

Item 7:
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 proposed 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 July 2024 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 the attachment.

ANTICIPATED REVISIONS TO RULES: Texas Education Agency (TEA) staff anticipates presenting proposed revisions to Chapter 245 to the Board at the September 2024 meeting.

PUBLIC COMMENTS: The TEA will file the notice of proposed review of 19 TAC Chapter 245 with the Texas Register following the April 2024 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 May 31, 2024, and ends July 1, 2024. The SBEC will also take registered oral and written comments on the proposal during the July 19, 2024 meeting's public comment period 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.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

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

Staff Members Responsible:

Marilyn Cook, Senior Director, Educator Preparation and Certification

Trenton Law, Director, Educator Credentialing, Educator Preparation and Certification

Attachment:

Text of 19 TAC Chapter 245, Certification of Educators from Other Countries

ATTACHMENT
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; and 21.052(a), (b), (c), (d) and (e).

§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 or approval letter 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; amended to be effective May 12, 2022, 47 TexReg 2757.

§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);
 - (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; or

- (3) qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (b) If all certification requirements are met, except successful completion of the appropriate certification examination(s), the applicant who has demonstrated English language proficiency as specified in §230.11 of this title (relating to General Requirements) 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 Legacy Master Teacher Certificate); Chapter 241 of this title (relating to Certification as Principal); 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 Part 2 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 and may not be added to a one-year 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; amended to be effective May 12, 2022, 47 TexReg 2757.

§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) official transcripts of any additional college credits and/or degrees earned in the United States;
 - (4) copies of any standard certificates issued by another state department of education; and
 - (5) 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 127; amended to be effective May 12, 2022, 47 TexReg 2757.

§245.15. Requests for 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 (EPP) for admission to and recommendation by the EPP 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 EPP and be recommended by the EPP 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; amended to be effective May 12, 2022, 47 TexReg 2757.