

The State Board for Educator Certification (SBEC) proposes new §235.115, concerning supplemental certificate standards. The proposed new rule would specify the certification standards for the English as Second Language (ESL) Supplemental Certificate.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC is statutorily authorized to ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse population of this state. The SBEC is also statutorily required to appoint advisory committee members to recommend standards for each class of certificate. The standards are the basis for the certification examinations and set the requirements for educator preparation program (EPP) curriculum and delivery. The development committees include practicing educators, school district personnel, experts, and EPP faculty. These individuals collaborate to draft or review existing educator standards to ensure that the educator standards reflect best practices, align with the commissioner's educator standards, and where applicable, align with the current versions of the Texas Essential Knowledge and Skills that are adopted by the State Board of Education.

English as a Second Language Standards

§235.115. English as a Second Language Standards.

The proposed educator standards for the classroom teacher class would update the standards for ESL. Given the student demographics of our state and the datedness of the current ESL exam, Texas Education Agency (TEA) staff have engaged in a process with stakeholders to draft educator standards for ESL. TEA staff provided a summary of the process and list of committee members to the SBEC. The standards would be a part of proposed new Subchapter F, which is where all rules for supplemental certificate standards will be codified. The appropriate placement for the ESL standards would be in the supplemental certificate standards to best match the certificate name found in §230.21(e).

FISCAL NOTE. Ryan Franklin, associate commissioner for educator leadership and quality, has determined that for the first five-year period the proposed new section is in effect, 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: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.002.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: 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: 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: 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: The 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: The public benefit anticipated as a result of the proposed standards would be more rigorous, relevant, and reliable requirements for the preparation, certification, and

testing of classroom teachers upon entry into the profession and retention of these qualified professionals for years to come. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins March 15, 2019 and ends April 15, 2019. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). The SBEC will take registered oral and written comments on the proposed new section at the April 26, 2019 meeting in accordance with the SBEC board operating policies and procedures. All requests for a public hearing on the proposed new section submitted under the Administrative Procedure Act must be received by the Department of Educator Leadership and Quality, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, Attention: Mr. Ryan Franklin, associate commissioner for educator leadership and quality, not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 15, 2019.

STATUTORY AUTHORITY. The new section is proposed under the Texas Education Code (TEC), §21.003(a), which 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, which authorizes the State Board for Educator Certification (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, §21.040(4), which states that the SBEC shall, for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board; TEC, §21.041(b)(1), which 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), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

CROSS REFERENCE TO STATUTE. The new section implements the Texas Education Code, §§21.003(a), 21.031, 21.040(4), and 21.041(b)(1), (2), and (4).

<rule>

§235.115. English as a Second Language Standards.

- (a) English as a Second Language (ESL) standards. The standards identified in this section are targeted for classroom teachers of English learners (ELs). The standards address the discipline associated with the theory and practice of teaching students who have a primary language other than English. The standards inform appropriate teaching techniques, methods, and teacher actions, judgments, and decisions by taking into consideration theories and research of language acquisition, second language learning, understandings of the needs and strengths of ELs, and the backgrounds and interests of individual students.
- (b) Foundations of Language Acquisition. ESL teachers know, understand, and use the major theories and research related to the structure and language acquisition process to help ELs develop language and literacy and achieve in the content areas. The ESL teacher must:

- (1) demonstrate and apply basic linguistic concepts, such as structure, patterns, and conventions of written and spoken English, that relate to instruction for ELs as they acquire the English language and literacy to achieve in the content areas;
 - (2) apply a conscious knowledge of language as a system to develop and accommodate instructional materials and to build understanding of the foundations of English needed for content-based instruction fostered through the English Language Proficiency Standards (ELPS) in §74.4 of Part II of this title (relating to English Language Proficiency Standards);
 - (3) use knowledge of interrelated aspects of listening, speaking, reading, and writing as they support ELs' acquisition of language and content knowledge;
 - (4) understand the ways in which languages are similar and different by identifying linguistic structures that distinguish written and spoken language forms as well as those representing social and academic uses of language;
 - (5) build on similarities between English and the students' primary language (L1) and anticipate common challenges that ELs may have with English language concepts;
 - (6) apply knowledge of sociolinguistic concepts (e.g., dialect diversity in English; factors affecting language variation, register, and style; language change);
 - (7) understand and apply theories, concepts, and research in language acquisition in L1 and secondary language (L2) to support ELs' language, literacy, and content area development;
 - (8) recognize and apply knowledge of the interrelatedness of L1 and L2 acquisition, including similarities and differences between L1 and L2 acquisition and L1 influence on L2;
 - (9) apply understanding of characteristics of various stages of first- and second-language acquisition to select effective and appropriate instructional methods that promote English language development at various stages of language proficiency;
 - (10) apply understanding of cognitive processes involved in internalizing language rules and learning vocabulary in a second language (e.g., generalization, categorization, metacognition);
 - (11) apply understanding of the ELPS Proficiency Level Descriptors (PLDs) and the relationship of the ELPS PLDs to the stages of second language acquisition; and
 - (12) apply understanding of the interconnected development of linguistic, cognitive, and academic processes through the interdependence on social and cultural processes (affective variables).
- (c) Culturally Responsive Teaching. ESL teachers know, understand, and use major concepts, principles, theories, and research related to the nature and role of culture and cultural groups to construct mutually adaptive learning environments for ELs. The ESL teacher must:
- (1) use knowledge of major theories and research related to the nature and role of culture to design and select instructional materials, methods, and delivery techniques that facilitate learning for a multicultural, linguistically diverse classroom;
 - (2) build upon ELs' prior knowledge, experiences, and academic background to connect new learning through effective culturally responsive techniques;
 - (3) seek to understand and to value the surface and deep aspects of culture, including values, beliefs, customs, and traditions;
 - (4) use knowledge of the stages of acculturation to create a mutually adaptive learning environment;
 - (5) recognize that language and culture interact in the formation of the students' cultural identities;

- (6) apply the understanding that academic achievement is positively impacted by valuing the cultural assets that ELs bring to the classroom and integrating the students' cultural aspects into classroom materials;
 - (7) recognize factors that contribute to cultural bias (e.g., stereotyping, prejudice, ethnocentrism), demonstrate sensitivity to students' diverse cultural and socioeconomic backgrounds, and apply this knowledge to create a culturally responsive learning environment;
 - (8) understand that cultural and linguistic diversity are not the only factors that may affect students' learning of academic content (e.g., age, developmental characteristics, academic strengths and needs, preferred learning styles, personality, sociocultural factors, home environment, motivation, exceptionalities); and
 - (9) create an effective learning environment that addresses the affective, linguistic, and cognitive needs of ELs through second language acquisition methods.
- (d) Effective Instruction and Assessment Across All Content Areas and Disciplines. ESL teachers know, understand, and use evidence-based practices and strategies related to planning and implementing all content and language instruction. ESL teachers are skilled in instructional methods for developing and integrating language skills. ESL teachers purposefully and appropriately select, integrate, and utilize technology and resources for their ELs. The ESL teacher must:
- (1) use knowledge of the required Texas Essential Knowledge and Skills (TEKS) and the ELPS as the foundational curriculum;
 - (2) design and implement instruction that addresses all language domains (listening, speaking, reading, and writing) through authentic, meaningful practice with content material;
 - (3) know, adjust, and implement research-validated instructional methods for ELs that make the content comprehensible while supporting English language development (e.g., sheltered instruction, content-based instruction);
 - (4) choose, adapt, and use a wide range of instructional materials, resources, and technologies for the diverse needs of ELs to support language and content knowledge acquisition while maintaining rigor;
 - (5) integrate and foster critical thinking by providing scaffolds needed for ELs to demonstrate their higher-order thinking skills in English;
 - (6) establish safe, positive, supportive, interactive, and empowering learning environments for ELs;
 - (7) implement effective classroom management methods that support a culturally and linguistically diverse classroom;
 - (8) address the needs of ELs at all English language proficiency levels as described in the ELPS PLDs through targeted language instruction within content material;
 - (9) create multiple opportunities for authentic, meaningful use of social and academic language;
 - (10) recognize the background factors that can affect literacy development, such as students with interrupted formal education (SIFE);
 - (11) understand and apply the interrelatedness of language domains (listening, speaking, reading, and writing) for oral language and literacy development;
 - (12) utilize a communicative approach that focuses on meaning and communicative practice over error correction;
 - (13) recognize and apply the transfer of oral language and literacy skills from L1 to L2;

- (14) recognize the individual factors that require focused, targeted, systematic language instruction in accordance with the ELPS for ELs in Grade 3 and higher at beginning and intermediate levels of English language proficiency, including recognizing the specific needs and assets of newcomer ELs at various levels of English language proficiency;
 - (15) provide appropriate feedback for ELs at all English language proficiency levels;
 - (16) recognize and address the various factors that affect reading comprehension and implement applicable methods of reading instruction;
 - (17) utilize content-based instruction that is linguistically accommodated using sheltered methods that are communicated, sequenced, and scaffolded;
 - (18) ensure access to full content curriculum for all ELs through the use of comprehensible input techniques and research-validated learning strategies across content areas;
 - (19) recognize the individual factors that affect cognitive academic language development (e.g., developmental characteristics, cultural and linguistic background, academic strengths, learning styles);
 - (20) promote receptive and expressive language acquisition by embedding content-related opportunities for ELs to interact using social and academic vocabulary;
 - (21) embed language teaching through content instructional materials and academic text features;
 - (22) use ongoing quantitative and qualitative data to demonstrate content and language development, inform planning, and adjust instruction;
 - (23) understand the different purposes of assessment (e.g., pre-assessment, formal, informal) and limitations of each type in order to select, develop, and adapt assessments for specific purposes of language and content;
 - (24) utilize and adapt assessments to allow students flexibility in demonstrating content knowledge through varied outputs;
 - (25) know and use a variety of performance-based assessment tools with appropriate rubrics to inform and guide instruction in the classroom;
 - (26) understand the interdependent relationship between teaching and assessment and develop instructional tasks and assessment tools that promote and measure student growth in language and content;
 - (27) develop classroom assessments using a variety of item types and elicitation and response formats to assess ELs' receptive (listening and reading) and expressive (speaking and writing) language skills; and
 - (28) understand and apply the uses and limitations of formal and informal assessments for ELs.
- (e) Language Proficiency Assessment, Program Placement, and Reclassification. ESL teachers demonstrate understanding of how to use language proficiency assessments in their role in the identification, placement, and reclassification of English learners. The ESL teacher must:
- (1) understand federal- and state-mandated policies and statute related to ELs, including Language Proficiency Assessment Committee (LPAC) guidelines for identification and classification as English Learner in Texas;
 - (2) use state-approved identification assessments for ELs in Texas and understand how to interpret the results;
 - (3) understand the value and use of primary language assessments;
 - (4) use knowledge of the connection between the ELPS in §74.4 of Part II of this title and the Texas English Language Proficiency Assessment System (TELPAS) to evaluate and monitor the progress of ELs in English language proficiency;

- (5) understand federal- and state-mandated policies and statute related to programs for ELs, including LPAC guidelines for program placement, reclassification, and monitoring in Texas;
 - (6) understand the similarities and differences between state-approved ESL and bilingual program models in Texas;
 - (7) apply the state-mandated requirements for English learners with parental denial, including assessment, monitoring, and usage of the ELPS in all content instruction;
 - (8) understand and apply the similarities and differences of linguistic accommodations for instructional purposes and allowable accommodations for served ELs on state assessments;
 - (9) apply the appropriate state-mandated criteria and LPAC procedures for reclassification, monitoring, and exit; and
 - (10) understand the role of the LPAC in coordinating with other special programs (e.g., special education, Section 504, dyslexia, gifted and talented) as applicable.
- (f) Professional Learning, Partnerships, and Advocacy. ESL teachers keep current with new instructional techniques, research, advances in the ESL field, and education policy issues related to ELs and demonstrate knowledge of the history of programs and services for ELs. ESL teachers work collaboratively with school staff, parents, and the community to improve the learning environment, provide support, and advocate for ELs and their families. The ESL teacher must:
- (1) demonstrate knowledge of theory, research, and current practice and methodologies in the field of bilingual and ESL programming to inform teaching and learning;
 - (2) understand the history of programming and services for ELs, including key court cases, legal mandates, and federal and state policies that impact current bilingual and ESL programs;
 - (3) know and understand public issues and educational policy that impact effective programming and equitable opportunities related to the education of ELs;
 - (4) take advantage of and actively participate in professional growth opportunities to create equitable learning environments;
 - (5) demonstrate reflective practices through the process of setting and revisiting specific goals for professional learning related to culturally and linguistically diverse student populations and developing a personal philosophy of ESL education;
 - (6) be accountable to goals for growth in supporting ELs through self-reflection, peer evaluation, and coordinated leadership monitoring of implementation;
 - (7) advocate for appropriate instruction and assessment by sharing their knowledge of ELs with their general-education and content-area colleagues and the school community;
 - (8) promote EL success by playing an active role in the campus LPAC, including coordination of services for ELs in other special programs for which they qualify;
 - (9) actively advocate and serve as a resource for ELs and their families through partnerships with colleagues and the community by enlisting the support and involvement of community partners and resources that enhance the education of ELs;
 - (10) consider ESL families as vital partners who enrich the classroom and school environment and facilitate parent/guardian involvement in their child(ren)'s linguistic, academic, and personal development;
 - (11) provide effective communication that is accessible, consistent, and targeted to the needs of ELs and their parents/families in a variety of educational and social contexts; and
 - (12) apply knowledge of effective strategies for advocating educational and social equity for ELs by staying current on public issues regarding ELs (e.g., participating in LPAC

meetings; serving on Site-Based Decision Making (SBDM) committees; participating in Admission, Review, and Dismissal (ARD) committee meetings as appropriate; serving as a resource for teachers).