

Item 5:

Consider and Take Appropriate Action on Adoption of Proposed Amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, a proposed amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate. The proposed amendment to 19 TAC §242.20 would provide an individual seeking a superintendent certificate the option to substitute managerial experience in a public school district for the requirement of a principal certificate. Additionally, the amendment would allow for a candidate to obtain standard certification as a superintendent provided that the candidate was hired by the school board of a public school district, completed a superintendent preparation program, passed the certification examination for superintendents, and possessed at least a bachelor's degree. A change is recommended to the proposed amendment as published.

STATUTORY AUTHORITY: The statutory authority for 19 TAC §242.20 is the Texas Education Code, §§21.003(a), 21.040(4), 21.041(b)(2)-(4), and 21.046(a).

EFFECTIVE DATE: The proposed effective date of the proposed amendment to 19 TAC §242.20 would be December 27, 2015 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: The SBEC adopted 19 TAC §242.20 effective March 14, 1999, and last amended the section effective October 25, 2009.

At the August 2015 meeting, the SBEC approved the amendment to 19 TAC §242.20 for publication in the *Texas Register* as a proposed rule.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 242 establish requirements for the issuance and renewal of the superintendent certificate. Section 242.20 currently provides requirements for a superintendent certificate.

In December 2014, Texas Education Agency (TEA) staff held a stakeholder meeting to discuss the rules in 19 TAC Chapter 242. Upon bringing stakeholder recommendations to the SBEC during the March 2015 meeting, the SBEC requested that TEA staff convene an additional stakeholder meeting with business leaders, which was held in June 2015. Both stakeholder groups determined that the rules in 19 TAC Chapter 242 need to be revised and updated to allow for a broader pathway to superintendent certification so that the pool of candidates for superintendent could include more diverse experiences and skill sets. The proposed

amendment to 19 TAC §242.20 captures the recommendations of stakeholders from the December 2014 and June 2015 stakeholder meetings.

In 19 TAC §242.20, language would be added to provide for the substitution of managerial experience in a public school district for the requirement of a principal certificate, provided that the managerial experience was at least three years in duration, including supervisory or appraisal duties that included district-level planning and coordination of programs, activities, or initiatives and involved either the creation or maintenance of a budget. The amendment would also require the candidate seeking the substitution of managerial experience for principal certification to submit an application to TEA staff so that TEA staff can ensure that the experience meets the requirements specified in the rule. Additionally, the amendment would allow for a candidate to obtain standard certification as a superintendent provided that the candidate was hired by the school board of a public school district, completed a superintendent preparation program, passed the state certification examination of superintendents, and possessed at least a bachelor's degree.

The proposed amendment to 19 TAC §242.20 would broaden the prerequisite experience required of superintendent candidates to allow for managerial experience in education to substitute for the principal certification requirement and, alternatively, to allow for experience outside of the field of education, provided a school district has determined that a particular candidate fits the current needs of the school district. The current rule narrowly limits the required experience in education to principal certification, which in turn requires two years of teaching experience. The effect of the proposed amendment would be an expansion of the superintendent candidate pool to include those who had not necessarily been teachers or principals.

A minor change is made to proposed amendment to 19 TAC §242.20(a)(5)(B), as published, to clarify that TEA staff will notify the applicant for alternative superintendent certification of TEA staff's decision within 60 days after receipt of the application.

FISCAL IMPACT: Texas Education Agency (TEA) staff has determined that there are fiscal implications as a result of the proposed amendment. The following fiscal implications are based on an economic benefit to state government (education service centers and public universities) for fiscal years (FYs) 2016-2020. TEA staff also determined that there is no additional fiscal impact on local governments and there are no additional costs to persons or entities required to comply with the proposed amendment. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

Since the proposed amendment would allow individuals previously foreclosed to superintendent preparation to enroll in such a program, TEA staff has determined that a small, positive fiscal impact for EPPs that offer superintendent preparation could result from a slightly increased pool of potential candidates seeking superintendent preparation. TEA staff has assumed that in 2016, about ten candidates would enroll in EPPs that otherwise would not have enrolled, loosely based on the number of superintendents currently working under a certification waiver in the state. In addition, TEA staff has assumed that the cost of an average certification program (a non-degree program) is approximately \$15,000 and there would be an annual increase of about 10% in the number of candidates that enroll in programs as more educators seek out the proposed (non-traditional) path to superintendent certification.

The proposed amendment to 19 TAC §242.20 would cause an increase of revenues to state government in the amount of \$150,000 in FY 2016, \$165,000 in FY 2017, \$181,500 in FY 2018, \$199,650 in FY 2019, and \$219,615 in FY 2020.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed amendment to 19 TAC §242.20 would be the potential expansion of the pool of candidates from which to hire superintendents.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed amendment would create a new procedural process for individuals seeking to substitute managerial experience for the principal certificate, as those individuals would need to submit an application to TEA and TEA would need to review the application and respond to the applicant.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed amendment would have no additional locally maintained paperwork requirements.

PUBLIC COMMENTS: The public comment period on the proposal began September 4, 2015, and ended October 5, 2015. Any comments received will be provided to the SBEC under separate cover prior to the October 16, 2015 meeting. The SBEC will take registered oral and written comments on this item at the October 16, 2015 meeting in accordance with the SBEC board operating policies and procedures.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

MOTION TO BE CONSIDERED: The State Board for Educator Certification:

Approve for adoption, subject to State Board of Education review, the proposed amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

Staff Members Responsible: Tim Regal, Director
Educator Evaluation and Support

Marilyn Cook, Director
Educator Certification

Tim Miller, Director
Educator Preparation Programs

Attachments:

- I. Statutory Citations
- II. Text of Proposed Amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate

ATTACHMENT I**Statutory Citations Relating to Proposed Amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate****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, §21.040, General Powers and Duties of Board (excerpt):

The board shall:

- (4) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;

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

- (b) The board shall propose rules that:
- (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;

Texas Education Code, §21.046, Qualifications for Certification As Superintendent or Principal (excerpt):

- (a) The qualifications for superintendent must permit a candidate for certification to substitute management training or experience for part of the educational experience.

ATTACHMENT II
Text of Proposed Amendment to 19 TAC

Chapter 242. Superintendent Certificate

§242.20. Requirements for the Issuance of the Standard Superintendent Certificate.

- (a) To be eligible to receive the standard Superintendent Certificate, a candidate must:
- (1) satisfactorily complete an examination based on the standards identified in §242.15 of this title (relating to Standards Required for the Superintendent Certificate); and
 - (2) successfully complete a State Board for Educator Certification (SBEC) -approved superintendent preparation program and be recommended for certification by that program; and
 - (3) hold, at a minimum, a master's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board (THECB) ; and
 - (4) hold, at a minimum, a principal certificate or the equivalent issued under this title or by another state or country ; or []
 - (5) have at least three creditable years of managerial experience in a public school district.
 - (A) The managerial experience must include responsibility for:
 - (i) supervising or appraising faculty or staff;
 - (ii) conducting district-level planning and coordination of programs, activities, or initiatives; and
 - (iii) creating or maintaining a budget.
 - (B) The candidate must submit an application to Texas Education Agency (TEA) staff for the substitution of managerial experience as defined in this paragraph. The TEA staff will review the application and will notify the applicant, in writing, of approval or denial within 60 calendar days from date of receipt [and will notify the applicant in writing of approval or denial] .
- (b) Alternatively, a candidate is eligible to receive the standard superintendent certificate if:
- (1) the candidate is hired by a public school district in Texas for the position of superintendent;
 - (2) the candidate holds, at a minimum, a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB;
 - (3) the candidate satisfactorily completes an examination based on the standards identified in §242.15 of this title; and
 - (4) the candidate successfully completes an SBEC-approved superintendent preparation program and is recommended for certification by that program.