Item 19:
COVER PAGE

Type of Agenda Rule Item:

☑ Discussion Only: TEA staff will present rule items with an update, potential future rule changes, and/or seek SBEC direction on potential rule changes. TEA staff will draft rule changes from the board's discussion on the item and start preparing rule text for proposal to the board.

☐ Proposal: First SBEC reading (vote). SBEC members will give input on proposed rule text and will approve rule changes that will go out for public comment as a proposed rule with the Texas Register. Important to make substantive changes now because only non-substantive changes can be made at adoption.

☐ Adoption: Second and final SBEC reading (vote). Only non-substantive changes are permissible at adoption phase. If approved will go to SBOE for review and filed as an SBEC rule with Texas Register if SBOE takes no action.

Summary:

This item is a discussion of 19 TAC Chapter 233, which establishes separate certificate categories within the certificate class for the classroom teacher. This item has potential rule text to update the list of courses eligible to be taught with certain certificates and identify any additional requirements to obtain certification.

Statutory Authority:

All of the relevant statutes pertaining to this chapter are listed for you on the agenda title page and the entire statutory language is on Attachment I. This is always helpful in referencing the law the TEA staff was working under when preparing this item.

Relevant SBEC Core Principles:

- We believe well-prepared educators are essential.
- We believe high certification standards measured by rigorous and reliable assessments are essential.
- We believe student success is primary, and we must ensure the safety and welfare of Texas school children.
- We believe stakeholder input is essential, and we are accountable to all Texas stakeholders.
- We believe we must continually improve our policies and processes in response to changing needs.
Item 19:

Discussion of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

DISCUSSION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates. The proposed amendments to 19 TAC §§233.5, 233.8, 233.10, and 233.14 would update the list of courses eligible to be taught with these certificates, identify any additional requirements to obtain certification, and establish a new Dance: Grades 6-12 certificate.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 233 is the Texas Education Code (TEC), §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), and 21.048(a).

TEC, §21.003(a), states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC 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.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(3), requires the SBEC to propose rules that specify the period for which each class of educator certificate is valid.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(6), requires the SBEC to propose rules that provide for special or restricted certification of educators, including certification of instructors of American Sign Language.

TEC, §21.044(e), provides the requirements that SBEC rules must specify for a person to obtain a certificate to teach a health science technology education course.
TEC, §21.044(f), provides that SBEC rules for obtaining a certificate to teach a health science technology education course shall not specify that a person must have a bachelor's degree or establish any other credential or teaching experience requirements that exceed the requirements under TEC, §21.044(e).

TEC, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC. TEC, §21.048(a), also specifies that the commissioner of education shall determine the satisfactory level of performance required for each certification examination and require a satisfactory level of examination performance in each core subject covered by the generalist certification examination.

FUTURE ACTION EXPECTED: Texas Education Agency (TEA) staff plans to present the proposed amendments to 19 TAC Chapter 233 to the SBEC at the August 5, 2016 meeting for approval to be published as proposed in the Texas Register.

BACKGROUND INFORMATION AND JUSTIFICATION: The TEC, §21.041(b)(2), authorizes the SBEC to adopt rules that specify the classes of educator certificates to be issued, including emergency certificates. The SBEC rules in 19 TAC Chapter 233 establish the general categories of classroom teaching certificates, specific grade levels and subject areas of classroom certificates, and the general area(s) of assignments that may be taught by the holder of each certificate.

The proposed amendments to 19 TAC Chapter 233, shown in Attachment II, would amend language to expand the list of courses eligible to be taught by holders of specific certificates and would establish a new standard certificate for Dance: Grades 6-12.

§233.5. Technology Applications and Computer Science

Language would be amended in subsection (c) to expand the list of courses referenced as eligible to be taught by individuals with computer science certification. TEA staff has worked closely with the TEA Curriculum Division to confirm holders of the computer science certificate have the knowledge and skills necessary to teach the following courses for Grades 9-12: Computer Science I, II, and III; Digital Forensics; Robotics Programming and Design; Fundamentals of Computer Science; Advanced Placement Computer Science Principles; Game Programming and Design; and Mobile Application Development.

§233.8. Special Education

The proposed amendment to subsection (a) would add language to confirm anyone delivering core academic content instruction in a special education setting would be required to hold a special education certificate and a valid classroom certificate that matches the subject and grade level of the assignment. The addition of this language into rule parallels the federal requirements for special education that were implemented as part of the highly qualified (HQ) requirements under No Child Left Behind (NCLB). Although NCLB/HQ requirements are no longer in place effective with the 2016-17 school year, TEA staff recommends ensuring that individuals assigned to deliver core academic content instruction in a special education setting are certified in special education and the core academic content area being taught.
§233.10. Fine Arts

Proposed new subsection (e) would add the new certificate for Dance: Grades 6-12. Language had previously been amended in subsection (d) to specify that Dance, Middle School 1-3 courses for Grades 6-8 would be taught by the holder of a Dance: Grades 8-12 certificate. These proposed changes were also incorporated into 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, to ensure courses approved by the State Board of Education were included in SBEC rules and that the rules identified the appropriate teaching certificate needed for these course assignments. There were no plans to develop a new certification examination when TEA staff recommended rule changes to allow the Dance: Grades 8-12 certificate to satisfy the requirement to teach Dance, Middle School 1-3 courses for Grades 6-8. However, now that a new certification examination for Dance: Grades 6-12 will be available in early 2017, TEA staff proposes a new Dance: Grades 6-12 certificate. TEA staff proposes allowing Dance: Grades 8-12 certificate holders who are currently placed in assignments to teach Dance, Middle School 1-3 courses for Grades 6-8 to remain eligible for that assignment; however, once the Dance: Grades 6-12 examination and the Dance: Grades 6-12 certificate are available in 2017, all individuals interested in teaching Dance, Middle School 1-3 courses for Grades 6-8 must hold the Dance: Grades 6-12 certificate.

§233.14. Career and Technical Education (Certificates requiring experience and preparation in a skill area)

Language would be amended in subsection (h)(1) to add Health Science Technology Education: Grades 8-12 and Health Science: Grades 6-12 to the list of career and technical education certificates eligible to pursue under the route of certification by examination. The requirements for Health Science certification mandated in the TEC must still be met, but individuals with the required licensure and years of experience will have an additional option for pursuing this certification. TEA staff is proposing changes to 19 TAC Chapter 230 in a separate item in this agenda that would include adding Health Science to the list of certificates eligible to add to an individual's certificate record through certification by examination.

Staff Members Responsible: Marilyn Cook, Director
Educator Certification and Testing

Tim Miller, Director
Educator Preparation

Attachments: I. Statutory Citations
II. Text of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates
ATTACHMENT I

Statutory Citations Relating to Proposed Amendments to 19 TAC Chapter 233,
Categories of Classroom Teaching Certificates

Texas Education Code, §21.003, Certification Required (excerpt):
(a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

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 (excerpt):
(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;
(3) specify the period for which each class of educator certificate is valid;
(4) specify the requirements for the issuance and renewal of an educator certificate;
(5) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;

Texas Education Code, §21.044, Educator Preparation (excerpts):
(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.

(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, §21.048, Certification Examinations (excerpt):

(a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.
Chapter 233. Categories of Classroom Teaching Certificates

§233.5. Technology Applications and Computer Science.

(a) Technology Applications: Grades 8-12. The Technology Applications: Grades 8-12 certificate may be issued no earlier than June 1, 2001. The holder of the Technology Applications: Grades 8-12 certificate may teach Technology Applications in Grade 8 and the following technology applications courses in Grades 9-12: desktop publishing, digital graphics/animation, multimedia, video technology, web mastering, and independent study in technology applications. A candidate must meet the requirements for a Technology Applications: Grades 8-12 certificate by August 31, 2018. All applications must be complete and received by the Texas Education Agency by October 30, 2018.

(b) Technology Applications: Early Childhood-Grade 12. The Technology Applications: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2002. The holder of the Technology Applications: Early Childhood-Grade 12 certificate may teach the technology applications curriculum in prekindergarten, kindergarten, and Grades 1-12, with the exception of Computer Science I and II.

(c) Computer Science: Grades 8-12. The Computer Science: Grades 8-12 certificate may be issued no earlier than June 1, 2001. The holder of the Computer Science: Grades 8-12 certificate may teach Computer Science I, II, and III in Grades 8-12 and the following courses in Grades 9-12: Digital Forensics, Robotics Programming and Design, Fundamentals of Computer Science, Advanced Placement Computer Science Principles, Game Programming and Design, and Mobile Application Development.

§233.8. Special Education.

(a) Special Education: Early Childhood-Grade 12. The Special Education: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2003. The holder of the Special Education: Early Childhood-Grade 12 certificate may teach at any level of a basic special education instructional program serving eligible students 3-21 years of age, unless otherwise specified in §89.1131 of this title (relating to Qualifications of Special Education, Related Service, and Paraprofessional Personnel). If an individual is providing content instruction in a special education classroom setting, a valid certificate that matches the subject and grade level of the assignment is also required.

(b) Special Education Supplemental. The Special Education Supplemental certificate may be issued no earlier than September 1, 2003. The holder of the Special Education Supplemental certificate may teach in a special education instructional program serving eligible students at the same grade levels and in the content area(s) of the holder's base certificate, unless otherwise specified in §89.1131 of this title.

(c) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12. The Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005. The holder of the Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12 certificate is eligible to teach at any level in a special education instructional program serving eligible students, unless otherwise specified in §89.1131 of this title.

(d) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12. The Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005. The holder of the Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate is eligible to teach at any level in a special education instructional program serving eligible students, unless otherwise specified in §89.1131 of this title.

§233.10. Fine Arts.

(a) Music: Early Childhood-Grade 12. The Music: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2004. The holder of the Music: Early Childhood-Grade 12 certificate is eligible to teach music in a prekindergarten program, in kindergarten, and in Grades 1-12.

(a) All individuals seeking a career and technical education certificate specified in this section must have the required number of years of qualified work experience and preparation in a skill area approved in accordance with the provisions of subsection (h) of this section prior to issuance of the certificate and assignment in a Texas school.

(b) Marketing Education: Grades 8-12. The Marketing Education: Grades 8-12 certificate may be issued no earlier than September 1, 2005. A candidate must meet the requirements for a Marketing Education: Grades 8-12 certificate by August 31, 2017. All applications must be complete and received by the Texas Education Agency (TEA) by October 30, 2017. The holder of the Marketing Education: Grades 8-12 certificate is eligible to teach all marketing education courses in Grades 8-12. A candidate for the Marketing Education: Grades 8-12 certificate must:

1. Hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board (THECB); and
2. Have two years of full-time wage-earning experience in a marketing occupation as specified in subsection (h) of this section.

(c) Marketing: Grades 6-12. The Marketing: Grades 6-12 certificate may be issued no earlier than September 1, 2014. The holder of the Marketing: Grades 6-12 certificate is eligible to teach all marketing courses in Grades 6-12. A candidate for the Marketing: Grades 6-12 certificate must:

1. Hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and
2. Have two years of full-time wage-earning experience in a marketing occupation as specified in subsection (h) of this section.

(d) Health Science Technology Education: Grades 8-12. A standard Health Science Technology Education: Grades 8-12 certificate shall be based on experience and academic preparation in the skill area. A candidate must meet the requirements for a standard Health Science Technology Education: Grades 8-12 certificate by August 31, 2017. All applications must be complete and received by the TEA by October 30, 2017. The standard Health Science Technology Education: Grades 8-12 certificate shall require the following:

(A) An associate or more advanced degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB;
(B) current licensure, certification, or registration by a nationally recognized accrediting agency as a health professions practitioner; and

(C) approval, by the certification officer of an approved educator preparation program (EPP), of two years of wage-earning experience using the licensure requirement described in subparagraph (B) of this paragraph.

(2) The standard Health Science Technology Education: Grades 8-12 certificate curricula shall be based on the standards approved by the State Board for Educator Certification. A candidate for this certificate must pass the appropriate certification examinations.

(e) Health Science: Grades 6-12 certificate. The standard Health Science: Grades 6-12 certificate may be issued no earlier than September 1, 2014. A standard Health Science: Grades 6-12 certificate shall be based on experience and academic preparation in the skill area.

(1) The standard Health Science: Grades 6-12 certificate shall require the following:

(A) an associate or more advanced degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB;

(B) current licensure, certification, or registration by a nationally recognized accrediting agency as a health professions practitioner; and

(C) approval, by the certification officer of an approved EPP, of two years of full-time wage-earning experience using the licensure requirement described in subparagraph (B) of this paragraph.

(2) The standard Health Science: Grades 6-12 certificate curricula shall be based on the standards approved by the State Board for Educator Certification. A candidate for this certificate must pass the appropriate certification examinations.

(f) Trade and Industrial Education: Grades 8-12 certificate. A standard Trade and Industrial Education: Grades 8-12 certificate shall be based on academic preparation and experience in the skill areas to be taught and completion of specified pedagogy and professional responsibilities training. A candidate must meet the requirements for a standard Trade and Industrial Education: Grades 8-12 certificate by August 31, 2016. All applications must be complete and received by the TEA by October 30, 2016.

(1) The standard Trade and Industrial Education: Grades 8-12 certificate shall require the following academic preparation and wage-earning experience.

(A) Option I. An individual must:

(i) hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(ii) have two years of full-time wage-earning experience within the past ten years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 8-12 certificate. 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 degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(ii) have two years of full-time wage-earning experience within the past ten years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 8-12 certificate.
(C) Option III. An individual must:

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

(ii) have five years of full-time wage-earning experience within the past eight years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 8-12 certificate.

(2) The standard Trade and Industrial Education: Grades 8-12 certificate shall require current licensure, certification, or registration by a nationally recognized accrediting agency based on a recognized test or measurement. If the licensure, certification, or registration is not based on a recognized test or measurement, then passing the appropriate National Occupational Competency Testing Institute (NOCTI) assessment is required. A cosmetology teacher must hold a current cosmetology instructor license issued by the Texas Department of Licensing and Regulation.

(3) An individual must complete one year of creditable classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner’s Rules on Creditable Years of Service), on an emergency permit or probationary certificate in the specific area of trade and industrial education.

(4) The holder of a standard or provisional Trade and Industrial Education: Grades 8-12 certificate or Vocational Trades and Industry certificate may be approved for additional trade and industrial education assignments provided he or she meets the required number of years of wage-earning experience as indicated in this subsection. Work experience must be approved according to the provisions of this subsection. The EPP must submit a statement of qualifications to the Texas Education Agency (TEA) within 60 calendar days of approval.

(g) Trade and Industrial Education: Grades 6-12 certificate. The certificate may be issued no earlier than September 1, 2014. A standard Trade and Industrial Education: Grades 6-12 certificate shall be based on academic preparation and experience in the skill areas to be taught and completion of specified pedagogy and professional responsibilities training.

(1) The standard Trade and Industrial Education: Grades 6-12 certificate shall require the following academic preparation and wage-earning experience.

(A) Option I. An individual must:

(i) hold a bachelor’s degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(ii) have two years of full-time wage-earning experience within the past ten years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate. 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 degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(ii) have two years of full-time wage-earning experience within the past ten years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate.

(C) Option III. An individual must:

(i) hold a high school diploma or the equivalent; and
have five years of full-time wage-earning experience within the past ten years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate.

(2) The standard Trade and Industrial Education: Grades 6-12 certificate shall require current licensure, certification, or registration by a nationally recognized accrediting agency based on a recognized test or measurement. If the licensure, certification, or registration is not based on a recognized test or measurement, then passing the appropriate NOCTI assessment is required. A cosmetology teacher must hold a current cosmetology instructor license issued by the Texas Department of Licensing and Regulation.

(3) An individual must complete one year of creditable classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title, on an emergency permit or probationary certificate in the specific area of trade and industrial education.

(4) The holder of a standard or provisional Trade and Industrial Education: Grades 6-12 certificate or Vocational Trades and Industry certificate may be approved for additional trade and industrial education assignments provided he or she meets the required number of years of wage-earning experience as indicated in this subsection. Work experience must be approved according to the provisions of this subsection. The EPP must submit a statement of qualifications to the TEA within 60 calendar days of approval.

(h) Career and technical education certificates. Approval of career and technical education certificates in this section shall be based on prior experience and preparation in a skill area.

(1) Prospective career and technical education teachers shall submit a statement of qualifications detailing prior experience and skill area preparation to the EPP approved to prepare teachers for the career and technical education certificate sought. The certification officer of the EPP shall review the applicant's statement of qualifications to determine whether the applicant meets the appropriate approval criteria specified in this subsection. In the case of an educator who otherwise qualifies for certification by examination in Marketing Education: Grades 8-12 and Marketing: Grades 6-12 or Health Science Technology Education: Grades 8-12 and Health Science: Grades 6-12, the review and approval of required work experience may be performed by a certified school administrator.

(2) Under this subsection, 12 months of wage-earning experience consisting of at least 40 hours per week shall equal one year of full-time experience. Wage-earning experience consisting of less than 40 hours, but at least 20 hours per week, shall be calculated at a 50% rate in determining years of full-time experience. Wage-earning experience consisting of less than 20 hours per week shall not be considered acceptable in determining full-time experience.

(3) Postsecondary and proprietary school teaching experience in the specific occupational area for which the candidate is seeking certification may be counted on a year-for-year basis in lieu of on-the-job experience. Proprietary schools must be accredited or otherwise approved by the Texas Workforce Commission. Recency of experience requirements must be met, as well as current licensure, certification, or registration by a state or nationally recognized accrediting agency.