

Item 21:

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. The four subchapters being discussed outline testing requirements for certification; provide general eligibility, recommendation, and issuance requirements for various types of certificates; and confirm the overall process for individuals already certified in other states or countries to obtain Texas certification.

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).

FUTURE ACTION EXPECTED: Texas Education Agency (TEA) staff anticipates presenting proposed revisions to 19 TAC Chapter 230, Subchapters C-E, and H, to the SBEC at the May 18, 2018 meeting for approval to be published as proposed in the *Texas Register*.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230 specify the certifying requirements for issuance of educator certificates and permits, the testing requirements, and the types and classes of certificates issued. These requirements ensure that educators are qualified and professionally prepared to instruct the schoolchildren of Texas.

TEA staff anticipates presenting proposed revisions to 19 TAC Chapter 230 to the SBEC at the May 2018 Board meeting. In preparation of those revisions, this item provides the SBEC with an opportunity to discuss the proposed revisions and provide input to TEA staff.

Following is a description of the proposed revisions and topics for Board 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. Revisions to the figure in subsection §230.21(e) would provide testing requirements for:

- Principal certification to align changes to the principal certification redesign, including the new certificate name, Principal as Instructional Leader, as specified in the previous agenda item relating to, Discussion and Update on Principal Certification Redesign.
- The Early Childhood-Grade 3 and the Trade and Industrial Workforce Training certificates to comply with recent legislation from the 85th Texas Legislative Session, 2017.

TEA staff also plans to propose 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.

- Revisions to subsections §230.36 and §230.37 would identify the requirements for issuance of an intern and probationary certificates for Principal, Early Childhood-Grade 3, and Trade and Industrial.
- Revisions to §230.41 would clarify the language proficiency requirements for the Visiting International Teacher (VIT) certificates to remove duplicative language concerning English language proficiency and propose an alternative assessment for English language proficiency that is as rigorous as the Test of English as a Foreign Language (TOEFL).

TEA staff plans to propose a technical edit to §230.36(4)(B) to add a semicolon to the end of the sentence. TEA staff also plans to propose a technical edit to §230.37(c)(4)(A) to revise the wording to read: “intern certificates, limited to one 12-month period maximum, as specified in §230.36 of this title (relating to Intern Certificates).”

TEA staff anticipates proposing a technical edit to §230.41(a), Visiting International Teacher Certificates, to define “an officially recongnized foreign teacher exchange program.” TEA staff also plans to discuss options to resolve duplicative references to English language proficiency requirements in §230.41(b)(1) and §230.41(b)(3). TEA staff will introduce the potential use of other established assessments to determine English language proficiency for issuance of the VIT certificate, and if given approval to proceed with exploring this option, TEA staff will recommend a proposed rule change that incorporates flexibility for the Ministry of Spain and Education Service Center Region 13 to utilize other assessments similar in rigor to the TOEFL to determine the English language proficiency of Spain educators already certified and actively teaching. Spain teachers selected to participate in the VIT Program will be assessed for English language proficiency prior to leaving Spain, and will have their English language proficiency assessed a second time by employing Texas school districts prior to issuance of a contract to teach for three years on the VIT certificate issued by the SBEC.

TEA staff believes there is merit in exploring options to assess English language proficiency for issuance of the VIT certificate. Pending the outcome of the March discussion with the SBEC, TEA staff will return to the Board in May with additional information on the role of the assessment of English language proficiency for issuance of the VIT certificate as candidates enter the three-year program, rather than the required successful completion of all four components of the TOEFL for issuance of the Texas one-year certificate, based on review of credentials for out-of-country certified candidates.

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.

- Revisions to subsection §230.53 would remove duplicative language in subsections (c) and (e) regarding English language proficiency requirements. 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, TEA staff believes proposed rule changes will fix an unintended redundancy in requirements and 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.

- Revision to this subchapter would clarify the recent legislation from the 85th Texas Legislative Session, 2017, that provides for the Commissioner of Education to determine the comparable tests process that eliminates some of the Texas certification testing requirements for educators already certified to teach in other states.

TEA staff also plans to propose a technical edit to §230.11(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 anticipates revisions to §230.113, Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States, to incorporate new legislative provisions that will allow eligible applicants certified in other states to receive exemptions from required Texas examinations. Proposed New 19 TAC Chapter 152, Commissioner's Rules Concerning Examination Requirements, §152.1001, Exceptions to Examination Requirements for Individuals Certified Outside the State, is currently in the rulemaking process with an anticipated effective date by April 24, 2018. While the SBEC does not have a role in the review and approval of Commissioner's Rules, TEA staff will work to ensure that the SBEC-approved

certification rules for individuals certified outside the state align and support provisions included in the Commissioner's Rules.

Staff Members Responsible:

Marilyn Cook, Director, Educator Certification and Testing

Attachment:

Statutory Citations

ATTACHMENT I**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, §21.045, Accountability System for Educator Preparation Programs:

- (a) The board shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to sex and ethnicity:
- (1) results of the certification examinations prescribed under Section 21.048(a);
 - (2) performance based on the appraisal system for beginning teachers adopted by the board;
 - (3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable; and
 - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3), and the following information, disaggregated by sex and ethnicity:
- (1) the number of candidates who apply;
 - (2) the number of candidates admitted;
 - (3) the number of candidates retained;
 - (4) the number of candidates completing the program;
 - (5) the number of candidates employed in the profession after completing the program;
 - (6) the number of candidates retained in the profession; and
 - (7) any other information required by federal law.
- (c) The board shall propose rules establishing performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a). The board may propose rules establishing minimum standards for approval or renewal of approval of:
- (1) educator preparation programs; or
 - (2) certification fields authorized to be offered by an educator preparation program.

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, §21.0485, Certification To Teach Students With Impairments:

- (a) To be eligible to be issued a certificate to teach students with visual impairments, a person must:
 - (1) complete either:
 - (A) all course work required for that certification in an approved educator preparation program; or
 - (B) an alternative educator certification program approved for the purpose by the board;
 - (2) perform satisfactorily on each examination prescribed under Section 21.048 for certification to teach students with visual impairments, after completing the course work or program described by Subdivision (1); and
 - (3) satisfy any other requirements prescribed by the board.
- (b) Subsection (a) does not apply to eligibility for a certificate to teach students with visual impairments, including eligibility for renewal of that certificate, if the application for the initial certificate was submitted on or before September 1, 2011.

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, §53.105, Fees:

A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

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.