

Item 15:**Discussion of Proposed Revisions to 19 TAC Chapter 230,
Professional Educator Preparation and Certification,
Subchapter B, General Certification Requirements, §230.11.
General Requirements****DISCUSSION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed revisions to the English language proficiency requirements outlined in 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11. General Certification Requirements.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 230 is the Texas Education Code (TEC), §§ 21.003(a), 21.031, 21.041(b)(1), (4), and (5), 21.041 (b)(2) and (4), 21.044(a), 21.048, 21.050, and 22.082, for Subchapter B.

TEC §21.003(a), states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by TEC, Chapter 21, Subchapter B.

TEC §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

TEC §§21.041(b)(1),(2), and (4), require the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; specify the classes of educator certificates to be issued, including emergency certificates; and specify the requirements for the issuance and renewal of an educator certificate.

TEC §21.041(b)(5), requires the SBEC to provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to TEC §21.052.

TEC §21.044(a), requires the SBEC to make rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities.

TEC §21.048, 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 §21.050, states a person who applies for a teaching certificate must possess a bachelor's degree, states that the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship, and 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, requires the SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code (TGC), §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 TEC Chapter 21, Subchapter B.

FUTURE ACTION EXPECTED: TEA staff will present proposed changes to 19 TAC Chapter 230, Professional Educator Preparation and Certification, for consideration and action at a future SBEC meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230 are organized as follows: Subchapter A, General Provisions, Subchapter B, General Certification Requirements, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, Subchapter E, Educational Aide Certificate, Subchapter F, Permits, Subchapter G, Certificate Issuance Procedures, and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States. These subchapters provide for rules that establish issuance of educator certificates and permits, the testing requirements and associated fees, and the types and classes of certificates issued.

This discussion item is focused on Subchapter B, General Certification Requirements.

History of the English Language Proficiency Requirement

The requirement for individuals to demonstrate English language proficiency (ELP) has been a key component of general certification requirements for years. Regardless of the pathway to certification, all individuals are required to demonstrate ELP.

From 2006 to 2017, individuals took all four sections of the Test of English as a Foreign Language (TOEFL) but were only required to demonstrate ELP by achieving a score of 26 on the Speaking portion of the test. The other three sections were not taken into consideration for completion of certification requirements. In 2017, the SBEC adopted, informed by the results of a standard-setting process and committee recommendations, the following minimum passing scores on all four sections of the TOEFL: 24 for Speaking, 22 for Listening, 22 for Reading, and 21 for Writing.

Questions for the Board's consideration:

1. Is the Board comfortable with the current TOEFL-iBT score requirements as currently adopted in rule?
2. Would the Board like staff to explore options to revisit the TOEFL-iBT requirement?

List of Countries Approved for Exemption from ELP Requirement

Figure: 19 TAC §230.11(b)(5)(C) in Attachment II, currently includes a total of 32 countries approved by the SBEC to qualify for an exemption from the ELP requirement. Individuals seeking certification in Texas with an undergraduate or graduate degree earned at an institution of higher education in one of the countries on the list are exempt from the TOEFL-iBT requirement.

TEA staff sees an opportunity to expand the current approved list of countries to include all U.S. Territories. This expansion would create equity in the general certification requirements for all U.S. Territories.

Questions for the Board's consideration:

1. Would the Board like staff to explore options to revisit the list of approved countries?
2. Does the Board have an opinion on the criteria that should be considered to add more countries (e.g., English only; English primarily; English as one of the official languages)?
3. Are there any immediate concerns about how the potential options could affect the figure in the future?
4. Does the Board believe an approved list of countries is still valuable and necessary?

Based on 2022-2023 certification application data, the top five countries from which we receive requests for out-of-country credential reviews are Canada, India, Jamaica, Philippines, and Spain. Canada, India, and Jamaica appear on the SBEC list.

TEA staff believe there is merit in revisiting the ELP requirement as it relates to the territories of the United States. The U.S. territories are American Samoa; Guam (*Micronesia (North Pacific)*); Northern Mariana Islands (*Micronesia (North Pacific)*); Puerto Rico (*Caribbean (North Atlantic)*); and U.S. Virgin Islands (*Caribbean (North Atlantic)*). These five are known to be permanently inhabited U.S. territories, while nine other small islands, atolls, and reefs (i.e., Bajo Nuevo Bank; Baker Island; Howland Island; Jarvis Island; Johnson Atoll; Kingman Reef; Midway Islands; Navassa Island; and Palmyra Atoll) have no native (or permanent) population.

American Samoa is currently the only territory listed to be exempt from the ELP requirement. All other U.S. territories are required to demonstrate ELP, usually through successful completion of all four sections of the TOEFL-iBT since they are not included on SBEC's approved list of countries.

Questions for the Board's consideration:

1. Is the Board amenable to TEA staff doing more research and bringing back options for U.S. territories to meet the ELP requirement?
2. Does the Board have any additional questions, concerns, or directives for staff on this issue?

The following is a description of proposed revisions that are reflected in Attachment I. These are draft suggestions for the Board's consideration that are intended to generate conversation at the February SBEC meeting and will benefit from additional conversation and stakeholder engagement.

The proposed revisions to 230.11(b)(5) would add new subsections (D) and (E) to expand current options for demonstration of English language proficiency (ELP).

Proposed new 230.11(b)(5)(D) would require an individual to hold a standard certificate issued in another state to be eligible for consideration of exemption from ELP requirements. Currently, there are 74 out-of-state applicants for a credentials review who hold an out-of-state certificate and a foreign degree, which requires them to meet the English language proficiency requirement prior to issuance of an SBEC certificate. Adding this option would allow those individuals to complete the credentials review process and be issued at least the one-year certificate without needing to meet the ELP requirement as they complete testing for issuance of the five-year standard certificate.

Proposed new 230.11(b)(5)(E) would add the option for an individual who has three years of verifiable experience in the U.S. as a classroom teacher, or other related experience in a role that directly impacts student instruction and learning to be eligible for consideration of an exemption from the ELP requirement.

NEXT STEPS: Following a robust conversation with the Board at the February SBEC meeting, TEA staff anticipates continued conversations with stakeholders to obtain helpful input prior to presenting proposed rules for approval.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed revisions to 19 TAC Chapter 230, Subchapter B, would be updated requirements relating to English language proficiency as a general requirement for Texas certification.

Staff Members Responsible:

Marilyn Cook, Senior Director, Educator Preparation and Certification

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

Attachments:

- I. Text of Proposed Revisions to 19 TAC Chapter 230, Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11. General Requirements
- II. Figure: 19 TAC §230.11(b)(5)(C)

ATTACHMENT I
Text of Proposed Revisions to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter B. General Certification Requirements.

§230.11. General Requirements.

- (a) The only credits and degrees acceptable for certification of educators are those earned from and conferred by accredited institutions of higher education. All credit hour requirements for certification are semester credit hours or their equivalent.
- (b) An applicant for a Texas educator certificate must:
- (1) be at least 18 years of age;
 - (2) submit to the criminal history review required by the Texas Education Code (TEC) §22.0831, not be disqualified by the TEC, §21.058, §21.060, or other Texas statute, and not be subject to administrative denial pursuant to §249.12 of this title (relating to Administrative Denial; Appeal) or a pending proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
 - (3) not be disqualified by federal law;
 - (4) be willing to support and defend the constitutions of the United States and Texas;
 - (5) be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication and teaching. English language proficiency shall be evidenced by one of the following:
 - (A) completion of an undergraduate or graduate degree at an accredited institution of higher education in the United States; or
 - (B) verification of minimum scaled scores on the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) of 24 for speaking, 22 for listening, 22 for reading, and 21 for writing; or
 - (C) an undergraduate or graduate degree that was earned at an institution of higher education in a country outside of the United States listed in the figure provided in this subparagraph.
Figure: 19 TAC §230.11(b)(5)(C); or
 - (D) holds a standard certificate in another state; or
 - (E) has three years of verifiable experience in the U.S. as a classroom teacher, or related experience in a role that directly impacts student instruction and learning.
 - (6) successfully complete appropriate examinations prescribed in §230.21 of this title (relating to Educator Assessment) for the educator certificate sought; and
 - (7) satisfy one or more of the following requirements:
 - (A) complete the requirements for certification specified in this chapter, Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), Chapter 239 of this title (relating to Student Services Certificates), Chapter 241 of this title (relating to Certification as Principal), or Chapter 242 of this title (relating to Superintendent Certificate), and be recommended for certification by an approved educator preparation program (EPP);

- (B) qualify under Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States);
 - (C) qualify under §230.105 of this title (relating to Issuance of Additional Certificates Based on Examination);
 - (D) qualify for a career and technical education certificate based on skill and experience specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)); or
 - (E) qualify under Chapter 245 of this title (relating to Certification of Educators from Other Countries).
- (c) An educator who has received a State Board for Educator Certification (SBEC)-issued standard certificate shall not be required to demonstrate English language proficiency as prescribed in subsection (b)(5)(B) and (C) of this section for purposes of admission into an EPP to obtain additional SBEC-issued certifications.

Attachment II**Figure: 19 TAC §230.11(b)(5)(C)****Countries in which English is the Official Language**

The countries listed below have been approved by the State Board for Educator Certification (SBEC) to satisfy the English language proficiency requirement specified in 19 TAC §230.11(b)(5)(C). To be exempted from the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) testing requirement specified in 19 TAC §230.11(b)(5)(B), a certification candidate must have earned an undergraduate or graduate degree from an institution of higher education on the SBEC-approved list of countries.

American Samoa	Grand Cayman
Anguilla	Grenada
Antigua and Barbuda	Guyana
Australia	India
Bahamas	Ireland
Barbados	Jamaica
Belize	Liberia
Bermuda	New Zealand
British Virgin Islands	Nigeria
Canada (except Quebec)	Saint Kitts and Nevis
Cayman Islands	Saint Lucia
Dominica	Singapore
Federated States of Micronesia	Trinidad/Tobago
Gambia	Turks and Caicos Islands
Ghana	United Kingdom
Gibraltar	U.S. Pacific Trust