

**Item 16:****Discussion of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States****DISCUSSION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States. Chapter 230 serves as a foundation for the practices and procedures related to educator preparation and certification. The four subchapters being discussed outline testing requirements for certification; provide general eligibility, recommendation and issuance requirements for several types of certificates; and confirm the overall process for individuals already certified in other states or countries to obtain Texas certification. The proposed revisions would provide necessary updates to certification and/or testing requirements and align SBEC rules where applicable with provisions from recent legislation.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 230, Subchapter C, is the Texas Education Code (TEC), §§21.041(b)(1) and (2) and (4), 21.044(a), 21.048, 21.050, and 22.082. The statutory authority for 19 TAC Chapter 230, Subchapter D, is the TEC, §§21.003(a), 21.031, 21.041(b)(1)-(5) and (9), 21.051, and 22.0831(c) and(f). The statutory authority 19 TAC Chapter 230, Subchapter E, is the TEC, §§21.041(a) and (b)(1)-(4). The statutory authority for 19 TAC Chapter 230, Subchapter H, is the TEC, §§21.040(6), 21.041(b)(4), and (5), and (c), 21.048, 21.050, and 21.052, and 21.054(a).

TEC, §21.003(a), 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(a), authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; and §21.031(b), 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, §21.040(6), allows the SBEC authority to develop and implement policies that define responsibilities of the SBEC.

TEC, §21.041(a), allows the SBEC to adopt rules as necessary for its own procedures.

TEC, §21.041(b)(1), 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), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(5), requires the SBEC to propose rules that provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to the TEC, §21.052.

TEC, §21.041(b)(9), requires the SBEC to propose rules that provide for continuing education requirements.

TEC, §21.044(a), 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, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC; §21.048(b), states that the SBEC may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments; §21.048(c), states that an educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the SBEC determines, on the basis of appropriate field tests, that the examination complies with the standards specified in subsection (b) of this section; §21.048(c-1), states that the results of an examination administered under this section are confidential and are not subject to disclosure under the Texas Government Code, Chapter 552, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by the TEC, §21.057, or the educator has failed the examination more than five times; and §21.048(d), states the definitions for hearing impairment, reliability, and validity when used in the TEC, §21.048.

TEC, §21.050(a), states that a person who applies for a teaching certificate for which SBEC 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 TEC, Chapter 28, Subchapter A; §21.050(b), states that

the SBEC may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate; and §21.050(c), states that 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 the TEC, §54.363, may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

TEC, §21.051, provides a requirement that before a school may employ a certification candidate as a teacher of record, the candidate must have completed at least 15 hours of field-based experience in which the candidate was actively engaged at an approved school in instructional or educational activities under supervision.

TEC, §21.052(a), states that the SBEC may issue a certificate to an educator who holds a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board or a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by §21.052(a)(1)(A); holds an appropriate certificate or other credential issued by another state or country; and performs satisfactorily on the examination prescribed under the TEC, §21.048, or, if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by §21.052(a)(1)(A) administered to the educator under the authority of that state; §21.052(b), states that for purposes of §21.052(a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired; §21.052(c), states that the SBEC may issue a temporary certificate under this section to an educator who holds a degree required by §21.052(a)(1) and a certificate or other credential required by §21.052(a)(2) but who has not satisfied the requirements prescribed by §21.052(a)(3); §21.052(d), states that a temporary certificate issued under §21.052(c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before the first anniversary of the date on which the SBEC completes the review of educator's credentials and informs the educator of the examination or examinations under the TEC, §21.048, on which the educator must perform successfully to receive a standard certificate.

TEC, §21.054(a), requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

TEC, §22.082, states that the SBEC shall subscribe to the criminal history clearinghouse as provided by the Texas Government Code, §411.0845, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under the TEC, Chapter 21, Subchapter B.

TEC, §22.0831(c), provides that the SBEC shall review the national criminal history record information of all applicants for or holders of educator certification.

TEC, §22.0831(f), authorizes the SBEC to propose rules to implement the national criminal history record information review of certified educators.

TOC, §53.105, specifies that a licensing authority may change a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter.

TOC, §54.003, specifies that each agency administering examinations for licensure must establish rules to implement and ensure reasonable accommodations for examinees diagnosed as having dyslexia.

**FUTURE ACTION EXPECTED:** Texas Education Agency staff anticipates presenting proposed revisions to 19 TAC Chapter 230, to the SBEC at the August 3, 2018 meeting for approval to be published in the *Texas Register*.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 230 are currently organized as follows: Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States. The subchapters provide for rules that establish guidelines and procedures for certification requirements, fees, permits, educational aides, and assignment criteria relating to professional educator preparation and certification.

Following is a description of the proposed revisions for the Board's discussion and consideration.

#### Subchapter C, Assessment of Educators

The purpose of Subchapter C, Assessment of Educators, is to provide the examination requirements for Texas educator certificate issuance. TEA staff anticipates a proposed revision to the figure in subsection §230.21(e) to add the new certificate name and required examinations for issuance of a *Principal as Instructional Leader* certificate and endorsement. TEA staff also anticipates proposing a technical edit to §230.23(1), Testing Accommodations for Persons with Dyslexia, to update the statutory reference from Texas Education Code, §51.970 to Texas Occupations Code, §54.003.

#### Subchapter D, Types and Classes of Certificates Issued

The purpose of Subchapter D, Types and Classes of Certificates Issued, is to identify types and classes of certificates issued in Texas. TEA staff have identified the need for potential rulemaking for the following certificates: intern, probationary, and visiting international teacher.

#### Intern Certificate for Principal as Instructional Leader.

TEA staff anticipates proposing requirements for issuance of the Intern Certificate for Principal as Instructional Leader to allow a candidate to be recommended for an additional year on an intern certificate by passing the required examination under 230.21(e). Due to the anticipated rigor of new assessments being developed to align with the Principal as Instructional Leader certification, TEA staff is recommending a transition period of December 1,

2018 through September 1, 2019, before requiring successful completion of the new TExES Principal Examination (268) for issuance of the intern certificate.

Effective September 1, 2019, candidates seeking issuance of the intern certificate for Principal as Instructional Leader will be required to pass the TExES Principal Examination (268) only.

#### §230.41. Visiting International Teacher (VIT) Certificates.

The current process used to administer the VIT program is:

- SBEC and TEA staff have a clear role in supporting issuance of certificates to VIT program participants through provisions currently in rule.
- In past years, TEA has either signed an official Memorandum of Understanding or other formal document of agreement with other countries to confirm partnership in the VIT program. To date, Spain has been the country with the longest tenure for a VIT program.
- TEA staff have received inquiries about and interest in the VIT Program from other countries (e.g., Mexico and Taiwan).
- TEA staff do not have full-time resources available to serve as the sponsoring entity for a VIT program.

TEA staff is seeking SBEC guidance on the following issues. The Board will have an opportunity to review each issue with potential changes. Upon Board input, staff will seek stakeholder feedback and review best practices from other state departments of education participating in similar programs, and provide proposed changes based on that input and feedback at a future SBEC meeting.

- *Issue #1: Establish requirements for an entity to serve as an approved sponsor of a Texas VIT Program.*
- *Issue #2: Determine the required level of involvement from SBEC, TEA staff, and commissioner of education concerning the program.*
- *Issue #3: Identify options to demonstrate and verify English language proficiency for issuance of the VIT certificate.*
- *Issue #4: Develop a process to extend the current three-year validity period of VIT certificates, up to two additional years, for eligible candidates participating in the Texas VIT Program.*

#### Subchapter E, Educational Aide Certificate

The purpose of Subchapter E, Educational Aide Certificate, is to outline the general requirements for the recommendation, issuance, and renewal of educational aide certificates.

- TEA staff proposes revisions to subsection §230.53 to remove duplicative language in subsections (c) and (e) regarding English language proficiency requirements. These proposed rule changes would clarify the determination of English language proficiency should be the responsibility of the employing school district. Individuals are

recommended for certificate issuance by the local school district, and the employing district should retain flexibility to identify staff best suited to meet the needs of districts and the students that they serve.

- With the Board's support through anticipated rulemaking, TEA staff believes there will be resolution to an unintended redundancy in requirements and will also maintain a district's autonomy to locate and recommend the best qualified individuals to serve in the role of educational aides.

Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States and Territories of the United States

The purpose of Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States and Territories of the United States, is to outline the process for individuals already certified to teach in other states to obtain Texas certification.

- TEA staff proposes a technical edit to §230.111(d) to eliminate the words "must be" so that the text reads as follows: "A statement, approval letter, or certification entitlement card issued by the authorizing licensing agency in another state or territory of the United States, specifying eligibility for full certification upon employment or completion of specified examination requirements, shall have the same standing as a certificate."
- TEA staff also proposes revisions to §230.113, Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States, to clarify that individuals certified outside the state may qualify for an exemption from required Texas examinations if they meet requirements specified in Proposed New 19 TAC Chapter 152, Commissioner's Rules Concerning Examination Requirements, §152.1001, Exceptions to Examination Requirements for Individuals Certified Outside the State.
- The minor edits proposed by TEA staff will provide alignment and support to provisions included in the Commissioner's Rules for individuals certified outside the state.

**PUBLIC AND STUDENT BENEFIT:** The public and student benefit anticipated as a result of the proposed revisions to 19 TAC 230 would be rules that offer continued and clear guidance on processes and procedures for testing and certificate issuance.

**Staff Members Responsible:**

Marilyn Cook, Director, Educator Certification and Testing

**Attachment:**

Statutory Citations

**ATTACHMENT****Statutory Citations Relating to 19 TAC Chapter 230, Professional Educator Preparation and Certification****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, §21.040, General Powers and Duties of Board (excerpt):**

The board shall:

- (6) develop and implement policies that clearly define the respective responsibilities of the board and the board's staff;

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

- (a) The board may adopt rules as necessary for its own procedures.
- (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;
  - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
  - (9) provide for continuing education requirements; and
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.

**Texas Education Code, §21.044, Educator Preparation:**

The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.

**Texas Education Code, §21.048, Certification Examinations:**

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board.
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.
- (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.
- (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless:
  - (1) the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057; or
  - (2) the educator has failed the examination more than five times.
- (d) In this section:
  - (1) "Hearing impairment" means a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
  - (2) "Reliability" means the extent to which an experiment, test, or measuring procedure yields the same results on repeated trials.
  - (3) "Validity" means being:
    - (A) well-grounded or justifiable;
    - (B) relevant and meaningful;
    - (C) correctly derived from premises or inferences; and
    - (D) supported by objective truth or generally accepted authority.

**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 54.214 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

**Texas Education Code, §21.051, Rules Regarding Field-Based Experience and Options for Field Experience and Internships:**

- (a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.
- (b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities under supervision at:
  - (1) a public school campus accredited or approved for the purpose by the agency; or
  - (2) a private school recognized or approved for the purpose by the agency.
- (c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:
  - (1) the validity of a certification issued before September 1, 2012; or
  - (2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.
- (d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.
- (e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).
- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification.

**Texas Education Code, §21.052, Certification of Educators From Outside the State:**

- (a) The board may issue a certificate to an educator who applies for a certificate and:
  - (1) holds:

- (A) a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or
  - (B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
- (2) holds an appropriate certificate or other credential issued by another state or country; and
- (3) performs satisfactorily on:
  - (A) the examination prescribed under Section 21.048; or
  - (B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by Paragraph (A) administered to the educator under the authority of that state.
- (b) For purposes of Subsection (a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsection (d), the board may specify the term of a temporary certificate issued under this subsection.
- (d) A temporary certificate issued under Subsection (c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a certificate as provided by Subsection (a) must perform satisfactorily on the examination prescribed under Section 21.048 not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.
- (f) The board shall post on the board's Internet website the procedures for obtaining a certificate under Subsection (a).
- (g) The commissioner shall provide guidance to school districts that employ an educator certified as provided by Subsection (a) on procedures to classify the educator as a highly qualified teacher in a manner consistent with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).
- (h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of

the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:

- (1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
- (2) information necessary to complete a national criminal history record information review; and
- (3) an application fee as required by the board.

**Texas Education Code, §21.053, Presentation and Recording of Certificates:**

- (a) A person who desires to teach in a public school shall present the person's certificate for filing with the employing district before the person's contract with the board of trustees of the district is binding.
- (b) An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

**Texas Education Code, §21.054, Continuing Education (excerpt):**

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

**Texas Education Code, §22.082, Access to Criminal History Records by State Board for Educator Certification:**

The State Board for Educator Certification shall subscribe to the criminal history clearinghouse as provided by Section 411.0845, Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter 21.

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

- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (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 Occupations Code, §54.003, Examination Accommodations for Person With Dyslexia:**

- (a) In this section, "dyslexia" has the meaning assigned by Section 51.970, Education Code.
- (b) For each licensing examination administered by a state agency, the agency shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia.

- (c) Each state agency shall adopt rules necessary to implement this section, including rules to establish the eligibility criteria an examinee must meet for accommodation under this section.