

**Item 9:****Consider and Take Appropriate Action on Petition for  
Adoption of Rule Change Concerning 19 TAC Chapter 233,  
Categories of Classroom Teaching Certificates, §233.15,  
Languages Other Than English****DISCUSSION AND ACTION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a petition for rulemaking on 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.15, Languages Other Than English, filed pursuant to Texas Government Code, §2001.021. The petitioner requests an amendment to 19 TAC §233.15, Languages Other Than English, to add a new certificate for Tamil. The SBEC must either deny the petition or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.

**STATUTORY AUTHORITY:** Texas Government Code, §2001.021, and Texas Education Code, §§21.003(a), 21.031, and 21.041(b)(2), (4), and (5).

**EFFECTIVE DATE:** None.

**PREVIOUS BOARD ACTION:** The SBEC last amended 19 TAC §233.15, effective October 21, 2018.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Section 19 TAC §233.15(b), shown in Attachment II, provides for an interested party to request an additional language other than English (LOTE) certificate. A member of the public has submitted to the SBEC a petition, shown in Attachment III, requesting that the SBEC add Tamil to the list of certificate areas specified in §233.15.

- 1) The petitioner stated Tamil is an official and widely spoken language of India, Sri Lanka, Singapore, and Malaysia. The Tamil speaking/South Asian population has seen rapid growth in Texas and across the United States. The petitioner believes Tamil is a historical and culturally-rich language with numerous benefits to native and non-native speakers.
- 2) The petitioner stated 4,000 plus students across the state are currently enrolled in Tamil language schools in the greater metro areas of Houston, Dallas, Austin, and San Antonio. In addition, the petitioner shared there were 25 individuals interested in obtaining a Tamil certificate once available for issuance.
- 3) The Board heard prior testimony on interest in this certificate area and the expressed benefits that an SBEC-issued certificate for Tamil would have on educators and students.

In accordance with the Texas Government Code, §2001.021, the SBEC may deny the petition or direct the TEA staff to initiate rulemaking proceedings.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** None.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** None.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** Under SBEC rule 19 TAC §250.20, Petition for Adoption of Rules or Rule Changes, shown in Attachment I, the TEA must respond to a rule petition within 60 days even if it is not possible for the SBEC to act upon it within 60 days, as was the case with this petition. As a result, TEA staff notified the petitioner that the petition would be considered at the December 7, 2018 meeting.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:**

Direct Texas Education Agency staff to initiate the rulemaking process.

**Staff Member Responsible:**

Marilyn Cook, Director, Educator Certification

**Attachments:**

- I. Statutory Citations
- II. Text of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.15, Languages Other Than English
- III. Petition to Amend 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.15, Languages Other Than English

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**ATTACHMENT I****Statutory Citations Related to Consideration of Petition for Adoption of Rule Change  
Concerning 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.15,  
Languages Other Than English****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:
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (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 Government Code, §2001.021, Petition for Adoption of Rules:**

- (a) An interested person by petition to a state agency may request the adoption of a rule.
- (b) A state agency by rule shall prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition. If a state agency requires signatures for a petition under this section, at least 51 percent of the total number of signatures required must be of residents of this state.
- (c) Not later than the 60th day after the date of submission of a petition under this section, a state agency shall:
  - (1) deny the petition in writing, stating its reasons for the denial; or
  - (2) initiate a rulemaking proceeding under this subchapter.
- (d) For the purposes of this section, an interested person must be:
  - (1) a resident of this state;
  - (2) a business entity located in this state;

- (3) a governmental subdivision located in this state; or
- (4) a public or private organization located in this state that is not a state agency.

**19 TAC §250.20, Petition for Adoption of Rules or Rule Changes.**

- (a) Any interested person may petition for the adoption, amendment, or repeal of a rule of the State Board for Educator Certification (SBEC) by filing a petition on a form provided in this subsection. The petition shall be signed and submitted to the designated Texas Education Agency (TEA) office. The TEA staff shall evaluate the merits of the proposal to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.  
Figure: 19 TAC §250.20(a)
- (b) In accordance with the Texas Government Code, §2001.021, the TEA staff must respond to the petitioner within 60 calendar days of receipt of the petition.
  - (1) Where possible, the recommendation concerning the petition shall be placed on the SBEC agenda, and the SBEC shall act on the petition within the 60-calendar-day time limit.
  - (2) Where the time required to review the petition or the scheduling of SBEC meetings will not permit the SBEC to act on the petition within the required 60 calendar days, the TEA staff shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBEC meeting at which the recommendation will be presented to the SBEC for action.
- (c) The SBEC will review the petition and the recommendation and will either direct the TEA staff to begin the rulemaking process or deny the petition, giving reasons for the denial. The TEA staff will notify the petitioner of the SBEC's action related to the petition.
- (d) Without limitation to the reasons for denial in this subsection, the SBEC may deny a petition on the following grounds:
  - (1) the SBEC does not have jurisdiction or authority to propose or to adopt the petitioned rule;
  - (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBEC, or other law;
  - (3) the SBEC determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding; or
  - (4) the petitioner is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing a petition:
    - (A) before the fourth anniversary of the SBEC's having previously considered and rejected a similar rule on the same subject matter; or
    - (B) to amend a rule proposed or adopted by the SBEC that has not yet become effective.
- (e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.

**ATTACHMENT II**  
**Text of 19 TAC****Chapter 233. Categories of Classroom Teaching Certificates****§233.15. Languages Other Than English.**

- (a) The State Board for Educator Certification (SBEC) shall issue languages other than English (LOTE) certificates in the following areas:
- (1) American Sign Language: Early Childhood-Grade 12. The American Sign Language: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.
  - (2) Arabic: Early Childhood-Grade 12. The Arabic: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
  - (3) Chinese: Early Childhood-Grade 12. The Chinese: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
  - (4) French: Early Childhood-Grade 12. The French: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2009.
  - (5) German: Early Childhood-Grade 12. The German: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2009.
  - (6) Hindi: Early Childhood-Grade 12. The Hindi: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2010.
  - (7) Italian: Early Childhood-Grade 12. The Italian: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2010.
  - (8) Japanese: Early Childhood-Grade 12. The Japanese: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
  - (9) Korean: Early Childhood-Grade 12. The Korean: Early Childhood-Grade 12 certificate may be issued no earlier than June 1, 2016.
  - (10) Latin: Early Childhood-Grade 12. The Latin: Early Childhood-Grade 12 certificate may be issued no earlier than January 1, 2010.
  - (11) Portuguese: Early Childhood-Grade 12. The Portuguese: Early Childhood-Grade 12 certificate may be issued no earlier than June 1, 2016.
  - (12) Russian: Early Childhood-Grade 12. The Russian: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
  - (13) Spanish: Early Childhood-Grade 12. The Spanish: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2009.
  - (14) Turkish: Early Childhood-Grade 12. The Turkish: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2010.
  - (15) Urdu: Early Childhood-Grade 12. The Urdu: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2010.
  - (16) Vietnamese: Early Childhood-Grade 12. The Vietnamese: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
- (b) An interested party may request an additional LOTE certificate using the petition process described in §250.20 of this title (relating to Petition for Adoption of Rules or Rule Changes) for SBEC consideration. The petitioner must provide:
- (1) the desired LOTE certificate and confirmation of the number of students likely to receive instruction in the requested language;

- (2) the number of individuals interested in adding a certification in the new language; and
- (3) the rationale for the request and anticipated benefit to students.

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**ATTACHMENT III****Figure: 19 TAC §250.20(a)**  
**STATE BOARD FOR EDUCATOR CERTIFICATION**  
**Petition for Adoption of a Rule**

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Office of Educator Leadership and Quality

Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494

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**Name:** Sankar N. Kannan, Ph. D

**Affiliation/Organization** (if applicable): **Greater Houston Tamil School Inc** (on behalf of multiple Tamil language schools in Texas)

**Address:** 14030 Hampton Cove Dr, Houston, TX 77077

**Telephone:** 832-282-0170 **Date:** October 31, 2018

**Email:** [info@houstontamilschools.org](mailto:info@houstontamilschools.org) / [sksankaran@yahoo.com](mailto:sksankaran@yahoo.com)

Texas Government Code, §2001.021, specifies that an interested person must meet one of the following criteria. Please check all of the following that apply to you.

- resident of Texas
- business entity located in Texas
- governmental subdivision located in Texas
- public or private organization located in Texas that is not a state agency

Proposed rule text (indicate words to be added or deleted from the current text):

We humbly request SBEC to **add Tamil language certificate** to the list of Languages Other Than English (LOTE) certificates already outlined in 19 TAC 233.15 (a)

Statutory authority for the proposed rule action: SBEC

Why is this rule action necessary or desirable?

Please see attached sheets. Thanks.

(If more space is required, attach additional sheets.)

Sankar N. Kannan, Ph. D  
Petitioner's Signature

Respected Members of SBEC,

This petition is being submitted on behalf of various non-profit, volunteer-run, Tamil language schools in Texas (in and around Houston, Dallas, Austin and San Antonio). Most of the schools are already accredited or in preparation for accreditation through [AdvancED](https://www.advanc-ed.org) (<https://www.advanc-ed.org>), a global non-profit, non-partisan organization that conducts rigorous, on-site reviews of a variety of educational institutions.

Our request is to **add Tamil language certificate** to the list of Languages Other Than English (LOTE) certificates already outlined in 19 TAC 233.15 (a).

Additional details as requested in 19 TAC 233.15 (b) are provided below:

**(1) the desired LOTE certificate and confirmation of the number of students likely to receive instruction in the requested language;**

- Certificate is requested for **Tamil** language
- Around 4000 plus students (elementary, middle and high school level students) are currently enrolled in Tamil language schools in the greater metro areas of Houston, Dallas, Austin and San Antonio (~35 locations). A great majority of these students will avail and benefit from Tamil language instruction if it is available.
- Non-native speakers have also started enrolling in Tamil schools.
- Some ISDs (Houston ISD, Frisco ISD) have already considered granting Tamil LOTE credits for students who are enrolled in AdvancED accredited Tamil schools in Texas.
- In California ISDs, Tamil LOTE credits are available through California Academy Tamil schools.
- Several higher learning institutes (University of Texas @ Austin, University of Pennsylvania, Harvard University, University of California @ Berkeley, University of Chicago) are already providing Tamil courses.

**(2) the number of individuals interested in adding a certification in the new language; and**

- It is anticipated that around 25 teachers in Texas would be interested in getting certified.
- Some of the teachers in Texas Tamil schools are already certified in other proficiencies in SBEC. They are ready to register and appear for the additional certificate in Tamil-LOTE through TEA-SBEC. The certificates of a couple of interested teachers (Mrs. Barani Gopannan and Mrs. Umarani Natarajan) are attached.
- Since Tamil is a literature rich, culture rich language, we expect that other non-Tamil teachers would also be interested in expanding their horizons.

**(3) the rationale for the request and anticipated benefit to students. "**

Tamil is an official and widely spoken language of India, Sri Lanka, Singapore, and Malaysia. In USA and in particular, Texas, the Tamil speaking / South Asian population has been growing rapidly in the last few decades. Recognizing the growth of Tamil immigrant population in USA and Canada in the last few decades, many Federal, State and Local governments have started encouraging the Tamil culture and communities in the North American continent.

More than 4000 students are enrolled in non-profit Tamil schools in various parts of Texas. Clearly there is significant interest in learning Tamil.

□ **Benefits for Students**

- o Learning Tamil becomes an integral part of a student's academic achievement.
- o Learning Tamil need not be restricted to personal interest / extra activity / love for native language.
- o Students can gain LOTE high school credit from the local ISDs through TEA.
- o Non-Tamil students get an opportunity to learn a new language and the culture associated with it.
- o Given a globally connected economy, knowledge of a new language and culture offers students better perspectives and opens more career opportunities.
- o Prepares them for higher education in Tamil if they wish to do so in Universities.

□ **Benefits for Schools / ISDs**

- o ISDs cater to the needs of a growing number of Tamil origin / ESL students who wish to receive Tamil instruction.
- o ISDs can also offer Tamil as a LOTE for non-Tamil speaking students who are interested in learning a foreign language.
- o ISDs have an opportunity to promote cultural and linguistic diversity.
- o ISDs have an opportunity work with the community organizations (Tamil Schools) to support the development of a Tamil education curriculum consistent with the TEKS standards.

□ **Benefits for Texas Tamil School Organizations**

- o Standardization of Tamil Teaching and Learning.
- o Development and Implementation of a curriculum consistent with the TEKS standards.

Thank you for this opportunity to submit our petition. We also plan to attend the SBEC meeting in December and have one of our Texas Educator Certified teachers speak very briefly about our petition.

Sincere appreciation and thanks to SBEC administration and board members!

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