

Item 7:

Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 245, Certification of Educators from Other Countries

DISCUSSION AND ACTION

SUMMARY: Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the review of 19 Texas Administrative Code (TAC) Chapter 245, Certification of Educators from Other Countries. The rules being reviewed provide requirements relating to the certification of Texas educators from other countries.

STATUTORY AUTHORITY: Statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 245 is the Texas Education Code (TEC), §§21.041(b)(1), (4), and (5); 21.048(a); 21.050; 21.052(a)-(e) and (g); and 22.0831(f).

FUTURE ACTION EXPECTED: The review of 19 TAC Chapter 245, Certification of Educators from Other Countries, is scheduled to be presented to the SBEC for adoption at the April 2021 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 245, Certification of Educators from Other Countries, establish requirements for issuance of Texas certification to educators from other countries.

The rules currently in effect in 19 TAC Chapter 245 are shown in Attachment II.

ANTICIPATED REVISIONS TO RULES: None.

PUBLIC COMMENTS: The Texas Education Agency will file the notice of proposed review of 19 TAC Chapter 245 with the *Texas Register* following the February 2021 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 245 continue to exist. The public comment period on the proposed rule review begins March 12, 2021, and ends April 12, 2021. The SBEC will take registered oral and written comments on this item at the April 30, 2021 meeting in accordance with the SBEC board operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

INTERIM ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the proposed review of 19 TAC Chapter 245, Certification of Educators from Other Countries, to be published as proposed in the *Texas Register*.

Staff Member Responsible:

Marilyn Cook, Director, Educator Certification

Attachments:

- I. Statutory Citations
- II. Text of 19 TAC Chapter 245, Certification of Educators from Other Countries

ATTACHMENT I**Statutory Citations Relating to Review of 19 TAC Chapter 245, Certification of Educators from Other Countries****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

19 TAC Chapter 245, Certification of Educators from Other Countries**Texas Education Code, §21.041, Rules; Fees (excerpts):**

- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;

Texas Education Code, §21.048, Certification Examinations (excerpt):

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.

Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate: Field-Based Experience or Internship:

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading that is related to the curriculum as prescribed under Subchapter A, Chapter 28.
- (b) The board shall provide for a minimum number of semester credit hours of field-based experience or internship to be included in the credit hours needed for certification. The board may propose rules requiring additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.
- (c) 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 Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

Texas Education Code, §21.052, Certification of Educators From Outside the State (excerpts):

- (a) The board may issue a certificate to an educator who applies for a certificate and:
 - (1) holds:
 - (A) a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or
 - (B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
 - (2) holds an appropriate certificate or other credential issued by another state or country; and
 - (3) performs satisfactorily on:
 - (A) the examination prescribed under Section 21.048; or
 - (B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by Paragraph (A) administered to the educator under the authority of that state.
- (b) For purposes of Subsection (a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsections (d) and (d-1), the board may specify the term of a temporary certificate issued under this subsection.
- (d) A temporary certificate issued under Subsection (c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before

the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.

- (d-1) A temporary certificate issued under Subsection (c) to an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States may not expire before the third anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform satisfactorily to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by Subsection (c) must perform satisfactorily on the examination prescribed under Section 21.048 not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.

Texas Education Code, §22.0831, National Criminal History Record Information Review of Certified Educators (excerpt):

- (f) The board may propose rules to implement this section, including rules establishing:
 - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
 - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

ATTACHMENT II
Text of 19 TAC

Chapter 245. Certification of Educators from Other Countries

Statutory Authority: The provisions of this Chapter 245 issued under the Texas Education Code, §§21.041(b)(1), (4), and (5); 21.048(a); 21.050; 21.052(a)-(e); and 22.0831(f).

§245.1. General Provisions.

- (a) A Texas educator certificate may be issued to an individual who holds a college degree and an acceptable certificate or other credential issued by the authorized licensing agency in another country and who meets appropriate requirements specified in §230.11 of this title (relating to General Requirements) and in this chapter.
- (b) The degree held by an applicant from another country must be equivalent to at least a bachelor's degree or higher issued by an accredited institution of higher education in the United States accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board or by the U.S. Department of Education.
- (c) The certificate(s) or other credential(s) issued by the authorized licensing agency in another country may not be a temporary permit, a credential issued by a city or school district, or a certificate for which academic or other program deficiencies are indicated. Specific examination or renewal requirements shall not be considered academic or program deficiencies.
- (d) A statement, approval letter, or certification entitlement card issued by the authorized licensing agency in another country specifying eligibility for full certification upon employment or completion of specified examination requirements shall have the same standing as a certificate.
- (e) The certificate(s) or other credential(s) and areas of certification issued by the authorized licensing agency in another country must be equivalent to a certificate or grade level that is within the early childhood-Grade 12 level and approved by the State Board for Educator Certification (SBEC). Based on the certificate(s) submitted with the application for review of credentials, the Texas Education Agency (TEA) staff shall identify the certification areas for which the applicant qualifies in Texas. The certificate(s) for which the applicant qualifies may be issued by the TEA staff under the authority of the SBEC.
- (f) If a Texas examination or certification is scheduled to be eliminated, an individual requesting certification and examination comparability must ensure that the application and all review documentation, including examination scores, are received by TEA staff 60 calendar days before the application submission deadline for the examination and/or certification sought.

Source: The provisions of this §245.1 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 9, 2002, 27 TexReg 4701; amended to be effective June 23, 2010, 35 TexReg 5195; amended to be effective March 8, 2018, 43 TexReg 1271.

§245.5. Requirements for Issuance of a Texas Certificate Based on Certification from Another Country.

- (a) The appropriate standard certificate issued under Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), may be issued to an applicant holding an acceptable certificate or other credential and college degree as specified in §245.1 of this title (relating to General Provisions). The applicant must:
 - (1) pass the appropriate examination(s) prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment); or
 - (2) achieve an acceptable score on an examination(s) similar to and at least as rigorous as the requirements prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered under the authority of another country. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another country.

- (b) If all certification requirements are met, except successful completion of the appropriate certification examination(s), the applicant may request issuance of a one-year certificate in one or more of the certification areas authorized by the certificate(s) or other credential(s) from another country. An applicant who holds only a credential that is equivalent to a student services, principal, or superintendent certificate issued in accordance with Chapter 239 of this title (relating to Student Services Certificates), with the exception of Subchapter E (relating to Master Teacher Certificate); Chapter 241 of this title (relating to Principal Certificate); or Chapter 242 of this title (relating to Superintendent Certificate) may be issued the equivalent Texas certificate. The applicant must verify two creditable years of public or private school experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the TEC, §5.001(2), in the specific student services or administrative area sought.
- (c) After satisfying all certification requirements, including all appropriate examination requirements, the applicant is eligible to apply for issuance of the standard certificate issued under Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued).
- (d) An applicant issued a one-year certificate under Chapter 230, Subchapter D, of this title and this chapter who does not satisfy the appropriate examination requirements to establish eligibility for a standard certificate during the validity of the one-year certificate is not eligible for any type of certificate or permit authorizing employment for the same certification level or area until he or she has satisfied the examination requirements. If, due to extenuating circumstances beyond the control of the educator, examination requirements are not met during the validity period of the one-year certificate, the district may request an extension of the one-year certificate, not to exceed one calendar year in length.
- (e) An applicant shall not be required to complete the content specialization portion of the certification examination in a certification area for which he or she does not seek standard certification unless the examination is required to establish a base classroom teaching certificate. A supplemental certificate, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), may not be issued as a standard certificate unless the educator has established a classroom teaching certificate.
- (f) An applicant issued a one-year certificate under subsection (d) of this section who, during or subsequent to the validity of the one-year certificate, satisfies the appropriate examination requirements and establishes eligibility for a standard certificate may apply for:
- (1) a new one-year certificate in another certification area based on a certificate or other credential issued by another country; or
 - (2) a second one-year certificate in an area previously authorized on a one-year certificate, provided the applicant was not assigned to the area and has not attempted the appropriate examination requirements for that area.

Source: The provisions of this §245.5 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 9, 2002, 27 TexReg 4701; amended to be effective June 23, 2010, 35 TexReg 5195; amended to be effective March 8, 2018, 43 TexReg 1271.

§245.10. Application Procedures.

- (a) An individual who has been issued an appropriate certificate or other credential by the authorized licensing agency in another country as specified in §245.1 of this title (relating to General Provisions) may apply for a review of credentials by submitting the following items to the Texas Education Agency (TEA) staff:
- (1) a completed application;
 - (2) the original detailed report or course-by-course evaluation for professional licensing of all college-level credits prepared by a foreign credential evaluation service recognized by the TEA staff. The evaluation must verify that the individual:
 - (A) holds, at a minimum, the equivalent of a baccalaureate degree issued by an accredited institution of higher education in the United States as specified in §245.1(b) of this title, including the date that the degree was conferred; and
 - (B) has completed an educator preparation program, including a teaching practicum;

- (3) an original written statement, provided by the authorized licensing agency in the issuing country, that the educator certificate(s) or other credential(s) specified in §245.1 of this title is currently in good standing and has not been revoked, suspended, or sanctioned for misconduct and is not pending disciplinary or adverse action. The statement must be written in the English language or must be accompanied by a translation in the English language from a foreign credential evaluation service recognized by the TEA staff or an accredited translation service;
 - (4) official transcripts of any additional college credits and/or degrees earned in the United States;
 - (5) copies of any standard certificates issued by another state department of education; and
 - (6) a nonrefundable review fee as specified in Chapter 230, Subchapter G, of this title (relating to Certificate Issuance Procedures).
- (b) Pursuant to §245.5(b) of this title (relating to Requirements for Issuance of a Texas Certificate Based on Certification from Another Country) an applicant may apply for a one-year certificate by submitting the following items to the TEA staff:
- (1) a completed application; and
 - (2) the appropriate fee as specified in Chapter 230, Subchapter G, of this title.
- (c) Pursuant to §245.5(a) of this title, an applicant may apply for a standard certificate by submitting the following items to the TEA staff:
- (1) a completed application; and
 - (2) the appropriate fee as specified in Chapter 230, Subchapter G, of this title.

Source: The provisions of this §245.10 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 9, 2002, 27 TexReg 4701; amended to be effective June 23, 2010, 35 TexReg 5195; amended to be effective March 8, 2018, 43 TexReg 1271.

§245.15. Evaluation of College Credentials.

- (a) A request to evaluate an applicant's credentials for areas of certification that are not identified on the certificate(s) or other credential(s) issued in accordance with §245.1 of this title (relating to General Provisions) must be directed to a State Board for Educator Certification (SBEC)-approved educator preparation program for admission to and recommendation by the program for certification.
- (b) An individual who does not hold a certificate or other credential issued in accordance with §245.1 of this title must seek admission to an SBEC-approved educator preparation program and be recommended by the program for certification.

Source: The provisions of this §245.15 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 23, 2010, 35 TexReg 5195.