

**Item 14:****Discussion of Upcoming Review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, and Chapter 245, Certification of Educators from Other Countries****DISCUSSION**

**SUMMARY:** Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. The SBEC last adopted the review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, and the review of 19 TAC Chapter 245, Certification of Educators from Other Countries, in August 2013. This item presents for discussion only the Texas Education Agency (TEA) staff's plan to seek the SBEC approval to open the rule review for both of these chapters in March 2017.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 231 is the Texas Education Code (TEC), §21.031(a) and §21.041(b)(1) and (2). The statutory authority for 19 TAC Chapter 245 is the Texas Education Code (TEC), §§21.041(b)(1), (4), and (5); 21.048(a); 21.050; 21.052(a)-(e) and (g); and 22.0831(f).

**FUTURE ACTION EXPECTED:** The review of 19 TAC Chapter 231, Requirements for Public School Personnel, and the review of 19 TAC Chapter 245, Certification of Educators from Other Countries, are scheduled to be presented to the SBEC as separate proposal items at the March 2017 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 231 are organized as follows: Subchapter A., Criteria for Assignment of Public School Personnel, Subchapter B., Prekindergarten-Grade 6 Assignments, Subchapter C., Grades 6-8 Assignments, Subchapter D., Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E., Grades 9-12 Assignments, Subchapter F., Special Education-Related Services Personnel Assignments, Subchapter G., Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments, and Subchapter H., Assignments for Teachers Certified Before 1966. These subchapters identify appropriate certificates and other requirements for placement of individuals into classroom and/or campus assignments.

The SBEC rules in 19 TAC Chapter 245, Certification of Educators from Other Countries, establish requirements for issuance of Texas certification to educators from other countries.

TEA staff has not included rule text for Chapter 231 and Chapter 245 as this is a discussion item only. A high-level overview of potential questions, issues, and concerns about both chapters is provided in Attachment II.

**ANTICIPATED REVISIONS TO RULES:** It is anticipated that TEA staff will present proposed changes to 19 TAC Chapter 231 and 19 TAC Chapter 245 for discussion and action at a future

meeting to clarify the rules, incorporate current SBEC policy and procedures, in response to public comment during the rule review process, and address any required changes as a result of the upcoming 2017 legislative session.

**RULE REVIEW:** The notice of proposed review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, and 19 TAC Chapter 245, Certification of Educators from Other Countries, will be filed with the *Texas Register* following the March 2017 SBEC meeting.

**PUBLIC AND STUDENT BENEFIT:** The review of 19 TAC Chapter 231 will result in clear guidance for districts on appropriate credentials for placement of individuals into classroom, administrative, and support assignments. The review of 19 TAC Chapter 245 will result in clearly defined rules and requirements for individuals to obtain Texas certification based on already being certified to teach in other countries.

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

**Attachments:**

- I. Statutory Citations
- II. High-Level Overview of Potential Questions, Issues, and Concerns regarding 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, and 19 TAC Chapter 245, Certification of Educators from Other Countries

**ATTACHMENT I****Statutory Citations Relating to Review of 19 TAC Chapter 231,  
Requirements for Public School Personnel Assignments, and 19 TAC Chapter 245,  
Certification of Educators from Other Countries****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

**19 TAC Chapter 231, Requirements for Public School Personnel Assignments****Texas Education Code, §21.031, Purpose (excerpt):**

- (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.

**Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (a) The board may adopt rules as necessary for its own procedures.
- (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;

**19 TAC Chapter 245, Certification of Educators from Other Countries****Texas Education Code, §21.041, Rules; Fees (excerpts):**

- (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;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;
  - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;

**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.

**Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate; Internship:**

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.
- (b) The board may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate. The board shall provide for a minimum number of semester credit hours of internship to be included in the hours needed for certification. The board may propose rules requiring additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.
- (c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

**Texas Education Code, §21.052, Certification of Educators From Outside the State (excerpts):**

- (a) The board may issue a certificate to an educator who applies for a certificate and:
  - (1) holds:
    - (A) a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or
    - (B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
  - (2) holds an appropriate certificate or other credential issued by another state or country; and
  - (3) performs satisfactorily on:
    - (A) the examination prescribed under Section 21.048; or

- (B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by Paragraph (A) administered to the educator under the authority of that state.
- (b) For purposes of Subsection (a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsection (d), the board may specify the term of a temporary certificate issued under this subsection.
- (d) A temporary certificate issued under Subsection (c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a certificate as provided by Subsection (a) must perform satisfactorily on the examination prescribed under Section 21.048 not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.
- (g) The commissioner shall provide guidance to school districts that employ an educator certified as provided by Subsection (a) on procedures to classify the educator as a highly qualified teacher in a manner consistent with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).

**Texas Education Code, §22.0831, National Criminal History Record Information Review of Certified Educators (excerpt):**

- (f) The board may propose rules to implement this section, including rules establishing:
  - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
  - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

**ATTACHMENT II****High-Level Overview of Potential Questions, Issues, and Concerns regarding 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, and 19 TAC Chapter 245, Certification of Educators from Other Countries****Chapter 231 Issues related to personnel assignments**

- PreK-3<sup>rd</sup> Grade
- Early Childhood-Grade 6
- Option to teach one grade level above or below certificate issued without needing a temporary credential for coverage and without requiring an individual to obtain additional certification
- Provide districts with greater flexibility in assignments based on the general content area of the individual's certificate
- Remove old grandfather clauses/old training requirements/outdated effective begin dates from 1990s and early 2000s

**Chapter 245 Issues related to certification of educators from other countries**

- Clarify basic requirements to complete TEA certification process
- Confirm options to demonstrate English language proficiency – Test of English as a Foreign Language (TOEFL), bachelor's degree or higher earned from a United States college or university, bachelor's degree or higher earned from a college or university outside of the United States where the primary language of instruction for all courses is English
- Clarify required information for foreign credential evaluations (FCEs) submitted to TEA
- Incorporate new application, approval, and periodic review process for companies submitting FCEs to TEA