Text of Adopted Amendments to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter F. Permits

§230.71. General Provisions.

(a) In accordance with the provisions of this subchapter, emergency permits are issued under the authority of the State Board for Educator Certification (SBEC).

(b) Effective with the 2017-2018 school year, an emergency permit will limit an individual to one year of service and no renewal will be allowed.

(c) The one-year limitation on permits referenced in subsection (b) of this section does not apply to individuals serving in the position of Junior Reserve Officer Training Corps (JROTC) instructor or teachers of students with visual impairments. As indicated in §230.77(g)(4)(B) of this title (relating to Specific Requirements for Initial Emergency Permits), emergency permits for JROTC instructors must be reissued every year. Emergency permits for visual impairments referenced in §230.77(f)(2)(B) of this title may be renewed a maximum of two years.

(d) [~~(b)~~] Under this subchapter, a superintendent or his or her designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials required for the assignment as specified in Chapter 231 of this title (relating to Requirements for [~~Assignment of~~] Public School Personnel Assignments). The superintendent or his or her designee must:

(1) document locally the efforts the school district or open-enrollment charter school has taken to employ an appropriately [~~a fully~~] certified individual in the position for which an emergency permit is activated;

(2) apply for an emergency permit when a vacant position is filled with an uncertified or inappropriately certified individual who will serve as the teacher of record or will serve in the assignment for more than 30 consecutive instructional days. The application must be submitted to the Texas Education Agency (TEA) within 45 instructional days of the date of assignment;

(3) verify that the school district or open-enrollment charter school maintains a support system, has assigned a trained mentor, and will provide release time as needed to assist the individual serving on an emergency permit. (A school district shall not be required to provide a mentor for a degreed, certified teacher assigned on an emergency permit if the teacher has one or more creditable years experience within the school district, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service)); and

(4) verify that the individual for whom the emergency permit is activated has been advised of the SBEC rules regarding permits and permit renewal requirements in this subchapter.

(e) [~~(c)~~] A certified teacher must consent to the activation of an emergency permit and be advised of the conditions of the emergency permit. A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the emergency permit. However, a teacher's refusal to consent shall not impair a school district's right to implement a necessary reduction in force or other personnel actions in accordance with local school district or open-enrollment charter school policy.

(f) [~~(d)~~] An emergency permit is authorized for the school district or open-enrollment charter school for a specific assignment and is not the property of the individual for whom the emergency permit was activated.

(g) [~~(e)~~] If an emergency permit authorized by the SBEC is not used, the school district or open-enrollment charter school shall notify TEA [~~the Texas Education Agency (TEA)~~] staff by email.

(h) [~~(f)~~] An emergency permit may be authorized on a hardship basis for an individual who does not meet all emergency permit requirements as listed in §§230.75, 230.77, and 230.81 of this title (relating to General

Eligibility Requirements for Emergency Permits, Specific Requirements for Initial Emergency Permits, and Renewal Requirements and Procedures) only if approval has been granted and email notification received from the TEA staff. The school district must:

(l) document local conditions requiring the assignment of an individual who does not meet emergency permit requirements;

(2) verify that the deficiencies for the certificate sought do not exceed 36 semester credit hours; and

(3) verify:

(A) that the individual will be enrolled in the first available course listed on the certification [~~deficiency~~] plan; or

(B) registration for the next available administration of the appropriate content specialization portion of the certification examination for an individual who holds a valid Texas classroom teaching certificate and a bachelor's degree or higher from an accredited institution of higher education and is placed in an assignment requiring a different classroom teaching certificate.

(i) [~~(g)~~] The school district is not required to comply with the requirements of this subchapter if an uncertified individual is assigned for a certified teacher that will be absent for more than 30 consecutive instructional days due to documented health related reasons and has expressed the intention to return to the assignment. The school district must comply with the Texas Education Code, §21.057 , pertaining to parental notification .

(j) Candidates who hold an intern certificate under the provisions of §230.36 of this title (relating to Intern Certificates) or a probationary certificate under the provisions of §230.37 of this title (relating to Probationary Certificates) may [~~not~~] be employed on an emergency permit during the validity of the intern certificate or probationary certificate , if the emergency permit is being issued in a certificate area not available through the educator preparation program that provided recommendation for the intern certificate or probationary certificate .

§230.73. Validity of Emergency Permits.

(a) The validity date of an emergency permit activated and authorized under this subchapter is specified in §230.97 of this title (relating to Effective Dates of Certificates and Permit Issuance).

(b) An emergency permit is valid for the remainder of the school year for which it is activated and authorized by the State Board for Educator Certification (SBEC). The emergency permit must be submitted to the Texas Education Agency staff within 45 instructional days from the date of assignment.

(c) An emergency permit authorized by the SBEC is valid for service only in the requesting school district and only for the assignments indicated on the emergency permit application.

(d) Effective with the 2017-2018 school year, the [~~The~~] employment of an individual on an emergency permit , with the exception of the assignment as a Junior Reserve Officer Training Corps instructor or a teacher of students with visual impairments, may not exceed one [~~three~~] school year [~~years~~] in the same assignment.

(e) Prior to the 2017-2018 school year, the [~~The~~] individual may serve in a specific assignment no more than one [~~two~~] additional school year [~~years~~] beyond the initial emergency permit. To continue beyond the initial emergency permit year, the individual must comply with the renewal provisions specified in §230.81 of this title (relating to Renewal Requirements and Procedures).

(f) Effective with the 2017-2018 school year, renewal provisions specified in §230.81 of this title will no longer apply for emergency permits, with the exception of teachers of students with visual impairments.

(g) [~~(e)~~] Effective with the 2017-2018 school year, to [~~To~~] continue employment in the assignment beyond the validity of the initial emergency permit, the individual must hold the appropriate certificate , in accordance with Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments) . An individual may not serve as a classroom teacher of record in the Texas school district for more than three school years without obtaining initial, standard certification.

§230.75. General Eligibility Requirements for Emergency Permits.

An individual for whom an emergency permit is activated must meet the following criteria.

(1) The individual must hold a bachelor's degree or higher from an accredited institution of higher education.

(A) For a career and technical education assignment requiring certification based on both an associate's or more advanced degree and experience in an occupational area to be taught, such as health science technology education or health science, or a bachelor's degree or higher and experience in the occupational area to be taught such as [~~health science technology education,~~] marketing education, [~~or marketing,~~] the individual must have completed the degree requirement and have specified work experience.

(B) For a trade and industrial education assignment, the individual must have specified work experience in lieu of a bachelor's degree.

(2) The individual must be at least 18 years of age.

(3) The individual must be able to communicate and understand the English language sufficiently to use it easily and readily in daily communication and teaching, as specified in §230.11 of this title (relating to General Requirements).

(4) The individual must be of good moral character. The State Board for Educator Certification may refuse to authorize an emergency permit for an individual, applying the same standards that would be applied to the administrative denial of an applicant for certification under §249.12 of this title (relating to Administrative Denial; Appeal).

(5) The individual must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.

§230.77. Specific Requirements for Initial Emergency Permits.

(a) General provisions. An individual for whom an emergency permit is activated must:

(1) have completed the appropriate semester credit hours or equivalent contact hours required for the emergency permit sought as specified in this section, or, for a degreed, certified teacher, have passed the appropriate content specialization portions of the appropriate certification examination required for the target certificate; and

(2) have satisfied the appropriate experience requirement specified in this section for the emergency permit sought.

(b) Assignments to elementary grades (Early Childhood-Grade 6) (general education). The individual must have completed 12 semester credit hours in a combination of subjects directly related to the elementary curriculum, 12 semester credit hours in elementary education, or any combination of these areas of study. Subjects related to the elementary curriculum include, but are not limited to, art, English language arts, health, mathematics, music, physical education, reading, science, social studies, technology applications, and theatre arts.

(c) Assignments to secondary grades (Grades 7-12) (general education).

(1) An emergency permit may be activated for an individual not certified at the secondary level provided the individual has completed:

(A) 24 semester credit hours in the subject to be taught; or

(B) 24 semester credit hours toward a composite teaching field appropriate for the assignment, including at least twelve [~~six~~] semester credit hours in the subject to be taught.

(2) A Temporary Classroom Assignment Permit (TCAP) may be activated for a teacher certified at the secondary level assigned to a subject area not covered by the certificate. The school district is

not required to file the TCAP with the Texas Education Agency staff. The TCAP must be maintained in the school district personnel records.

(A) A TCAP must be activated for each class period taught by an individual who is assigned to one or more class periods in an area not covered by the certificate held. The individual must have completed twelve [~~six~~] semester credit hours in the specific subject area(s) to be taught. In the case of an assignment in mathematics or science, an individual must have completed fifteen semester hours in the specific subject area(s) to be taught. A TCAP may be activated for no more than four class periods.

(B) The TCAP is valid for one school year and is not renewable except in the event that the TCAP was issued for fewer than 90 calendar days before the last day of student instruction in the prior school year.

(C) For assignments that exceed four class periods, or for individuals who have not completed the minimum semester credit hours in the subject area(s) to be taught, approval must by granted by the TEA; however, in no event may an individual with six or fewer semester credit hours in the specific subject area to be taught be approved.

(d) Assignments to all grade levels (Early Childhood-Grade 12) (general education).

(1) An individual must have completed 24 semester credit hours in the subject area to be taught.

(2) This section will apply to all general education subject areas that are available as Early Childhood-Grade 12 certificates.

(e) Assignments to career and technical education programs.

(1) Agriculture, food, and natural resources [~~Agricultural science and technology~~] assignments. An individual must:

(A) hold a bachelor's degree or higher from an accredited institution of higher education; and

(B) have completed 24 semester credit hours in agriculture, food, and natural resources [~~agricultural science and technology~~] coursework.

(2) Health science [~~technology~~] assignments. An individual must:

(A) hold an associate's degree or more advanced [~~a bachelor's~~] degree from an accredited institution of higher education;

(B) be currently licensed, certified, or registered (requiring two years of college education) by a state-authorized or nationally recognized accrediting agency as a professional practitioner in one or more health occupations for which instruction is offered; and

(C) have an approved statement of qualifications verifying two years of full-time employment in an accredited health care facility or agency while holding the license specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).

(3) Family and consumer sciences assignments. An individual must:

(A) hold a bachelor's degree or higher from an accredited institution of higher education; and

(B) have completed 24 semester credit hours in family and consumer sciences coursework.

(4) Marketing [~~education or marketing~~] assignments. An individual must:

(A) hold a bachelor's degree or higher from an accredited institution of higher education;

(B) have completed 24 semester credit hours in marketing coursework; and

(C) have an approved statement of qualifications verifying two years of full-time wage-earning experience in marketing occupations for which training is offered at the secondary level.

(5) Business and finance [~~education~~] assignments [~~(for any instructional arrangement)~~] . An individual must:

(A) hold a bachelor's degree or higher from an accredited institution of higher education; and

(B) have completed 24 semester credit hours in business and finance coursework.

(6) Trade and industrial education assignments.

(A) Option I. An individual must:

(i) hold a bachelor's degree or higher from an accredited institution of higher education; and

(ii) have an approved statement of qualifications verifying two [~~three~~] years of full-time wage-earning experience earned within the past ten [~~eight~~] years in one or more approved occupations for which instruction is offered. Up to 18 months of the wage-earning experience can be met through a formal documented internship.

(B) Option II. An individual must:

(i) hold an associate's degree from an accredited institution of higher education; and

(ii) have an approved statement of qualifications verifying two [~~three~~] years of full-time wage-earning experience earned within the past ten [~~eight~~] years in one or more approved occupations for which instruction is offered.

(C) Option III. An individual must:

(i) hold a high school diploma, the equivalent of a high school diploma, or higher; and

(ii) have an approved statement of qualifications verifying five years of full-time wage-earning experience earned within the past eight years in one or more approved occupations for which instruction is offered.

(D) Additional requirements.

(i) An individual must hold a current licensure, certification, or registration by a state-authorized [~~state~~] or nationally recognized accrediting agency as a professional practitioner in one or more approved occupations for which instruction is offered. Licensure, certification, or registration by a state-authorized or nationally recognized accrediting agency must be based on a recognized test or measurement or on passing the appropriate National Occupational Competency Testing (NOCTI) assessment.

(ii) A cosmetology teacher must:

(I) have three years of full-time wage-earning experience as a licensed cosmetologist; and

(II) currently be licensed as a cosmetology instructor by the Texas Department of Licensing and Regulation.

(iii) Wage-earning experience must be approved by the certification officer of the approved Texas educator preparation program (EPP).

(f) Assignments for special populations.

(1) English language learners (ELLs).

(A) Bilingual education.

(i) An individual who holds a bachelor's degree or higher from an accredited institution of higher education and is certified at the appropriate level must:

(I) have completed six [~~three~~] semester credit hours in the language of the [~~an~~] approved bilingual education program; or [~~and~~]

(II) [~~have completed six semester credit hours in the language of the target population and~~] demonstrate proficiency in comprehension and expression in the language of the target population by having a passing score on an appropriate State Board for Educator Certification (SBEC)-approved examination.

(ii) An individual who holds a bachelor's degree or higher from an accredited institution of higher education but is not certified must:

(I) meet the requirements for the grade level of assignment , as described in subsections (b)-(d) of this section ;

(II) be currently enrolled in an approved Texas EPP for bilingual education; and

(III) have satisfied one of the following requirements:

(-a-) completed 12 semester credit hours in the language of the target population, bilingual education, or a combination of the two subject areas; or

(-b-) demonstrated proficiency in comprehension and expression [~~oral or sign language communication skills~~] in the language of the target population by having a passing score on an appropriate SBEC-approved examination.

(B) English as a second language (ESL). An individual must:

(i) hold [~~be currently certified for the grade level to be taught and must have~~] a bachelor's degree or higher from an accredited institution of higher education; [~~and~~]

(ii) be currently certified for the grade level to be taught; and

(iii) [~~(ii)~~] have satisfied one of the following requirements:

(I) have completed six semester credit hours in an approved ESL program; or

(II) have one creditable year of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service).

(2) Students with special learning needs.

(A) Auditory impairments. An individual must:

(i) hold a bachelor's degree or higher from an accredited institution of higher education;

(ii) have completed six semester credit hours directly related to teaching students with auditory impairments [~~the hearing impaired~~] ;

(iii) have demonstrated competence in the specific communication method used in the classroom setting with students with auditory impairments; and

(iv) have verified that the employing school district, cooperative, or education service center (ESC) has one or more fully certified teachers for students with auditory impairments available as a mentor and to provide support.

(B) Visual impairments. An individual must:

(i) hold a valid Texas classroom teaching certificate based on a bachelor's degree or higher from an accredited institution of higher education ;

(ii) have satisfied the following requirements:

(I) have completed six semester credit hours directly related to teaching students with visual impairments; and

(II) have one creditable year of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title;

(iii) have demonstrated competency in literary Braille and basic Nemeth Code by passing the approved Braille examination, holding certification as a literary Braille transcriber by the Library of Congress, or completing one university course in Braille; and

(iv) have verified that the employing school district, cooperative, or ESC has one or more fully certified teachers of students with visual impairments available as a mentor and to provide support.

(C) Home-based instruction or instruction in a hospital class. An individual must:

(i) be currently certified based on a bachelor's degree from an accredited institution of higher education; and

(ii) have one creditable year of teaching experience, as defined in Chapter 153, Subchapter CC, of this title.

(D) Special education (Early Childhood-Grade 12).

(i) An individual who holds a bachelor's degree or higher from an accredited institution of higher education and is certified at the appropriate grade level must:

(I) have completed six semester credit hours directly related to teaching children with special learning needs; or

(II) have one creditable year of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title.

(ii) An individual who holds a bachelor's degree or higher from an accredited institution of higher education, but is not certified must:

(I) for elementary assignments (Early Childhood-Grade 6), meet requirements for the level of assignment as stated in subsection (b) of this section and have completed 18 semester credit hours directly related to teaching children with special learning needs; or

(II) for secondary assignments (Grades 7-12), have completed 24 semester credit hours directly related to teaching children with special learning needs.

(g) Assignments for other instructional and support personnel.

(1) School counselor (Early Childhood-Grade 12). An individual must:

(A) hold a bachelor's degree or higher from an accredited institution of higher education;

(B) have completed 24 semester credit hours of graduate-level credit, including 12 semester credit hours in guidance and counseling; and

(C) have two creditable years of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title.

(2) Educational diagnostician (Early Childhood-Grade 12). An individual must:

(A) hold a bachelor's degree or higher from an accredited institution of higher education;

(B) have completed 30 semester credit hours of graduate-level credit in the field of education or a related field, including six semester credit hours in tests and measurements, at least three semester credit hours of which emphasized individualized testing;

(C) have completed six semester credit hours directly related to teaching individuals with special learning needs; and

(D) have two creditable years of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title.

(3) School librarian (Early Childhood-Grade 12). An individual must:

(A) hold a bachelor's degree or higher from an accredited institution of higher education;

(B) have completed 12 semester credit hours directly related to the basic competencies required of school librarians; and

(C) have two creditable years of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title.

(4) Junior Reserve Officer [~~Officers'~~] Training Corps (JROTC) [~~(ROTC)~~] instructor.

(A) An individual must verify that he or she has satisfied the requirements and been approved to serve by the appropriate military branch [~~ROTC~~] .

(B) A JROTC [~~An ROTC~~] instructor permit may not be renewed, but must be reissued every year.

§230.79. Procedures for Activation of Initial Emergency Permits.

(a) For all assignments (except career and technical education assignments based on skill and experience). The employing superintendent or his or her designee or authorized representative must verify the individual's eligibility for the emergency permit as described in §230.75 of this title (relating to General Eligibility Requirements for Emergency Permits) and §230.77 of this title (relating to Specific Requirements for Initial Emergency Permits) and submit online to the Texas Education Agency (TEA) staff the following information within 45 instructional days of assignment:

(1) a completed online emergency permit application;

(2) one of the following:

(A) a certification [~~deficiency~~] plan from an approved Texas educator preparation program (EPP) verifying that the individual meets the grade point average requirement for admission to the EPP and a listing of the preparation, student teaching/internship, and/or assessment activities required to obtain certification in the assignment for which the emergency permit application has been submitted; or

(B) verification of registration for the next available and practicable administration of the appropriate content area certification examination(s) [~~examination~~] for an individual who:

(i) holds a bachelor's degree or higher from an accredited institution of higher education;

(ii) is already certified in another classroom teaching content area; and

(iii) is placed in an assignment requiring a different classroom teaching certificate; and

(3) the appropriate fee (payable by the school district).

(b) For career and technical education assignments based on skill and experience. The employing superintendent or his or her designee or authorized representative must verify the individual's eligibility for

the emergency permit as described in §230.75 and §230.77 of this title and submit online to the TEA staff the following information within 45 instructional days of assignment:

(1) a completed online emergency permit application;

(2) a copy of the individual's statement of qualifications, approved by the certification officer of a Texas EPP [~~an institution of higher education~~] approved to prepare career and technical education teachers, verifying appropriate work experience in the occupation or trade area to be taught as specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area));

(3) acceptable license, registration, or certification by a state-authorized or nationally recognized agency in an occupational area appropriate for the assignment;

(4) [~~(3)~~] a certification [~~deficiency~~] plan from an approved Texas EPP for the career and technical education certificate appropriate for the assignment; and

(5) [~~(4)~~] the appropriate fee (payable by the school district).

§230.81. Renewal Requirements and Procedures.

General provisions.

(1) The employing superintendent or his or her designee or authorized representative of a school district may renew an emergency permit for the same assignment in the same school district for which the initial emergency permit was activated.

(2) No individual may continue in the same assignment for more than one [~~three~~] school year [~~years~~] of service on an emergency permit, except as provided in paragraph (4) of this section.

(3) The total of semester credit hours or the equivalent contact hours required to obtain certification appropriate for the assignment shall determine the number of emergency permit renewals for which the individual may be eligible. The following schedule shall determine eligibility for emergency permit renewal.

(A) For six semester credit hours or less plus appropriate examination requirements, an individual is not eligible for renewal.

(B) For seven [~~7-12~~] semester credit hours or more plus appropriate examination requirements, an individual is eligible for one renewal.

[~~(C) For more than 12 semester credit hours plus appropriate examination requirements, an individual is eligible for two renewals.~~]

(4) Effective with the 1998-1999 school year, emergency permits used fewer than 90 calendar days may be renewed for one additional year of service, if needed.

(5) The superintendent or his or her designee or authorized representative may renew an emergency permit provided the following requirements and procedures are met.

(A) The emergency permit must be renewed for the same assignment in the same school district.

(B) Official transcripts verifying completion of a minimum of six semester credit hours or documentation of completion of equivalent contact hours toward the appropriate target certificate must be placed in the individual's personnel file.

(C) If the individual has not completed permit renewal requirements as indicated in paragraph (3) of this section, the superintendent or his or her designee must obtain hardship approval from the Texas Education Agency prior to continuation of the assignment.

(D) The appropriate renewal of the emergency permit application must be completed online prior to the beginning date of duties for the current school year.

(E) The school district shall pay the appropriate fee.

§230.83. Nonrenewable Permits.

(a) The superintendent or his or her designee of a school district may activate a nonrenewable permit for an individual who has not completed the appropriate examination requirements specified in §230.21 of this title (relating to Educator Assessment).

(b) A nonrenewable permit may be activated for an individual in one or more of the following categories:

(1) an individual who has completed all course and degree requirements of a Texas educator preparation program specified in this chapter except for successful completion of all appropriate examination requirements. Nonrenewable permits activated for individuals in this category expire 12 months from the date of activation; or

(2) an individual who holds a Texas teacher certificate with an effective date before February 1, 1986, but has not revalidated the certificate for employment purposes by passing an examination specified in this chapter. The individual must not have been employed in a Texas school district since the start of the 1985-1986 school year. A nonrenewable permit activated for an individual in this category expires six months from the date of activation or at the end of the school year, whichever is less; or

[~~(3) an individual who has been issued a one-year certificate under Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States), who passed the appropriate content specialization portions of the certification examinations, and who attempted, but did not pass, the pedagogy and professional responsibilities portion of the examination while the one-year certificate was valid. A nonrenewable permit activated for an individual in this category expires 12 months from the date the individual first attempted the pedagogy and professional responsibilities portion of the certification examinations.~~]

(c) A nonrenewable permit may not be activated for an individual in the same assignment area for which another permit had previously been authorized.

(d) The employing superintendent or his or her designee or authorized representative must verify that an individual is eligible for the permit under this section and submit the following information within 45 [~~60~~] calendar days of assignment:

(1) an application for a nonrenewable permit completed before the effective date of the assignment; and

(2) the appropriate fee (payable by the school district).