The State Board of Education (SBOE) proposes an amendment to §114.53, concerning advanced language for career applications. The proposed amendment would eliminate language that is outdated and no longer necessary.

BACKGROUND INFORMATION AND JUSTIFICATION: House Bill 1431, 84th Texas Legislature, 2015, added Texas Education Code (TEC), §28.002(t), to require that the SBOE, in consultation with the commissioner of higher education and business and industry leaders, develop an advanced language course that a school district may use to provide students with instruction in industry-related terminology that prepares students to communicate in a language other than English in a specific professional, business, or industry environment. In August 2016, a committee of secondary and postsecondary educators and business and industry representatives were selected to develop recommended Texas Essential Knowledge and Skills (TEKS) for the advanced career-oriented languages other than English (LOTE) course.

At the April 2017 meeting, the SBOE approved for second reading and final adoption §114.53, Advanced Language for Career Applications (One Credit). The new course was implemented in the 2017-2018 school year.

The general requirements for Advanced Language for Career Applications originally specified that the course could not be used to satisfy a LOTE requirement for an endorsement. However, at the April 2017 SBOE meeting, the board approved for second reading and final adoption language in 19 TAC §74.13, Endorsements, that allows Advanced Language for Career Applications to count toward the four levels in the same language of LOTE required to earn a LOTE arts and humanities endorsement.

The proposed amendment to §114.53 would eliminate the specification in the TEKS that the course may not be used to satisfy a LOTE requirement for an endorsement as it is not aligned with the rule related to endorsements.

The SBOE approved the proposed amendment for first reading and filing authorization at its April 5, 2019 meeting.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and support services, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be the elimination of language that is outdated and may be confusing. There is no anticipated economic cost to persons who are required to comply with the proposal.
DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/Proposed_State_Board_of_Education_Rules/. Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on May 3, 2019.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(t), which requires the SBOE, in consultation with the commissioner of higher education and business and industry leaders, to develop an advanced language course that a school district may use to provide students with instruction in industry-related terminology that prepares students to communicate in a language other than English in a specific professional, business, or industry environment; and TEC, §28.025(a), which requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§7.102(c)(4); 28.002(a), (c), and (t); and 28.025(a).

§114.53. Advanced Language for Career Applications (One Credit).
(a) General requirements.
   (1) Advanced Language for Career Applications may be offered in high school. Students shall be awarded one credit for successful completion of this course. Prerequisite: successful completion of Level III, achieving an Intermediate Low to Intermediate Mid proficiency level, or demonstrated equivalent proficiency as determined by the district.
   (2) Districts may offer this course in a variety of scheduling arrangements that may extend or reduce the traditional schedule when careful consideration is given to the instructional time available on a campus and the language ability, access to programs, and motivation of students.
   (3) This course may not satisfy a high school languages other than English (LOTE) graduation requirement [or a LOTE requirement for an endorsement]. Students shall be awarded one elective credit for successful completion of this course.

(b)-(c) (No change.)