**Item 6:**

**Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates**

**DISCUSSION AND ACTION**

**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 227, Provisions for Educator Preparation Candidates, in May 2014; however, Texas Education Agency (TEA) staff recommended accelerating the review to begin the process of implementing legislation from the 85th Texas Legislature, Regular Session, 2017. This item presents for SBEC approval the adoption of the review of Chapter 227. The rules being reviewed provide requirements for admission to educator preparation programs (EPPs) and preliminary evaluation of certification eligibility.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 227, Subchapter A, is the Texas Education Code (TEC), §§21.031; 21.041(b)(1); 21.044(a), (g)(2), and (g)(3); 21.0441; 21.0489(c), as added by Senate Bill (SB) 1839 and House Bill (HB) 2039, 85th Texas Legislature, Regular Session, 2017; 21.049(a); 21.050(a); and Texas Occupations Code (TOC), §§53.151, 53.152, and 53.153, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017. The statutory authority for 19 TAC Chapter 227, Subchapter B, is the TOC, §53.105.

**PREVIOUS BOARD ACTION:** The SBEC last adopted the review of 19 TAC Chapter 227 in May 2014, finding that the reasons for initially adopting the rules continue to exist.

At the August 4, 2017 meeting, the SBEC voted to publish the proposed rule review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, in the *Texas Register.*

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters provide for rules that establish requirements for admission to an educator preparation program and preliminary evaluation of certification eligibility. This review is being conducted earlier than scheduled so that recent legislative changes can be incorporated into any other changes that result from public comments received during the review process. A discussion item that includes possible changes based on legislative changes, public comments, stakeholder input, and TEA staff recommendations is included as a separate item in this agenda.

The rules currently in effect in 19 TAC Chapter 227 are available on the TEA website at http://ritter.tea.state.tx.us/sbecrules/tac/chapter227/index.html.

**RULE REVIEW:** The notice of proposed review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, was filed with the *Texas Register* following the August 2017 SBEC meeting. If authorized by the SBEC, the notice of adopted review will be filed with the *Texas Register* following the October 2017 meeting. The notice of adopted review will state that the SBEC finds that the reasons for adopting 19 TAC Chapter 227 continue to exist. Any comments received during the review of 19 TAC Chapter 227 will also be addressed.

The filing of the notice of adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

**PUBLIC AND STUDENT BENEFIT:** The review of 19 TAC Chapter 227 will result in clear guidance for applicants and EPPs on requirements for admission to EPPs as well as eligibility for a preliminary evaluation of certification.

**PUBLIC COMMENTS:** The public comment period on the proposed rule review began September 1, 2017, and ended October 2, 2017. Any public comments received will be provided to the SBEC under separate cover prior to the October 6, 2017 meeting. The SBEC will take registered oral and written comments on this item at the October 6, 2017 meeting in accordance with the SBEC board operating policies and procedures.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:** I recommend that the State Board for Educator Certification:

 Adopt the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates.

**Staff Members Responsible:** Tim Miller, Director

 Educator Preparation and Program Accountability

 Tam Jones, Director

 Educator Preparation

**Attachment:** I. Statutory Citations

ATTACHMENT I

Statutory Citations Relating to Review of 19 TAC Chapter 227,
Provisions for Educator Preparation Candidates

**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 227, Provisions for Educator Preparation Candidates**

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.

(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:

(1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;

**Texas Education Code, §21.044, Educator Preparation (excerpt):**

(a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.

(g) Each educator preparation program must provide information regarding:

(2) the effect of supply and demand forces on the educator workforce in this state;

(3) the performance over time of the educator preparation program;

Texas Education Code, §21.0441, Admission Requirements for Educator Preparation Programs:

(a) Rules of the board proposed under this subchapter must provide that a person, other than a person seeking career and technology education certification, is not eligible for admission to an educator preparation program, including an alternative educator preparation program, unless the person:

(1) except as provided by Subsection (b), satisfies the following minimum grade point average requirements:

(A) an overall grade point average of at least 2.50 on a four-point scale or the equivalent on any course work previously attempted at a public or private institution of higher education; or

(B) a grade point average of at least 2.50 on a four-point scale or the equivalent for the last 60 semester credit hours attempted at a public or private institution of higher education; and

(2) if the person is seeking initial certification:

(A) has successfully completed at least:

(i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or

(ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or

(B) has achieved a satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.

(b) The board's rules must permit an educator preparation program to admit in extraordinary circumstances a person who fails to satisfy a grade point average requirement prescribed by Subsection (a)(1)(A) or (B), provided that:

(1) not more than 10 percent of the total number of persons admitted to the program in a year fail to satisfy the requirement under Subsection (a)(1)(A) or (B);

(2) each person admitted as described by this subsection performs, before admission, at a satisfactory level on an appropriate subject matter examination for each subject in which the person seeks certification; and

(3) for each person admitted as described by this subsection, the director of the program determines and certifies, based on documentation provided by the person, that the person's work, business, or career experience demonstrates achievement comparable to the academic achievement represented by the grade point average requirement.

(c) The overall grade point average of each incoming class admitted by an educator preparation program, including an alternative educator preparation program, may not be less than 3.00 on a four-point scale or the equivalent or a higher overall grade point average prescribed by the board. In computing the overall grade point average of an incoming class for purposes of this subsection, a program may:

(1) include the grade point average of each person in the incoming class based on all course work previously attempted by the person at a public or private institution of higher education; or

(2) include the grade point average of each person in the incoming class based only on the last 60 semester credit hours attempted by the person at a public or private institution of higher education.

(d) A person seeking career and technology education certification is not included in determining the overall grade point average of an incoming class under Subsection (c).

Texas Education Code, §21.0489, Early Childhood Certification, as added by SB 1839 and HB 2039, 85th Texas Legislature, Regular Session, 2017 (excerpt):

(c) To be eligible for a certificate established under this section, a person must:

(1) either:

(A) satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:

(i) teaching methods for:

(a) using small group instructional formats that focus on building social, emotional, and academic skills;

(b) navigating multiple content areas; and

(c) managing a classroom environment in which small groups of students are working on different tasks; and

(ii) strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or

(B) hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by Paragraph (A);

(2) perform satisfactorily on an early childhood certificate examination prescribed by the board; and

(3) satisfy any other requirements prescribed by the board.

Texas Education Code, §21.049, Alternative Certification (excerpt):

(a) To provide a continuing additional source of qualified educators, the board shall propose rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.

Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate; Internship (excerpt):

(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.

Texas Occupations Code, §53.105, Fees:

A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

Texas Occupations Code, §53.151, Definitions, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017:

Notwithstanding Section 53.001, in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section 58.001.

Texas Occupations Code, §53.152, Notice by Entities Providing Educational Programs, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017:

(a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:

(1) the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;

(2) the current guidelines issued under Section 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;

(3) any other state or local restriction or guideline used by a licensing authority described by Subdivision (2) to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and

(4) the right to request a criminal history evaluation letter under Section 53.102.

(b) The entity shall provide the notice required under Subsection (a) to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

Texas Occupations Code, §53.153, Refund and Ordered Payments, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017:

A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the notice required by Section 53.152 to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

(1) refund the amount of any tuition paid by the individual to the entity; and

(2) pay to the individual an amount equal to the total of the following, as applicable:

(A) the amount of any application fees paid by the individual to the licensing authority; and

(B) the amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.