

The State Board for Educator Certification (SBEC) proposes amendments to §234.5 and §234.7 and new §234.6, concerning the master teacher certificate. The proposed revisions would implement Senate Bill (SB) 1200, 86th Texas Legislature, Regular Session, 2019. The proposed revisions would allow military spouses licensed in other states and in good standing to teach in Texas with the credential issued by another state. Additional revisions would streamline the credentials review and certificate issuance process for all members of the military community (military service members, military spouses, and military veterans).

BACKGROUND INFORMATION AND JUSTIFICATION: 19 Texas Administrative Code (TAC) Chapter 234 consolidates all military-related provisions into one chapter and streamlines future military-related rulemaking opportunities. The Texas Legislature has added statutory provisions regarding teaching credentials for the military community (military service members, military spouses, and military veterans) the last three legislative sessions as follows.

The 84th Texas Legislature, 2015, waived the certification fees paid by military service members, military spouses, and military veterans; established alternative methods for military groups to meet requirements for licensure; granted the commissioner authority to review applicant credentials and waive requirements for licensure; and incorporated the use of verified military service to satisfy apprenticeship requirements for licensure.

The 85th Texas Legislature, 2017, provided military spouses with a three-year temporary certificate to teach in Texas.

SB 1200, 86th Texas Legislature, Regular Session, 2019, allows military spouses to teach in Texas a maximum of three years with a license in good standing in another state. SB 1200 requires adoption of rules by the SBEC by December 1, 2019. In addition to the requirements in SB 1200, which provides for increased flexibility for military spouses to teach in Texas, the SBEC would change certification processes to reduce the amount of time it takes to complete a review of credentials and issue a Texas certificate for military service members, military spouses, and military veterans licensed to teach in other states. Following is a description of the proposed revisions.

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans

The proposed amendment to current §234.5(e) would move that provision to proposed new §234.7(d), regarding renewal requirements for military service members, military spouses, and military veterans. Proposed new §234.5(e) would establish the process for military spouses to notify TEA of their intent to teach in Texas with a license issued by another state department of education for a maximum of three years. The credentials review process already in place requires individuals certified in other states to complete the online application and request the credentials review, the Texas temporary certificate, and/or the Texas standard certificate. Individuals applying for the credentials review, a required first step for all individuals certified outside of Texas, must also submit copies of all standard certificates issued by departments of education to teach in other states and official transcripts that show degree(s) conferred and date(s). Continued use of this established process would support the timely and successful implementation of this legislation.

The proposed amendment to §234.5(h) would reference the commissioner's rules concerning examination requirements in 19 TAC §152.1001 as an option for clarity and ease of reference that could be utilized by members of the military community who qualify for an exemption from required Texas tests.

§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans

Proposed new §234.6 would implement provisions specific to military spouses in SB 1200, 86th Texas Legislature, Regular Session, 2019, and would meet the legislative mandate for SBEC to adopt rules by December 1, 2019. The proposed new rule would allow military spouses licensed in other states and in good standing to teach in Texas with credentials issued by another state department of education. SB 1200 specifies that prior to employment, military spouses must notify the licensing agency of their intent to teach in Texas with credentials from another state and must wait for confirmation from the licensing agency that their credentials have been cleared for employment in Texas. The proposed new rule would provide for military spouses to have three options to teach in the state of Texas after successful credentials review by TEA: utilization of their current licensure from another state; issuance of the

Texas temporary three-year certificate already prescribed in §234.5(d); or issuance of a Texas standard certificate following successful completion of a criminal background check.

Proposed new §234.6 would establish provisions for alternative licensing of all members of the military community referenced in the Texas Occupations Code (TOC), §55.004, Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses. TOC, §55.004, provides for the issuance of a license to an applicant who is a military service member, military veteran, and military spouse. The proposed new rule would allow for the issuance of the Texas standard certificate upon completion of a successful review of credentials and the required criminal background check. Current provisions in the TOC, §55.004, allows for the SBEC to grant this opportunity to military service members and military veterans, in addition to military spouses.

§234.7. Renewal and Continuing Education Requirements for Military Service Members, Military Spouses, and Military Veterans

The proposed amendment to current §234.5(e) would move that provision to proposed new §234.7(d), regarding renewal requirements for military service members, military spouses, and military veterans, to align all rule text specific to renewal and continuing education requirements in the same section.

FISCAL IMPACT: Ryan Franklin, associate commissioner for educator leadership and quality, has determined that for the first five-year period the proposal is in effect, there is no additional fiscal impact on state or local governments and there are no additional costs to entities required to comply with the proposal. Since September 1, 2015, military service members, military spouses, and military members have been exempt from applicable certification and licensing fees paid to the state.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

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 Texas Government Code, §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 Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: 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 create a new regulation that allows military service members, military spouses, and military veterans to obtain and renew a Texas educator certificate following a credentials review and would limit the existing regulation that requires military service members, military spouses, and military veterans to meet the examination requirements for certificate issuance by exempting those individuals who are already certified to teach in another state.

The proposed rulemaking 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 expand 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: Mr. Franklin has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be continued support to members of the military community, with special provisions to allow military spouses of active duty members a maximum of three years to utilize a credential issued in another state and in good standing to maintain employment in Texas. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA 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 August 23, 2019 and ends September 23, 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 proposal at the October 4, 2019 meeting in accordance with the SBEC board operating policies and procedures. All requests for a public hearing on the proposal 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 August 23, 2019.

STATUTORY AUTHORITY. The amendments and new section are proposed under Texas Education Code (TEC), §21.041(b)(2), which requires the State Board for Educator Certification (SBEC) to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; 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; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.052 (b-1), which requires the SBEC to establish procedures to accurately identify military spouses and expedite processing of certification applications that they submit; TEC, §21.052 (c), which specifies the SBEC can specify the term of a temporary certificate issued under this subsection; TEC, §21.052 (d-1), which requires the SBEC to issue a three-year temporary certificate to eligible military spouses of active duty service members; Texas Occupations Code (TOC), §55.001, which defines key terms and identifies the individuals relevant to the processing and support of members of the military community; TOC, §55.002, which provides clarification and guidelines for implementing fee exemptions for members of the military community; TOC, §55.003, which states military service members are eligible to receive a two-year extension of time to complete requirements for license renewal; TOC, §55.004, which requires state agencies to adopt rules for issuance of licensure to members of the military community and provides alternatives to become eligible for licensure; TOC, §55.0041, as added by Senate Bill 1200, 86th Texas Legislature, Regular Session, 2019, which requires state agencies to adopt rules to allow military spouses licensed in other states and in good standing to practice in their occupation of expertise with the license issued in another state; TOC, §55.005, which requires state agencies to establish a process to expedite applications for licensure submitted by members of the military community; TOC, §55.006, which requires state agencies to determine renewal requirements for expedited licenses issued to members of the military community; TOC, §55.007, which provides state agencies authority to credit verified military service, training, or education toward licensing requirements; TOC, §55.008, which authorizes state agencies to credit verified relevant military service, training, or education relevant to the occupation toward the apprenticeship requirements for licensure; and TOC, §55.009, which confirms state agencies that issue licensure shall waive license application and examination fees paid to the state for applicable members of the military community.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.052(b-1), (c), and (d-1); and Texas Occupations Code, §§55.001, 55.002, 55.003, 55.004, 55.0041, as added by Senate Bill 1200, 86th Texas Legislature, Regular Session, 2019; 55.005, 55.006, 55.007, 55.008, and 55.009.

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§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.

- (a) The application for certification of a military service member, military veteran, or military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification

requirements substantially similar to the Texas certification requirements, shall be processed as soon as practicable.

- (b) As soon as practicable after the issuance of a one-year certificate, Texas Education Agency (TEA) staff shall notify, in writing or by email, a military spouse of the requirements for obtaining a standard Texas certificate.
- (c) A military spouse who has been issued a one-year certificate prior to September 1, 2017, under the provisions of this chapter, is eligible for two additional years from the date of issuance, not to exceed a total of three years maximum, to align with provisions for a military spouse referenced in subsection (d) of this section.
- (d) Effective September 1, 2017, a military spouse shall be issued a three-year temporary certificate upon completion of the review of credentials.
- (e) Effective December 1, 2019, prior to beginning employment, a military spouse must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and completing the criminal background check. TEA staff must provide approval for the military spouse to teach in Texas a maximum of three years with credentials issued by another state. [The standard Texas certificate of a military service member, military spouse, or military veteran may be renewed if that certificate has expired within five years preceding the Texas application date.]
- (f) A military service member or a military veteran shall be entitled to credit verified military service, training, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification. TEA staff and educator preparation programs (EPPs) shall use information from the U.S. Department of Veterans Affairs or other reliable sources to assist in crediting applicable military service, training, or education to certification requirements.
- (g) A military service member pursuing certification in career and technical education must meet requirements for the certificate, but for career and technical education certificate areas requiring experience and licensure, the military service member shall be entitled to substitute military experience in the trade for the required license or professional credential for the specific trade.
- (h) A military service member, military spouse, and military veteran shall complete educator examination requirements for certificate issuance as outlined in Texas Education Code, Chapter 21, Subchapter B, and rules in the Texas Administrative Code, Title 19, Part 7, or qualify for an exemption from required Texas examinations through provisions in §152.1001 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (i) Military service members and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (j) Military service members and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, one-year certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (k) Military spouses are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, three-year temporary certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.

§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans.

- (a) To complete a review of credentials leading to issuance of licensure in Texas, military service members, military veterans, or military spouses must submit an application for review of credentials, copies of standard certificates issued in the other state(s), and official transcripts showing degree(s) conferred and date(s).

- (b) Upon completion of the review, the Texas Education Agency (TEA) will notify each military service member, military veteran, or military spouse, as specified in paragraphs (1)-(3) of this subsection, to provide results of the licensure review and information on next steps in the licensure process as follows.
- (1) Military service members will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states.
- (2) Military spouses will receive written results of the credentials review and have the following three options to teach in Texas with:
- (A) the license issued by another state department of education, confirmed by TEA to be in good standing;
- (B) the Texas temporary three-year certificate already available under provisions in §234.5(d) of this title (relating to Certification of Military Service Members, Military Spouses, and Military Veterans); and
- (C) the Texas standard certificate eligible for issuance immediately following a successful review of credentials by TEA and completion of a criminal background check.
- (3) Military veterans will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states.

§234.7. Renewal and Continuing Education Requirements for Military Service Members, Military Spouses, and Military Veterans.

- (a) Military service members, military spouses, and military veterans who hold a standard certificate(s) are responsible for certificate renewal and continuing professional education requirements pursuant to Chapter 232 of this title (relating to General Certification Provisions), except where specified in this chapter.
- (b) A military service member shall be exempted from any fee or penalty for failing to timely renew his or her Texas educator certificate if the delay occurred because the educator was serving as a military service member.
- (c) A military service member is entitled to two years of additional time to complete all continuing education requirements and any other requirements relating to the renewal of his or her Texas educator certificate.
- (d) The standard Texas certificate of a military service member, military spouse, or military veteran may be renewed if that certificate has expired within five years preceding the Texas application date.