

Item 6:
**Consider and Take Appropriate Action on Proposed
Amendment to 19 TAC Chapter 230, Professional Educator
Preparation and Certification, Subchapter A, General
Provisions, §230.1, Definitions**

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose an amendment to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions. The proposed amendment would update the definition of a *pilot exam* in §230.1(17) to indicate that the edTPA performance assessment pilot will be subject to review by the SBEC prior to September 1, 2022, rather than the original date of September 1, 2021.

STATUTORY AUTHORITY: The statutory authority for 19 TAC §230.1 is the Texas Education Code (TEC), §§21.041(b)(1), (2), and (4) and (c); 21.044(a); 21.048(a) and (a-1); 21.050; and 22.082.

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; 21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and 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(c), states that the SBEC may adopt fees for the issuance and maintenance of an educator certificate to adequately cover the cost of the administration.

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) and (a-1), state that the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes.

TEC, §21.050(a), states that a person who applies for a teaching certificate must possess a bachelor's degree.

TEC, §21.050(b), states that the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship.

TEC, §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, §22.082, requires SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code, §411.0845, and may obtain any law enforcement or criminal history records that relate to a specific applicant for or holder of a certificate issued under Chapter 21, Subchapter B.

EFFECTIVE DATE: If approved for filing as proposed in December 2020, and if adopted, subject to State Board of Education (SBOE) review, at the February 12, 2021 SBEC meeting, the proposed effective date of the proposal would be May 20, 2021 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: The SBEC last amended §230.1 effective October 13, 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230 specify the testing requirements for certification and the additional certificates based on examination. These requirements ensure educators are qualified and professionally prepared to instruct the schoolchildren of Texas. The following provides a description of changes to Chapter 230, Subchapter A, §230.1.

At the July 2019 SBEC meeting, the Board approved the edTPA performance assessment pilot to run two consecutive years. To ensure clarification of the pilot timeline, the Board also adopted new §230.1(17) that defined the term *pilot exam* to align with the Board's intention of the two-year edTPA pilot and required the Board to review the pilot exam by September 1, 2021.

Due to the impact of COVID-19 on educator preparation programs (EPPs), candidates, and schools, Texas Education Agency (TEA) staff recommended at the October 2020 SBEC meeting that the Board extend the pilot period one year, to include a third pilot year, with the intent of providing programs flexibility and a longer runway given the current circumstances. The SBEC approved the extension of the edTPA pilot period at the October meeting and directed TEA staff to bring proposed rule language to codify the extension of the pilot period at the December 2020 meeting.

The following is an overview of the proposed amendment to 19 TAC §230.1, shown in Attachment II.

Subchapter C, §230.1. Definitions

The proposed amendment to §230.1(17) would update the definition of *pilot exam* to extend the edTPA performance assessment pilot period with an updated SBEC review date of September 1, 2022. This would allow teacher candidates and EPPs that are interested in participating in the pilot additional flexibility during the public health crisis. The proposed amendment to §230.1(17) and (25) would reflect technical edits to implement the Texas Register's style for capitalization.

FISCAL IMPACT: The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to entities 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 (TGC), §2001.002.

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 TGC, §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 TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: The 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 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 expand, limit, or 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: The public benefit anticipated as a result of the proposal would be the increased teacher knowledge and skills in subject-specific pedagogy, leading to the anticipated growth in student academic performance. The TEA staff has determined there is no anticipated cost to persons required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined 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 January 1, 2021, and ends February 1, 2021. The SBEC will take oral and written comments on the proposal at the February 12, 2021 meeting in accordance with the SBEC board operating policies and procedures.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, to be published as proposed in the *Texas Register*.

Staff Members Responsible:

Jessica McLoughlin, Director, Educator Standards and Testing
DeMarco Pitre, Education Specialist, Educator Standards and Testing

Attachments:

- I. Statutory Citations
- II. Text of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions

ATTACHMENT I**Statutory Citations Relating to Proposed Amendment to 19 TAC Chapter 230,
Professional Educator Preparation and Certification, Subchapter A, General Provisions,
§230.1, Definitions****Texas Education Code, §21.041, Rules; Fees (excerpts):**

- (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;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
- (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 (excerpt):

- (a) 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. 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.
 - (a-1) The board may not require that more than 45 days elapse before a person may retake an examination. A person may not retake an examination more than four times, unless the board waives the limitation for good cause as prescribed by the board.
 - (a-2) The board shall adopt rules that provide that in order to teach any grade level from prekindergarten through grade six a person must demonstrate proficiency in the science of teaching reading on a certification examination for each class of certificate issued by the board after January 1, 2021.
- (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 the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057.
- (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; Field-Based Experience or 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, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.
- (b) The board shall provide for a minimum number of semester credit hours of field-based experience or internship to be included in the credit 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, §22.082, 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.

ATTACHMENT II
Text of Proposed Amendment to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter A. General Provisions

§230.1. Definitions.

The following words and terms, when used in this chapter, Chapter 232 of this title (relating to General Certification Provisions), and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited institution of higher education--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.
- (2) Appropriate--Suitable for a particular purpose. The term denotes compliance with State Board for Educator Certification (SBEC) rules and with SBEC procedures and policies posted on the Texas Education Agency website that are related to the stated particular purpose.
- (3) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.
- (4) Certificate--Any educator credential issued by the State Board for Educator Certification under the authority of the Texas Education Code, Chapter 21, Subchapter B.
- (5) 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.
- (6) Charter school--A Texas public school operated by a charter holder under an open-enrollment charter school granted either by the State Board of Education (SBOE) or commissioner of education, whichever is applicable, pursuant to Texas Education Code, §12.101, identified with its own county district number.
- (7) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical education instructional setting. This term does not include an educational aide or a full-time administrator.
- (8) Content certification examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program.
- (9) Content pedagogy examinations--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's certification as an educator.
- (10) Continuing professional education--Professional development required for the renewal of standard and/or lifetime certificates that is designed to ensure improvement in both the performance of the educator and achievement of his or her students.
- (11) Educator--An individual who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B.
- (12) Educator preparation program--An entity approved by the State Board for Educator Certification to offer training and coursework that must adequately prepare candidates for educator certification and meet the standards and requirements of the board.

-
- (13) Examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
 - (14) Hearing impairment--As defined in the Texas Education Code, §21.048(d)(1), a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
 - (15) Initial certification--The first Texas educator certificate for a particular class issued to an individual as specified in §230.33 of this title (relating to Classes of Certificates).
 - (16) Intern certificate--A type of certificate issued to a candidate who has passed all required content examinations and is completing requirements for certification through an approved educator preparation program.
 - (17) Pilot exam--A [a] certification examination that is subject to review by the State Board for Educator Certification prior to September 1, 2022 [~~September 1, 2021~~].
 - (18) Private school--A non-public school whose educational program has been evaluated by a regional accrediting agency and whose program has met and is maintaining certain educational standards.
 - (19) Probationary certificate--A type of certificate issued to a candidate who has passed all required examinations and is completing requirements for certification through an approved educator preparation program.
 - (20) Professional class--A term that refers to certificates for duties other than classroom teacher (e.g., superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and master teachers).
 - (21) 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).
 - (22) Teacher--An individual who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B.
 - (23) Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.
 - (24) Teacher service record--The official document used to record years of service and days used and accumulated under the state's former minimum sick leave program or the state's current personal leave program.
 - (25) Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 [~~kindergarten-Grade 12~~] 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.
 - (26) Texas school district--A school district accredited and approved by the Texas Education Agency under the Texas Education Code, Chapter 11.