a certain nature science curriculum.

C.S.S.B. 1267 applies beginning with the 2021-2022 school year, except as otherwise provided. Implementation of a provision of this bill by TEA is mandatory only if a specific appropriation is made for that purpose.

C.S.S.B. 1267 repeals the following provisions of the Education Code:

- Section 21.054(d-2), as amended by Chapter 464 (S.B. 11) and Chapter 352 (H.B. 18), Acts of the 86th Legislature, Regular Session, 2019;
- Section 21.054(e-2);
- Section 21.454;
- Section 21.4541;
- Section 21.455;
- Section 21.4551;
- Section 21.4554;
- Section 28.013(d);
- Sections 33.202(d), (e), and (f);
- Section 34.0021; and
- Section 38.036(e).

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1267 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include provisions that were in the engrossed relating to cybersecurity training requirements.

The substitute requires continuing education requirements for educators to include training regarding educating students with disabilities, whereas the engrossed included courses and programs related to standards for the renewal of an educator's certificate, including standards for educating students with disabilities, among continuing education courses and programs to be identified through a process established by SBEC rule.