

# Item 11:

## COVER PAGE

### Type of Agenda Board Item:

- Discussion Only:** TEA staff will present board items with an update, potential future items, and/or seek SBEC direction on potential future board action items. TEA staff will draft future action items from the board's discussion and direction.
- Board Action:** SBEC members will take action on the agenda item and the effective date will be immediately upon board approval.

### Summary:

This item is a citizen petition request for a rule change regarding the certification requirements to teach "Fundamentals of Computer Science" from the Computer Science personnel assignment to Game Programming Design or Mobile Application Development personnel assignment. The petitioner states that this is a broad-based introductory survey course that aligns better to the requested assignment. If the Board grants the petition, TEA staff will initiate the rulemaking process and bring back potential rule text for the Board's consideration at the June 2016 SBEC meeting.

### Statutory Authority:

All of the relevant statutes, if applicable, pertaining to this item are listed for you on the agenda title page and the entire statutory language is on Attachment I. This is always helpful in referencing the law the TEA staff was working under when preparing this item.

### TEA Staff Recommendation:

To direct TEA staff to initiate rulemaking per the petitioner request.

### Relevant SBEC Core Principles:

- *We believe well-prepared educators are essential.*
- *We believe high certification standards measured by rigorous and reliable assessments are essential.*
- *We believe stakeholder input is essential, and we are accountable to all Texas stakeholders.*
- *We believe we must continually improve our policies and processes in response to changing needs.*

**Item 11:****Consider and Take Appropriate Action on Petition for Adoption of Rule Change Concerning 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter E, Grades 9-12 Assignments, Division 8, Technology Applications, Grades 9-12 Assignments, §231.251, Computer Science, Grades 9-12, and §231.257, Game Programming and Design or Mobile Application Development, Grades 9-12****DISCUSSION AND ACTION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a petition for rulemaking on 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter E, Grades 9-12 Assignments, Division 8, Technology Applications, Grades 9-12 Assignments, §231.251, Computer Science, Grades 9-12, and §231.257, Game Programming and Design or Mobile Application Development, Grades 9-12, filed pursuant to Texas Government Code, §2001.021.

The petitioner requests an amendment to certification requirements to teach “Fundamentals of Computer Science.” The SBEC must either deny the petition or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.

**STATUTORY AUTHORITY:** Texas Government Code, §2001.021, and Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e)-(g), 21.048(a), 21.050, and 22.0831(f).

**EFFECTIVE DATE:** None.

**PREVIOUS BOARD ACTION:** The SBEC last amended 19 TAC §231.257 at the February 12, 2016 meeting. This amendment is subject to State Board of Education (SBOE) review during the April 5-8, 2016 meeting and has a projected effective date of May 15, 2016.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** Sections 231.251 and 231.257, shown in Attachment II, identify the appropriate credentials for placement in assignments to teach Computer Science, Grades 9-12, and Game Programming and Design or Mobile Application Development, Grades 9-12. The rule text for §231.257 contains strikethrough language as a result of the recent adoption of changes to this section at the February 2016 SBEC meeting and will be presented for SBOE review during the upcoming April 5-8, 2016 meeting.

A member of the public has submitted to the SBEC a petition, shown in Attachment III, requesting that the SBEC change the certification requirements for Fundamentals of Computer Science, and states the following:

“Fundamentals of Computer Science is a broad-based, introductory survey course and does not require the same level of expertise as the other courses listed in 231.251. It aligns much better to the certification requirements for courses listed in 231.257.”

In accordance with the Texas Government Code, §2001.021, the SBEC may deny the petition or direct the TEA staff to initiate rulemaking proceedings. TEA staff have already identified other necessary changes for Chapter 231 and plan to propose amendments at the June 10, 2016 SBEC meeting.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** None.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** None.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** None.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:** I recommend that the State Board for Educator Certification:

Direct Texas Education Agency staff to initiate the rulemaking process.

**Staff Members Responsible:** Marilyn Cook, Director  
Educator Certification

Tim Miller, Director  
Educator Preparation

Laura Moriaty, Director  
Legal Services for Educator Leadership and Quality

- Attachments:**
- I. Statutory Citations
  - II. Text of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter E, Grades 9-12 Assignments, Division 8, Technology Applications, Grades 9-12 Assignments, §231.251, Computer Science, Grades 9-12, and §231.257, Game Programming and Design or Mobile Application Development, Grades 9-12
  - III. Petition to Amend 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter E, Grades 9-12 Assignments, Division 8, Technology Applications, Grades 9-12 Assignments, §231.251, Computer Science, Grades 9-12, and §231.257, Game Programming and Design or Mobile Application Development, Grades 9-12

**ATTACHMENT I****Statutory Citations Relating to Consideration of Petition for Adoption of Rule Change Concerning 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter E, Grades 9-12 Assignments, Division 8, Technology Applications, Grades 9-12 Assignments, §231.251, Computer Science, Grades 9-12, and §231.257, Game Programming and Design or Mobile Application Development, Grades 9-12****Texas Education Code, §21.003, Certification Required (excerpt):**

- (a) 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 Subchapter B.

**Texas Education Code, §21.031, Purpose:**

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
- (b) In proposing rules under this subchapter, the board 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.

**Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (b) The board shall propose rules that:
- (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (3) specify the period for which each class of educator certificate is valid;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;
  - (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;

**Texas Education Code, §21.044, Educator Preparation (excerpts):**

- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
- (1) an associate degree or more advanced degree from an accredited institution of higher education;
  - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
  - (3) at least two years of wage earning experience utilizing the licensure requirement.

- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).
- (g) Each educator preparation program must provide information regarding:
  - (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
  - (2) the effect of supply and demand forces on the educator workforce in this state;
  - (3) the performance over time of the educator preparation program;
  - (4) the importance of building strong classroom management skills; and
  - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.

**Texas Education Code, §21.048, Certification Examinations (excerpt):**

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.

**Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate; Internship:**

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.
- (b) The board may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate. The board shall provide for a minimum number of semester credit hours of internship to be included in the hours needed for certification. The board may propose rules requiring additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.
- (c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

**Texas Education Code, §22.0831, National Criminal History Record Information Review of Certified Educators (excerpt):**

- (f) The board may propose rules to implement this section, including rules establishing:
  - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
  - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

**Texas Government Code, §2001.021, Petition for Adoption of Rules, as amended by House Bill 763, 84th Texas Legislature, Regular Session, 2015:**

- (a) An interested person by petition to a state agency may request the adoption of a rule.
- (b) A state agency by rule shall prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition. If a state agency requires signatures for a petition under this section, at least 51 percent of the total number of signatures required must be of residents of this state.
- (c) Not later than the 60th day after the date of submission of a petition under this section, a state agency shall:
  - (1) deny the petition in writing, stating its reasons for the denial; or
  - (2) initiate a rulemaking proceeding under this subchapter.
- (d) For the purposes of this section, an interested person must be:
  - (1) a resident of this state;
  - (2) a business entity located in this state;
  - (3) a governmental subdivision located in this state; or
  - (4) a public or private organization located in this state that is not a state agency.

**19 TAC §250.20, Petition for Adoption of Rules or Rule Changes.**

- (a) Any interested person may petition for the adoption, amendment, or repeal of a rule of the State Board for Educator Certification (SBEC) by filing a petition on a form provided in this subsection. The petition shall be signed and submitted to the designated Texas Education Agency (TEA) office. The TEA staff shall evaluate the merits of the proposal to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.  
Figure: 19 TAC §250.20(a)
- (b) In accordance with the Texas Government Code, §2001.021, the TEA staff must respond to the petitioner within 60 calendar days of receipt of the petition.
  - (1) Where possible, the recommendation concerning the petition shall be placed on the SBEC agenda, and the SBEC shall act on the petition within the 60-calendar-day time limit.
  - (2) Where the time required to review the petition or the scheduling of SBEC meetings will not permit the SBEC to act on the petition within the required 60 calendar days, the TEA staff shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBEC meeting at which the recommendation will be presented to the SBEC for action.
- (c) The SBEC will review the petition and the recommendation and will either direct the TEA staff to begin the rulemaking process or deny the petition, giving reasons for the denial. The TEA staff will notify the petitioner of the SBEC's action related to the petition.
- (d) Without limitation to the reasons for denial in this subsection, the SBEC may deny a petition on the following grounds:
  - (1) the SBEC does not have jurisdiction or authority to propose or to adopt the petitioned rule;

- (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBEC, or other law;
- (3) the SBEC determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding; or
- (4) the petitioner is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing a petition:
  - (A) before the fourth anniversary of the SBEC's having previously considered and rejected a similar rule on the same subject matter; or
  - (B) to amend a rule proposed or adopted by the SBEC that has not yet become effective.
- (e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.

**ATTACHMENT II****Text of 19 TAC****Chapter 231. Requirements for Public School Personnel Assignments****Subchapter E. Grades 9-12 Assignments****Division 8. Technology Applications, Grades 9-12 Assignments****§231.251. Computer Science, Grades 9-12.**

An assignment for Fundamentals of Computer Science; Computer Science I, II, and III; Digital Forensics; or Robotics Programming and Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).

*Statutory Authority: The provisions of this §231.251 issued under the Texas Education Code, §21.031(a) and §21.041(b)(1) and (2).*

*Source: The provisions of this §231.251 adopted to be effective August 15, 2013, 38 TexReg 5076.*

**§231.257. Game Programming and Design or Mobile Application Development, Grades 9-12.**

An assignment for Game Programming and Design or Mobile Application Development, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).
- (5) Technology Applications: Early Childhood-Grade 12.

~~[(6) Technology Applications: Grades 7-12.]~~

(6) ~~(7)~~ Technology Applications: Grades 8-12.

**ATTACHMENT III**

**Figure: 19 TAC §250.20(a)**

**STATE BOARD FOR EDUCATOR CERTIFICATION**

**Petition for Adoption of a Rule**

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Office of Educator Leadership and Quality  
Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494

Name: **Hal Speed**

Affiliation/Organization (if applicable): **Texas Alliance for Computer Science Education (TACSE)**

Address: **7400 Moon Rock Rd, Austin, TX 78739-2234**

Telephone: **512-924-6859** Date: **17 March 2016**

Proposed rule text (indicate words to be added or deleted from the current text):

**19 TAC Chapter 231, Subchapter E, Division 8**  
**Remove “Fundamentals of Computer Science” from §231.251**  
**Add “Fundamentals of Computer Science” to §231.257**

Statutory authority for the proposed rule action:

Why is this rule action necessary or desirable?

**Fundamentals of Computer Science is a broad-based, introductory survey course and does not require the same level of expertise as the other courses listed in §231.251. It aligns much better to the certification requirements for courses listed in §231.257.**

(If more space is required, attach additional sheets.)

\_\_\_\_\_/s/ Hal Speed\_\_\_\_\_

**Petitioner's Signature**