

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§230.1, 230.21, 230.31, 230.101, and 230.105, and new 230.39, concerning professional educator preparation and certification. The proposed revisions would redefine *pilot exam*; specify the timeline by which a passing score on a certification exam can be used for certification purposes; decrease the number of days to request a test limit waiver after an unsuccessful examination attempt; update the figure specifying the required pedagogy and content pedagogy certification exams for issuance of the probationary or standard certificate; remove certificate categories and examinations that are no longer operational; establish an Enhanced Standard certificate and fees for the proposed teacher residency preparation route specified in proposed new 19 TAC Chapter 228, Requirements for Educator Preparation Programs; and update the list of ineligible certification by examination certificates to include the proposed new Deafblind: Early Childhood-Grade 12 certificate. The proposed revisions would also include technical edits to comply with Texas Register formatting and style requirements.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230, Subchapter A, General Provisions, specify the general guidelines regarding professional educator preparation and certification. The SBEC rules in 19 TAC Chapter 230, Subchapter C, Assessment of Educators, specify the testing requirements for initial certification and for additional certificates based on examination. The SBEC rules in 19 TAC Chapter 230, Subchapter D, Types and Classes of Certificates Issued, define the types, classes, and issuance requirements for certificates. The SBEC rules in 19 TAC Chapter 230, Subchapter G, Certificate Issuance Procedures, specify appropriate procedures for the issuance of educator certificates. These requirements ensure educators are qualified and professionally prepared to instruct the schoolchildren of Texas.

The following is a description of the proposed revisions to 19 TAC Chapter 230, Subchapters A, C, D, and G. The proposed revisions are reflective of the broader certification redesign efforts the SBEC has led since 2017 to develop rigorous and relevant certification exams in alignment with their statutory charge in TEC, §21.031, Purpose, to "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"; are responsive to associated rulemaking in the proposed repeal of and new 19 TAC Chapter 228, Requirements for Educator Preparation Programs, to implement a teacher residency preparation route and associated certificate; and implement House Bill (HB) 2256, 87th Texas Legislature, Regular Session, 2021.

Subchapter A. General Provisions

Proposed Amendment to 19 TAC §230.1

The proposed amendment would add §230.1(13) to define *enhanced standard certificate* to implement the certificate for the residency preparation route included in the 19 TAC Chapter 228 proposal. The proposed amendment to §230.1(18) would amend the definition for *pilot exam*. This proposed amendment would allow the SBEC to annually review, pilot, and collect data for certification exams to examine the impact of the exam's implementation on Texas candidates. The proposed amendment to §230.1(12) would align the definition for *educator preparation program* (EPP) with 19 TAC Chapter 228 and Chapter 229, Accountability System for Educator Preparation Programs. Additional technical edits would renumber the definitions to accommodate the addition of §230.1(13) and apply style requirements to cross references to statute, where applicable.

Subchapter C. Assessment of Educators

Proposed Amendment to 19 TAC §230.21(a)(3)(A)

The proposed amendment to §230.21(a)(3)(A) would provide technical edits to align with the titles of §232.17 and §232.19.

Proposed Amendment to 19 TAC §230.21(a)(5)(D)

The proposed amendment to 19 TAC §230.21(a)(5)(D)(i) would decrease the number of days a candidate can request a waiver after their fourth retake from 45 to 30 calendar days. The proposed amendment would strike 19 TAC §230.21(a)(5)(D)(ii) to remove the required delay before a candidate can reapply for a test limit waiver if the candidate's initial application was denied. This change would allow candidates to become certified sooner if they are able to pass the examination on their next attempt.

Proposed Amendment to 19 TAC §230.21(e)

The proposed amendment to §230.21(e) would update the testing requirements for educator certification indicated in Figure: 19 TAC §230.21(e).

The proposed amendment to §230.21(e) would specify that for issuance of a probationary or standard certificate in more than one certification category, a candidate must pass the appropriate pedagogy examination under Figure: 19 TAC §230.21(e) for any one of the certificates sought. This change would allow for educators to be issued probationary or standard certificates in more than one certification category by passing only one pedagogy certification exam. The current rule requires that for issuance of each individual certificate, educators must take and pass the aligned pedagogy exam, which means that educators pursuing certification in two certification categories through completion of the edTPA are required to take two edTPA certification exams. This proposed change would align with feedback from EPPs participating in the edTPA pilot that expressed concern about the expense and duplicative effort caused by the current rule.

Update to Figure Titles and Content Pedagogy Exam Requirements

The proposed amendment to Figure: 19 TAC §230.21(e) would update the column title from "Pedagogical Requirement(s)" to "Required Pedagogy Test(s)" to align the language of the title to the other test column in the figure, "Required Content Pedagogy Test(s)."

Published in the Proposed Rules section of this issue, the SBEC proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, that would create six new classroom teacher certificate categories: Core/Special Education with the Science of Teaching Reading/Special Education: Early Childhood-Grade 6; Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6; Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6; Core/English as a Second Language with the Science of Teaching Reading: Early Childhood-Grade 6; Core with the Science of Teaching Reading: Early Childhood-Grade 6; and Bilingual Special Education Supplemental: Early Childhood-Grade 12.

The proposed amendment to Figure: 19 TAC §230.21(e) would add certification exams, which are in development for the proposed certification fields. The proposed amendment would create examinations for the Core with the Science of Teaching Reading: Early Childhood-Grade 6; Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6; and Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6 certificates and set out a timeline for test development that would match the timeline for certificate issuance in the proposed amendments to 19 TAC Chapter 233 to begin no earlier than September 1, 2027.

The proposed amendment would create examinations for the Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6 and the Core/English as a Second Language with the Science of Teaching Reading: Early Childhood-Grade 6 certificates and set out a timeline for test development that would match the timeline for the certificate issuance in the proposed amendments to 19 TAC Chapter 233 to begin no earlier than September 1, 2028.

The proposed set of Core: Early Childhood-Grade 6 certification exams aim to streamline exam content in the elementary grade band, removing the Fine Arts/Health/Physical Education subtest from the base Core Subjects assessment and proposing a set of redesigned assessments that integrate additional content areas, including English

as a second language (ESL), special education, and bilingual education, with the goal of reducing the overall number of exams educators are required to take for certification. These redesigned exams are also informed by the redesign of 19 TAC Chapter 235, Classroom Teacher Certification Standards, pedagogy and English language arts and reading (ELAR) and math content pedagogy standards currently under development at the direction of the SBEC.

Finally, the proposed amendment would establish the required examinations for the Bilingual Special Education Supplemental: Spanish certificate, as required in HB 2256, 87th Texas Legislature, Regular Session, 2021. Based on stakeholder input, the proposed certificate would focus specifically on Spanish language bilingual education and would require candidates to demonstrate proficiency in the proposed 187 Bilingual Special Education Texas Examinations of Educator Standards (TExES), which will be operational beginning September 2027, and the proposed 165 Bilingual Educator Spanish Supplemental TExES, which will be operational beginning September 2026.

Similarly, the proposed amendment to the figure would specify the exam requirements for the certificates recently adopted by the SBEC, including the Special Education Specialist: Early Childhood-Grade 12 and Deafblind: Early Childhood-Grade 12, which will be operational for candidates on September 1, 2025, to align with the initial issuance dates for the new certificates. When operational, the tests and certificates will replace the Special Education: Early Childhood-Grade 12 and Special Education Supplemental certificates. Therefore, the proposed amendment would set August 31, 2025, as the last operational date for the Special Education: Early Childhood-Grade 12 exam.

The SBEC adopted updates to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, to include the creation of a certification category, Tamil: Early Childhood-Grade 12, and the proposed amendment to Figure: 19 TAC §230.21(e) would add a certification exam for Tamil: Early Childhood-Grade 12. The exam will become operational for candidates on September 1, 2025, to align with the date for issuance of the certificate in 19 TAC Chapter 233.

The proposed amendment to Figure: 19 TAC §230.21(e) would also add the last operational date of August 31, 2024, for the following exams: English Language Arts and Reading 7-12 and Physical Education EC-12. These examinations are being replaced with updated exams, and the proposed amendment would add a first operational date of September 1, 2024, for English Language Arts and Reading 7-12 and Physical Education EC-12.

The proposed amendment to Figure: 19 TAC §230.21(e) would add an implementation timeline of no earlier than September 1, 2027, for the following exams: Reading Specialist EC-12 and School Librarian EC-12. These exams are necessary due to proposed updates to the educator standards for the certificates in 19 TAC Chapter 239, Student Services Certificates, which are published in the Proposed Rules section of this issue. The proposed timeline would align with the test development timeline.

The proposed amendment to Figure: 19 TAC §230.21(e) would also transition to a new content pedagogy exam for Health: Early Childhood-Grade 12 on September 1, 2024. This amendment would update the exam based on current Texas Essential Knowledge and Skills and add the last operational date of August 31, 2024, for the current Health: Early Childhood-Grade 12 exam.

Updates to Pedagogy Exam Requirements

At the December 2022 SBEC meeting, the Board directed Texas Education Agency (TEA) staff to pursue rulemaking to implement teacher performance assessments (TPAs) as certification exams rather than as program requirements and to begin procurement processes related to the development of a Texas-specific TPA (TxTPA). In addition, the Board sought information on potential types of teacher candidates and preparation pathways that may be excluded from the TPA pedagogy exam requirement. During the April 2023 SBEC meeting, the Board confirmed the following options and timelines for implementing the pedagogy examinations for educator certification:

Timelines for Pedagogy Examinations for Educator Certification

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
Pedagogy and Professional Responsibilities (PPR)	PPR required	PPR required	PPR required	PPR required (last operational date 8/31/26)		
edTPA	edTPA optional	edTPA optional	edTPA optional	edTPA optional	TPA required: edTPA option (All Complete = Pass)	TPA required: edTPA option (Cut Score = Pass)
Texas-specific TPA (TxTPA)	Procurement processes to develop TxTPA begin	TxTPA in development	TxTPA in development	TxTPA in development	TPA required: TxTPA pilot option (All Complete = Pass)	TPA required: TxTPA option (Cut Score = Pass)
Career and Technical Education (CTE) Fields	PPR exam or edTPA option	PPR exam, PPR for T&I, or edTPA option	PPR exam, PPR for T&I, or edTPA option	PPR exam, PPR for T&I, or edTPA option	PPR exam, PPR for T&I, or edTPA option	PPR exam, PPR for T&I, or edTPA option

The proposed amendment to Figure: 19 TAC §230.21(e) would add a last operational date of August 31, 2026, for the 160 Pedagogy and Professional Responsibilities (PPR) EC-12 TExES exam. The addition of the last operational date for the PPR exam would provide a multi-year runway for EPPs to proactively make decisions regarding the appropriate TPA pedagogy exam for their program and prepare for the transition to that exam. The 160 PPR EC-12 exam would retire as of September 1, 2026. The proposed changes are responsive to stakeholder feedback that raised potential implementation challenges for EPPs if programs were required to implement edTPA as the pedagogy exam requirement first before other options were made available.

The proposed amendment to Figure: 19 TAC §230.21(e) would strike "pilot exam" for all edTPA exams to indicate that the exams would no longer be considered pilot exams under proposed §230.1(18) and would be fully operational.

These proposed changes implement a choice of one or two teacher performance assessments--edTPA or the TxTPA--as a required pedagogy exam beginning in the 2026-2027 academic year. The proposed amendment to 19 TAC §230.21(e) would specify that by September 1, 2026, the SBEC must update the pedagogy exam requirements as specified in the figure to include content and grade banded TxTPAs. This is mirrored in proposed updates to the testing figure, which would add a general TxTPA to the list of pedagogy exam options. The SBEC would engage in rulemaking to add additional specificity to the TxTPA options as they become available through the development process but no later than the date specified.

EPP and Candidate Choice in edTPA Exams

The proposed amendment to Figure: 19 TAC §230.21(e) would add the 2151 edTPA: Career and Technical Education exam as a pedagogy exam option for the following certificates beginning on September 1, 2024: Technology Education: Grades 6-12; Family and Consumer Sciences, Composite: Grades 6-12; Human Development and Family Studies: Grades 8-12; Hospitality, Nutrition, and Food Sciences: Grades 8-12; Agriculture, Food, and Natural Resources: Grades 6-12; Business and Finance: Grades 6-12; and Marketing: Grades 6-12. This proposed amendment would provide flexibility for EPPs and candidates to select the edTPA exam that best aligns

with their given instructional context if the EPP chose to require candidates to take the edTPA rather than the PPR for Trade and Industrial Education exam.

For the Core Subjects with the Science of Teaching Reading (STR): Early Childhood-Grade 6 certificate, the proposed amendment to Figure: 19 TAC §230.21(e) would add the following eight edTPA exams as pedagogy exam options in addition to the existing 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 exam, beginning on September 1, 2024: 2001 edTPA: Elementary Literacy; 2002 edTPA: Elementary Mathematics; 2149 edTPA Elementary Education: Mathematics with Literacy Task 4; 2014 edTPA: Early Childhood Education; 2016 edTPA: Middle Childhood Mathematics; 2017 edTPA: Middle Childhood Science; 2018 edTPA: Middle Childhood English Language Arts; and 2019 edTPA: Middle Childhood History/Social Studies. The addition to the edTPA exams for certification in Core Subjects with STR: Early Childhood-Grade 6 would provide flexibility for EPPs and candidates to select the edTPA exam that best aligns with their given instructional context from the permitted exams. For example, a candidate teaching in a fourth-grade science classroom would have the option to take the edTPA: Middle Childhood Science exam. This change is informed by feedback from EPPs participating in the edTPA pilot, that the requirements of the edTPA Elementary Education: Literacy with Mathematics Task 4 were difficult to meet given the candidate's classroom setting. This change would allow flexible options for strong alignment between the classroom setting and edTPA exam for certification. Additionally, the proposed edTPA exam options would allow candidates to choose a 15-rubric exam, such as for edTPA Elementary Literacy, which is less than the 18-rubric edTPA Elementary Education: Literacy with Mathematics Task 4 exam. This proposed change would reduce the overall number of tasks that elementary candidates would be required to complete in the submission of their edTPA portfolio.

Alternatives to edTPA for CTE and Junior Reserve Officers' Training Corps (JROTC) Candidates

The proposed amendment to Figure: 19 TAC §230.21(e) would add the option for candidates seeking CTE certificates to take the 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6-12 TExES exam rather than an edTPA exam. In response to Board direction and stakeholder feedback, this amendment would remove the performance-based examination requirement from the CTE certificates, where candidates often meet certification requirements through previous work experience. The proposed implementation date would be September 1, 2024.

The proposed amendment to Figure: 19 TAC §230.21(e) would update the content pedagogy exam requirement for the Junior Reserve Officer Training Corps (JROTC): Grades 6-12 certificate to be the 370 Pedagogy and Professional Responsibilities (PPR) for Trade and Industrial Education 6-12 TExES exam. The addition of the 370 PPR for Trade and Industrial Education 6-12 exam as a pedagogy exam requirement for the JROTC: 6-12 certificate would allow for the continued administration of an aligned pedagogy exam after the last operational date of the 160 PPR exam. There is no specific edTPA exam for JROTC certification, but the requirements for the certification field align with the requirements for trade and industrial education fields as these candidates can attain certification based on a certificate issued by one of the military branches. The 370 PPR for Trade and Industrial Education 6-12 exam is the most appropriately aligned pedagogy exam for JROTC.

Remove Retired Exams and Certificates

The proposed amendment to Figure: 19 TAC §230.21(e) would also remove the following retired certificates and their associated exam requirements: Core Subjects: Early Childhood-Grade 6; Core Subjects: Grades 4-8; English Language Arts and Reading: Grades 4-8; and English Language Arts and Reading/Social Studies: Grades 4-8. Each of the certificates was discontinued and replaced by the new certificate name including "with the Science of Teaching Reading" and the required examinations in October 2020.

The proposed amendment to Figure: 19 TAC §230.21(e) would strike the following retired certification exams: 270 Pedagogy and Professional Responsibilities for Trade and Industrial 6-12; 153 Educational Diagnostician EC-12; 152 School Counselor EC-12; 117 English Language Arts and Reading: Grades 4-8; and 291 Core Subjects: EC-6.

Technical Edits

The proposed amendment to Figure: 19 TAC §230.21(e) would remove the section headers labeled "Certification Type (continued)" to support streamlining and readability of the figure.

Proposed Amendment to 19 TAC §230.21(f)

The proposed amendment to §230.21(f) would clarify a passing score on a certification exam can be used for certification for up to one year after the last operational date of the exam. This amendment would provide clarity to the field on the last date that an educator may be recommended for certification with a passing score on an exam that is no longer operational.

Subchapter D. Types and Classes of Certificates Issued

Proposed Amendment to 19 TAC §230.31

The proposed amendment to §230.31 would add §230.31(a)(9), which includes the proposed enhanced standard certificate to the types of certificates issued by the SBEC. Additionally, proposed new §230.31(e) would create an implementation date of September 1, 2024, for the issuance of the proposed enhanced standard certificate; would establish that the certificate type is only issued for the teacher class of certificates, is valid for five years, and is subject to renewal; and would require individuals to meet requirements as specified in proposed new §230.39, Enhanced Standard Certificates.

Proposed New 19 TAC §230.39

Proposed new §230.39 would describe the requirements for issuance of an enhanced standard certificate upon successful completion of a teacher residency, as prescribed in the 19 TAC Chapter 228 proposal and would include the requirements for renewal of the certificate.

Subchapter G. Certificate Issuance Procedures

Proposed Amendment to 19 TAC §230.101(a)

The proposed amendment to §230.101(a) would add the fee for the enhanced standard certificate in §230.101(a)(3) and the fee for on-time renewal in renumbered §230.101(a)(16).

Technical edits would also be made in cross references to statute, where applicable, to implement style requirements.

Proposed Amendment to 19 TAC §230.105

The proposed amendment to §230.105 would add the Deafblind Supplemental: Early Childhood-Grade 12 certificate to the list of certificates that are not eligible for certification by examination in §230.105(4) and would renumber subsequent provisions to §230.105(5) and (6). This amendment would emphasize the specialized skills, knowledge, and training required to receive the Deafblind Supplemental: Early Childhood-Grade 12 certificate and align with statutory requirements in TEC, §21.0485. The proposed amendment to §230.105 would add the enhanced standard certificate to the types of certificates a teacher may hold to be eligible to add an additional certificate via the certification by examination route.

FISCAL IMPACT: Emily Garcia, associate commissioner for educator preparation, certification, and enforcement has determined that for the first five years the proposal is in effect, there is additional fiscal impact on state government and entities required to comply with the proposal. There is no additional fiscal impact on local government required to comply with the proposal.

The proposal would require a decrease in fees paid to TEA, as the proposal would consolidate multiple current certification exams into one exam. The SBEC collects \$11 per exam administered. With the proposed exam

consolidation for the Bilingual Spanish exams, there would be fewer exams administered and, therefore, fewer fees paid to the agency. Given current administration numbers for the two exams required for Bilingual Spanish certification, TEA staff would estimate a revenue decrease of \$16,500 per FY beginning in FY 2027 per year. The proposal could also lead to a decrease in fees paid to the agency with the proposed redesign of the Core Subjects: EC-6 exams to incorporate special education, bilingual Spanish, and English as a second language, which would require one exam rather than two for certification in those areas. TEA staff is unable to calculate the loss in fees though, as these new offerings would be optional alongside the standalone versions of the exams and, therefore, cannot predict the number that would be administered annually.

EPPs, including institutions of higher education, may incur costs implementing the proposed exam requirements, though those costs are locally determined, as there are no required costs associated with EPP implementation of the exam requirements.

There are no additional costs or savings to entities and state government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required. The TEA staff has determined that there are no required costs associated with EPP implementation of the exam requirements.

COST INCREASE TO REGULATED PERSONS: The proposal does impose a cost on regulated persons and is subject to TGC, §2001.0045. However, the proposal is exempt from TGC, §2001.0045, as provided under that statute, because the proposal is necessary to protect the safety and welfare of the residents of this state. In addition, the proposal is necessary to ensure that certified Texas educators are competent to educate students.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT The TEA prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would require a decrease in fees paid to the agency, as the proposed rules would consolidate multiple current certification exams into one exam. The SBEC collects \$11 per exam administered. With the proposed exam consolidation, overall, there would be fewer exams administered and, therefore, fewer fees paid to the agency. The proposed rule would create a new regulation with the proposal of a new enhanced standard certification.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Emily Garcia, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years that the rule will be in effect the public benefit anticipated as a result of the proposal would be the increased teacher knowledge and skill in critical pedagogical and content pedagogical competencies, leading to the anticipated growth in teacher readiness to meet the needs of Texas's diverse student population. The TEA staff has determined there is an anticipated cost to persons required to comply with the proposal. The proposal would require a TPA for certification beginning in FY 2027. The proposal would include two options to meet these requirements, the edTPA and a Texas-specific TPA. The edTPA exam will increase the cost for the pedagogy certification exam by \$195 per examination. The cost of the Texas-specific TPA has not yet been established. The edTPA and Texas-specific TPAs will be optional prior to FY 2027, so individuals will not be required to comply with or incur increased costs during the initial years the rules are

in effect. Based on the 2020-2021 first attempt testing data, TEA estimates administering 24,466 TPAs annually in FY 2027 onward, leading to an estimated total additional cost to candidates of \$4,770,870 annually, based on modeling that presumes that the cost of a Texas-specific TPA would be equitable to the current cost of an edTPA exam.

The proposal would also require the implementation of new certification exams at increased cost per exam due to the design of the exam, increasing the cost from \$116 to \$136 per exam. Based on first-time taker administration numbers, TEA staff estimate an overall increase in costs to candidates aligned with the required implementation year of the exam.

Given administration volume for English Language Arts and Reading 7-12, Health EC-12, and Physical Education: EC-12 exams, TEA staff estimates a cost increase of \$91,120 per FY beginning in FY 2025.

Given administration volume for Special Education exams, TEA staff estimates a cost increase of \$126,440 per FY beginning in FY 2026.

Given administration volume for Core Subjects EC-6, Reading Specialist, and School Librarian exams, TEA staff estimates a cost increase of \$252,180 per FY beginning in FY 2028.

The Bilingual Spanish certification exams would be consolidated from two exams at \$116 to one exam at \$136. This represents a cost savings of \$96 per exam. Given administration volume for Bilingual Spanish certification exams, TEA staff estimates a cost savings of \$144,096 per FY beginning in FY 2027.

The proposed redesign of the Core Subjects: EC-6 exams to incorporate special education, bilingual Spanish, and English as a second language would be a cost savings to individuals, as it requires them to take one exam rather than two for certification in those areas. TEA staff is unable to calculate the cost savings, as these new offerings would be optional alongside the standalone versions of the exams and cannot predict the number that would be administered annually.

Overall, the estimated increase in cost by FY would include \$91,120 in FY 2025; \$217,560 in FY 2026; \$4,844,334 in FY 2027; and \$5,096,514 in FY 2028.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

ENVIRONMENTAL IMPACT STATEMENT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins December 29, 2023, and ends January 29, 2024. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). The SBEC will take registered oral and written comments on the proposal at the February 16, 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.041(b)(1), (2), and (4), which require the State Board for Educator Certification (SBEC) to propose rules that provide for the regulation of educators and the general administration of 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; TEC, §21.044(a)-(f), which requires SBEC to make rules specifying what each educator is expected to know and be able to do, establishing training requirements that a candidate must accomplish to attain a certificate, and setting out the minimum academic qualifications required for certification. It also specifies certain required training and minimum

academic qualifications for certification; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching prekindergarten through grade six must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.050(a), which states a person who applies for a teaching certificate must possess a bachelor's degree; TEC, §21.050(b), which states the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship; TEC, §21.050(c), which states 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 TEC, §54.363, which may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate; and TEC, §22.082, which requires SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code, §411.0845, and may obtain any law enforcement or criminal history records that relate to a specific applicant for or holder of a certificate issued under Chapter 21, Subchapter B; and Texas Occupations Code, §54.003, which states a licensing authority shall provide accommodations and eligibility criteria for examinees diagnosed as having dyslexia.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.041(b)(1), (2), and (4); 21.044(a)-(f); 21.048; 21.0485; 21.050; 22.082; and Texas Occupations Code, §54.003.

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§230.1. Definitions.

The following words and terms, when used in this chapter, Chapter 232 of this title (relating to General Certification Provisions), and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (2) Appropriate--Suitable for a particular purpose. The term denotes compliance with State Board for Educator Certification (SBEC) rules and with SBEC procedures and policies posted on the Texas Education Agency website that are related to the stated particular purpose.
- (3) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.
- (4) Certificate--Any educator credential issued by the State Board for Educator Certification under the authority of ~~the~~ Texas Education Code, Chapter 21, Subchapter B.
- (5) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics and includes the following: superintendent, principal, classroom teacher, school counselor, school librarian, educational diagnostician, reading specialist, and master teacher.
- (6) Charter school--A Texas public school operated by a charter holder under an open-enrollment charter school granted either by the State Board of Education (SBOE) or commissioner of education, whichever is applicable, pursuant to Texas Education Code, §12.101, identified with its own county district number.
- (7) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical education instructional setting. This term does not include an educational aide or a full-time administrator.
- (8) Content certification examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program.
- (9) Content pedagogy examinations--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's certification as an educator.
- (10) Continuing professional education--Professional development required for the renewal of standard and/or lifetime certificates that is designed to ensure improvement in both the performance of the educator and achievement of his or her students.
- (11) Educator--An individual who is required to hold a certificate issued under ~~the~~ Texas Education Code, Chapter 21, Subchapter B.

(12) Educator preparation program--An entity approved by the State Board for Educator Certification to prepare and recommend candidates for certification in one or more educator certification classes [~~offer training and coursework that must adequately prepare candidates for educator certification and meet the standards and requirements of the board~~] .

(13) Enhanced standard certificate--A type of certificate issued to an individual who has met all requirements as specified in §230.39(b) of this title (relating to Enhanced Standard Certificates) under the teacher class of certificates.

(14) [~~13~~] Examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.

(15) [~~14~~] Hearing impairment--As defined in [~~the~~] Texas Education Code, §21.048(d)(1), a hearing impairment so severe that the person cannot process linguistic information with or without amplification.

(16) [~~15~~] Initial certification--The first Texas educator certificate for a particular class issued to an individual as specified in §230.33 of this title (relating to Classes of Certificates).

(17) [~~16~~] Intern certificate--A type of certificate issued to a candidate who has passed all required content examinations and is completing requirements for certification through an approved educator preparation program.

(18) [~~17~~] Pilot exam--A certification exam that is subject to annual review by the State Board for Educator Certification [~~prior to September 1, 2022~~] .

(19) [~~18~~] Private school--A non-public school whose educational program has been evaluated by a regional accrediting agency and whose program has met and is maintaining certain educational standards.

(20) [~~19~~] Probationary certificate--A type of certificate issued to a candidate who has passed all required examinations and is completing requirements for certification through an approved educator preparation program.

(21) [~~20~~] Professional class--A term that refers to certificates for duties other than classroom teacher (e.g., superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and master teachers).

(22) [~~21~~] Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title (relating to Classes of Certificates).

(23) [~~22~~] Teacher--An individual who is required to hold a certificate issued under [~~the~~] Texas Education Code, Chapter 21, Subchapter B.

(24) [~~23~~] Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.

(25) [~~24~~] Teacher service record--The official document used to record years of service and days used and accumulated under the state's former minimum sick leave program or the state's current personal leave program.

(26) [~~25~~] Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

(27) [~~26~~] Texas school district--A school district accredited and approved by the Texas Education Agency under [~~the~~] Texas Education Code, Chapter 11.

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STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.041(b)(1), (2), and (4), which require the State Board for Educator Certification (SBEC) to propose rules that provide for the regulation of educators and the general administration of 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; TEC, §§21.044(a)-(f), which requires SBEC to make rules specifying what each educator is expected to know and be able to do, establishing training requirements that a candidate must accomplish to attain a certificate, and setting out the minimum academic qualifications required for certification. It also specifies certain required training and minimum academic qualifications for certification; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching prekindergarten through grade six must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.050(a), which states a person who applies for a teaching certificate must possess a bachelor's degree; TEC, §21.050(b), which states the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship; TEC, §21.050(c), which states 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 TEC, §54.363, may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate; TEC, §22.082, which requires SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code, §411.0845, and may obtain any law enforcement or criminal history records that relate to a specific applicant for or holder of a certificate issued under Chapter 21, Subchapter B; and Texas Occupations Code, §54.003, which states a licensing authority shall provide accommodations and eligibility criteria for examinees diagnosed as having dyslexia.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.041(b)(1), (2), and (4); 21.044(a)-(f); 21.048; 21.0485; 21.050; 22.082; and Texas Occupations Code (TOC) §54.003.

<rule>

§230.21. Educator Assessment.

(a) A candidate seeking certification as an educator must pass the examination(s) required by ~~the~~ Texas Education Code (TEC), §21.048, and the State Board for Educator Certification (SBEC) in §233.1(e) of this title (relating to General Authority) and shall not retake an examination more than four times, unless the limitation is waived for good cause. The burden of proof shall be upon the candidate to demonstrate good cause.

(1) For the purposes of the retake limitation described by ~~the~~ TEC, §21.048, an examination retake is defined as a second or subsequent attempt to pass any examination required for the issuance of a certificate, including an individual core subject examination that is part of the overall examination required for the issuance of a Core Subjects certificate as described in §233.2 of this title (relating to Early Childhood; Core Subjects).

(A) A canceled examination score is not considered an examination retake.

(B) An examination taken by an educator during a pilot period is not considered part of an educator's five-time test attempt limit.

(C) Pursuant to TEC, §21.0491(d), the limit on number of test attempts does not apply to the trade and industrial workforce training certificate examination prescribed by the SBEC.

(D) A candidate who fails a computer- or paper-based examination cannot retake the examination before 30 days have elapsed following the candidate's last attempt to pass the examination.

(2) Good cause is:

(A) the candidate's highest score on an examination is within one conditional standard error of measurement (CSEM) of passing, and the candidate has completed 50 clock-hours of educational activities. CSEMs will be published annually on the Texas Education Agency (TEA) website;

(B) the candidate's highest score on an examination is within two CSEMs of passing, and the candidate has completed 100 clock-hours of educational activities;

(C) the candidate's highest score on an examination is within three CSEMs of passing, and the candidate has completed 150 clock-hours of educational activities;

(D) the candidate's highest score on an examination is not within three CSEMs of passing, and the candidate has completed 200 clock-hours of educational activities;

(E) if the candidate needs a waiver for more than one of the individual core subject examinations that are part of the overall examination required for the issuance of a Core Subjects certificate, the candidate has completed the number of clock-hours of educational activities required for each individual core subject examination as described in subparagraphs (A)-(D) of this paragraph up to a maximum of 300 clock-hours. The number of clock-hours for each examination may be divided equally based on the number of examinations in the waiver request, but the number of clock-hours for an examination shall not be less than 50; or

(F) if a CSEM is not appropriate for an examination, the TEA staff will identify individuals who are familiar and knowledgeable with the examination content to review the candidate's performance on the five most recent examinations, identify the deficit competency or competencies, and determine the number of clock-hours of educational activities required.

(3) Educational activities are defined as:

(A) institutes, workshops, seminars, conferences, interactive distance learning, video conferencing, online activities, undergraduate courses, graduate courses, training programs, in-service, or staff development given by an approved continuing professional education provider or sponsor, pursuant to §232.17 of this title (relating to Pre-Approved Continuing Professional Education Provider or Sponsor) and §232.19 of this title (relating to Approval of Private Companies, Private Entities, and Individuals as Continuing Professional Education Providers), or an approved educator preparation program (EPP), pursuant to Chapter 228, Subchapter B, [§228.10] of this title (relating to Approval of Educator Preparation Programs [Approval Process]); and

(B) being directly related to the knowledge and skills included in the certification examination competency or competencies in which the candidate answered less than 70 percent of competency questions correctly. The formula for identifying a deficit competency is the combined total of correct answers for each competency on the five most recent examinations divided by the combined total of questions for each competency on the five most recent examinations.

(4) Documentation of educational activities that a candidate must submit includes:

(A) the provider, sponsor, or program's name, address, telephone number, and email address. The TEA staff may contact the provider, sponsor, or program to verify an educational activity;

(B) the name of the educational activity (e.g., course title, course number);

(C) the competency or competencies addressed by the educational activity as determined by the formula described in paragraph (3)(B) of this subsection;

(D) the provider, sponsor, or program's description of the educational activity (e.g., syllabus, course outline, program of study); and

(E) the provider, sponsor, or program's written verification of the candidate's completion of the educational activity (e.g., transcript, certificate of completion). The written verification must include:

(i) the provider, sponsor, or program's name;

(ii) the candidate's name;

(iii) the name of the educational activity;

(iv) the date(s) of the educational activity; and

(v) the number of clock-hours completed for the educational activity. Clock-hours completed before the most recent examination attempt or after a request for a waiver is submitted shall not be included. One semester credit hour earned at an accredited institution of higher education is equivalent to 15 clock-hours.

(5) To request a waiver of the limitation, a candidate must meet the following conditions:

(A) the candidate is otherwise eligible to take an examination. A candidate seeking a certificate based on completion of an EPP must have the approval of an EPP to request a waiver;

(B) beginning September 1, 2016, the candidate pays the non-refundable waiver request fee of \$160;

(C) the candidate requests the waiver of the limitation in writing on forms developed by the TEA staff; and

(D) the request for the waiver is postmarked not earlier than:

(i) 30 [45] calendar days after an unsuccessful attempt at the fourth retake of an examination as defined in [the] TEC, §21.048; or

[~~(ii) 90 calendar days after the date of the most recent denied waiver of the limitation request; or~~]

(ii) [(iii)] 90 [180] calendar days after the date of the most recent unsuccessful examination attempt that was the result of the most recently approved request for waiver of the limitation.

(6) The TEA staff shall administratively approve each application that meets the criteria specified in paragraphs (2)-(5) of this subsection.

(7) An applicant who does not meet the criteria in paragraphs (2)-(5) of this subsection may appeal to the SBEC for a final determination of good cause. A determination by the SBEC is final and may not be appealed.

(b) A candidate seeking a standard certificate as an educator based on completion of an approved EPP may take the appropriate certification examination(s) required by subsection (a) of this section only at such time as the EPP determines the candidate's readiness to take the examinations, or upon successful completion of the EPP, whichever comes first.

(c) The holder of a lifetime Texas certificate effective before February 1, 1986, must pass examinations prescribed by the SBEC to be eligible for continued certification, unless the individual has passed the Texas Examination of Current Administrators and Teachers (TECAT).

(d) The commissioner of education approves the satisfactory level of performance required for certification examinations, and the SBEC approves a schedule of examination fees and a plan for administering the examinations.

(e) The appropriate examination(s) required for certification are specified in the figure provided in this subsection. By September 1, 2026, the SBEC shall update the pedagogy examination requirements as specified in the figure provided in this subsection to include content and grade banded Texas-specific teacher performance assessments. For issuance of a probationary or standard certificate in more than one certification category, a candidate must pass the appropriate pedagogy examination specified in the figure provided in this subsection for any one of the certificates sought.

Figure: 19 TAC §230.21(e) [Figure: 19 TAC §230.21(e)]

(f) Scores from examinations required under this title must be made available to the examinee, the TEA staff, and, if appropriate, the EPP from which the examinee will seek a recommendation for certification. Candidates may use passing scores on an examination required under this section for certification if the candidate is recommended for certification up to one year after the last operational date for the examination as prescribed in Figure: 19 TAC §230.21(e).

(g) The following provisions concern ethical obligations relating to examinations.

(1) An educator or candidate who participates in the development, design, construction, review, field testing, scoring, or validation of an examination shall not reveal or cause to be revealed the contents of the examination to any other person.

(2) An educator or candidate who administers an examination shall not:

(A) allow or cause an unauthorized person to view any part of the examination;

(B) copy, reproduce, or cause to be copied or reproduced any part of the examination;

(C) reveal or cause to be revealed the contents of the examination;

(D) correct, alter, or cause to be corrected or altered any response to a test item contained in the examination;

(E) provide assistance with any response to a test item contained in the examination or cause assistance to be provided; or

(F) deviate from the rules governing administration of the examination.

(3) An educator or candidate who is an examinee shall not:

(A) copy, reproduce, or cause to be copied or reproduced any test item contained in the examination;

(B) provide assistance with any response to a test item contained in the examination, or cause assistance to be provided;

(C) solicit or accept assistance with any response to a test item contained in the examination;

(D) deviate from the rules governing administration of the examination; or

(E) otherwise engage in conduct that amounts to cheating, deception, or fraud.

(4) An educator, candidate, or other test taker shall not:

(A) solicit information about the contents of test items on an examination that the educator, candidate, or other test taker has not already taken from an individual who has had access to those items, or offer information about the contents of specific test items on an examination to individuals who have not yet taken the examination;

(B) fail to pay all test costs and fees as required by this chapter or the testing vendor; or

(C) otherwise engage in conduct that amounts to violations of test security or confidentiality integrity, including cheating, deception, or fraud.

(5) A person who violates this subsection is subject to:

(A) sanction, including, but not limited to, disallowance and exclusion from future examinations either in perpetuity or for a period of time that serves the best interests of the education profession, in accordance with the provisions of ~~the~~ TEC, §21.041(b)(7), and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases); and/or

(B) denial of certification in accordance with the provisions of ~~the~~ TEC, §21.041(b)(7), and Chapter 249 of this title; and/or

(C) voiding of a score from an examination in which a violation specified in this subsection occurred as well as a loss of a test attempt for purposes of the retake limit in subsection (a) of this section.

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STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.041(b)(1), (2), and (4), which require the State Board for Educator Certification (SBEC) to propose rules that provide for the regulation of educators and the general administration of 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; TEC, §§21.044(a)-(f), which requires SBEC to make rules specifying what each educator is expected to know and be able to do, establishing training requirements that a candidate must accomplish to attain a certificate, and setting out the minimum academic qualifications required for certification. It also specifies certain required training and minimum academic qualifications for certification; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching prekindergarten through grade six must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.050(a), which states a person who applies for a teaching certificate must possess a bachelor's degree; TEC, §21.050(b), which states the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship; TEC, §21.050(c), which states 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 TEC, §54.363, may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate; TEC, §22.082, which requires SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code, §411.0845, and may obtain any law enforcement or criminal history records that relate to a specific applicant for or holder of a certificate issued under Chapter 21, Subchapter B; and Texas Occupations Code, §54.003, which states a licensing authority shall provide accommodations and eligibility criteria for examinees diagnosed as having dyslexia.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.041(b)(1), (2), and (4); 21.044(a)-(f); 21.048; 21.0485; 21.050; 22.082; and Texas Occupations Code (TOC) §54.003.

<rule>

§230.31. Types of Certificates.

(a) "Type of certificate" means a designation of the period of validity for a certificate and includes the following certificate designations:

- (1) standard, as specified in subsection (c) of this section;
 - (2) provisional, as specified in subsection (b) of this section;
 - (3) professional, as specified in subsection (b) of this section;
 - (4) one year, as specified in §230.113 of this title (relating to Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries);
 - (5) intern, as specified in §230.36 of this title (relating to Intern Certificates);
 - (6) probationary, as specified in §230.37 of this title (relating to Probationary Certificates);
 - (7) emergency, as specified in §230.73 of this title (relating to Validity of Emergency Permits); ~~and~~
 - (8) educational aide, as specified in Subchapter E of this chapter (relating to Educational Aide Certificate) ; and [-]
 - (9) enhanced standard, as specified in §230.39 of this title (relating to Enhanced Standard Certificates).
- (b) All provisional and professional educator certificates issued prior to September 1, 1999, shall be valid for the life of the individual unless suspended, surrendered in lieu of revocation, or revoked by lawful authority.
- (c) Effective September 1, 1999, the standard certificate shall be issued for all classes of certificates and shall be valid for five years, subject to the requirements of Chapter 232, Subchapter A, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements). The standard certificate is issued to individuals who have met all requirements for a given subject area or class of certification.
- (d) Effective September 1, 2017, the educational aide certificate shall be valid for two years. Educational aide certificates issued effective September 1, 2017, will expire at the end of the two-year validity period. Individuals issued an educational aide certificate prior to September 1, 2017, as well as new applicants for the educational aide certificate, will be required to reapply for certification every two years and meet any other requirements for the

educational aide certificate as specified in §230.65 of this title (relating to Requirements for Reissuance of Educational Aide Certificates).

(e) Effective September 1, 2024, the enhanced standard certificate shall be issued for the teacher class of certificates and shall be valid for five years, subject to the requirements of Chapter 232, Subchapter A, of this title. The enhanced standard certificate is issued to individuals who have met all requirements as specified in §230.39 of this title.

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STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.041(b)(1), (2), and (4), which require the State Board for Educator Certification (SBEC) to propose rules that provide for the regulation of educators and the general administration of 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; TEC, §§21.044(a)-(f), which requires SBEC to make rules specifying what each educator is expected to know and be able to do, establishing training requirements that a candidate must accomplish to attain a certificate, and setting out the minimum academic qualifications required for certification. It also specifies certain required training and minimum academic qualifications for certification; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching prekindergarten through grade six must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.050(a), which states a person who applies for a teaching certificate must possess a bachelor's degree; TEC, §21.050(b), which states the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship; TEC, §21.050(c), which states 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 TEC, §54.363, may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate; TEC, §22.082, which requires SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code, §411.0845, and may obtain any law enforcement or criminal history records that relate to a specific applicant for or holder of a certificate issued under Chapter 21, Subchapter B; and Texas Occupations Code, §54.003, which states a licensing authority shall provide accommodations and eligibility criteria for examinees diagnosed as having dyslexia.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code (TEC), §§21.041(b)(1), (2), and (4); 21.044(a)-(f); 21.048; 21.0485; 21.050; 22.082; and Texas Occupations Code (TOC) §54.003.

<rule>

§230.39. Enhanced Standard Certificates.

(a) General provisions.

(1) Certificate classes. An enhanced standard certificate may be issued for the teacher class of certificate.

(2) Requirement to hold an enhanced standard certificate. A candidate who has completed a residency in accordance with §228.65 of this title (relating to Residency) must hold an enhanced standard certificate to be employed by a school district to teach the majority of the instructional day in an academic instructional setting and to evaluate student achievement and assign grades.

(b) Requirements for issuance. An enhanced standard certificate may be issued to an individual 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 (SBEC) related to certain career and technical education certificates based on skill and experience, an individual must hold a bachelor's degree or higher from an accredited institution of higher education to be eligible for the enhanced standard certificate. 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 individual must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).

(3) Fee. The individual must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).

(4) Fingerprints. The individual must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and Texas Education Code (TEC), §22.0831.

(5) Residency. The individual must complete a residency in accordance with Chapter 228 of this title (relating to Requirements for Educator Preparation Programs), meet proficiency thresholders on teacher competencies as prescribed in §228.65(f) of this title, and be recommended by an approved educator preparation program by the application and issuance deadlines for the certificate.

(6) Content pedagogy examination. The individual must receive a passing score on comprehensive content pedagogy examinations prescribed by the SBEC as specified in §230.21 of this title (relating to Educator Assessment).

(c) Validation period. The enhanced standard certificate shall be valid for five years, subject to the requirements of Chapter 232, Subchapter A, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements).

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STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.041(b)(1), (2), and (4), which require the State Board for Educator Certification (SBEC) to propose rules that provide for the regulation of educators and the general administration of 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; TEC, §§21.044(a)-(f), which requires SBEC to make rules specifying what each educator is expected to know and be able to do, establishing training requirements that a candidate must accomplish to attain a certificate, and setting out the minimum academic qualifications required for certification. It also specifies certain required training and minimum academic qualifications for certification; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching prekindergarten through grade six must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.050(a), which states a person who applies for a teaching certificate must possess a bachelor's degree; TEC, §21.050(b), which states the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship; TEC, §21.050(c), which states 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 TEC, §54.363, may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate; TEC, §22.082, which requires SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code, §411.0845, and may obtain any law enforcement or criminal history records that relate to a specific applicant for or holder of a certificate issued under Chapter 21, Subchapter B; and Texas Occupations Code, §54.003, which states a licensing authority shall provide accommodations and eligibility criteria for examinees diagnosed as having dyslexia.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.041(b)(1), (2), and (4); 21.044(a)-(f); 21.048; 21.0485; 21.050; 22.082; and Texas Occupations Code (TOC) §54.003.

<rule>

§230.101. Schedule of Fees for Certification Services.

(a) An applicant for a certificate or a school district requesting a permit shall pay the applicable fee from the following list.

(1) Educational aide certificate:

(A) prior to September 1, 2017--\$30; and

(B) after August 31, 2017--\$15.

(2) Standard certificate--\$75.

(3) Enhanced standard certificate--\$75.

(4) [~~3~~] Probationary or intern certificate:

(A) prior to September 1, 2017--\$50; and

(B) after August 31, 2017--\$75.

(5) [~~4~~] Addition of certification based on completion of appropriate examination--\$75.

(6) [~~5~~] Review of a credential issued by a jurisdiction other than Texas (nonrefundable):

(A) prior to September 1, 2016--\$175; and

(B) after August 31, 2016--\$160.

(7) [~~6~~] One-year certificate based on a credential issued by a jurisdiction other than Texas--\$50.

(8) [~~7~~] Emergency permit (nonrefundable)--\$55.

(9) [~~8~~] National criminal history check (nonrefundable)--The fee, posted on the Texas Education Agency website, shall include a \$10 criminal history review fee in addition to the current cost of fingerprint scanning, processing, and obtaining national criminal history record information from the Texas Department of Public Safety, its contractors, and the Federal Bureau of Investigation. The same fee will be paid by current certified educators who are subject to a national criminal history check pursuant to ~~the~~ Texas Education Code, §§22.082, 22.0831, and 22.0836.

- (10) [(9)] Review of the superintendent application for the substitution of managerial experience for the principal certificate requirement (nonrefundable)--\$160.
- (11) [(10)] On-time renewal of educational aide certificate:
- (A) prior to September 1, 2017--\$10; and
- (B) after August 31, 2017--no charge.
- (12) [(11)] Additional fee for late renewal of educational aide certificate:
- (A) prior to September 1, 2017--\$5; and
- (B) after August 31, 2017--no charge.
- (13) [(12)] Reactivation of an inactive educational aide certificate--\$15.
- (14) [(13)] Reinstatement following restitution of child support or student loan repayment for educational aide certificate--\$20.
- (15) [(14)] On-time renewal of a standard certificate--\$20.
- (16) On-time renewal of an enhanced standard certificate--\$20.
- (17) [(15)] Additional fee for late renewal of a standard certificate--\$10.
- (18) [(16)] Reactivation of an inactive standard certificate--\$40; except for an inactivation pursuant to §232.9 of this title (relating to Inactive Status and Late Renewal).
- (19) [(17)] Reinstatement following restitution of child support or student loan repayment--\$50.
- (20) [(18)] Visiting international teacher certificate--\$75.
- (21) [(19)] Request for preliminary criminal history evaluation (nonrefundable)--\$50.
- (b) The fee for correcting a certificate or permit when the error is not made by the Texas Education Agency shall be equal to the fee for the original certificate or permit.
- (c) An individual registering to take certification tests shall pay the applicable fee(s) from the following list of categories:
- (1) Selected Response-Only Assessments--\$116.
 - (2) Single Subject Area Tests (801-809)--\$58.
 - (3) Enhanced Selected-Response/Constructed-Response Assessments for Tests (801-809)--\$70.
 - (4) Enhanced Selected-Response/Constructed-Response Assessments--\$136.
 - (5) Enhanced Selected-Response/Constructed-Response Administrator and Student Services Assessments--\$200.
 - (6) Performance-Based Assessments for teachers--\$311.
 - (7) Performance-Based Assessments for teachers, retake per task--\$111.
- (d) An individual registering to take a content certification examination prior to admission to an educator preparation program [EPP] shall pay the applicable fee(s) from the following list of categories:
- (1) Content Certification Examinations except American Sign Language (ASL)--\$106.
 - (2) Essential Academic Skills Sub-Tests Retake (701-703)--\$56.
 - (3) Content Certification Examinations for ASL Sub-Tests (784-785)--\$56.

§230.105. Issuance of Additional Certificates Based on Examination.

A teacher who holds a valid provisional, professional, ~~or~~ standard ~~[classroom teaching certificate]~~ , or enhanced standard classroom teaching certificate or a valid temporary classroom teaching certificate issued under the provisions of 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), or Chapter 245 of this title (relating to Certification of Educators from Other Countries), and a bachelor's degree or higher from an accredited institution of higher education may qualify for an additional teaching field or certification to teach at another level by passing the appropriate certification examination(s) for that subject. The teacher must submit the application to add certification based on an examination during the time the certificate is allowed to be issued by the State Board for Educator Certification. The application for the additional certification must be submitted during the validity period of the appropriate Texas classroom teaching certificate. If a teacher holds multiple teaching certificates, all teaching certificates must be active before adding certification by examination. The rule shall not be used to qualify a classroom teacher for:

- (1) initial certification;
- (2) the Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate;
- (3) the Early Childhood: Prekindergarten-Grade 3 certificate;
- (4) the Deafblind Supplemental: Early Childhood-Grade 12 certificate;
- (5) [(4)] another class of certificate, as listed in Subchapter D of this chapter (relating to Types and Classes of Certificates Issued); or
- (6) [(5)] certification for which no certification examination has been developed.

