

The State Board of Education (SBOE) adopts new §127.17, concerning Texas Essential Knowledge and Skills (TEKS) for career development and career and technical education (CTE). The new section is adopted with changes to the proposed text as published in the May 12, 2023 issue of the *Texas Register* (48 TexReg 2466) and will be republished. The new section establishes a set of standards to be imbedded within each CTE principles course.

REASONED JUSTIFICATION: In response to proposed updates to the state accountability system, Texas Education Agency (TEA) received feedback regarding the potential addition of industry-based certifications and/or additional courses to various career and technical education programs of study. Specifically, the agency received feedback recommending the development and adoption of a new TEKS-based course related to training standards established by the Occupational Safety and Health Administration, which could be included in a variety of relevant programs of study. TEA staff provided this feedback to the SBOE at the November 2022 meeting, and the SBOE agreed to move forward with development of TEKS for a course in occupational safety and health for implementation beginning in the 2023-2024 school year.

TEA staff developed a draft of TEKS for a new occupational safety and health course, and the draft was shared with board members in January 2023. A discussion item was presented to the board at the January-February 2023 SBOE meeting. In March 2023, the draft TEKS were presented to two CTE work groups for their review and feedback. Some work group members expressed interest in the standalone course while others expressed a preference for embedding occupational safety and health standards into existing CTE principles courses.

At the April 2023 SBOE meeting, TEA staff presented two options for occupational safety and health standards to the board. Proposed new §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, identified standards that would be embedded into the content for relevant CTE principles courses. Proposed new §127.18, Occupational Safety and Health (One Credit), Adopted 2023, identified standards for a one-credit standalone course in occupational safety and health. The SBOE approved both proposals for first reading and filing authorization in order to solicit feedback from the public to help inform a final decision on the standards.

After considering both options, the SBOE approved only §127.17 for second reading and final adoption.

In response to public comment, the SBOE approved the following changes to §127.17 at adoption.

Section 127.17(b) was amended by striking the word "principles."

Section 127.17(b)(1) was amended by replacing Principles of Education and Training with Construction Technology I.

Section 127.17(b)(2) was amended by replacing Principles of Health Science with Electrical Technology I.

Section 127.17(b)(3) was amended by replacing Principles of Hospitality and Tourism with Plumbing Technology I.

Section 127.17(b)(4) was amended by replacing Principles of Law, Public Safety, Corrections, and Security with HVAC Technology I.

Section 127.17(b)(5) was amended by replacing Principles of Applied Engineering with Masonry Technology I.

Section 127.17(b)(6) was amended by replacing Principles of Biosciences with Agriculture Mechanics and Metal Technology.

Section 127.17(b)(7) was amended by replacing Principles of Agriculture, Food, and Natural Resources with Welding I.

Section 127.17(b)(8) was amended by replacing Principles of Architecture with Metal Fabrication and Machining I.

Section 127.17(b)(9) was amended by replacing Principles of Construction with Oil and Gas Production II.

Section 127.17(b)(10) was amended by replacing Principles of Information Technology with Introduction to Culinary Arts.

Section 127.17(b)(11)-(14) were struck.

The following changes were also made since published as proposed.

Section 127.17(c)(1) was amended by adding the phrase "Occupational Safety and Health Administration (OSHA) regulations."

The student expectation in §127.17(d)(2) was amended by striking the phrase "such as the National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, National Center for Construction Education and Research, Texas Workforce Commission, and Texas Department of Insurance."

The student expectation in §127.17(d)(4) was amended by striking the word "general."

The SBOE approved the new section for first reading and filing authorization at its April 14, 2023 meeting and for second reading and final adoption at its June 23, 2023 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the new section for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will allow districts to implement TEKS for occupational safety and health beginning with the 2023-2024 school year. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period began May 12, 2023, and ended at 5:00 p.m. on June 16, 2023. Following is a summary of the public comments received and agency responses.

Comment. One teacher asked if the proposed occupational safety and health TEKS would satisfy requirements for the college, career, and military readiness indicator in the accountability system.

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

Comment. One administrator stated that the proposed new occupational safety and health TEKS should be embedded into CTE principles courses. The commenter explained that all students in CTE classes need the occupational safety and health training to ensure safety in programs of study and labs.

Response. The SBOE agrees that occupational safety and health training is important in ensuring safety in a number of CTE programs of study; however, the SBOE disagrees that the occupational safety and health TEKS should be embedded into principles courses as proposed. The board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One teacher stated that the occupational safety and health TEKS should be embedded into existing CTE courses rather than offering a new CTE course.

Response. The SBOE agrees and took action to amend proposed new §127.17 to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. Two teachers stated that the option to embed the occupational safety and health skills in each of the courses where it is applicable is more than sufficient. The commenters stated that an entire course is not needed because many of the CTE courses already cover safety protocols.

Response. The SBOE agrees that offering a new standalone course in occupational safety and health is unnecessary. In response to other comments, the board took action to amend proposed new §127.17 to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One administrator stated that students should not have to sacrifice another elective to fit a standalone class into their schedule when the occupational safety and health TEKS can be effectively covered within a principles course.

Response. The SBOE agrees that offering a new standalone course in occupational safety and health is unnecessary; however, the SBOE disagrees that the occupational safety and health TEKS should be embedded into principles courses as proposed. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One teacher and one administrator stated the occupational safety and health TEKS should be included in all CTE principles courses.

Response. The SBOE disagrees that the occupational safety and health TEKS should be embedded into principles courses as proposed. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One administrator stated that a standalone course would not provide the opportunity to tailor the standards to individual programs.

Response. The SBOE agrees that offering a new standalone course in occupational safety and health is unnecessary. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One administrator suggested that if occupational safety and health TEKS are to be embedded in principles courses, a more effective approach would be to cross-reference where the skills are already taught within existing student expectations rather than adding additional student expectations.

Response. The SBOE disagrees that simply cross-referencing these knowledge and skills would sufficiently address important health and safety content. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One administrator expressed a preference for embedding the proposed new occupational safety and health TEKS into CTE courses with some revisions. The commenter recommended specific courses in which the new standards should be required to be addressed.

Response. The SBOE agrees that the occupational safety and health TEKS should be addressed in some of the CTE courses suggested by the commenter. In response to this and other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One teacher stated that some principles courses are offered in middle school as early as Grade 6 and that occupational safety and health TEKS would be difficult for middle school students to grasp.

Response. The SBOE agrees that embedding the new occupational safety and health TEKS into principles courses might be challenging for some students. In response to this and other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One teacher stated that the OSHA 10-hour training should be required in all CTE principles courses. The commenter suggested specific courses that would benefit from the 10-hour training.

Response. The SBOE provides the following clarification. The adopted occupational health and safety TEKS identify specific knowledge and skills that must be included in instruction in specific CTE courses. This instruction is not required to provide students with the OSHA 10-hour training.

Comment. One teacher and one community member stated that OSHA training will give beginning high school students the opportunity to become more aware of safety issues in the workplace and add an OSHA training card to their portfolio.

Response. The SBOE agrees that occupational safety and health TEKS in high school will give high school students the opportunity to become more aware of safety issues in the workplace. The SBOE also provides the following clarification. The adopted occupational health and safety TEKS identify specific knowledge and skills that must be included in instruction in specific CTE courses. This instruction is not required to provide students with the OSHA 10-hour training.

Comment. One teacher stated that OSHA training is important for students after high school because industry employers would prefer students graduate with an OSHA 10-hour or 30-hour training card over other certifications.

Response. The SBOE provides the following clarification. The adopted occupational health and safety TEKS identify specific knowledge and skills that must be included in instruction in specific CTE courses. This instruction is not required to provide students with the OSHA 10-hour or 30-hour training.

Comment. One administrator stated that many districts currently offer the OSHA 10-hour training without offering the occupational safety and health TEKS.

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

Comment. One teacher asked if there could be an alternative online course that would be acceptable for students to earn the OSHA 10-hour card.

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

Comment. One teacher stated that the OSHA 10-hour training should be recognized by TEA as an acceptable industry-based certification.

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

Comment. One administrator stated that removing the OSHA 30-hour card from the industry-based certification list while proposing to embed occupational safety and health TEKS into courses or add a standalone occupational safety and health course is contradictory.

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

Comment. One teacher stated that the option for students to acquire an OSHA 10-hour card or preferably an OSHA 30-hour card should be allowed, encouraged, and recognized by the state as an industry-based certification. The commenter explained that this type of certification is applicable in all fields and industries and should be one that all students are given the opportunity to acquire.

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

Comment. One teacher stated that students need to have OSHA 10-hour training to be competitive in the job market.

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

Comment. One teacher asked how students can earn the OSHA 10-hour card.

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

Comment. Two teachers asked if the occupational safety and health TEKS would need to be taught by a certified OSHA trainer.

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

Comment. One teacher asked if there is a certification examination to become an authorized OSHA outreach trainer.

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

Comment. One community member stated that OSHA training cards are not necessary for all students since many of them will not use the training in future careers.

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

Comment. One administrator stated that it would be more appropriate to embed occupational safety and health TEKS in practicum and extended practicum courses than in principles courses.

Response. The SBOE disagrees that it would be more appropriate to embed occupational safety and health TEKS in practicum and extended practicum courses but agrees that the TEKS should be embedded in higher level courses. In response to this and other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One teacher stated that occupational safety and health skills should be embedded in Grade 10 or 11 CTE courses and not in the principles courses. The commenter explained that occupational safety and health skills need to be addressed before students take practicum courses and students complete principles courses too far in advance. The commenter added that some districts have a summer requirement that students complete OSHA training the summer before starting a practicum.

Response. The SBOE agrees that the TEKS should be embedded in higher level courses. In response to this and other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One teacher stated that safety TEKS are integral to preparing students to be safe and mindful employees, regardless of whether the board approves the proposal to embed new occupational safety and health TEKS into principles courses or to adopt a new standalone course.

Response. The SBOE agrees that occupational safety and health TEKS are integral to preparing students to be safe employees. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One community member stated that institutions and industries have an obligation to promote safety in all facets of career and technical training and that safety should be at the forefront of every program of study.

Response. The SBOE agrees that safety should be addressed throughout CTE courses. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One community member stated that the SBOE is doing a disservice to everyone by removing this option because safety is and always should be at the forefront of every program of study promoted by TEA, not just career and technical programs.

Response. The SBOE provides the following clarification. The proposal did not call for eliminating health and safety content. The rule as adopted adds occupational safety and health TEKS to level two CTE courses in certain programs of study.

Comment. One community member and four teachers stated that occupational safety and health TEKS should be offered in a standalone course rather than in principles courses because of the volume of content already in those courses.

Response. The SBOE disagrees that the occupational health and safety TEKS should be offered as a standalone course but agrees that the content was not appropriate in principles courses. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. Two teachers and one administrator expressed support for the standalone course option.

Response. The SBOE disagrees and determined that a standalone course in occupational safety and health was unnecessary. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

Comment. One teacher suggested that the proposed new standalone course should be offered for one-half credit instead of one credit.

Response. The SBOE disagrees and determined that a standalone course in occupational safety and health was unnecessary. In response to other comments, the board took action to amend proposed new §127.17 at adoption to require occupational safety and health TEKS be embedded in level two CTE courses in certain programs of study.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; and TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

<rule>

§127.17. Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.
- (b) General requirements. These standards may not be offered as a standalone course. These standards shall be offered together with the essential knowledge and skills for the following career and technical education (CTE) courses:
 - (1) Construction Technology I;
 - (2) Electrical Technology I;
 - (3) Plumbing Technology I;
 - (4) HVAC Technology I;
 - (5) Masonry Technology I;
 - (6) Agriculture Mechanics and Metal Technology;
 - (7) Welding I;
 - (8) Metal Fabrication and Machining I;

- (9) Oil and Gas Production II; and
 - (10) Introduction to Culinary Arts.
- (c) Introduction.
- (1) CTE instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, Occupational Safety and Health Administration (OSHA) regulations, and college and career readiness skills for students to further their education and succeed in current and emerging professions.
 - (2) The goal of the occupational safety and health standards is to ensure that students develop safety consciousness in the workplace. Students build a strong foundation in the occupational safety and health concepts that are critical to protecting individuals in the workplace, increasing safety and health, and reducing the occurrence of job-related injuries and fatalities.
 - (3) These standards are required to be addressed in their entirety as part of each of the CTE principles courses identified in subsection (b) of this section.
 - (4) Successful completion of the standards may lead to a student earning a ten-hour general industry OSHA card. To earn the ten-hour OSHA card, the content must be taught by an authorized OSHA outreach training program trainer.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills. The student understands the foundations of occupational safety and health. The student is expected to:
- (1) explain and discuss the responsibilities of workers and employers to promote safety and health in the workplace and the rights of workers to a secure workplace;
 - (2) explain and discuss the importance of OSHA standards and OSHA requirements for organizations, how OSHA inspections are conducted, and the role of national and state regulatory entities;
 - (3) explain the role industrial hygiene plays in occupational safety and explain various types of industrial hygiene hazards, including physical, chemical, biological, and ergonomic;
 - (4) identify and explain the appropriate use of types of personal protective equipment used in industry;
 - (5) discuss the importance of safe walking and working surfaces in the workplace and best practices for preventing or reducing slips, trips, and falls in the workplace;
 - (6) describe types of electrical hazards in the workplace and the risks associated with these hazards and describe control methods to prevent electrical hazards in the workplace;
 - (7) analyze the hazards of handling, storing, using, and transporting hazardous materials and identify and discuss ways to reduce exposure to hazardous materials in the workplace;
 - (8) identify workplace health and safety resources, including emergency plans and Safety Data Sheets, and discuss how these resources are used to make decisions in the workplace;
 - (9) describe the elements of a safety and health program, including management leadership, worker participation, and education and training;
 - (10) explain the purpose and importance of written emergency action plans and fire protection plans and describe key components of each such as evacuation plans and emergency exit routes, list of fire hazards, and identification of emergency personnel;
 - (11) explain the components of a hazard communication program; and
 - (12) explain and give examples of safety and health training requirements specified by standard setting organizations.