

The Texas Education Agency (TEA) proposes an amendment to §152.1001, concerning exceptions to examination requirements individuals certified outside the state. The proposed amendment would implement House Bill (HB) 139, 87th Texas Legislature, Regular Session, 2021, by adding military community members to the population of educators licensed outside the state and eligible to qualify for an exception to examination requirements in Texas. The proposed amendment would also provide additional edits to improve the readability and applicability of the rules and support continued consistency in completion of the test exemption review process.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 152.1001 outlines the requirements an educator licensed outside the state must meet to qualify for exemption from Texas certification testing requirements.

HB 139, 87th Texas Legislature, Regular Session, 2021, amended TEC, §21.052(a-1), to specifically reference military service members, military spouses, and military veterans. To implement HB 139, the proposed amendment to subsection (a) would emphasize that military service members, military spouses, and military veterans are within the population of educators licensed outside the state and eligible for consideration of an exemption from in-state testing requirements for Texas certificate issuance. In addition, subsection (b) would include new definitions for "military service member," "military spouse," and "military veteran."

Subsection (b) would also be amended to add definitions for "certification class," "educator," and "educator from outside the state" to ensure clarity and consistency throughout the chapter. The definition for "standard certificate" would be updated to clarify it is a credential issued outside of Texas to serve in the role of a classroom teacher. The reference to 19 TAC §230.33, Classes of Certificates, would be deleted since these educators are applicants for certification and have not yet received a Texas standard certificate issued by the State Board for Educator Certification (SBEC). The definition for "Texas review of credentials" would be updated to reference the SBEC rules that outline the processes used to issue state certification to individuals already licensed in other states and countries. In addition, subsection (b) would be rearranged to alphabetize the definitions.

Proposed new subsection (c)(1)(C) would add a reference to the required years of experience as an educator to qualify for an exception to examination requirements. Standard certificate applicants would be required to have at least one year of experience in the role of classroom teacher, and professional class certificate applicants would be required to have at least two years of experience in the role of other than classroom teacher. These requirements are currently in subsection (d), which is proposed for deletion. This proposed amendment would streamline and consolidate without creating any new requirements.

Proposed new subsection (c)(1)(D) would renumber subsection (c)(1)(C) and reference how an applicant must demonstrate proficiency as an educator. The first option, which already exists in rule, is to demonstrate that the applicant has passed the examinations required by the licensing agency for issuance of his or her standard certificate. A new option would be added to allow an applicant to demonstrate that he or she has three or more years of verifiable, full-time experience in the role of teacher or other than classroom teacher. This amendment would allow educators who already have extensive experience teaching in other states to avoid the hassle and time required to prove their scores on other states' certification examinations. Other states that allow exceptions for teacher certification examinations, such as Arkansas, Colorado, Hawaii, Maryland, New York, Ohio, and Virginia, require educators to have three years of teaching experience to qualify for the exception. The proposed amendment would adopt the same standard that has worked in these other states.

The proposed amendment to subsection (c)(2)(B) would add Colorado, Michigan, Pennsylvania, and Washington to the list of states that would qualify an individual for an exception to the required Science

of Teaching Reading TExES examination and would renumber the alphabetical listing of the states. Since this rule was last amended, these states have adopted a requirement that educator candidates demonstrate proficiency in reading as part of licensure.

The proposed amendment to subsection (c)(3) would provide technical edits to clarify the requirements an applicant from outside the state must meet prior to being considered for an exception to Texas examination requirements. The proposed amendment would also confirm that TEA staff will verify documents and grant exceptions to examination requirements in accordance with requirements established in this rule. All information specific to SBEC's governing processes to complete a Texas review of credentials for applicants licensed in other states or countries would be removed because it is duplicative of the requirements codified by the SBEC in 19 TAC Chapter 230, Professional Educator Preparation and Certification, and Chapter 245, Certification of Educators from Other Countries.

The proposed amendment would remove subsection (d) because the requirements for approval of an exception to examination requirements, including required years of experience, demonstration of proficiency, and issuance of a standard certificate by a licensing agency outside of Texas, would be incorporated into subsection (c).

FISCAL IMPACT: Emily Garcia, associate commissioner of educator preparation, certification, and enforcement, 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 both expand and limit an existing regulation. The proposed amendment would add definitions, provide another option for applicants to demonstrate proficiency as an educator, and allow applicants with certification from three additional states to be considered for an exception to the Science of Teaching Reading TExES examination. The proposed amendment would remove information duplicative of SBEC rules in 19 TAC Chapter 230 and Chapter 245.

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 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. Garcia 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 to provide for more timely completion of the test exemption review process for and issuance of Texas standard certificates to individuals certified outside the state. 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 September 23, 2022, and ends October 24, 2022. 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 September 23, 2022. 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 (TEC), §21.052(a-1), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, which permits the commissioner to adopt rules establishing exceptions to the examination requirements prescribed by TEC, §21.052(a)(3), for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate in Texas.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §21.052(a-1).

<rule>

§152.1001. Exceptions to Examination Requirements for Individuals Certified Outside the State.

- (a) General provisions. Texas Education Code (TEC), §21.052(a-1), permits the commissioner of education to adopt rules establishing exceptions to the examination requirements prescribed by TEC, §21.052(a)(3), for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate in Texas.
- (b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics and includes the following: superintendent, principal, classroom teacher, school counselor, school librarian, educational diagnostician, reading specialist, and master teacher.
 - (2) Educator--An individual who is required to hold a certificate issued under TEC, Chapter 21, Subchapter B.

- ~~(3) Educator from outside the state--An applicant certified outside of Texas who has successfully completed all requirements for issuance of licensure in another state or country.~~
- ~~(4) Equivalent--Covering a majority of the same grade level and subject or assignment area as certificates issued by the State Board for Educator Certification.~~
- ~~[(1) Standard certificate A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title (relating to Classes of Certificates).]~~
- ~~[(2) Professional class certificate A term that refers to certificates for duties other than classroom teacher (e.g., superintendent, principal, school counselor, school librarian, educational diagnostician, and reading specialist).]~~
- ~~[(3) Texas review of credentials An internal process completed by Texas Education Agency (TEA) to determine the certificate areas an applicant is eligible to pursue in Texas based on certificates issued by another state department of education or another country. An applicant must submit an online application for a review of credentials, application fee, and required documents specified in the application and on the TEA website, based on certificates issued in another state or country.]~~
- (5) ~~[(4)]~~ Examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's certification as an educator.
- (6) Military service member--A person who is on active duty.
- (7) Military spouse--A person who is married to a military service member.
- (8) Military veteran--A person who has served on active duty and who was discharged or released from active duty.
- (9) Professional class certificate--A term that refers to certificates for duties other than classroom teacher (e.g., superintendent, principal, school counselor, school librarian, educational diagnostician, and reading specialist).
- (10) Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification as a classroom teacher.
- (11) Texas review of credentials--An internal process completed by Texas Education Agency (TEA) to confirm an applicant certified outside of Texas meets general requirements for certification specified in Chapter 230, Subchapter H, of this title (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries) and to identify the certificate areas the applicant is eligible to pursue in Texas.
- ~~[(5) Equivalent Covering a majority of the same grade level and subject or assignment area as certificates issued by the State Board for Educator Certification.]~~

(c) Minimum requirements.

- (1) An applicant must meet the following general requirements for certification to be considered for an exception to the examinations, other than the Science of Teaching Reading TExES examination, required for issuance of state licensure:
 - (A) obtain a bachelor's degree from an institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(B) complete a state-approved educator preparation program, including student teaching or a teaching practicum, in the state where the standard certificate was issued;

(C) have the following required years of experience as an educator:

(i) for standard certificate applicants, at least one year of experience in the certification class for which the applicant is seeking certification; or

(ii) for professional class certificate applicants, at least two years of experience in the certification class for which the applicant is seeking certification;

(D) [~~C~~] demonstrate proficiency as an educator by either:

(i) passing [pass] the examinations required by the state department of education or country of licensure for issuance of the standard certificate; or [and]

(ii) having three or more years of verifiable, full-time experience in the certificate class for which the applicant is applying; and

(E) [~~D~~] hold a standard certificate issued by the state department of education or country of licensure that is equivalent to a Texas standard classroom or professional class certificate.

(2) In addition to the requirements of paragraph (1) of this subsection, to be considered for an exception to the required Science of Teaching Reading TExES examination, an applicant must fulfill the following requirements:

(A) hold a certificate that is equivalent to a Texas certificate for which the Science of Teaching Reading TExES examination is required as a content pedagogy examination under §230.21 of this title (relating to Educator Assessment); and

(B) submit documentation from a test provider or the state department of education of passing performance on a stand-alone assessment that requires demonstration of proficiency in the five components of scientifically based reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension) that was taken to meet licensure requirements in one of the following states:

(i) Alabama;

(ii) Alaska;

(iii) Arkansas;

(iv) California;

(v) Colorado;

(vi) [~~v~~] Connecticut;

(vii) [~~vi~~] Florida;

(viii) [~~vii~~] Indiana;

(ix) [~~viii~~] Maryland;

(x) [~~ix~~] Massachusetts;

(xi) Michigan;

- ~~(xii)~~ ~~(x)~~ Minnesota;
- ~~(xiii)~~ ~~(xi)~~ Mississippi;
- ~~(xiv)~~ ~~(xii)~~ New Hampshire;
- ~~(xv)~~ ~~(xiii)~~ New Mexico;
- ~~(xvi)~~ ~~(xiv)~~ North Carolina;
- ~~(xvii)~~ ~~(xv)~~ Ohio;
- ~~(xviii)~~ ~~(xvi)~~ Oklahoma;
- (xix) Pennsylvania;
- ~~(xx)~~ ~~(xvii)~~ Tennessee;
- ~~(xxi)~~ ~~(xviii)~~ Virginia;
- (xxii) Washington;
- ~~(xxiii)~~ ~~(xix)~~ West Virginia; or
- ~~(xxiv)~~ ~~(xx)~~ Wisconsin.

- (3) An applicant from outside the state who meets requirements specified in paragraph (1) of this subsection must apply online for a review of credentials by the TEA [~~and submit the following documents~~] prior to being considered for an exception to the examination requirements for state licensure. Once all required documentation has been submitted by the applicant and reviewed and verified by TEA staff, the applicant will be issued an exception to the examination requirements by the TEA in accordance with minimum requirements established by the commissioner as specified in this section.

~~[(A) — For a candidate certified in another state, the applicant must submit the following:]~~

~~[(i) — official transcript(s) showing degree(s) conferred and date(s);]~~

~~[(ii) — documentation from a test provider or the state department of education of passing performance on required examinations passed for issuance of the state certificate; and]~~

~~[(iii) — copy of standard certificate(s) issued by the state department(s) of education that clearly indicates the subject area(s) and grade levels of certification.]~~

~~[(B) — For a candidate licensed to teach in another country, the applicant must submit the following, and all documentation must be written in the English language or must be accompanied by a translation in the English language from a foreign credential evaluation service recognized by the TEA or an accredited translation service:]~~

~~[(i) — original detailed report or course by course evaluation for professional licensing of all college level credits prepared by a foreign credential evaluation service recognized by the TEA. The evaluation must verify that the individual:]~~

~~[(1) — holds, at a minimum, the equivalent of a baccalaureate degree issued by an accredited institution in the United States as specified in §245.1(b) of this title (relating to General~~

Provisions), including the date that the degree was conferred; and]

[(II) — has completed an educator preparation program, including a teaching practicum;]

[(ii) — demonstration of English language proficiency as specified in §230.11(b)(5) of this title (relating to General Requirements);]

[(iii) — letter of professional standing from the country that issued licensure to teach that confirms the educator certificate(s) or other credential(s) are currently in good standing and have not been revoked, suspended, or sanctioned for misconduct and are not pending disciplinary or adverse action;]

[(iv) — official transcripts of any additional college credits and/or degrees earned in the United States;]

[(v) — copies of any standard certificates issued by the country of licensure or another state department of education; and]

[(vi) — documentation from a test provider or the state department of education of passing performance on required examinations passed for issuance of the standard certificate in the country of licensure or another state.]

[(d) — Approval process:]

[(1) — TEA will review and verify all required documentation submitted as part of the Texas review of credentials. An individual who does not submit all required documents for the review at the time of the application will have one year from the original date of application to submit all required documents, or the individual will be required to reapply online and resubmit the application fee for a Texas review of credentials.]

[(2) — An applicant certified as a classroom teacher must have completed at least one academic year of verifiable, full-time experience serving in the role and must submit that documentation of experience to TEA.]

[(3) — An applicant certified in a professional class other than classroom teacher (e.g., principal, superintendent, school counselor, school librarian, educational diagnostician, and reading specialist) is required to provide documents that verify two years of full-time experience in the role aligned with the professional class certificate area.]

[(4) — Once all required documentation has been submitted by the educator and reviewed and verified by TEA staff to meet the Texas certification criteria, the applicant will be issued an exception from examination requirements by TEA in accordance with minimum requirements established by the commissioner as specified in this section.]

[(5) — TEA will notify an applicant of the Texas certificate areas for which the applicant qualifies and examination requirements from which the applicant has been granted an exception (if applicable) and will specify final actions the applicant must complete to obtain licensures in this state.]

[(6) — If the required documentation does not meet the Texas certification requirements, the applicant will be denied exception from the examination requirements and will be required to successfully complete the applicable examination(s) for issuance of the Texas standard certificate(s).]

