

## Text of Adopted Amendments to 19 TAC

### Chapter 230. Professional Educator Preparation and Certification

#### Subchapter C. Assessment of Educators

##### §230.21. Educator Assessment.

- (a) A candidate seeking certification as an educator must pass the examination(s) required by the Texas Education Code (TEC), §21.048, and the State Board for Educator Certification (SBEC) in §233.1(e) of this title (relating to General Authority) and shall not retake an examination more than four times, unless the limitation is waived for good cause. The burden of proof shall be upon the candidate to demonstrate good cause.
- (1) For the purposes of the retake limitation described by the TEC, §21.048, an examination retake is defined as a second or subsequent attempt to pass any examination required for the issuance of a certificate, including an individual core subject examination that is part of the overall examination required for the issuance of a Core Subjects certificate as described in §233.2 of this title (relating to Early Childhood; Core Subjects) ~~[Core Subjects; Generalist]~~ . ~~[An examination score that is cancelled is not considered an examination retake.]~~
- (A) A canceled examination score is not considered an examination retake.
- (B) An examination taken by an educator during a pilot period is not considered part of an educator's five-time test attempt limit.
- (C) Pursuant to TEC, §21.0491(d), the limit on number of test attempts does not apply to the trade and industrial workforce training certificate examination prescribed by the SBEC.
- (2)-(7) (No change.)
- (b)-(d) (No change.)
- (e) The appropriate examination(s) required for certification are specified in the figure provided in this subsection.
- Figure: 19 TAC §230.21(e) ~~[Figure: 19 TAC §230.21(e)]~~
- (f) (No change.)
- (g) The following provisions concern ethical obligations relating to examinations ~~[test security and confidentiality integrity]~~ .
- (1) An educator or candidate who participates in the development, design, construction, review, field testing, scoring, or validation of an examination shall not reveal or cause to be revealed the contents of the examination to any other person.
- (2) An educator or candidate who administers an examination shall not:
- (A) allow or cause an unauthorized person to view any part of the examination;
- (B) copy, reproduce, or cause to be copied or reproduced any part of the examination;
- (C) reveal or cause to be revealed the contents of the examination;
- (D) correct, alter, or cause to be corrected or altered any response to a test item contained in the examination;
- (E) provide assistance with any response to a test item contained in the examination or cause assistance to be provided; or
- (F) deviate from the rules governing administration of the examination.
- (3) An educator or candidate who is an examinee shall not:

- (A) copy, reproduce, or cause to be copied or reproduced any test item contained in the examination;
  - (B) provide assistance with any response to a test item contained in the examination, or cause assistance to be provided;
  - (C) solicit or accept assistance with any response to a test item contained in the examination;
  - (D) deviate from the rules governing administration of the examination; or
  - (E) otherwise engage in conduct that amounts to cheating, deception, or fraud.
- (4) An educator, candidate, or other test taker shall not:
- (A) solicit information about the contents of test items on an examination that the educator, candidate, or other test taker has not already taken from an individual who has had access to those items, or offer information about the contents of specific test items on an examination to individuals who have not yet taken the examination; ~~or~~
  - (B) fail to pay all test costs and fees as required by this chapter or the testing vendor; or
  - (C) ~~(B)~~ otherwise engage in conduct that amounts to violations of test security or confidentiality integrity, including cheating, deception, or fraud.
- (5) A person who violates this subsection is subject to:
- (A) sanction, including, but not limited to, disallowance and exclusion from future examinations either in perpetuity or for a period of time that serves the best interests of the education profession, in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases); and/or
  - (B) denial of certification in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title; and/or
  - (C) voiding of a score from an examination in which a violation specified in this subsection occurred as well as a loss of a test attempt for purposes of the retake limit in subsection (a) of this section.

#### **§230.23. Testing Accommodations for Persons with Dyslexia.**

The Texas Education Agency (TEA) shall provide examination accommodations for persons with dyslexia.

- (1) For each licensing examination administered, the TEA and its testing vendor shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia as that term is defined in the Texas Occupations Code, §54.003 ~~[Texas Education Code, §51.970]~~ .
- (2) The TEA and its testing vendor shall provide examination accommodations to an examinee diagnosed with dyslexia, provided acceptable medical or diagnostic documentation has been received and reviewed by the vendor prior to the administration of the examination.

### **Subchapter D. Types and Classes of Certificates Issued**

#### **§230.36. Intern Certificates.**

- (a)-(d) (No change.)
- (e) Intern certificate in a certification class other than classroom teacher. An intern certificate may be issued for assignment as a superintendent, principal, reading specialist, master teacher, school librarian, school counselor, and educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.
  - (1) An applicant for an intern certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the

qualifications and requirements for the class of certification sought and the duties to be performed by the holder of an intern certificate in that class.

- (2) The individual must have also been:
  - (A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and
  - (B) assigned in the certificate area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.35 of this title (relating to Preparation Program Coursework and/or Training), other school approved by the TEA.
- (3) The holder of an intern certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.
- (4) The following provisions apply to the intern certificate for Principal as Instructional Leader.
  - (A) During the transition period of December 1, 2018 through September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets the requirements specified in paragraphs (1)-(3) of this subsection.
  - (B) Effective September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets requirements specified in paragraphs (1)-(3) of this subsection and has passed the Principal as Instructional Leader examination specified in Subchapter C of this chapter (relating to Assessment of Educators).

#### **§230.41. Visiting International Teacher Certificates.**

- (a) For purposes of this subsection, Visiting International Teacher Program is defined as a J-1 Visa Exchange Visitor Program officially approved by the United States Department of State.
- ~~[(a) A teacher may be issued a visiting international teacher certificate valid for no more than three school years upon recommendation by a school district participating in an officially recognized foreign teacher exchange program.]~~
- (b) The State Board for Educator Certification will issue a visiting international teacher certificate ~~[will be issued]~~ to an individual who meets the conditions and requirements specified ~~[presented]~~ in this subsection. The individual must:
  - (1) meet appropriate requirements prescribed in §230.11(b)(1)-(4) ~~[§230.11]~~ of this title (relating to General Requirements);
  - (2) be recommended for certification by a school district participating in a Visiting International Teacher Program;
  - (3) ~~[(2)]~~ hold valid teaching credentials from the country of origin based, at a minimum, on the equivalent of a bachelor's degree issued by an institution of higher education in the United States accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board or by the U.S. Department of Education;
  - (4) ~~[(3)]~~ demonstrate English language proficiency and subject matter competence in subject area(s) taught, as verified by the Visiting International Teacher Program sponsor and the employing school district;
  - (5) ~~[(4)]~~ have criminal activity clearance from country of origin;
  - ~~[(5) demonstrate subject matter competence in subject area(s) taught, as defined by the Texas Education Agency (TEA) in compliance with federal requirements;]~~
  - (6) pay appropriate fee prescribed by §230.101 of this title (relating to Schedule of Fees for Certification Services); and
  - (7) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code, §22.0831.

- (c) School districts ~~[Participating school districts]~~ that recommend educators for visiting international teacher certificates agree to provide the visiting international teachers with intensive supervision consisting of structured guidance and regular ongoing support through a mentoring program.
- (d) The Texas Education Agency (TEA) ~~[TEA]~~ staff shall establish reasonable procedures to implement this section.
- (e) The visiting international teacher certificate is valid for three years and may be extended two additional years, for a maximum total of five years, for all candidates actively enrolled in and in good standing with a Visiting International Teacher Program as verified by the employing school district.
- (f) ~~[(e)]~~ Issuance of a visiting international teacher certificate does not prohibit issuance of a one-year certificate following a successful review of credentials, as specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries).

## **Subchapter E. Educational Aide Certificate**

### **§230.53. Procedures in General.**

- (a)-(b) (No change.)
- (c) The applicant for an educational aide certificate must be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication as determined by the employing school district.
- (d) (No change.)
- (e) An applicant for an educational aide certificate is subject to the provisions in §230.11(b)(1)-(4) ~~[\$230.11(b)(1)-(5)]~~ of this title (relating to General Requirements).
- (f)-(g) (No change.)

## **Subchapter G. Certificate Issuance Procedures**

### **§230.101. Schedule of Fees for Certification Services.**

- (a) An applicant for a certificate or a school district requesting a permit shall pay the applicable fee from the following list.
  - (1) Educational aide certificate:
    - (A) prior to September 1, 2017--\$30; and
    - (B) after August 31, 2017--\$15.
  - (2) Standard certificate--\$75.
  - (3) Probationary or intern certificate:
    - (A) prior to September 1, 2017 --\$50; and
    - (B) after August 31, 2017--\$75.
  - (4) Addition of certification based on completion of appropriate examination--\$75.
  - (5) Review of a credential issued by a jurisdiction other than Texas (nonrefundable):
    - (A) prior to September 1, 2016--\$175; and
    - (B) after August 31, 2016--\$160.
  - (6) One-year certificate based on a credential issued by a jurisdiction other than Texas--\$50.
  - (7) Emergency permit (nonrefundable)--\$55.

- (8) National criminal history check (nonrefundable)--The fee, posted on the Texas Education Agency website, shall include a \$10 criminal history review fee in addition to the current cost of fingerprint scanning, processing, and obtaining national criminal history record information from the Texas Department of Public Safety, its contractors, and the Federal Bureau of Investigation. The same fee will be paid by current certified educators who are subject to a national criminal history check pursuant to the Texas Education Code, §§22.082, 22.0831, and 22.0836.
- (9) Review of the superintendent application for the substitution of managerial experience for the principal certificate requirement (nonrefundable)--\$160.
- (10) On-time renewal of educational aide certificate:
  - (A) prior to September 1, 2017--\$10; and
  - (B) after August 31, 2017--no charge.
- (11) Additional fee for late renewal of educational aide certificate:
  - (A) prior to September 1, 2017--\$5; and
  - (B) after August 31, 2017--no charge.
- (12) Reactivation of an inactive educational aide certificate--\$15.
- (13) Reinstatement following restitution of child support or student loan repayment for educational aide certificate--\$20.
- (14) On-time renewal of a standard certificate--\$20.
- (15) Additional fee for late renewal of a standard certificate--\$10.
- (16) Reactivation of an inactive standard certificate--\$40; except for an inactivation pursuant to §232.9 of this title (relating to Inactive Status and Late Renewal).
- (17) Reinstatement following restitution of child support or student loan repayment--\$50.
- (18) Visiting international teacher certificate--\$75.
- (19) Request for preliminary criminal history evaluation (nonrefundable)--\$50.
- (b) The fee for correcting a certificate or permit when the error is not made by the Texas Education Agency shall be equal to the fee for the original certificate or permit.
- (c) An individual registering to take certification tests shall pay the applicable fee(s) from the following list of categories:
  - (1) Selected Response-Only Assessments, \$116.
  - (2) Single Subject Area Tests (801-809), \$58.
  - (3) Enhanced Selected-Response/Constructed-Response Assessments for Tests (801-809), \$70.
  - (4) Enhanced Selected-Response/Constructed-Response Assessments, \$136.
  - (5) Enhanced Selected-Response/Constructed-Response Administrator and Student Services Assessments, \$200.

## **Subchapter H. Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**

### **§230.111. General Provisions.**

- (a)-(c) (No change.)
- (d) A statement, approval letter, or certification entitlement card [~~must be~~] issued by the authorized licensing agency in another state or territory of the United States specifying eligibility for full certification upon

employment or completion of specified examination requirements shall have the same standing as a certificate.

(e)-(f) (No change.)

**§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.**

- (a) An applicant for a standard Texas certificate based on a certificate issued in accordance with §230.111 of this title (relating to General Provisions) must :
- (1) pass the appropriate examination requirements prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment); ~~or~~
  - (2) achieve an acceptable level of performance on an examination(s) that ~~has~~ have been determined to be similar to and at least as rigorous as that prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered to the applicant under the authority of another state or territory of the United States. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another state or territory of the United States ; or ~~;~~
  - (3) qualify for an exemption from required Texas examinations through provisions in §152.1001 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (b) If all certification requirements are met except the appropriate examination requirements, the applicant may request issuance of a one-year certificate in one or more certification areas authorized on the out-of-state certificate. An applicant who holds only a student services, principal, or superintendent certificate issued in accordance with Chapter 239 of this title (relating to Student Services Certificates), with the exception of Subchapter E (relating to Master Teacher Certificate); Chapter 241 of this title (relating to Principal Certificate); or Chapter 242 of this title (relating to Superintendent Certificate) may be issued the equivalent Texas certificate. The applicant must verify two creditable years of service in an Early Childhood-Grade 12 public or accredited private school in the specific student services or administrative area sought.
- (c) After satisfying all requirements, including all appropriate examination requirements, the applicant is eligible to receive the appropriate standard certificate issued under Subchapter D of this chapter (relating to Types and Classes of Certificates Issued).
- (d)-(f) (No change.)