

The Texas Education Agency (TEA) proposes an amendment to §151.1001, concerning passing standards for educator certification examinations. The proposed amendment would specify the satisfactory scores for the new Principal as Instructional Leader examination and the new Performance Assessment for School Leaders as well as update the passing standards for several other examinations.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Texas Education Code (TEC), §21.048(a), requires the commissioner of education to establish the satisfactory levels of performance required on educator certification examinations and require a satisfactory level of performance on each core subject covered by an examination.

The proposed amendment would adopt passing standards for the new Principal as Instructional Leader certification examination and the new Performance Assessment for School Leaders. Most of the passing standards previously set by the commissioner would be maintained, but others would change as follows.

Beginning July 29, 2019, passing standards would be updated for the following Texas Examinations of Educator Standards (TExES) to reflect the average raw cut score based on all active forms of a test as changed by new test forms being introduced and/or some test forms being discontinued or revised:

- 801 Core Subjects EC-6 English Language Arts and Reading and the Science of Teaching Reading
- 802 Core Subjects EC-6 Mathematics
- 803 Core Subjects EC-6 Social Studies
- 804 Core Subjects EC-6 Science
- 113 English Language Arts and Reading/Social Studies 4-8
- 114 Mathematics/Science 4-8
- 115 Mathematics 4-8
- 806 Core Subjects 4-8: English Language Arts and Reading
- 808 Core Subjects 4-8: Social Studies
- 235 Mathematics 7-12
- 238 Life Science 7-12
- 231 English Language Arts and Reading 7-12
- 256 Journalism 7-12
- 177 Music EC-12
- 158 Physical Education EC-12
- 242 Technology Applications EC-12
- 272 Agriculture, Food, and Natural Resources 6-12
- 273 Health Science 6-12
- 276 Business and Finance 6-12
- 184 American Sign Language EC-12
- 610 LOTE: French EC-12
- 611 LOTE: German EC-12
- 613 LOTE: Spanish EC-12
- 161 Special Education EC-12
- 182 Visually Impaired
- 283 Braille
- 154 English as a Second Language Supplemental
- 163 Special Education Supplemental
- 160 Pedagogy and Professional Responsibilities EC-12
- 270 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6-12
- 153 Educational Diagnostician
- 068 Principal

The average passing standard is expressed as an average raw cut score of all active forms of a test or the minimum proficiency level. It is critical to note that the actual raw cut scores may vary slightly from form to form to account for differences in test item difficulty across forms and to ensure equitability.

**FISCAL IMPACT:** Ryan Franklin, associate commissioner for educator leadership and quality, 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:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it 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:** Mr. Franklin 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 providing clarity to educators and others regarding the required passing standards for Texas certification examinations. 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 data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** The 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 17, 2019, and ends June 17, 2019. 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 17, 2019. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_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.

**STATUTORY AUTHORITY.** The amendment is proposed under Texas Education Code, §21.048(a), which requires the commissioner to determine the level of performance considered to be satisfactory on educator certification examinations and further authorizes the commissioner to require a satisfactory level of performance on each core subject covered by an examination.

**CROSS REFERENCE TO STATUTE.** The amendment implements Texas Education Code, §21.048(a).

<rule>

### **§151.1001. Passing Standards.**

- (a) As required by the Texas Education Code, §21.048(a), the commissioner of education shall determine the satisfactory level of performance for each educator certification examination and require a satisfactory level of performance on each core subject covered by an examination. The figures in this section identify the passing standards established by the commissioner for educator certification examinations.

- (b) The figures in this subsection identify the passing standards established by the commissioner for classroom teacher examinations.

- (1) The figure in this paragraph identifies the passing standards for early childhood through Grade 6 examinations.

Figure: 19 TAC §151.1001(b)(1) ~~[Figure: 19 TAC §151.1001(b)(1)]~~

- (2) The figure in this paragraph identifies the passing standards for Grades 4-8 examinations.

Figure: 19 TAC §151.1001(b)(2) ~~[Figure: 19 TAC §151.1001(b)(2)]~~

- (3) The figure in this paragraph identifies the passing standards for secondary mathematics and science examinations.

Figure: 19 TAC §151.1001(b)(3) ~~[Figure: 19 TAC §151.1001(b)(3)]~~

- (4) The figure in this paragraph identifies the passing standards for secondary English language arts and social studies examinations.

Figure: 19 TAC §151.1001(b)(4) ~~[Figure: 19 TAC §151.1001(b)(4)]~~

- (5) The figure in this paragraph identifies the passing standards for speech and journalism examinations.

Figure: 19 TAC §151.1001(b)(5) ~~[Figure: 19 TAC §151.1001(b)(5)]~~

- (6) The figure in this paragraph identifies the passing standards for fine arts examinations.

Figure: 19 TAC §151.1001(b)(6) ~~[Figure: 19 TAC §151.1001(b)(6)]~~

- (7) The figure in this paragraph identifies the passing standards for health and physical education examinations.

Figure: 19 TAC §151.1001(b)(7) ~~[Figure: 19 TAC §151.1001(b)(7)]~~

- (8) The figure in this paragraph identifies the passing standards for computer science and technology applications examinations.

Figure: 19 TAC §151.1001(b)(8) ~~[Figure: 19 TAC §151.1001(b)(8)]~~

- (9) The figure in this paragraph identifies the passing standards for career and technical education examinations.

Figure: 19 TAC §151.1001(b)(9) ~~[Figure: 19 TAC §151.1001(b)(9)]~~

- (10) The figure in this paragraph identifies the passing standards for bilingual examinations.

Figure: 19 TAC §151.1001(b)(10) (No change.)

- (11) The figure in this paragraph identifies the passing standards for languages other than English (LOTE) examinations.

Figure: 19 TAC §151.1001(b)(11) ~~[Figure: 19 TAC §151.1001(b)(11)]~~

- (12) The figure in this paragraph identifies the passing standards for special education examinations.

Figure: 19 TAC §151.1001(b)(12) ~~[Figure: 19 TAC §151.1001(b)(12)]~~

- (13) The figure in this paragraph identifies the passing standards for supplemental examinations.

Figure: 19 TAC §151.1001(b)(13) ~~[Figure: 19 TAC §151.1001(b)(13)]~~

- (14) The figure in this paragraph identifies the passing standards for pedagogy and professional responsibilities examinations.

Figure: 19 TAC §151.1001(b)(14) [~~Figure: 19 TAC §151.1001(b)(14)~~]

- (c) The figure in this subsection identifies the passing standards established by the commissioner for student services examinations.

Figure: 19 TAC §151.1001(c) [~~Figure: 19 TAC §151.1001(e)~~]

- (d) The figure in this subsection identifies the passing standards established by the commissioner for administrator examinations.

Figure: 19 TAC §151.1001(d) [~~Figure: 19 TAC §151.1001(d)~~]