

The Texas Education Agency (TEA) adopts an amendment to §74.1003, concerning college and career readiness. The amendment is adopted with changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 229) and will be republished. The adopted amendment updates the criteria used to identify the industry-based certifications to be used for public school accountability.

REASONED JUSTIFICATION: Section 74.1003 defines the industry-based certifications that are recognized for the purpose of accounting for students who earn industry certifications in the public school accountability system.

Outdated language relating to the 2017-2018 and 2018-2019 school years and the list of certifications provided in the annual accountability manual was removed.

In response to public comment, new subsection (a) was added at adoption to define terms to provide additional clarification regarding new elements of the rule.

New subsection (b) establishes tiers for industry-based certifications for purposes of public school accountability. To clarify the criteria for Tiers 1, 2, and 3, subsection (b)(1)(B) and (2)(B) were added at adoption to specify that Tier 1 and Tier 2 certifications do not require curriculum, unless the curriculum is required by a Texas or federal government agency, or a registered apprenticeship, and subsection (b)(3)(B) was modified at adoption to remove reference to curriculum required by a Texas or federal government agency.

Subsection (c) was amended to specify that the list of industry-based certifications used for public school accountability will be reviewed and updated every five years beginning in 2028.

New subsection (d) establishes updated criteria that industry-based certifications must meet to be recognized for the purpose of public school accountability beginning in the 2025-2026 school year. To be included on the list, a credential must be a certification or license, industry recognized and valued, attainable by a high school student, portable, and offered as a capstone or at the end of a program. In response to public comment, subsection (d)(2)(A) and (4)(E) were modified at adoption to remove national boards from the criteria for determining whether a certification is industry recognized and valued and portable.

In response to public comment, new subsection (e) was added at adoption to establish a process for approval of regional industry-based certifications.

Subsection (f) was modified to clarify the subsection's applicability to the 2022-2023 through 2024-2025 school years.

New subsection (g) specifies the circumstances under which a credential will not be included on the list of industry-based certifications for public school accountability.

In response to public comment, new subsection (h) was added at adoption to establish a re-evaluation process.

In response to public comment, new subsection (i) was added at adoption to establish a process through which the commissioner may request a change to a tier determination for an industry-based certification.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began January 10, 2025, and ended February 10, 2025. Following is a summary of the public comments received and corresponding responses.

Comment: Three school administrators expressed concern regarding how tiers would be determined and commented that all industry-based certifications (IBCs) should count toward A-F accountability.

Response: The agency disagrees that all IBCs should count toward A-F accountability because IBCs should meet established criteria in order to ensure value for students, and not all IBCs can be earned by high school students. The agency will continue to work with stakeholders to consider the college, career, and military readiness (CCMR) indicators for future implementation in the next refresh of the A-F system. However, the agency agrees that additional clarity regarding the determination process is valuable and recognizes that including an additional step to

ensure determinations are appropriate is warranted. New §74.1003(i) was added at adoption to allow the commissioner to request a determination from the IBC advisory council authorized by Texas Labor Code, §312.002, of the appropriate tier for any IBC that appears to be too high or too low. The IBC advisory council may, by a vote of two-thirds of the full council, change the tier determination for a certification referred by the commissioner.

Comment: Cushing Independent School District (ISD), the Texas Center for School Accountability, and the Texas School Alliance recommended that Texas Workforce Commission (TWC) conduct the analysis and tiering for IBCs.

Response: The agency disagrees that TWC should be responsible for the analysis and tiering of IBCs for purposes of public school accountability because the commissioner of education has statutory responsibility for public school accountability. In addition, statutory authority for rules is granted to TEA. However, the agency agrees that more direct TWC involvement in this process is warranted. New §74.1003(i) was added at adoption to allow the commissioner to request a determination from the IBC advisory council authorized by Texas Labor Code, §312.002, of the appropriate tier for any IBC that appears to be too high or too low. The IBC advisory council may, by a vote of two-thirds of the full council, change the tier determination for a certification referred by the commissioner.

Comment: One school administrator commented that higher-tiered IBCs should correlate to higher CCMR outcome bonuses.

Response: CCMR outcome bonuses are authorized by Texas Education Code (TEC), §48.110, and are outside the scope of the proposed rulemaking.

Comment: An organization commented that TEA should require verification that certifications are in demand within industry and related to occupationally specific skillsets.

Response: The agency agrees that certifications should be in demand and related to occupation-specific skills and offers the following clarification. Industry recognition and value is one of the indicators within the evaluation criteria, and meeting 50% or more of the occupation-specific student expectations within a course in a Level 3 or 4 course is included in the evaluation criteria. To further ensure determinations are aligned to industry needs, new §74.1003(i) was added at adoption to allow the commissioner to request a determination from the IBC advisory council authorized by Texas Labor Code, §312.002, of the appropriate tier for any IBC that appears to be too high or too low. The IBC advisory council may, by a vote of two-thirds of the full council, change the tier determination for a certification referred by the commissioner.

Comment: One school administrator disagreed that tiering of IBCs should affect accountability.

Response: The agency disagrees that tiered IBCs should not be factored into A-F accountability. Tiering of IBCs will allow for appropriate differentiation based on the value of an IBC to students. The agency will continue to work with stakeholders to consider the CCMR indicators for future implementation in the next refresh of the A-F system.

Comment: One school administrator and one school counselor stated that Tier 1 IBCs should contribute to Distinction Designations, Tier 2 IBCs should consist of those that did not meet all evaluation criteria, and Tier 3 IBCs should consist of those that do not align to any program of study.

Response: The agency disagrees with the alternative categories for tiering. IBCs should meet established criteria in order to ensure value for students, and the proposed tiers will help identify additional differentiation among IBCs that meet minimum criteria to assist school districts in their decision making related to program offerings.

Comment: Cushing ISD and one school administrator commented that the program of study completer plus aligned IBC indicator should be split apart for CCMR within the A-F accountability system.

Response: The programs of study completers plus aligned IBC indicator is outside the scope of the proposed rulemaking. The agency will continue to work with stakeholders to consider the CCMR indicators for future implementation in the next refresh of the A-F system.

Comment: Seven school administrators, Texas Center for School Accountability, Educate Texas, and Texas School Alliance stated that in addition to national and statewide data, regional data should be considered in the IBC evaluation and tiering criteria.

Response: The agency agrees that regional data should be considered. New §74.1003(e) was added at adoption to specify that an IBC may be approved as a regional certification if the certification is aligned to an approved regional program of study and meets the criteria in §74.1003(d)(1)-(3) and (5) but not the criterion in §74.1003(d)(4) related to portability.

Comment: Five school administrators and one teacher stated that the tiering of IBCs would provide transparency to local education agency (LEA) staff, students, and parents for the certifications that are most in demand or lead to in-demand, high-skill occupations.

Response: The agency agrees that tiering will provide additional information for LEA staff to consider when providing career guidance to students.

Comment: One school administrator and one student stated that IBCs should be evaluated based on criteria.

Response: The agency agrees that IBCs should be evaluated based on criteria adopted into rule.

Comment: One student suggested that students should focus on courses while in high school and attain industry certifications when they join the workforce.

Response: The agency disagrees that high school students should wait to attain industry certifications when they join the workforce. TEC, §39.053(c)(1)(B)(v), requires TEA to account for high school students who earn an IBC as one indicator within the Student Achievement domain of the state's public school accountability system.

Comment: One administrator stated that IBCs should not be tiered; rather, all IBCs students take when enrolled in a Level 3 or 4 course should count toward A-F accountability.

Response: The agency disagrees that IBCs should not be tiered because proposed tiers will help identify additional differentiation among IBCs that meet minimum criteria to assist school districts in their decision making related to program offerings. The agency will continue to work with stakeholders to consider the CCMR indicators for future implementation in the next refresh of the A-F system.

Comment: Five school administrators, one school counselor, seventeen teachers, Next Generation in Trucking Association, CareerSafe Online, and College Board named specific certifications they believe should be added to the list of IBCs for public school accountability.

Response: The agency offers the following clarification. Following the adoption of this rule, IBCs will be evaluated against the adopted criteria.

Comment: Two school administrators stated that some IBCs are expensive due to the certifying entity requiring the purchase of curriculum.

Response: The agency offers the following clarification. IBC attainment should not be dependent on completion of a specific curriculum. As a result, certifications dependent on specific curriculum that meet all other evaluation criteria will be categorized as Tier 3.

Comment: Thirteen school administrators and one teacher expressed concern that some schools may phase out certain programs of study, or not allow student choice, to focus on IBCs that are easier to attain for CCMR.

Response: The agency disagrees that schools will phase out programs of study to focus on IBCs that are easier to attain. Decisions regarding program of study offerings should be based on labor market information and other relevant data.

Comment: One administrator expressed support for a five-year IBC evaluation cycle.

Response: The agency agrees with the support for a five-year IBC review cycle and has maintained the language as proposed.

Comment: Five school administrators commented that the tiering of IBCs may create performance gaps between different populations of students.

Response: The agency disagrees that tiering of IBCs will create performance gaps. IBC tiering is intended to provide the most meaningful career and technical education (CTE) programming for students. Proposed IBC tiers will help identify additional differentiation among IBCs that meet minimum criteria to assist school districts in their decision making related to program offerings.

Comment: Eight school administrators and one teacher suggested that the tiering of IBCs may create performance gaps between rural, urban, and suburban LEAs.

Response: The agency disagrees that tiering of IBCs will create performance gaps. IBC tiering is intended to provide the most meaningful CTE programming for students. Proposed IBC tiers will help identify additional differentiation among IBCs that meet minimum criteria to assist school districts in their decision making related to program offerings.

Comment: Three school administrators and one teacher agreed that the tiering of IBCs mimics the value placed on certification in the workforce.

Response: The agency agrees that the tiering criteria is reflective of workforce value and has maintained the language as proposed. To further ensure determinations are aligned to credentials that are valued in the workplace, new §74.1003(i) was added at adoption to allow the commissioner to request a determination from the IBC advisory council authorized by Texas Labor Code, §312.002, of the appropriate tier for any IBC that appears to be too high or too low. The IBC advisory council may, by a vote of two-thirds of the full council, change the tier determination for a certification referred by the commissioner.

Comment: One school administrator responded that LEA staff should determine the course in which a certification will be offered.

Response: The agency offers the following clarification. A certification is separate and distinct from coursework. Certification exams should be completed and certifications earned after a student completes related coursework.

Comment: One school administrator and one teacher requested changes to the prerequisites for licenses.

Response: The prerequisites set by state and federal agencies that issue licenses are outside the scope of the proposed rulemaking and are not under TEA authority.

Comment: Two teachers named specific IBCs they believe should be aligned to certain programs of study.

Response: Alignment of IBCs to programs of study is outside the scope of the proposed rulemaking.

Comment: Two school administrators stated that all certifications require some type of training or curriculum to prepare students for success on certification assessments.

Response: The agency agrees that individuals generally require some amount of training or instruction to support successful attainment of a certification. However, most certifications do not require the use of a specific curriculum for success.

Comment: Two school administrators stated that program of study completers who earn an aligned IBC are more likely to receive raises or promotions.

Response: The agency agrees and has maintained the language as proposed.

Comment: Four school administrators and one teacher stated that the tiering of IBCs will make it more difficult to attain CCMR.

Response: The ease or difficulty of attaining CCMR is outside the scope of the proposed rulemaking. The agency will continue to work with stakeholders to consider the CCMR indicators for future implementation in the next refresh of the A-F system.

Comment: One school administrator commented that there is no reason to tier IBCs since CTE courses for high school credit already receive weighted funding.

Response: The agency provides the following clarification. The tiering of CTE courses is for weighted funding whereas the tiering of IBCs is intended to provide more complete information to support school districts in their decision making related to program offerings and career guidance.

Comment: Three school administrators and one parent commented that the tiering of IBCs is not necessary since IBCs have already met the evaluation criteria.

Response: The agency disagrees and provides the following clarification. IBCs that meet the evaluation criteria will be tiered to provide LEA staff with insight into the degree to which IBCs provide post-graduation value to students and to provide more complete information to support school districts in their decision making related to program offerings.

Comment: One school administrator stated that the tiering of IBCs is not necessary because programs of study met labor market criteria.

Response: The agency disagrees and provides the following clarification. IBCs that meet the evaluation criteria will be tiered to provide LEA staff with insight into the degree to which IBCs provide post-graduation value to students and to provide more complete information to support school districts in their decision making related to program offerings.

Comment: Two school administrators asked how tiering will affect A-F accountability.

Response: A-F accountability calculations are outside the scope of the proposed rulemaking. The agency will continue to work with stakeholders to consider the CCMR indicators for future implementation in the next refresh of the A-F system.

Comment: One school administrator commented that tiering will cause additional work for LEA staff.

Response: The agency disagrees that tiering of IBCs will result in additional work for LEA staff. TEA staff will tier IBCs and make that information available to LEA staff.

Comment: Four school administrators, Texas Center for School Accountability, and The Commit Partnership commented that aligning the implementation of IBC tiering to the A-F accountability refresh will assist districts with programmatic planning.

Response: The agency agrees that transitioning to a five-year IBC review aligned to the accountability refresh cycle will provide time for LEAs to make programmatic adjustments and has maintained the language as proposed.

Comment: Two school administrators, one teacher, one parent, one education consultant, Texas Center for School Accountability, The Commit Partnership, Educate Texas, Toolkit Technologies, Esri, Festo Didactic, Snap-On Technologies Education, National Coalition of Certification Centers, Advanced Technologies Consultants, Inc., Certiport, a Pearson VUE Business, Kubota Tractor Corporation, Knowledge Pillars, Texas School Alliance, and College Board stated that a five-year IBC evaluation cycle is too long because industry innovations occur more frequently.

Response: The agency disagrees that five years is too long between evaluation cycles. A five-year IBC review cycle will minimize implementation challenges and provide time for school districts to make programmatic adjustments and to align to the accountability refresh cycle.

Comment: Two administrators recommended not publicizing the tiering results and only including IBCs on the 2025-2030 list of IBCs for public school accountability that met Tier 1 and 2 criteria.

Response: The agency disagrees that only IBCs that meet tiered Levels 1 and 2 should be included on the final IBC list and provides the following clarification. IBCs that meet the evaluation criteria will be tiered to provide LEA staff with insight into the degree to which IBCs provide post-graduation value to students and to provide more complete information to support school districts in their decision making related to program offerings.

Comment: Two school administrators, The Commit Partnership, Educate Texas, Texas Center for School Accountability, Meroney Public Affairs, Certiport, a Pearson VUE Business, and Smart Automation Certification Alliance requested that for clarity, the definitions of in-demand certifications and in-demand, high-wage, and high-skill occupations be included in rule.

Response: The agency agrees that including definitions will provide clarity. New §74.1003(a) was added at adoption to define the terms high-skill occupation, high-wage occupation, in-demand certification, and in-demand occupation.

Comment: One school administrator stated that TEA should provide funds to pay for certification exams.

Response: The agency agrees and provides the following clarification. TEC, §48.156, permits the state to provide a one-time reimbursement for an earned IBC.

Comment: Two school administrators, one teacher, and The Commit Partnership commented that the program of study completer plus aligned IBC is more difficult to attain than most other CCMR indicators. The commenters stated that the other indicators should be tiered accordingly to provide transparency in the level of preparation and postsecondary outcomes.

Response: Other indicators within A-F accountability are outside the scope of the proposed rulemaking. The agency will continue to work with stakeholders to consider the CCMR indicators for future implementation in the next refresh of the A-F system.

Comment: One school administrator commented that IBCs place an emphasis on testing.

Response: The agency disagrees and provides the following clarification. TEC, §39.053(c)(1)(B)(v), requires TEA to account for high school students who earn an IBC as one indicator within the Student Achievement domain of the state's public school accountability system.

Comment: College Board and ACT Education Corp commented that Level 1 and 2 courses should be included in the IBC evaluation analysis because they offer entry-level skills.

Response: The agency disagrees that Level 1 and 2 courses should be included in the evaluation analysis because the IBCs included on the list must be occupation-specific, professional-level certifications that represent end-of-program knowledge and skills that prepare students for entry into the workforce or post-secondary education.

Comment: College Board stated that excluding certifications that are only available to high school students will prevent some relevant IBCs from meeting the criteria.

Response: The agency disagrees that excluding high-school only certifications will prevent relevant IBCs from being placed on the list. IBCs that meet all criteria are relevant and will be included on the list.

Comment: The Commit Partnership and 10 teachers stated that immediate implementation of IBC tiers would restrict LEAs' abilities to implement programmatic changes.

Response: The agency agrees that LEAs need time to implement programmatic changes. Immediate implementation of the rule will enable the agency to complete a review of IBCs for inclusion on the list and for tiering of IBCs. This will allow TEA to communicate decisions to LEAs sufficiently in advance of expected LEA implementation to allow LEAs to plan for and implement programmatic changes.

Comment: Smart Automation Certification Alliance requested that industry letters attesting to the value of an IBC should be enough to have the certification included on the list.

Response: The agency disagrees that an industry letter alone is sufficient to justify inclusion on the IBC list. The IBC evaluation process includes five criteria, each with separate indicators, to ensure IBCs meet the rigorous criteria to demonstrate they will support student success. Industry recognition and value is one of the five evaluation criteria.

Comment: An individual commented that IBCs attained after graduation, whether on the job or through postsecondary education, should count toward accountability.

Response: The agency disagrees and provides the following clarification. TEC, §39.053(c)(1)(B)(v), requires TEA to account for high school students who earn an IBC as one indicator within the Student Achievement domain of the state's public school accountability system. The public school accountability system measures success in preparing students for in-demand careers, whether students enter the workforce directly or enroll in postsecondary education.

Comment: ACT Education Corp and 10 teachers stated that not all certifications will be recognized under the current evaluation criteria.

Response: The agency agrees that not all certifications will meet the evaluation criteria because the intent is to ensure that certifications on the list meet established criteria in order to ensure value for students.

Comment: One teacher stated that professionals who attained their teaching certifications should not have to take another exam.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: BASF, National Horse Judging Team Coaches Association, Southwest Airlines, Texas A&M University, Express Employment Professionals, Texas Tech University School of Financial Planning, Texas Corn Producers Association, Sports Field Management Association, iCEV, American Meat Science Association, Elanco Animal Health Inc., and Ducks Unlimited requested that an application be provided to certifying entities to upload documentation that demonstrates they meet the IBC evaluation criteria.

Response: The agency agrees and offers the following clarification. Certifying entities will be provided an opportunity to complete an application and upload evidence that the certification meets all evaluation criteria after the rule is adopted. Additionally, to ensure entities have sufficient opportunity to provide complete information for evaluation, new §74.1003(h) was added at adoption to allow an IBC that is not placed on the initial list of IBCs for public school accountability to 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.

Comment: Meroney Public Affairs asked on behalf of a client if the client was considered a national licensing board.

Response: The agency agrees that the reference to national boards can be confusing and has removed "or national board" from §74.1003(d)(2)(A) and (4)(E) for clarity.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §39.001, which requires the commissioner to adopt rules as necessary to administer TEC, Chapter 39; and TEC, §39.053, which requires the commissioner to adopt a set of indicators of the quality of learning and achievement, including improving student preparedness for success in entering the workforce, the military, or postsecondary education.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §39.001 and §39.053.

<rule>

§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) 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 data with thresholds determined by the Texas Education Agency (TEA).
 - (1) A Tier 1 certification meets the criteria in subsection (d)(1)-(5) of this section and:
 - (A) is an in-demand certification directly aligned to a high-wage occupation; 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.
 - (2) A Tier 2 certification meets the criteria in subsection (d)(1)-(5) of this section and is directly aligned to an occupation that:
 - (A) is either:
 - (i) in demand and high wage; or
 - (ii) 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) 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).
- (c) The list of industry-based certifications to be used in the public school accountability system shall be reviewed and updated every five years beginning in 2028.
- (d) 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 the federal government;
 - (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 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 the federal government.

- (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 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) 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:
 - (I) 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; 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) 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 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.