

Item 6:
Adoption of Review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs

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 228, Requirements for Educator Preparation Programs. The rules being reviewed provide requirements relating to educator preparation programs.

STATUTORY AUTHORITY: Statutory authority for the rule review is the Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 228 is the Texas Education Code (TEC), §§21.031, 21.041(b)(1) and (2), 21.044, 21.045(a), 21.049, 21.050(a) and (c), and 21.051.

PREVIOUS BOARD ACTION: The SBEC last adopted the review of 19 TAC Chapter 228 in June 2012, finding that the reasons for initially adopting the rules continue to exist. The SBEC adopted 19 TAC Chapter 228 effective July 11, 1999. Sections 228.1, 228.10, 228.20, 228.30, 228.40, and 228.50 were last amended effective December 14, 2008. Section 228.60 was last amended effective December 26, 2010. Section 228.2 and §228.35 were last amended effective August 12, 2012.

At the February 2014 meeting, the SBEC approved the review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs, for filing as proposed.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 228 provide for rules that establish requirements for educator preparation programs. The TEC, §21.049, authorizes the SBEC to adopt rules providing for educator certification programs as an alternative to traditional educator preparation programs. The TEC, §21.031, states that the SBEC is established to oversee all aspects of the certification and continuing education of public school educators and to 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.

House Bill 2012, Section 9, 83rd Texas Legislature, Regular Session, 2013, requires a review of Chapter 228. As a result, revisions are recommended to the SBEC rules in Chapter 228 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 228, Requirements for Educator Preparation Programs, 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 228 continue to exist. Any public comments received during the review of 19 TAC Chapter 228 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 228 will result in clear, minimum educator preparation program requirements 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 228 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 228, Requirements for Educator Preparation Programs; therefore, the current rules in Chapter 228 will not be included as part of this item. A copy of the current rules in Chapter 228 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 228, Requirements for Educator Preparation Programs.

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 228, Requirements for Educator Preparation Programs****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 228, Requirements for Educator Preparation Programs**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;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;

Texas Education Code, §21.044, Educator Preparation, as revised by House Bill (HB) 2012, HB 3573, Senate Bill (SB) 460, and SB 1093, 83rd Texas Legislature, Regular Session, 2013:

- (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.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the curriculum for that degree, instruction in detection and education of students with dyslexia. This subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.
- (c) The instruction under Subsection (b) must:
 - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
 - (A) employed by institutions of higher education; and
 - (B) approved by the board; and
 - (2) include information on:
 - (A) characteristics of dyslexia;
 - (B) identification of dyslexia; and
 - (C) effective, multisensory strategies for teaching students with dyslexia.

Text of subsection (c-1) and (c-2), as added by SB 460, 83rd Texas Legislature, Regular Session, 2013, effective September 1, 2013

(c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in detection of students with mental or emotional disorders.

(c-2) The instruction under Subsection (c-1) must:

- (1) be developed by a panel of experts in the diagnosis and treatment of mental or emotional disorders who are appointed by the board; and
- (2) include information on:
 - (A) characteristics of the most prevalent mental or emotional disorders among children;
 - (B) identification of mental or emotional disorders;
 - (C) effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports; and
 - (D) providing, in compliance with Section 38.010, notice and referral to a parent or guardian of a student with a mental or emotional disorder so that the parent or guardian may take appropriate action such as seeking mental health services.

Text of subsection (d), as amended by HB 2012, HB 3573, and SB 1093, 83rd Texas Legislature, Regular Session, 2013, effective September 1, 2013

- (d) ~~(b)~~ In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section 28.027, at a secondary school, a person must:
- (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
 - (2) have at a minimum:
 - (A) an associate degree from an accredited institution of higher education; and
 - (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.

Text of subsection (e), as added by HB 3573, 83rd Texas Legislature, Regular Session, 2013, effective September 1, 2013

- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
- (1) an associate degree or more advanced degree from an accredited institution of higher education;
 - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
 - (3) at least two years of wage earning experience utilizing the licensure requirement.

Text of subsection (e), as added by HB 2012, 83rd Texas Legislature, Regular Session, 2013, effective September 1, 2013

- (e) Each educator preparation program must provide information regarding:
- (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
 - (2) the effect of supply and demand forces on the educator workforce in this state;
 - (3) the performance over time of the educator preparation program;
 - (4) the importance of building strong classroom management skills; and
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.

Text of subsection (f), as added by HB 3573, 83rd Texas Legislature, Regular Session, 2013, effective September 1, 2013

- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).

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 information that is disaggregated with respect to sex and ethnicity and that includes:
 - (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 (excerpts):

- (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.
- (c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

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.

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.