

**Item 18:****Discussion of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter D, Types and Classes of Certificates Issued, §230.36. Intern Certificates and §230.37. Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.105. Issuance of Additional Certificates Based on Examination****DISCUSSION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter D, Types and Classes of Certificates Issued, §230.36. Intern Certificates and §230.37. Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.105. Additional Certificates Based on Examination. The proposed amendments would create new options for issuance of intern and probationary certificates for candidates who complete intensive pre-service. The item also highlights issues specific to additional certification by examination for consideration by the SBEC.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 230, Subchapter D, is the TEC, §§21.003(a), 21.031, 21.041(b)(1)-(5) and (9), 21.051, and 22.0831(c) and(f). The statutory authority 19 TAC Chapter 230, Subchapter G, is the TEC, §§21.040(6), 21.041(b)(4), and (5), and (c), 21.048, 21.050, and 21.052, and 21.054(a).

**FUTURE ACTION EXPECTED:** Texas Education Agency (TEA) staff anticipates presenting proposed rules to the SBEC at the February 22, 2019 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 230 specify the requirements for issuance of educator certificates and permits, the testing requirements, and the types and classes of certificates issued. These requirements ensure that educators are qualified and professionally prepared to instruct the schoolchildren of Texas.

*Subchapter D, Types and Classes of Certificates Issued, §230.36. Intern Certificates*

TEA staff anticipates proposing revisions to 19 TAC §230.36. Intern Certificates, to support the option of intensive preservice as part of the 2021 goal pathway for teacher certification. The certification pathway is addressed in a separate item on this agenda, Item 11, Discussion and Update on Teacher Certification Redesign.

Attachment II reflects the 230.36 rule text specific to provisions for the Principal as Instructional Leader intern certificate in subsection (e)(4) already adopted by the SBEC that will become effective December 23, 2018. TEA staff is proposing the creation of a new subsection (f) to

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address issuance of the intern certificate for candidates completing the intensive preservice option. This draft rule text aligns with draft rules in 19 TAC Chapter 228 and 19 TAC Chapter 227 to support changes specific to the certification pathway. The proposed new §230.36 (f) will address the following:

- Requirement for issuance of an intern certificate for completion of intensive pre-service to include a passing score on the aligned pedagogical rubric (reflected in Item 17, Proposed Revisions to Chapter 228 of this agenda) and the required subject matter examination (as prescribed in §227.10C of Item 16, Proposed Revisions to Chapter 227 of this agenda). These requirements would apply to all certification areas except Special Education EC-12, which would require candidates to pass the TExES Special Education Supplemental, and the Bilingual certificate areas, which would require candidates to pass the Bilingual Target Language Proficiency Test (BTLPT) or related language proficiency exam.

*Subchapter D, Types and Classes of Certificates Issued, §230.37. Probationary Certificates*

TEA staff also anticipates proposing creation of a new subsection (f) in 19 TAC §230.37. Probationary Certificates, to address issuance of the probationary certificate for candidates completing the intensive preservice option. This draft rule text aligns with proposed rules in 19 TAC Chapter 228 and 19 TAC Chapter 227 to support changes specific to the certification pathway. The proposed new §230.37 (f) will address the following:

- Requirement for issuance of a probationary certificate to include a passing score on the required content tests by the end of the first school-year.

TEA staff will continue internal discussions and collaboration with stakeholders as needed to finalize proposed text for consideration by the SBEC at the February 2019 Board meeting.

*Subchapter G, Certificate Issuance Procedures, §230.105. Issuance of Additional Certificates Based on Examination*

Over the last several SBEC meetings, the Board and TEA staff have received comments about the issuance of additional certificates based on examination only. At the August 3, 2018 SBEC meeting, the Board directed TEA staff to explore options to address the concerns regarding certification by examination (CBE). TEA staff believe this is an important topic that requires more internal conversation and extensive stakeholder engagement.

Conversations with stakeholders will afford TEA staff an opportunity to gain assistance with the following issues regarding CBE requirements and implications:

- Opportunities and challenges with the current process to obtain additional certification by examination.
- Preparation and preparedness for new roles based solely on passing a test.
- Possible limits to certificate areas that individuals are allowed to “test out” of for certification purposes.
- Potential addition of required training or coursework before testing in certain areas.
- Impact on local control and district hiring needs.
- Flexibility/options to expand an educator’s certification portfolio.

TEA staff will seek input from the SBEC at the December meeting to collect any additional questions or concerns from the Board that can be further vetted/addressed as part of the upcoming stakeholder engagements.

**Staff Member Responsible:**

Marilyn Cook, Director, Educator Certification

**Attachment:**

- I. Statutory Citations
- II. Draft Text of Proposed Revision to 19 TAC Chapter 230, Subchapter D, Types and Classes of Certificates Issued, 230.36. Intern Certificates and 230.37. Probationary Certificates

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**ATTACHMENT I****Statutory Citations Relating to 19 TAC Chapter 230, Professional Educator Preparation and Certification****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, §21.040, General Powers and Duties of Board (excerpt):**

The board shall:

- (6) develop and implement policies that clearly define the respective responsibilities of the board and the board's staff;

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

- (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;
  - (3) specify the period for which each class of educator certificate is valid;
  - (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;
  - (9) provide for continuing education requirements; and
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.

**Texas Education Code, §21.044, Educator Preparation:**

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.

**Texas Education Code, §21.045, Accountability System for Educator Preparation Programs:**

- (a) The board shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to sex and ethnicity:
- (1) results of the certification examinations prescribed under Section 21.048(a);
  - (2) performance based on the appraisal system for beginning teachers adopted by the board;
  - (3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable; and
  - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3), and the following information, disaggregated by sex and ethnicity:
- (1) the number of candidates who apply;
  - (2) the number of candidates admitted;
  - (3) the number of candidates retained;
  - (4) the number of candidates completing the program;
  - (5) the number of candidates employed in the profession after completing the program;
  - (6) the number of candidates retained in the profession; and
  - (7) any other information required by federal law.
- (c) The board shall propose rules establishing performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a). The board may propose rules establishing minimum standards for approval or renewal of approval of:
- (1) educator preparation programs; or
  - (2) certification fields authorized to be offered by an educator preparation program.

**Texas Education Code, §21.048, Certification Examinations:**

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board.

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- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.
  - (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.
  - (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless:
    - (1) the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057; or
    - (2) the educator has failed the examination more than five times.
  - (d) In this section:
    - (1) "Hearing impairment" means a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
    - (2) "Reliability" means the extent to which an experiment, test, or measuring procedure yields the same results on repeated trials.
    - (3) "Validity" means being:
      - (A) well-grounded or justifiable;
      - (B) relevant and meaningful;
      - (C) correctly derived from premises or inferences; and
      - (D) supported by objective truth or generally accepted authority.

**Texas Education Code, §21.0485, Certification To Teach Students With Impairments:**

- (a) To be eligible to be issued a certificate to teach students with visual impairments, a person must:
  - (1) complete either:
    - (A) all course work required for that certification in an approved educator preparation program; or
    - (B) an alternative educator certification program approved for the purpose by the board;
  - (2) perform satisfactorily on each examination prescribed under Section 21.048 for certification to teach students with visual impairments, after completing the course work or program described by Subdivision (1); and
  - (3) satisfy any other requirements prescribed by the board.
- (b) Subsection (a) does not apply to eligibility for a certificate to teach students with visual impairments, including eligibility for renewal of that certificate, if the application for the initial certificate was submitted on or before September 1, 2011.

**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 54.214 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

**Texas Education Code, §21.051, Rules Regarding Field-Based Experience and Options for Field Experience and Internships:**

- (a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.
- (b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities under supervision at:
  - (1) a public school campus accredited or approved for the purpose by the agency; or
  - (2) a private school recognized or approved for the purpose by the agency.
- (c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:
  - (1) the validity of a certification issued before September 1, 2012; or
  - (2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.
- (d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.
- (e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).
- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification.

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

- (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.
- (f) The board shall post on the board's Internet website the procedures for obtaining a certificate under Subsection (a).
- (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.).

- (h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:
- (1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
  - (2) information necessary to complete a national criminal history record information review; and
  - (3) an application fee as required by the board.

**Texas Education Code, §21.053, Presentation and Recording of Certificates:**

- (a) A person who desires to teach in a public school shall present the person's certificate for filing with the employing district before the person's contract with the board of trustees of the district is binding.
- (b) An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

**Texas Education Code, §21.054, Continuing Education (excerpt):**

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

**Texas Education Code, §22.082, Access to Criminal History Records by State Board for Educator Certification:**

The State Board for Educator Certification shall subscribe to the criminal history clearinghouse as provided by Section 411.0845, Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter 21.

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

- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (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.

**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, §54.003, Examination Accommodations for Person With Dyslexia:**

- (a) In this section, "dyslexia" has the meaning assigned by Section 51.970, Education Code.
- (b) For each licensing examination administered by a state agency, the agency shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia.
- (c) Each state agency shall adopt rules necessary to implement this section, including rules to establish the eligibility criteria an examinee must meet for accommodation under this section.

**ATTACHMENT II**  
**Text of Proposed Amendment to 19 TAC**

**Chapter 230. Professional Educator Preparation and Certification**

**Subchapter D. Types and Classes of Certificates Issued**

**§230.36. Intern Certificates.**

- (a) General provisions.
- (1) Certificate classes. An intern certificate may be issued for any class of certificate except educational aide.
  - (2) Requirement to hold an intern certificate. A candidate seeking certification as an educator must hold an intern certificate while participating in an internship through an approved educator preparation program (EPP).
- (b) Requirements for issuance. An intern certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.
- (1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation for all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.
  - (2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).
  - (3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
  - (4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.
- (c) Conditions. The validity and effectiveness of an intern certificate is subject to the following conditions.
- (1) Internship. The holder of an intern certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.
  - (2) Inactive status. An intern certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of an intern certificate may be reactivated if the holder satisfies the requirements specified in this section.
  - (3) Term of an intern certificate. An intern certificate shall be valid for one 12-month period from the date of issuance.
  - (4) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:
    - (A) intern certificates, limited to one 12-month period maximum, as described in this subsection;
    - (B) probationary certificates, limited to two 12-month periods maximum, as specified in §230.37 of this title (relating to Probationary Certificates)
    - (C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or
    - (D) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).
  - (5) Reduction in force exception. If an educator is employed under an intern certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that intern term shall not count as one of the three years referenced in paragraph (4) of this subsection.

- (d) Testing requirements for issuance of an intern certificate. Beginning September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of an intern certificate to serve an internship in a classroom teacher assignment for each subject area to be taught.
- (1) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a classroom teacher assignment on or after September 1, 2017, a candidate must pass all of the appropriate certification content examination(s), as prescribed in Subchapter C of this chapter.
  - (2) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience on or after September 1, 2017, a candidate must satisfy the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)) and pass the appropriate content certification examination(s), as prescribed in Subchapter C of this chapter.
- (e) Intern certificate in a certification class other than classroom teacher. An intern certificate may be issued for assignment as a superintendent, principal, reading specialist, master teacher, school librarian, school counselor, and educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.
- (1) An applicant for an intern certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of an intern certificate in that class.
  - (2) The individual must have also been:
    - (A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and
    - (B) assigned in the certificate area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.35 of this title (relating to Preparation Program Coursework and/or Training), other school approved by the TEA.
  - (3) The holder of an intern certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.
  - (4) The following provisions apply to the intern certificate for Principal as Instructional Leader.
    - (A) During the transition period of December 1, 2018 through September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets the requirements specified in paragraphs (1)-(3) of this subsection.
    - (B) Effective September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets requirements specified in paragraphs (1)-(3) of this subsection and has passed the Principal as Instructional Leader examination specified in Subchapter C of this chapter (relating to Assessment of Educators).
- (f) Intern certificate for intensive pre-service. An intern certificate may be issued for completion of intensive pre-service to candidates that meet the following requirements:
- (1) obtained a passing score on the aligned pedagogical rubric specified in §228.33 of this title (relating to Intensive Pre-Service); and
  - (2) successfully completed the required subject matter examination as prescribed in §227.10(c) of this title (relating to Admission to Educator Preparation Programs) and the following additional requirements for special education and bilingual assignments:
    - (A) Special education EC-12 assignments also require successful completion of the TExES Special Education Supplemental examination prescribed in §230.21 (e) of this title (relating to Educator Assessment);

(B) Bilingual education assignments also require successful completion of the TExES Bilingual Target Language Proficiency examination or the related language proficiency examination prescribed in §230.21 (e) of this title (relating to Educator Assessment)

**§230.37. Probationary Certificates.**

- (a) General provisions.
- (1) Certificate classes. A probationary certificate may be issued for any class of certificate except educational aide.
  - (2) Requirement to hold a probationary certificate. A candidate seeking certification as an educator must hold a probationary certificate while participating in an internship through an approved educator preparation program (EPP).
- (b) Requirements for issuance. A probationary certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.
- (1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation of all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.
  - (2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).
  - (3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
  - (4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.
- (c) Conditions. The validity and effectiveness of a probationary certificate is subject to the following conditions.
- (1) Internship. The holder of a probationary certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.
  - (2) Inactive status. A probationary certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of a probationary certificate may be reactivated if the holder satisfies the program enrollment and school assignment requirements specified in §228.35 of this title (relating to Preparation Program Coursework and/or Training).
  - (3) Term of a probationary certificate. A probationary certificate shall be valid for a 12-month period from the date of issuance.
  - (4) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:
    - (A) intern certificates, limited to one 12-month period maximum, as described in this subsection;
    - (B) probationary certificates, limited to two 12-month periods maximum, as described in this subsection;
    - (C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or

- (D) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).
  - (5) Reduction in force exception. If an educator is employed under a probationary certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that probationary term shall not count as one of the two allowed annual probationary terms.
- (d) Testing requirements for issuance of a probationary certificate.
- (1) Prior to September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of a probationary certificate to serve an internship in a classroom teacher assignment for each subject area to be taught:
    - (A) At the elementary school level, by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter (relating to Assessment of Educators), appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments).
    - (B) At the middle or high school level:
      - (i) by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title; or
      - (ii) by completing coursework that complies with the TEC, §21.050, and comprised of not fewer than 24 semester credit hours, including 12 semester credit hours of upper division coursework in the subject area(s) taught; or
      - (iii) in the case of career and technical education assignments based on skill and experience, by satisfying the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).
    - (C) A candidate who is the teacher of record in a special education assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate special education certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the special education supplemental-examination prior to the beginning of an internship, an EPP may permit the internship assignment if:
      - (i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination; and
      - (ii) the EPP implements the plan during the initial internship, an EPP shall not permit an additional internship if all examinations requirements are not met.
    - (D) A candidate who is in a bilingual education and/or English as a Second Language (ESL) assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate bilingual education and/or ESL certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the bilingual education supplemental examination, ESL supplemental examination, or the bilingual target language proficiency test prior to the beginning of an internship, an EPP may permit the internship if:
      - (i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination(s); and

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- (ii) the EPP implements the plan during the initial internship. An EPP shall not permit an additional internship if all examination requirements are not met.
  - (2) Beginning September 1, 2017, a candidate must meet all testing requirements for issuance of a probationary certificate.
    - (A) To meet the subject matter knowledge requirements to be issued a probationary certificate for an internship in a classroom teacher assignment, a candidate must pass the appropriate certification examination(s), including the appropriate pedagogy and professional responsibilities examination, as prescribed in Subchapter C of this chapter.
    - (B) To meet the subject matter knowledge requirements to be issued a probationary certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience, a candidate must satisfy the requirements for that subject area contained in §233.14 of this title and pass the appropriate certification examination(s), including the appropriate pedagogy and professional responsibilities examination, as prescribed in Subchapter C of this chapter.
  - (e) Probationary certificate in a certification class other than classroom teacher. A probationary certificate may be issued for an assignment as a superintendent, principal, reading specialist, master teacher, school librarian, school counselor, and/or educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.
    - (1) An applicant for a probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.
    - (2) The individual must have also been:
      - (A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and
      - (B) assigned in the certificate area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.35 of this title, other school approved by the TEA.
    - (3) Effective September 1, 2017, to meet the subject matter requirements for issuance of the probationary certificate in a certification class other than classroom teacher, the individual must pass the appropriate examination(s) for that certificate.
    - (4) The holder of a probationary certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.
  - (f) Probationary certificate for intensive pre-service. A probationary certificate may be issued for the intensive pre-service option to candidates that successfully completed the required content tests prescribed in §230.21 (e) of this title (relating to Educator Assessment) by the end of the first-school year.