

The Texas Education Agency (TEA) proposes an amendment to §74.1003, concerning college and career readiness. The proposed amendment would codify the criteria used to identify the industry-based certifications to be used for public school accountability.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 74.1003 defines the industry-based certifications that are recognized for the purpose of accounting for students who earn industry certifications in the public school accountability system. In subsection (a), Figure: 19 TAC §74.1003(a) includes a list of the certifications that applied to the 2017-2018 and 2018-2019 school years. Subsection (b) specifies that, beginning in the 2019-2020 school year, the list of approved industry-based certifications affecting public school accountability is provided in the accountability manual adopted annually in 19 TAC §97.1001, Accountability Rating System.

The proposed amendment to §74.1003 would add new subsection (c) to outline the criteria industry-based certifications must meet to be recognized for the purpose of public school accountability beginning in the 2022-2023 school year. To be included on the list, a certification would have to be industry recognized and valued, attainable by a high school student, portable, certified, and offered as a capstone or at the end of a program.

FISCAL IMPACT: Monica Martinez, deputy commissioner for standards and support services, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government, including school districts and open-enrollment charter schools, 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: 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 expand an existing regulation by adopting in rule the criteria industry-based certifications must meet to be recognized for the purpose of public school accountability.

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 create a new regulation; would not 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: Ms. Martinez 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 providing school districts with clarification regarding the criteria an industry-based certification must meet to be recognized for the purpose of academic accountability. There is no anticipated economic 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: 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 July 16, 2021, and ends August 16, 2021. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on July 16, 2021. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code, §39.053, which requires the commissioner to adopt a set of indicators of the quality of learning and achievement, including improving student preparedness for success in entering the workforce, the military, or postsecondary education.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §39.053.

<rule>

§74.1003. Industry-Based Certifications for Public School Accountability.

- (a) The list of certifications provided in this subsection ~~[paragraph]~~ will be recognized for the purpose of accounting for students who earn industry certifications in the public school accountability system for the 2017-2018 and 2018-2019 school years.

Figure: 19 TAC §74.1003(a)

- (b) Beginning in the 2019-2020 school year, the list of certifications provided in the annual accountability manual adopted as a figure in §97.1001 of this title (relating to Accountability Rating System) will be recognized for the purpose of accounting for students who earn industry certifications in the public school accountability system.

- (c) Beginning in the 2022-2023 school year, certifications recognized for the purpose of public school accountability shall meet the following criteria.

(1) Industry recognized and valued. Based on collection of a representative sample of responses through validation outreach, employers within an industry sector identify the value of the occupation-specific certification in at least one of the following ways:

(A) inclusion of the certification in job postings as required or highly recommended;

(B) use of the certification as a factor in selecting candidates for an interview or for hire; or

(C) offer of higher pay for individuals who possess the certification.

(2) Attainable by a high school student. All eligibility requirements such as age and experience can be met and the certification awarded before or within the summer after a student's high school graduation.

(3) Portable. The certification can:

(A) be transferred seamlessly to postsecondary work through acceptance for credit or hours in core program courses at an institution of higher education;

(B) be counted toward hours in an aligned apprenticeship program;

(C) be part of a prescribed coherent sequence of industry-recognized credentials to show progressive skills development; or

(D) support employment in more than one region of the state.

(4) Certifying entity. The assessment of the knowledge and skills required to obtain the certification is provided by or determined by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies.

- (5) Capstone or end-of-program. The certification is offered at the conclusion of:
- (A) a course aligned to the career cluster associated with the certification that covers at least 50% of the applicable essential knowledge and skills; or
 - (B) a program of study in a secondary career and technical education program that covers at least 50% of the applicable essential knowledge and skills within aligned courses.