

- SUBJECT:** Parental notification of public school teachers' qualifications
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 6 ayes — Grusendorf, Branch, Eissler, Griggs, Hochberg, Madden
0 nays
3 absent — Oliveira, Dawson, Dutton
- WITNESSES:** For — Gary Reeves, Texas Association of School Personnel Administrators; Karen Soehnge, Texas Association of School Administrators; Donald J. Walheim, Texas Association of School Boards

Against — (*On original version:*) Barbara Effenberger; Ann Heuberger, Texas State Teachers Association; Craig Tounget, Texas PTA; Ted Melina Raab, Texas Federation of Teachers

On — Lonnie Hollingsworth, Texas Classroom Teachers Association
- BACKGROUND:** Under Education Code, sec. 21.057, enacted by the 76th Legislature in 1999 (HB 618 by Dukes), a school district that assigns an uncertified teacher or a teacher serving with an emergency certificate to the same classroom for more than 30 consecutive instructional days must notify in writing the parents of each student in that teacher's classroom.

The federal No Child Left Behind Act of 2001 (NCLB) requires schools that receive federal funds under Title I, Part A to have a "highly qualified" teacher in every classroom by the 2005-06 school year. Such schools must notify a child's parents in writing if the child has been assigned to or has been taught for four or more consecutive weeks by a teacher who is not highly qualified. The act defines a highly qualified teacher as an educator who is licensed by the state, holds a bachelor's degree, and demonstrates competence in his or her subject area by passing a state test of subject knowledge.

Title I, the largest federal program supporting elementary and secondary education, provides funds for many high-poverty districts and schools. Part A

targets federal funds to educate disadvantaged children with low academic achievement. Not all school districts receive Title I, Part A funds, because they may not have a minimum number and/or percentage of disadvantaged children to meet eligibility standards.

DIGEST:

CSHB 673 would exempt a school from state parental notification requirements under Education Code, sec. 21.057, if the school were subject to NCLB parental notification requirements because it received Title I, Part A funding.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 673 would eliminate duplicative reporting requirements for many local school districts. Currently, federal law requires school districts that receive Title I, Part A funds to mail a parental notification after a child has been in the classroom for 20 teaching days without a highly qualified teacher. The state requires the same districts to mail a parental notification after a child has been in the classroom for 30 teaching days without an appropriately certified teacher. This means that many districts must send two notices to parents within a 10-day period, creating extra paperwork for schools and confusion for parents. CSHB 673 would end this inefficiency.

The bill would ensure that all schools were held to the highest standards applicable by law in regard to notifying parents of teachers' qualifications. The definition of a highly qualified teacher under the NCLB is a higher standard than the state standard under Education Code, sec. 21.057. For example, state law does not require parental notification if a certified teacher is teaching outside of his or her area of certification, is certified through an alternative certification program, or has been issued a commissioner-approved teaching permit or waiver.

Since the NCLB is not yet fully implemented, CSHB 673 would keep state law intact while the Texas Education Agency harmonizes state and federal definitions of what constitutes a highly qualified teacher. Keeping current law intact also would protect against losing all parental notifications in case the federal law were repealed in the future.

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OPPONENTS SAY: CSHB 673 would not necessarily hold schools to the highest standard with regard to parental notification. Just as state law does not always fit local circumstances, federal law does not always fit state circumstances. The state should maintain its current requirements until the NCLB is fully implemented in 2005-06.

NOTES: HB 673 as introduced would have repealed Education Code, sec. 21.057.