

ATTACHMENT I
Text of Adopted Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter AA. Commissioner's Rules on College and Career Readiness

§74.1003. Industry-Based Certifications for Public School Accountability.

- (a) The following terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
- (1) High-skill occupation--an occupation that requires a degree, credential, or training beyond a high school diploma as noted in ONET as Job Zone 3 or higher.
 - (2) High-wage occupation--an occupation associated with a median wage at or above the statewide median wage of all occupations in Texas as determined by the Texas Workforce Commission (TWC).
 - (3) In-demand certification--a certification determined to be in demand by the United States Department of Labor, through CareerOneStop.
 - (4) In-demand occupation--a high-growth occupation as defined by TWC.
- (b) ~~(a)~~ Industry-based certifications to be used in the public school accountability system shall be categorized as follows using U.S. Department of Labor and TWC ~~[Texas Workforce Commission]~~ data with thresholds determined by the Texas Education Agency (TEA).
- (1) A Tier 1 certification meets the criteria in subsection ~~(d)(1)-(5)~~ ~~[(e)(1)-(5)]~~ of this section and :
 - (A) is an in-demand certification ~~[in-demand and]~~ directly aligned to a ~~[one or more]~~ high-wage occupation; and ~~[occupations].~~
 - (B) does not require curriculum (whether purchased as a package or to access the certification assessment), unless the curriculum is required by a Texas or federal government agency, or a registered apprenticeship.
 - (2) A Tier 2 certification meets the criteria in subsection ~~(d)(1)-(5)~~ ~~[(e)(1)-(5)]~~ of this section and is directly aligned to an occupation that ~~[is]~~ :
 - (A) is either:
 - (i) ~~[(A)]~~ in demand and high wage; or
 - (ii) ~~[(B)]~~ high skill ; and []
 - (B) does not require curriculum (whether purchased as a package or to access the certification assessment), unless the curriculum is required by a Texas or federal government agency, or a registered apprenticeship.
 - (3) A Tier 3 certification meets criteria in subsection ~~(d)(1)-(5)~~ ~~[(e)(1)-(5)]~~ of this section and:
 - (A) does not meet indicators in paragraph (1) or (2) of this subsection; or
 - (B) requires curriculum (whether purchased as a package or to access the certification assessment) ~~[, unless the curriculum is required by a Texas or federal government agency]~~ .
- ~~[(a)]~~ The list of certifications provided in this subsection will be recognized for the purpose of accounting for students who earn industry certifications in the public school accountability system for the 2017-2018 and 2018-2019 school years.

[Figure: 19 TAC §74.1003(a)]

~~[(b)]~~ Beginning in the 2019-2020 school year, the list of certifications provided in the annual accountability manual adopted as a figure in §97.1001 of this title (relating to Accountability Rating System) will be recognized for the purpose of accounting for students who earn industry certifications in the public school accountability system.

~~(c)~~ ~~(b)~~ ~~(e)~~ The list of industry-based certifications to be used in the public school accountability system shall be reviewed and updated every five ~~[two]~~ years beginning in 2028 ~~[2021]~~.

~~(d)~~ ~~(e)~~ Certifications recognized for the purpose of public school accountability in the 2025-2026 through the 2029-2030 school years shall meet the following criteria.

(1) Certification. A certification is defined as a validation or license that indicates an individual possesses certain industry-specific skills and that meets the following criteria:

(A) the certification is:

(i) related to the performance requirements of a specific occupation and measured against a set of industry-accepted standards; and

(ii) earned by successfully completing an assessment that is provided by or evaluated by an independent, third-party certifying entity and demonstrates an individual's proficiency of the prescribed standards; or

(B) the certification is issued by the State of Texas and requires students to demonstrate proficiency of the prescribed standards through courses within a TEA-approved statewide or regional program of study.

(2) Industry recognized and valued. A certification is industry recognized and valued if:

(A) the certification is a license awarded by the State of Texas or ~~is~~ the federal government ~~is~~ or a national board;

(B) the certification is included on the Department of Labor's CareerOneStop Certifications List as being:

(i) third-party industry-endorsed; or

(ii) in demand;

(C) the certification is included on TWC's ~~[the Texas Workforce Commission's (TWC's)]~~ Eligible Training Provider List;

(D) the certification is referred to TEA by TWC as a result of determined correlation between certification attainment and job-related salary;

(E) a certifying entity provides evidence of industry recognition and value that is validated by TEA; or

(F) the certification is referred to TEA by TWC as part of the inventory of industry-recognized credentials approved by the industry-based certification advisory council authorized by Texas Labor Code, §312.002, and meets indicators in subparagraphs (A), (B), (C), (D), or (E) of this paragraph.

(3) Attainable by a high school student. A certification is attainable by a high school student if the certification:

(A) does not require a bachelor's degree;

(B) does not require over 1,500 hours of documented work, unless the certifying entity provides verifiable documented evidence that Texas high school students have earned the certification in one of the past two years;

(C) does not require a certification applicant to be 21 years of age or over; and

(D) coursework is not required after a student graduates from high school.

(4) Portable. The certification:

- (A) can be transferred seamlessly to postsecondary work through acceptance for one or more core program courses at a Southern Association of Colleges and Schools Commission on Colleges-accredited institution of higher education and verified through the institution of higher education's website;
- (B) counts toward a minimum of 5% of the hours required in an aligned apprenticeship program and can be verified through the apprenticeship's website;
- (C) is part of a prescribed coherent sequence of industry-recognized credentials to show progressive skills development such as I, II, and III or User, Associate, and Professional;
- (D) is documented by TWC as supporting employment in more than one region of the state;
or
- (E) is a license awarded by the State of Texas ~~or~~ [3] the federal government ~~or a national board~~ .

(5) Capstone or end-of-program. A certification assessment is taken at the culmination of a single high school course or multiple related courses within a secondary program of study. There must be at least 50% alignment between the certification assessment standards and the identified occupation-specific student expectations within at least one ~~Level~~ [level] 3 or 4 course in a program of study.

(e) ~~An industry-based certification that aligns with an approved regional program of study and meets the criteria in subsection (d)(1)-(3) and (5) of this section but does not meet the criterion in subsection (d)(4) of this section may be approved as a regional industry-based certification.~~

(f) ~~(d)~~ Certifications ~~[Beginning in the 2022-2023 school year, certifications]~~ recognized for the purpose of public school accountability ~~in the 2022-2023 through the 2024-2025 school years~~ shall meet the following criteria.

- (1) Certification. A certification is defined as a validation or license that indicates an individual possesses certain industry-specific skills and that meets two or more of the following criteria:
 - (A) the certification is related to the performance requirements of a career or occupation, measured against a set of industry-accepted standards, and not dependent upon a particular curriculum or program;
 - (B) the certification is earned by successfully completing an assessment that demonstrates an individual's proficiency of the prescribed standards; or
 - (C) the certification is a time-limited credential that must be maintained through ongoing professional training and/or testing requirements.
- (2) Industry recognized and valued.
 - (A) A certification is industry recognized and valued if the certification is:
 - (i) referred to TEA ~~[the Texas Education Agency (TEA)]~~ :
 - (I) by TWC ~~[the Texas Workforce Commission (TWC)]~~ as part of the inventory of industry-recognized credentials approved by the industry-based certification advisory council authorized by Texas Labor Code, §312.002; or
 - (II) directly using a process identified and implemented by TEA and published on the TEA website if the certification is not referred to TEA by TWC under subclause (I) of this clause; and
 - (ii) determined to be valued by a representative sample of employers, as demonstrated in at least one of the following ways:

- (I) inclusion of the certification in job postings as required or highly recommended;
 - (II) use of the certification as a factor in selecting candidates for an interview or for hire; or
 - (III) offer of higher pay for individuals who possess the certification.
- (B) If a determination of value under subparagraph (A)(ii) of this paragraph is not made prior to referral under subparagraph (A)(i)(I) of this paragraph, TEA may use a third-party organization with expertise in gathering information from employers related to the value of industry-based certifications to directly contact groups of employers and report to TEA regarding whether the standards under subparagraph (A)(ii) of this paragraph have been met.
- (3) Attainable by a high school student. All eligibility requirements such as age and experience can be met and the certification awarded before or within the summer after a student's high school graduation.
- (4) Portable. The certification can:
 - (A) be transferred seamlessly to postsecondary work through acceptance for credit or hours in core program courses at an institution of higher education;
 - (B) be counted toward hours in an aligned apprenticeship program;
 - (C) be part of a prescribed coherent sequence of industry-recognized credentials to show progressive skills development; or
 - (D) support employment in more than one region of the state.
- (5) Certifying entity. The assessment of the knowledge and skills required to obtain the certification is provided by or determined by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies.
- (6) Capstone or end-of-program. A certification assessment is taken at the culmination of a single high school course or multiple related courses within a secondary program of study. There must be at least 50% overlap between the certification assessment standards and:
 - (A) the essential knowledge and skills for a secondary course aligned to the career cluster associated with the certification assessment; or
 - (B) the applicable essential knowledge and skills for a set of courses within a program of study in a secondary career and technical education program.

(g) ~~(e)~~ A credential shall not be included on the list of industry-based certifications for public school accountability if:

- (1) the assessment for the credential is open book, open reference, or allows limitless retake opportunities without remediation or remuneration; or
- (2) the credential is designed for high school students and not attainable by adults.

(h) An industry-based certification that is not placed on the initial list of industry-based certifications for for public school accountability may be re-evaluated in accordance with a process and timeline determined by TEA and published on the TEA website at the conclusion of the initial evaluation.

(i) The commissioner of education may request a determination from the industry-based certification advisory council authorized by Texas Labor Code, §312.002, of the appropriate tier for any industry-based certification that appears to be too high or too low. The industry-based certification advisory council may, by a vote of two-thirds of the members of the full council, change the tier determination for a certification referred by the commissioner.