

## Item 5:

# Adoption of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

### DISCUSSION AND ACTION

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt the proposed amendments to 19 Texas Administrative Code (TAC) Chapter 233, Categories of Classroom Teaching Certificates. The proposed amendment to 19 TAC §233.2, Early Childhood: Core Subjects, would add five new core subjects-related certificates, and the proposed amendment to 19 TAC §233.8, Special Education, would add a new Bilingual Special Education Supplemental certificate. No changes are recommended since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 233, §233.2 and §233.8, is Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)–(4) and (6); 21.044(e) and (f); 21.0442; 21.048(a) and (a–2); 21.0487; 21.0489; 21.04891; 21.0491; and 22.0831(f).

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 the 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, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall 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.

TEC, §21.041(b)(1), requires 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 the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(3), requires the SBEC to propose rules that specify the period for which each class of educator certificate is valid.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(6), requires the SBEC to propose rules that provide for special or restricted certification of educators, including certification of instructors of American Sign Language.

TEC, §21.044(e), provides the requirements that SBEC rules must specify for a person to obtain a certificate to teach a health science technology education course.

TEC, §21.044(f), provides that SBEC rules for obtaining a certificate to teach a health science technology education course shall not specify that a person must have a bachelor's degree or establish any other credential or teaching experience requirements that exceed the requirements under TEC, §21.044(e).

TEC, §21.0442, requires the SBEC to create an abbreviated educator preparation program (EPP) for trade and industrial workforce training.

TEC, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC. TEC, §21.048(a), also specifies that the commissioner of education shall determine the satisfactory level of performance required for each certification examination and require a satisfactory level of examination performance in each core subject covered by the generalist certification examination.

TEC, §21.048(a–2), requires the SBEC to adopt rules to require individuals teaching any grade level from Prekindergarten–Grade 6 to demonstrate proficiency in the science of teaching reading.

TEC, §21.0487, requires the SBEC to establish a standard Junior Reserve Officer Training Corps teaching certificate.

TEC, §21.0489, requires the SBEC to create a Prekindergarten–Grade 3 certificate.

TEC, §21.04891, requires the SBEC to create a Bilingual Special Education certificate.

TEC, §21.0491, requires the SBEC to create a probationary and standard trade and industrial workforce training certificate.

TEC, §22.0831(f)(1) and (2), state the SBEC may propose rules regarding the deadline for the national criminal history check and implement sanctions for persons failing to comply with the requirements.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**EFFECTIVE DATE:** The proposed effective date of the proposal would be May 19, 2024 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is based on the SBEC and SBOE meeting schedules.

**PREVIOUS BOARD ACTION:** At the December 7-8, 2023 SBEC meeting, the SBEC approved the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, for publication in the *Texas Register* as proposed rules.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, establish separate certificate categories within the certificate class for the classroom teacher. These categories identify the content area or special population the holder may teach, the grade levels the holder may teach, and the earliest date the certificate may be issued.

Following is a description of the proposed amendments included in the attachment.

§233.2. Early Childhood; Core Subjects.

The proposed amendment in §233.2 would add the following five new certificates as proposed new subsections (d)-(h):

- Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6
- Core/Special Education 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 Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6
- Core with the Science of Teaching Reading: Early Childhood-Grade 6

Texas Education Agency (TEA) staff recommends the creation of these new certificates in response to stakeholder feedback and a longstanding goal to consolidate the total number of examinations individuals must take to become certified in various high-needs areas.

§233.8. Special Education.

The proposed amendment in §233.8 would add the Bilingual Special Education Supplemental certificate as proposed new subsection (a) to ensure there are teachers with special training in providing instruction to students of limited English proficiency with disabilities. To qualify for issuance of the Bilingual Special Education Supplemental certificate, individuals must complete an EPP, pass a certification examination, and successfully complete any other requirements prescribed by the SBEC.

TEA staff recommends deleting current §233.8(a), Core Subjects with Science of Teaching Reading/Special Education: Early Childhood-Grade 6, because this certificate would be replaced by proposed new §233.2(e), Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed. TEA staff has determined that there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** No changes have been made to this section since published as proposed. 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:** No changes have been made to this section since published as proposed. 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.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons,

another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed. 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:** No changes have been made to this section since published as proposed. TEA staff 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 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 or decrease in fees paid to the agency; would not create a new regulation; 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:** No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be the continued issuance of classroom teaching certificates to eligible individuals. TEA staff has determined there is no anticipated cost to persons required to comply with the proposal.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed. TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**ENVIRONMENTAL IMPACT:** No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

**PUBLIC COMMENTS:** The public comment period on the proposal began on December 29, 2023, and ended on January 29, 2024. Any comments received will be provided to the SBEC under separate cover prior to the February 16, 2024 meeting. The SBEC will also take registered oral and written comments on this item during the meeting's public comment period in accordance with the SBEC board operating policies and procedures.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:**

Approve for adoption, subject to the State Board for Education review, the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, as presented, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

**Staff Members Responsible:**

Marilyn Cook, Senior Director, Educator Preparation and Certification  
Jessica McLoughlin, Senior Director, Educator Quality

**Attachment:**

Text of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching  
Certificates

**ATTACHMENT**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 233. Categories of Classroom Teaching Certificates**

**§233.2. Early Childhood; Core Subjects.**

- (a) Early Childhood: Prekindergarten-Grade 3. The Early Childhood: Prekindergarten-Grade 3 certificate may be issued no earlier than January 1, 2020.
- (b) Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6. The Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than January 1, 2021.
- (c) Core Subjects with Science of Teaching Reading: Grades 4-8. The Core Subjects with Science of Teaching Reading certificate: Grades 4-8 may be issued no earlier than January 1, 2021.
- ~~(d) Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6. The Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2027.~~
- ~~(e) Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6. The Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2027.~~
- ~~(f) Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6. The Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2028.~~
- ~~(g) Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6. The Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2028.~~
- ~~(h) Core with the Science of Teaching Reading: Early Childhood-Grade 6. The Core with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2027.~~

**§233.8. Special Education.**

- ~~(a) Bilingual Special Education Supplemental: Early Childhood-Grade 12: The Bilingual Special Education Supplemental: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2027.~~
- ~~[(a) Core Subjects with Science of Teaching Reading/Special Education: Early Childhood-Grade 6. The Core Subjects with Science of Teaching Reading/ Special Education: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2026.]~~
- (b) Deafblind Supplemental: Early Childhood-Grade 12. The Deafblind: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2025.
- (c) Special Education: Early Childhood-Grade 12. The Special Education: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2003.
- (d) Special Education Specialist: Early Childhood-Grade 12. The Special Education Specialist: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2025.
- (e) Special Education Supplemental. The Special Education Supplemental certificate may be issued no earlier than September 1, 2003.
- (f) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12. The Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.
- (g) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12. The Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.