

Item 5:
**Adoption of Review of 19 TAC Chapter 227, Provisions for
Educator Preparation Candidates**

DISCUSSION AND ACTION

SUMMARY: Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates. The rules being reviewed provide requirements for admission to educator preparation programs and preliminary evaluation of certification eligibility.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 227, Subchapter A, is the Texas Education Code (TEC), §§21.031, 21.044(a), 21.045(a), 21.049, 21.050(a), and 21.051. The statutory authority for 19 TAC Chapter 227, Subchapter B, is the TEC, §21.041(b)(1) and (4), and Texas Occupations Code, §53.105.

PREVIOUS BOARD ACTION: The SBEC last adopted the review of 19 TAC Chapter 227 in June 2012, finding that the reasons for initially adopting the rules in Subchapter A continue to exist. A majority of the rules in 19 TAC Chapter 227, Subchapter A, were amended effective December 14, 2008. Section 227.5 and §227.15 were adopted effective December 14, 2008. The SBEC adopted 19 TAC Chapter 227, Subchapter B, effective October 28, 2010.

At the February 2014 meeting, the SBEC approved the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, for filing as proposed.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters provide for rules that establish requirements for admission to an educator preparation program and preliminary evaluation of certification eligibility.

House Bill 2012, Section 9, 83rd Texas Legislature, Regular Session, 2013, requires a review of Chapter 227. As a result, revisions are recommended to the SBEC rules in Chapter 227 and are presented for discussion and action as a separate item in this agenda.

RULE REVIEW: The notice of proposed review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, was filed with the *Texas Register* following the February 2014 SBEC meeting. If authorized by the SBEC, the notice of adopted review will be filed with the *Texas Register* following the May 2014 SBEC meeting. The notice of adopted review will state that the SBEC finds the reasons for adopting 19 TAC Chapter 227, Subchapters A and B, continue to exist. Any public comments received during the review of 19 TAC Chapter 227 will also be addressed.

The filing of the notice of adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: The review of 19 TAC Chapter 227 will result in clear, minimum educator preparation program criteria that would ensure educators are prepared to positively impact the performance of the diverse student population of this state.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: Following the February 2014 SBEC meeting, notice of the proposed review of 19 TAC Chapter 227 was filed with the *Texas Register*, initiating the official public comment period for the review. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBEC during the May 2014 meeting, along with any proposed responses.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: A separate item is presented for discussion and action in this agenda to propose revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates; therefore, the current rules in Chapter 227 will not be included as part of this item. A copy of the current rules in Chapter 227 will be available at the meeting.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Adopt the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates.

Respectfully submitted,

Michele Moore
Associate Commissioner
Educator Leadership and Quality

Staff Members Responsible: Von Byer, Deputy General Counsel
Legal Services

Sandra Jo Nix, Manager
Educator Preparation

Attachment: Statutory Citations

ATTACHMENT**Statutory Citations Relating to Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

19 TAC Chapter 227, Provisions for Educator Preparation Candidates**Texas Education Code, §21.031, Purpose:**

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

Texas Education Code, §21.041, Rules; Fees (excerpts):

- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;

Texas Education Code, §21.044, Educator Preparation:

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.

Texas Education Code, §21.045, Accountability System for Educator Preparation Programs (excerpt):

- (a) The board shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to sex and ethnicity:
- (1) results of the certification examinations prescribed under Section 21.048(a);
 - (2) performance based on the appraisal system for beginning teachers adopted by the board;
 - (3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable; and
 - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom.

Texas Education Code, §21.049, Alternative Certification:

- (a) To provide a continuing additional source of qualified educators, the board shall propose rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.
- (b) The board may not require a person employed as a teacher in an alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 for at least three years to complete an alternative educator certification program adopted under this section before taking the appropriate certification examination.

Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate; Internship (excerpt):

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.

Texas Education Code, §21.051, Rules Regarding Field-Based Experience and Options for Field Experience and Internships:

- (a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.

- (b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities under supervision at:
 - (1) a public school campus accredited or approved for the purpose by the agency; or
 - (2) a private school recognized or approved for the purpose by the agency.
- (c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:
 - (1) the validity of a certification issued before September 1, 2012; or
 - (2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.
- (d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.
- (e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).
- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification.

Texas Occupations Code, §53.105, Fees:

A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

House Bill 2012, Section 9, 83rd Texas Legislature, Regular Session, 2013:

Not later than September 1, 2014, the Texas Education Agency, the State Board for Educator Certification, and the Texas Higher Education Coordinating Board shall jointly review existing standards for preparation and admission that are applicable to educator preparation programs, including stakeholder input in the review and development of those standards, and develop and implement modifications necessary to reflect updated standards for the teaching profession.