

The State Board for Educator Certification (SBEC) proposes amendments to §§233.1, 233.2, and 233.3, concerning categories of classroom teaching certificates. The proposed amendments would implement the statutory requirements in House Bill (HB) 3, 86th Texas Legislature, 2019, that requires that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading on a certification examination beginning January 1, 2021. The proposed amendments would create four replacement certificates with corresponding requirements and deadlines for issuance: Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6; Core Subjects with Science of Teaching Reading: Grades 4-8; English Language Arts and Reading with Science of Teaching Reading: Grades 4-8; and English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8. Technical changes would also provide clarification and consistent information related to the classroom teacher certificates issued by the SBEC.

BACKGROUND INFORMATION AND JUSTIFICATION: The TEC, §21.041(b)(2), authorizes the SBEC to adopt rules that specify the classes of educator certificates to be issued, including emergency certificates. The SBEC rules in 19 TAC Chapter 233 establish the general categories of classroom teaching certificates, identify specific grade levels and subject areas of classroom certificates, and, where appropriate, state the general area(s) of assignments that may be taught by the holder of each certificate.

HB 3, 86th Texas Legislature, 2019, requires that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading on a certification examination beginning January 1, 2021. To comply with the enabling legislation, the current certificates that cover those grades must be updated to reflect the inclusion of the science of teaching reading component on each of those certificates. The current and proposed replacement certificates are as follows.

Current Certificates	Proposed Replacement Certificates Reflecting the Science of Teaching Reading
Core Subjects: Early Childhood-Grade 6	Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6
Core Subjects: Grades 4-8	Core Subjects with Science of Teaching Reading: Grades 4-8
English Language Arts and Reading: Grades 4-8	English Language Arts and Reading with Science of Teaching Reading: Grades 4-8
English Language Arts and Reading/Social Studies: Grades 4-8	English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8

Following is a description of the proposed amendments that reflect those changes.

§233.1. General Authority.

The proposed amendment in §233.1(a) would delete the acronym "SBEC" since there are no additional references in §233.1.

The proposed amendment in §233.1(e) would clarify that the provision is related to individuals seeking an initial certificate and would update language regarding the timeframe to use passing scores on eliminated examinations for certification purposes by clarifying the scores must be used in conjunction with completion of all other requirements for certification and would include a recommendation by the EPP, as specified in SBEC rule.

The proposed amendment in §233.1(g) would delete the provision related to teaching assignment options for a Grades 4-8 certificate holder, as it is duplicative since it is addressed in 19 TAC Chapter 231, Requirements for Public School Personnel Assignments.

The proposed amendment in §233.1(h) would reletter the provision to subsection (g) for technical formatting purposes.

§233.2. Early Childhood; Core Subjects.

The proposed amendment in §233.2(b) would clarify a December 31, 2020 deadline for issuance of the current Core Subjects: Early Childhood-Grade 6 certificate to comply with HB 3, which requires, beginning January 1, 2021, that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading.

The proposed amendment in §233.2(c) would clarify a December 31, 2020 deadline for issuance of the current Core Subjects: Grades 4-8 certificate to comply with HB 3, which requires, beginning January 1, 2021, that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading.

Proposed new §233.2(d) would add the Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 certificate to comply with HB 3, which requires, beginning January 1, 2021, that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading. The proposed amendment would provide clarification regarding the earliest date of issuance and last date for certificate issuances on appropriate examinations.

Proposed new §233.2(e) would add the Core Subjects with Science of Teaching Reading: Grades 4-8 certificate to comply with HB 3, which requires, beginning January 1, 2021, that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading. The proposed amendment would provide clarification regarding the earliest date of certificate issuance.

§233.3. English Language Arts and Reading; Social Studies.

The proposed amendment in §233.3(a) would clarify a December 31, 2020 deadline for issuance of the current English Language Arts and Reading: Grades 4-8 certificate to comply with HB 3, which requires, beginning January 1, 2021, that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading.

Proposed new §233.3(b) would add the English Language Arts and Reading with Science of Teaching Reading: Grades 4-8 certificate to comply with HB 3, which requires, beginning January 1, 2021, that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading. The proposed amendment would provide clarification regarding the earliest date of issuance and last date for certificate issuance on the appropriate examination.

The proposed amendment in §233.3(b) and (c) would reletter the provisions to subsections (c) and (d) for technical formatting purposes.

The proposed amendment in §233.3(d) would clarify a December 31, 2020 deadline for issuance of the current English Language Arts and Reading/Social Studies: Grades 4-8 certificate to comply with HB 3, which requires, beginning January 1, 2021, that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading.

Proposed new §233.3(e) would add the English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8 certificate to comply with HB 3, which requires, beginning January 1, 2021, that all educators who teach any grade level from Prekindergarten-Grade 6 demonstrate proficiency in the science of teaching reading. The proposed amendment would provide clarification regarding the earliest date of certificate issuance on the appropriate examinations.

The proposed amendment in §233.3(d)-(h) would reletter the provisions to subsections (f)-(j) for technical formatting purposes.

If proposed changes to 19 TAC Chapter 233 are adopted by the SBEC, subject to State Board of Education review, TEA staff anticipates future rulemaking specific to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, to align with applicable changes made in this chapter. This action would be necessary to maintain

clear communication with the public regarding the current list of classroom certificates issued as it relates to teaching assignments specified in 19 TAC Chapter 231.

FISCAL IMPACT: Ryan Franklin, associate commissioner for educator leadership and quality, has determined that there is no additional fiscal impact on state and local governments and 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, §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: 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 proposal would be the continued issuance of classroom teaching certificates to eligible individuals. The TEA staff has determined there is no anticipated cost to persons 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 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 May 29, 2020 and ends June 29, 2020. 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 July 24, 2020 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 May 29, 2020.

STATUTORY AUTHORITY. The amendments are proposed under 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 which 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), 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; TEC, §21.041(b)(3), which requires the SBEC to propose rules that specify the period for which each class of educator certificate is valid; 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, §21.041(b)(6), which 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), which 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), which 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, as added by House Bill (HB) 3349, 85th Texas Legislature, Regular Session, 2017, which requires the SBEC to create an abbreviated educator preparation program (EPP) for trade and industrial workforce training; TEC, §21.048(a), which requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC; TEC, §21.048(a), which 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), as amended by HB 3, 86th Texas Legislature, 2019, which 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, §21.0489, as added by Senate Bill 1839 and HB 2039, 85th Texas Legislature, Regular Session, 2017, which requires the SBEC to create a Prekindergarten-Grade 3 certificate; TEC, §21.0491, as added by HB 3349, 85th Texas Legislature, Regular Session, 2017, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; and TEC, §22.0831(f)(1) and (2), which 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.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4) and (6); 21.044(e) and (f); 21.048(a); 21.0442 and 21.0491, as added by House Bill (HB) 3349, 85th Texas Legislature, Regular Session, 2017; 21.048(a-2), as amended by HB 3, 86th Texas Legislature, 2019; 21.0489, as added by Senate Bill 1839 and HB 2039, 85th Texas Legislature, Regular Session, 2017; and 22.0831(f).

<rule>

§233.1. General Authority.

(a) In this chapter, the State Board for Educator Certification [~~(SBEC)~~] establishes separate certificate categories within the certificate class for the classroom teacher established under §230.33 of this title (relating to Classes of Certificates).

(b) For purposes of authorizing a person to be employed by a school district under the Texas Education Code, §21.003(a), a certificate category identifies:

- (1) the content area or the special student population the holder may teach;
- (2) the grade levels the holder may teach; and
- (3) the earliest date the certificate may be issued.

(c) Unless provided otherwise in this title, the content area and grade level of a certificate category as well as the standards underlying the certification examination for each category are aligned with the Texas Essential Knowledge and Skills curriculum adopted by the State Board of Education.

(d) A category includes both a standard certificate and the related emergency or temporary credential. A category may comprise a standard base certificate or a supplemental certificate. A supplemental certificate may be issued only to a person who already holds the appropriate standard base certificate.

(e) A person must satisfy all applicable requirements and conditions under this title and other law to be issued a certificate in a category. A person seeking an initial standard certification must pass the appropriate examination(s) as prescribed in §230.21 of this title (relating to Educator Assessment). A person completing requirements for an initial [a] standard certificate using a score on an examination that has been eliminated must apply and pay for the certification and be recommended by an educator preparation program by the deadline specified in this chapter to be eligible for issuance of the certificate [not later than one year from the last test administration of the deleted

~~examination~~]. Exceptions may be granted for a period of two years after the elimination of the examination for catastrophic illness of the educator or an immediate family member or military service of the applicant.

(f) If the governor declares a state of disaster consistent with the Texas Government Code, §418.014, Texas Education Agency staff may extend deadlines in this chapter for up to 90 days as necessary to accommodate persons in the affected disaster areas.

~~[(g) A holder of a certificate valid for Grades 4-8 may teach technology applications in Grades 4-8 if integrated within an academic course or through interdisciplinary methodology in those subjects that the individual is certified to teach. The school district is responsible for ensuring that the educator has the appropriate technology applications knowledge and skills to teach the course(s) to which he or she is assigned. If Technology Applications is taught as a separate course, the educator shall be required to hold an appropriate technology applications certificate as specified in §233.5 of this title (relating to Technology Applications and Computer Science).]~~

~~(g) [(h)]~~ The general assignment descriptions in this chapter, where applicable, are subject to the specific provisions for the assignment of a holder of a certificate in Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments), and in the event of any conflict with this chapter, Chapter 231 of this title shall prevail.

§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: Early Childhood-Grade 6. The Core Subjects: Early Childhood-Grade 6 certificate may be issued no earlier than January 1, 2015, and no later than December 31, 2020.

(c) Core Subjects: Grades 4-8. The Core Subjects: Grades 4-8 certificate may be issued no earlier than January 1, 2015, and no later than December 31, 2020.

(d) 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. The certificate may be issued on the basis of a passing score on the 291 Core Subjects EC-6 TExES examination no later than December 30, 2022. The certificate may be issued on the basis of a passing score on the 391 Core Subjects EC-6 TExES examination no earlier than January 1, 2021.

(e) 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.

§233.3. English Language Arts and Reading; Social Studies.

(a) English Language Arts and Reading: Grades 4-8. The English Language Arts and Reading: Grades 4-8 certificate may be issued no earlier than September 1, 2002, and no later than December 31, 2020.

(b) English Language Arts and Reading with Science of Teaching Reading: Grades 4-8. The English Language Arts and Reading: Grades 4-8 certificate may be issued no earlier than January 1, 2021. The certificate may be issued on the basis of a passing score on the 117 ELAR 4-8 TExES examination no later than October 30, 2022.

~~(c) [(b)]~~ Social Studies: Grades 4-8. The Social Studies: Grades 4-8 certificate may be issued no earlier than September 1, 2002.

~~(d) [(e)]~~ English Language Arts and Reading/Social Studies: Grades 4-8. The English Language Arts and Reading/Social Studies: Grades 4-8 certificate may be issued no earlier than September 1, 2002, and no later than December 31, 2020.

(e) English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8. The English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8 certificate may be issued no earlier than January 1, 2021.

~~(f) [(d)]~~ English Language Arts and Reading: Grades 7-12. The English Language Arts and Reading: Grades 7-12 certificate may be issued no earlier than September 1, 2013.

~~(g) [(e)]~~ Social Studies: Grades 7-12. The Social Studies: Grades 7-12 certificate may be issued no earlier than September 1, 2013.

~~(h) [(f)]~~ History: Grades 7-12. The History: Grades 7-12 certificate may be issued no earlier than September 1, 2013.

~~(i) [(g)]~~ Journalism: Grades 7-12. The Journalism: Grades 7-12 certificate may be issued no earlier than September 1, 2013.

~~(j) [(h)]~~ Speech: Grades 7-12. The Speech: Grades 7-12 certificate may be issued no earlier than November 1, 2010.