(B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
(2) holds an appropriate certificate or other credential issued by another state or country; and
(3) performs satisfactorily on:
(A) the examination prescribed under Section 21.048; or
(B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by
Paragraph (A) administered to the educator under the authority of that state.

(e) An educator who has submitted all documents required by the board for certification and who receives a certificate as provided by Subsection (a) must perform satisfactorily on the examination prescribed under Section 21.048 not later than the first anniversary of the date the board completes the review of the educator’s credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.

(f) The board shall post on the board’s Internet website the procedures for obtaining a certificate under Subsection (a).

(g) The commissioner shall provide guidance to school districts that employ an educator certified as provided by Subsection (a) on procedures to classify the educator as a highly qualified teacher in a manner consistent with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).

(h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:

(1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
(2) information necessary to complete a national criminal history record information review; and
(3) an application fee as required by the board.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 30, 2009: Yeas 131, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 4152 on May 29, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.
Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.057 and 531.0571 to read as follows:

Sec. 531.057. VOLUNTEER ADVOCATE PROGRAM FOR THE ELDERLY. (a) In this section:

(1) “Designated caregiver” means:

(A) a person designated as a caregiver by an elderly individual receiving services from or under the direction of the commission or a health and human services agency; or

(B) a court-appointed guardian of an elderly individual receiving services from or under the direction of the commission or a health and human services agency.

(2) “Elderly” means individuals who are at least 60 years of age.

(3) “Program” means the volunteer advocate program for the elderly created under this section.

(4) “Volunteer advocate” means a person who successfully completes the volunteer advocate curriculum described by Subsection (c)(2).

(b) The executive commissioner shall coordinate with the advisory committee established under Section 531.0571 to develop a volunteer advocate program for the elderly receiving services from or under the direction of the commission or a health and human services agency.

(c) In developing the program, the executive commissioner and the advisory committee shall adhere to the following principles:

(1) the intent of the program is to evaluate, through operation of pilot projects, whether providing the services of a trained volunteer advocate selected by an elderly individual or the individual’s designated caregiver is effective in achieving the following goals:

(A) extend the time the elderly individual can remain in an appropriate home setting;

(B) maximize the efficiency of services delivered to the elderly individual by focusing on services needed to sustain family caregiving;

(C) protect the elderly individual by providing a knowledgeable third party to review the quality of care and services delivered to the individual and the care options available to the individual and the individual’s family; and

(D) facilitate communication between the elderly individual or the individual’s designated caregiver and providers of health care and other services;

(2) a volunteer advocate curriculum must be established that incorporates best practices as determined and recognized by a professional organization recognized in the elder health care field;

(3) the use of pro bono assistance from qualified professionals must be maximized in developing the volunteer advocate curriculum and designing the program;

(4) trainers must be certified on the ability to deliver training;

(5) training shall be offered through multiple community-based organizations; and

(6) participation in the program is voluntary and must be initiated by the elderly individual or the individual’s designated caregiver.

(d) The executive commissioner may enter into agreements with appropriate nonprofit organizations for the provision of services under the program. A nonprofit organization is eligible to provide services under the program if the organization:

(1) has significant experience in providing services to elderly individuals;

(2) has the capacity to provide training and supervision for individuals interested in serving as volunteer advocates; and

(3) meets any other criteria prescribed by the executive commissioner.
(e) The commission shall fund the program, including the design and evaluation of pilot projects, development of the volunteer advocate curriculum, and training of volunteers, through existing appropriations to the commission.

(f) Notwithstanding Subsection (e), the commission may accept gifts, grants, or donations for the program from any public or private source to:
   (1) carry out the design of the program;
   (2) develop criteria for evaluation of any proposed pilot projects operated under the program;
   (3) develop a volunteer advocate training curriculum;
   (4) conduct training for volunteer advocates; and
   (5) develop a request for offers to conduct any proposed pilot projects under the program.

(g) The executive commissioner may adopt rules as necessary to implement the program.

Sec. 531.0571. VOLUNTEER ADVOCATE PROGRAM ADVISORY COMMITTEE. (a) The executive commissioner shall appoint an advisory committee composed of the following members:
   (1) a representative of the Department of Aging and Disability Services;
   (2) a representative of the Department of Assistive and Rehabilitative Services;
   (3) a representative of the Department of State Health Services;
   (4) a representative of the Texas Silver-Haired Legislature;
   (5) a representative of an area agency on aging;
   (6) a representative of United Ways of Texas;
   (7) a home health provider;
   (8) an assisted living provider;
   (9) a nursing home provider;
   (10) a representative of Texas CASA;
   (11) a licensed gerontologist; and
   (12) a representative of AARP.

(b) The advisory committee shall advise the executive commissioner on the development of the volunteer advocate program for the elderly developed under Section 531.057, including reviewing and commenting on:
   (1) program design and selection of any pilot sites operated under the program;
   (2) the volunteer advocate training curriculum;
   (3) requests for oversight requirements for any pilot projects operated under the program;
   (4) evaluation of any pilot projects operated under the program;
   (5) requirements for periodic reports to the elderly individual or the individual’s designated caregiver and providers of health care or other services; and
   (6) other issues as requested by the executive commissioner.

(b-1) Not later than December 1, 2010, the advisory committee shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives with primary jurisdiction over matters concerning health and human services on the advisory committee’s activities, findings, and recommendations. This subsection expires September 1, 2011.

(c) The commission shall provide the advisory committee with the staff support necessary to allow the committee to fulfill its duties.

(d) A member of the advisory committee serves without compensation but is entitled to a per diem allowance and reimbursement at rates established for state employees for travel expenses incurred in the performance of the member’s official duties.
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(e) Expenses under Subsection (d) shall be paid from existing appropriations to the commission but may not exceed $50,000 per year.

(f) Chapter 2110 does not apply to the advisory committee.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 6, 2009: Yeas 90, Nays 44, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 1015

H.B. No. 4189

AN ACT

relating to the conduct of compliance programs by institutions of higher education and to the vaccination of students of institutions of higher education against bacterial meningitis.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. This Act shall be known as the Jamie Schanbaum Act.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9192 to read as follows:

Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED FOR CERTAIN STUDENTS; EXCEPTIONS. (a) In this section:

(1) “Health practitioner” means any person authorized by law to administer an immunization.

(2) “Institution of higher education” and “private or independent institution of higher education” have the meanings assigned by Section 61.003.

(b) This section applies only to a first-time student of an institution of higher education or private or independent institution of higher education, including a transfer student, who resides in, or has applied for on-campus housing and been approved to reside in, an on-campus dormitory or other on-campus student housing facility at the institution.

(c) Except as provided by Subsection (d), a student to whom this section applies or a parent or guardian of the student must provide to the institution, at the time and in the manner prescribed by rules adopted by the Texas Higher Education Coordinating Board, a certificate signed by a health practitioner evidencing that the student has been vaccinated against bacterial meningitis.

(d) A student to whom this section applies or a parent or guardian of the student is not required to comply with Subsection (c) if the student or a parent or guardian of the student submits to the institution:

(1) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States in which it is stated that, in the physician’s opinion, the vaccination required would be injurious to the health and well-being of the student; or

(2) an affidavit signed by the student stating that the student declines the vaccination for bacterial meningitis for reasons of conscience, including a religious belief, except that the exemption provided by this subdivision does not apply during a disaster or public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency declared by an appropriate official or other authority and in effect for the location of the institution the student attends.