

The State Board for Educator Certification (SBEC) adopts an amendment to 19 Texas Administrative Code (TAC) §230.11, concerning professional educator preparation and certification. The amendment to §230.11 is adopted without changes to the proposed text as published in the August 9, 2024 issue of the *Texas Register* (49 TexReg 5904) and will not be republished. The adopted amendment expands the options for demonstrating English language proficiency (ELP).

REASONED JUSTIFICATION: At the February 2024 SBEC meeting, Texas Education Agency (TEA) staff provided the Board with an overview of the history of the ELP requirement and confirmed that regardless of the pathway to certification in Texas, demonstration of ELP is required for all candidates. TEA staff also posed key questions for the Board's consideration regarding current requirements in rule and possible updates for the demonstration of ELP. TEA staff anchored the conversation with the Board around required performance on the Test of English as a Foreign Language internet-Based Test (TOEFL-iBT), the list of countries approved by the SBEC to satisfy demonstration of ELP, the addition of U.S. territories to exempt individuals from the ELP requirement, and the potential use of standard certification obtained in another state by individuals licensed to teach in other countries.

At the April 2024 SBEC meeting, TEA staff provided a follow-up discussion item, including recommendations for amendments to 19 TAC Chapter 230 to be presented for consideration and action by the Board at the July SBEC meeting. The Board provided final direction on how to move forward with the proposal.

The following is a description of the adopted amendment.

*Adopted Amendment to Required Performance on the TOEFL-iBT*

The adopted amendment to §230.11(b)(5)(B) updates TOEFL-iBT score requirements from a specific score for each of the four sections (24 for Speaking, 22 for Listening, 22 for Reading, and 21 for Writing) to any score that falls within the range identified for performance at the High-Intermediate Level for all four sections of the test.

*Adopted Amendment Related to U.S. Territories and the ELP Requirement*

Adopted new §230.11(b)(5)(A) adds the phrase, "or one of its territories," to allow degrees obtained in the U.S. territories to also count toward meeting the ELP requirement.

*Adopted Amendment to Add Countries to the List Approved by the SBEC for Exemption from the ELP Requirement*

The adopted amendment to Figure: 19 TAC §230.11(b)(5)(C) adds Cameroon, Kenya, Philippines, South Africa, Uganda, Zambia, and Zimbabwe to the list of countries approved for exemption from the ELP requirement and strikes American Samoa to align with adopted changes that incorporate all U.S. territories in meeting the requirement.

*Adopted Amendment to Include an Additional Option to Meet the ELP Requirement*

Adopted new §230.11(b)(5)(D) allows an individual applying for the out-of-country credentials review who also holds a standard certificate issued in another state where exams were taken and passed to be eligible for consideration of exemption from ELP requirements.

SUMMARY OF COMMENTS: The public comment period on the proposal began August 9, 2024, and ended September 9, 2024. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the September 20, 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures. No public comments were received on the proposal.

The State Board of Education (SBOE) took no action on the review of the amendment to §230.11 at the November 22, 2024 SBOE meeting.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), (2), and (4), which require the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B, specify the classes of educator certificates to be issued, including emergency certificates, and specify the requirements for the issuance and renewal of an educator certificate; and TEC, §21.041(b)(5), which requires the SBEC to propose rules that 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 TEC, §21.052.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.003(a), 21.031, and 21.041(b)(1), (2), (4), and (5).

<rule>

### **§230.11. General Requirements.**

- (a) The only credits and degrees acceptable for certification of educators are those earned from and conferred by accredited institutions of higher education. All credit hour requirements for certification are semester credit hours or their equivalent.
- (b) An applicant for a Texas educator certificate must:
  - (1) be at least 18 years of age;
  - (2) submit to the criminal history review required by the Texas Education Code (TEC) §22.0831, not be disqualified by the TEC, §21.058, §21.060, or other Texas statute, and not be subject to administrative denial pursuant to §249.12 of this title (relating to Administrative Denial; Appeal) or a pending proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
  - (3) not be disqualified by federal law;
  - (4) be willing to support and defend the constitutions of the United States and Texas;
  - (5) be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication and teaching. English language proficiency shall be evidenced by one of the following:
    - (A) completion of an undergraduate or graduate degree at an accredited institution of higher education in the United States or one of its territories; or
    - (B) verification of a minimum scaled score that falls within the High-Intermediate level in each section on the Test of English as a Foreign Language internet-Based Test (TOEFL-iBT); or
    - (C) an undergraduate or graduate degree that was earned at an institution of higher education in a country outside of the United States listed in the figure provided in this subparagraph; or  
Figure: 19 TAC §230.11(b)(5)(C)
    - (D) a standard certificate issued by the department of education in another state where examinations for the certificate were taken and passed;
  - (6) successfully complete appropriate examinations prescribed in §230.21 of this title (relating to Educator Assessment) for the educator certificate sought; and
  - (7) satisfy one or more of the following requirements:

- (A) complete the requirements for certification specified in this chapter, Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), Chapter 239 of this title (relating to Student Services Certificates), Chapter 241 of this title (relating to Certification as Principal), or Chapter 242 of this title (relating to Superintendent Certificate), and be recommended for certification by an approved educator preparation program (EPP);
  - (B) qualify under 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);
  - (C) qualify under §230.105 of this title (relating to Issuance of Additional Certificates Based on Examination);
  - (D) qualify for a career and technical education certificate based on skill and experience specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)); or
  - (E) qualify under Chapter 245 of this title (relating to Certification of Educators from Other Countries).
- (c) An educator who has received a State Board for Educator Certification (SBEC)-issued standard certificate shall not be required to demonstrate English language proficiency as prescribed in subsection (b)(5)(B) and (C) of this section for purposes of admission into an EPP to obtain additional SBEC-issued certifications.