

Item 10:**Consider and Take Appropriate Action on Proposed Amendments 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; 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****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed amendments to 19 Texas Administrative Code (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; 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. Chapter 230 serves as a foundation for the practices and procedures related to educator preparation and certification. The subchapters discussed outline testing requirements for certification; provide general eligibility, recommendation, and issuance requirements for several types of certificates; identify fees for certification services; and confirm the overall process for individuals already certified in other states or countries to obtain Texas certification. The proposed amendments would provide necessary updates to certification and/or testing requirements and would 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), (2), and (4), 21.044(a), 21.048, 21.050, and 22.082, and Texas Occupations Code (TOC), §54.003. 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, as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017, and 22.0831(c) and (f). The statutory authority for 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 G, is the TEC, §§21.031(a), 21.041(b)(1)-(5) and (9) and (c), 21.044(a), (e), and (f), 21.048, 21.0485, 21.050, 21.054(a), 22.082, and 22.0831(f) and TOC, §53.105. 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, 21.052, as amended by House Bill (HB) 1934, 85th Texas Legislature, Regular Session, 2017, 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.

TEC, §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)(3), requires the SBEC to specify the period for which each class of educator certificate is valid.

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, §21.041(c), requires the SBEC to 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.

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, §21.044(e), requires the SBEC to specify that a person must have an associate degree or more advanced degree from an accredited institution of higher education; current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized

accrediting agency for health professionals; and at least two years of wage earning experience utilizing the licensure requirement when proposing rules under TEC, §21.044, for a person to obtain a certificate to teach a health science technology education course.

TEC, §21.044(f), requires the SBEC to not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under subsection (e).

TEC, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC.

TEC, §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.

TEC, §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.

TEC, §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.

TEC, §21.048(d), states the definitions for hearing impairment, reliability, and validity when used in the TEC, §21.048.

TEC, §21.0485, provides that all candidates for a certificate to teach students with visual impairments must complete an approved educator preparation program.

TEC, §21.0491, as added by HB 3349, 85th Texas Legislature, Regular Session, 2017, requires the SBEC to create a probationary and standard trade and industrial workforce training certificate and confirms there is no limit on the examination retake for this certificate.

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.

TEC, §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.

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, §21.051, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017, 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.

TEC, §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.

TEC, §21.052(c), as amended by HB 1934, 85th Texas Legislature, Regular Session, 2017, 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). Subject to subsections (d) and (d-1), the SBEC may specify the term of a temporary certificate issued under this subsection.

TEC, §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, §21.053(a), states that 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.

TEC, §21.053(b), states that 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.

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 charge 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.

EFFECTIVE DATE: If approved for filing as proposed in August 2018 and if adopted, subject to State Board of Education (SBOE) review, at the October 2018 SBEC meeting, the proposed effective date of the proposed amendments to 19 TAC Chapter 230 would be December 23, 2018 (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 last amended §230.21 effective May 17, 2018; §230.23 effective August 12, 2012; and §§230.41, 230.53, 230.101, 230.111, and 230.113 effective December 27, 2016. The SBEC adopted §230.36 effective December 27, 2016.

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. These eight 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 amendments to only Subchapters C, D, E, G, and H, for the SBEC'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. Proposed new §230.21(a)(1)(A) would clarify that canceled examination scores are not considered retakes for purposes of the five-time

limit, so candidates would not be penalized when illness or other unexpected events cause them to have to cancel their results. Proposed new §230.21(a)(1)(B) would exempt piloted examinations from the retake limit to incentivize candidates to take the piloted examinations so that the agency can get the best data possible for purposes of developing and improving the examinations. Proposed new §230.21(a)(1)(C) would clarify that there is no test attempt/retake limit for the Trade and Industrial Workforce Training certificate as mandated through provisions in HB 3349, 85th Texas Legislature, Regular Session, 2017.

Proposed changes to the figure in §230.21(e) would add the new certificate and endorsement for Principal as Instructional Leader and would identify the required examinations for its issuance. A technical edit would also be made to the figure for ease of use and readability.

The proposed amendment to §230.21(g) would introduce a new heading to emphasize the importance of ethical behavior as it relates to all aspects of educator testing and to accommodate proposed new subsection (g)(4)(B) that would address failure to pay test costs and fees required by this chapter or the testing vendor. The proposed amendment to subsection (g)(1) would add scoring to the list of assessment activities that an educator or candidate should keep secure. The current subsection (g)(4)(B) has been relettered to subsection (g)(4)(C). TEA staff also proposes 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. This subchapter also identifies some of the temporary credentials issued as individuals complete requirements to obtain a Texas standard certificate.

§230.36. Intern Certificates.

Due to the anticipated rigor of new assessments being developed to align with certification for Principal as Instructional Leader, proposed new §230.36(e)(4)(A) and (B) would provide 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 would be required to pass the TExES Principal as Instructional Leader Examination (268).

§230.41. Visiting International Teacher Certificates.

Proposed new §230.41(a) would replace the current wording and would define the Visiting International Teacher (VIT) Program as a J-1 Visa Exchange Visitor Program officially approved by the United States Department of State (DoS). The DoS has specific requirements to allow organizations from approved countries to apply for designation of sponsorship to administer an exchange visitor program for the teacher category. The application fee for designation or re-designation status as an Exchange Visitor Program Sponsor is \$3,982, and the Exchange Visitor Status Change Request fee is \$367. Both of these fees are paid directly to the DoS.

With the proposed rule changes, entities interested in sponsoring a VIT Program in Texas would need approval from the DoS prior to contacting TEA staff regarding issuance of the SBEC-approved VIT certificate. The DoS requires an entity seeking approval as an Exchange Visitor Program Sponsor to provide extensive documentation confirming experience to successfully run a VIT program, proof of financial stability, and a clear background check.

Subsection (b) would retain information on requirements that must be met by the individual seeking issuance of a VIT certificate. The requirements for certificate issuance under §230.41(b)(1) are also relevant to the VIT certificate and can be found in §230.11(b)(1)-(4). The reference to §230.11(b)(5) regarding demonstration of English language proficiency is not included in the proposed rules to allow VIT program sponsors the flexibility to use assessments of English language proficiency identified in their original application approved by the DoS. Subsection (b)(1) states requirements for certificate issuance that are also relevant to the VIT certificate and can be found in §230.11(b)(1)-(4). Proposed new subsection (b)(2) would confirm an individual must be recommended for the VIT certificate by a school district participating in the VIT Program. The current subsection (b)(2), renumbered to subsection (b)(3), would add the United States Department of Education to the entities that recognize accrediting organizations that confirm degree equivalencies for credentials issued in other countries. The current subsection (b)(3), renumbered to subsection (b)(4), would require that English language proficiency and subject matter competence be verified by the VIT Program sponsor officially approved by the DoS and the employing school district. The current subsection (b)(4), renumbered to subsection (b)(5), would retain the required verification of criminal activity clearance from the country of origin. Current subsection (b)(5) would be deleted to remove reference to federal requirements under No Child Left Behind that are no longer in place. The current subsection (b)(6)-(7) would remain in place.

Subsection (c) would be clarified to state school districts that recommend an individual for a VIT certificate have a critical role in providing those teachers with the necessary supervision, support, and feedback to ensure success in his or her role.

The current wording of subsection (d) would be retained to confirm TEA staff's administrative role in establishing procedures that support participation in the VIT program and issuance of the VIT certificate.

Proposed new subsection (e) would confirm the VIT certificate is valid for three years upon issuance and would provide an option for two one-year extensions for all individuals actively enrolled in and in good standing with a VIT Program as verified by the program sponsor and the employing school district. The current subsection (e), relettered as subsection (f), would retain wording that the holder of a VIT certificate is also eligible for issuance of a one-year certificate through the out-of-country credentials review process, should he or she wish to pursue a Texas standard certificate.

Because the process to become an approved VIT program sponsor is handled by a separate entity and all related costs are paid directly to that entity, that information has not been included in the fiscal note. Texas school districts and charter schools are necessary partners to employ VIT certificate holders as teachers of record during the validity period of the VIT certificate. This partnership has also been in place for years and costs for employing teachers was not included in the fiscal note as that fiscal impact is already accounted for by each entity that chooses to participate in this optional program.

The remaining administrative functions related to implementation of the VIT Program and issuance of the VIT certificate can be established outside of the rules in §230.41 through provisions of TEC, §21.040, General Powers and Duties of the Board.

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. Most of the rules in this subchapter remain the same and, therefore, are not included in Attachment II. The proposed amendment to §230.53(c) and (e) would clarify that the determination of English language proficiency should be the responsibility of the employing school district. This clarification is needed because 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.

A proposed amendment would be made to subsection (e) to update the reference to §230.11.

Subchapter G, Certificate Issuance Procedures.

The purpose of Subchapter G, Certificate Issuance Procedures, is to identify the general procedures for issuance of certificates; to confirm the roles of educator preparation programs (EPPs) in the recommendation of their candidates for certification; to highlight the process for dating and issuing certificates and permits; to establish in rule the fees for various certification services; to outline the process for submitting fees for correction of a certificate or permit issued in error; and to identify requirements for issuance of additional certificates based on examination only.

Most of the rules in this subchapter would remain the same; however, language would be proposed in 19 TAC §230.101, Schedule of Fees for Certification Services, to add new subsection (c)(1)-(5), which lists the examination testing fees required for issuance of the different categories of SBEC-approved certificates. The testing fees listed in subsection (c)(1)-(5) are amounts for the new educator testing contract awarded to NCS Pearson. The Performance Assessment for School Leaders (PASL) is a national assessment that will be used by Texas to satisfy a portion of the testing requirements for the Principal as Instructional Leader certificate and endorsement. The testing fee of \$375 would be paid directly to the testing vendor, Educational Testing Services (ETS), awarded the new educator testing contract for performance assessments for administrator and student services certificates.

The testing fees listed in subsection (c)(3)-(4) are for future tests that will be redesigned to include an enhanced selected-response/constructed-response approach for assessment to determine preparedness and readiness for licensure. These fees have not been included in the fiscal note as no tests are currently available at these price points, thus no candidates are impacted by these fees. The fees in subsection (c)(3)-(4) will have an impact on future candidates once tests have been developed and test passing standards have been adopted by the commissioner to use these tests as requirements for issuance of licensure.

TEA is required by TEC, §21.041, to collect testing fees in order to fund the certification functions of the SBEC. The testing fees proposed in subsection (c)(1)-(2) would reflect changes

to the \$131 and \$65 fees per test administered under the current contract that expires on August 31, 2018. These fee reductions would provide the majority of certification candidates a cost savings of \$15 and \$7 per test administered. Additional information about the relevant costs and savings to candidates as part of this proposed rulemaking is discussed in the Fiscal Impact section of this item.

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. Most of the rules in this subchapter would remain the same but a few minor changes would be made.

A technical edit to §230.111(d) would eliminate the words “must be” to improve readability.

TEA staff also proposes an amendment to §230.113, Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States, clarifying that individuals certified outside the state may qualify for an exemption from required Texas examinations if they meet requirements specified in 19 TAC Chapter 152, Commissioner’s Rules Concerning Examination Requirements, §152.1001, Exceptions to Examination Requirements for Individuals Certified Outside the State.

These minor edits proposed by TEA staff would provide alignment and support to provisions included in the Commissioner’s Rules for individuals currently certified outside the state.

FISCAL IMPACT: The TEA staff has determined that there is additional fiscal impact on state and local governments, and there are additional costs to persons or entities required to comply with the proposed amendments. There is no direct adverse economic impact for small businesses, microbusinesses, and rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code (TGC), §2006.002, is required. There is no effect on local economy; therefore, no local employment impact statement is required under TGC, §2001.022. The proposed amendments do impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, are subject to TGC, §2001.0045.

HB 3349, 85th Texas Legislature, Regular Session, 2017, appropriated money to TEA for creation of a new Trade and Industrial Workforce Training certificate that would cost \$210,694 in fiscal year 2018 and \$202,694 in fiscal year 2019 related to technology changes and personnel supporting the initial development of the standards, test, certificate, and educator preparation program course requirements and hours of training. The fiscal note for 19 TAC Chapter 228 addressed personnel costs only. The remaining fees (\$114,334 in fiscal years 2018 and 2019) specific to technology and other activities directly related to issuance of the new Trade and Industrial Workforce Training certificate, including modifications to the Educator Certification Online System, have been included in the fiscal note.

There are proposed changes to the testing fees under the new educator testing contracts with NCS Pearson and ETS that will result in costs and savings to individuals. The new contract year begins September 1, 2018. The same base estimate of examinees per testing fee cost was used for all five fiscal years (2019 through 2023).

- 145,500 examinees will take tests at the new (lower) price of \$116 per test for a total of \$16,878,000. This is a \$15 savings per person and a \$2,182,500 savings per fiscal year.
- 6,000 examinees will take tests at the new (lower) price of \$58 per test for a total of \$348,000. This is a \$7 savings per person and a \$42,000 savings per fiscal year.
- 300 examinees are estimated to take tests for the new principal certification at the new (higher) prices of \$200 per test for a total of \$60,000 and the new (higher price) of \$375 per test for a total of \$112,000. The total cost per person seeking the new principal certification is \$575 per person to take both tests and a total cost of \$172,500 per fiscal year.
- The current principal test is \$131, so the new \$200 test that will be available in fall of 2018 is a \$69 fee increase to candidates for a total cost increase of \$20,700 per fiscal year--the \$172,500 per fiscal year included in the fiscal impact form reflects the total amounts of the new tests for principal certification (i.e., $\$575 \times 300 = \$172,500$).
- Individuals already certified to serve in the role of principal are eligible to add the new Principal as Instructional Leader Endorsement to their certification record by taking the performance assessment for \$375. This cost estimate is not included in the fiscal impact form as it is challenging to determine the number of current principals that will be interested in obtaining the new endorsement.
- The total savings per fiscal year (with new lower fees for testing that benefit almost all test takers) is \$2,224,500.
- The total costs per fiscal year (with higher testing fees specific to the new Principal as Instructional Leader certificate) is \$172,500.

It is estimated that 300 individuals will take the vendor-owned national test, Performance Assessment for School Leaders (PASL), and pay the \$375 test fee directly to ETS. While fees paid to the state will be lost, ETS will still utilize our eligibility and score reporting services to ensure that only eligible candidates gain access to the test and receive scores that lead to issuance of the new SBEC-issued Principal as Instructional Leader certificate.

Any adjustments to the fiscal impact will be handed out at the meeting.

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 require a decrease in fees paid to the agency.

The TEA staff has also determined that the proposed rulemaking 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 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 AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed amendments to 19 TAC Chapter 230 would be rules that offer continued and clear guidance on processes and procedures for testing and certificate issuance.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed amendments would have no additional procedural and reporting implications.

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

PUBLIC COMMENTS: The public comment period on the proposal begins August 24, 2018, and ends September 24, 2018. The SBEC will take oral and written comments on this item at the October 5, 2018 meeting in accordance with the SBEC Board operating policies and procedures.

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

Approve the proposed amendments 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; 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, to be published as proposed in the *Texas Register*.

Staff Member Responsible:

Marilyn Cook, Director, Educator Certification and Testing

Attachments:

- I. Statutory Citations
- II. Text of Proposed Amendments 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; 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, including Figure: 19 TAC §230.21(e)

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 (excerpts):

- (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.
- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
 - (1) an associate degree or more advanced degree from an accredited institution of higher education;
 - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
 - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).

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

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board.
- (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 Visual 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, §21.0491, Probationary and Standard Trade and Industrial Workforce Training Certificates, as added by HB 3349, 85th Texas Legislature, Regular Session, 2017:

- (a) To provide a continuing additional source of teachers to provide workforce training, the board shall establish a probationary trade and industrial workforce training certificate and a standard trade and industrial workforce training certificate that may be obtained through an abbreviated educator preparation program under Section 21.0442.
- (b) To be eligible for a probationary certificate under this section, a person must:
 - (1) satisfactorily complete the course work for that certificate in an educator preparation program under Section 21.0442; and
 - (2) satisfy any other requirements prescribed by the board.
- (c) To be eligible for a standard certificate under this section, a person must:
 - (1) hold a probationary certificate issued under this section;
 - (2) be employed by:
 - (A) a public or private primary or secondary school; or
 - (B) an institution of higher education or an independent or private institution of higher education as those terms are defined by Section 61.003; and
 - (3) perform satisfactorily on a standard trade and industrial workforce training certificate examination prescribed by the board.

- (d) The limitation imposed by Section 21.048(a-1) on the number of administrations of an examination does not apply to the administration of the standard trade and industrial workforce training certificate examination prescribed by the board.
- (e) Notwithstanding any other law, the board may administer the standard trade and industrial workforce training certificate examination to a person who satisfies the requirements of Subsections (c)(1) and (2).
- (f) The board shall propose rules to:
- (1) specify the term of a probationary certificate and a standard certificate issued under this section; and
 - (2) establish the requirements for renewal of a standard certificate.

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, as amended by Senate Bill 1839, 85th Texas Legislature, Regular Session, 2017:

- (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, and, except as provided by Subsection (b-1), after the candidate's admission to an educator preparation program, 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.
- (b-1) A candidate may satisfy up to 15 hours of the field-based experience requirement under Subsection (b) by serving as a long-term substitute teacher as prescribed by board rule. Experience under this subsection may occur after the candidate's admission to an educator preparation program or during the two years before the date the candidate is

admitted to the program. The candidate's experience in instructional or educational activities must be documented by the educator preparation program and must be obtained 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, as amended by House Bill 1934, 85th Legislature, Regular Session, 2017:

- (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.
- (a-1) The commissioner may adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) for an educator outside the state to obtain a certificate in this 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.
- (b-1) The board shall propose rules to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States, including rules for providing the appropriate documentation to establish the educator's status as a spouse of a person who is serving on active duty as a member of the armed forces of the United States.
- (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 Subsections [Subsection] (d) and (d-1), 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.
- (d-1) A temporary certificate issued under Subsection (c) to an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States may not expire before the third 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 satisfactorily to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by Subsection (c) 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) [Repealed.]
- (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.

ATTACHMENT II
Text of Proposed Amendments to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter C. Assessment of Educators

§230.21. Educator Assessment.

- (a) A candidate seeking certification as an educator must pass the examination(s) required by the Texas Education Code (TEC), §21.048, and the State Board for Educator Certification (SBEC) in §233.1(e) of this title (relating to General Authority) and shall not retake an examination more than four times, unless the limitation is waived for good cause. The burden of proof shall be upon the candidate to demonstrate good cause.
- (1) For the purposes of the retake limitation described by the TEC, §21.048, an examination retake is defined as a second or subsequent attempt to pass any examination required for the issuance of a certificate, including an individual core subject examination that is part of the overall examination required for the issuance of a Core Subjects certificate as described in §233.2 of this title (relating to Early Childhood; Core Subjects) [~~Core Subjects; Generalist~~] . [~~An examination score that is cancelled is not considered an examination retake.~~]
- (A) A canceled examination score is not considered an examination retake.
- (B) An examination taken by an educator during a pilot period is not considered part of an educator's five-time test attempt limit.
- (C) Pursuant to TEC, §21.0491(d), the limit on number of test attempts does not apply to the trade and industrial workforce training certificate examination prescribed by the SBEC.
- (2)-(7) (No change)
- (b)-(d) (No change.)
- (e) The appropriate examination(s) required for certification are specified in the figure provided in this subsection.
Figure: 19 TAC §230.21(e) [~~Figure: 19 TAC §230.21(e)~~]
- (f) (No change.)
- (g) The following provisions concern ethical obligations relating to examinations [~~test security and confidentiality integrity~~] .
- (1) An educator or candidate who participates in the development, design, construction, review, field testing, scoring, or validation of an examination shall not reveal or cause to be revealed the contents of the examination to any other person.
- (2) An educator or candidate who administers an examination shall not:
- (A) allow or cause an unauthorized person to view any part of the examination;
- (B) copy, reproduce, or cause to be copied or reproduced any part of the examination;
- (C) reveal or cause to be revealed the contents of the examination;
- (D) correct, alter, or cause to be corrected or altered any response to a test item contained in the examination;
- (E) provide assistance with any response to a test item contained in the examination or cause assistance to be provided; or
- (F) deviate from the rules governing administration of the examination.

- (3) An educator or candidate who is an examinee shall not:
- (A) copy, reproduce, or cause to be copied or reproduced any test item contained in the examination;
 - (B) provide assistance with any response to a test item contained in the examination, or cause assistance to be provided;
 - (C) solicit or accept assistance with any response to a test item contained in the examination;
 - (D) deviate from the rules governing administration of the examination; or
 - (E) otherwise engage in conduct that amounts to cheating, deception, or fraud.
- (4) An educator, candidate, or other test taker shall not:
- (A) solicit information about the contents of test items on an examination that the educator, candidate, or other test taker has not already taken from an individual who has had access to those items, or offer information about the contents of specific test items on an examination to individuals who have not yet taken the examination; ~~or~~
 - ~~(B)~~ fail to pay all test costs and fees as required by this chapter or the testing vendor; or
 - ~~(C)~~ ~~(B)~~ otherwise engage in conduct that amounts to violations of test security or confidentiality integrity, including cheating, deception, or fraud.
- (5) A person who violates this subsection is subject to:
- (A) sanction, including, but not limited to, disallowance and exclusion from future examinations either in perpetuity or for a period of time that serves the best interests of the education profession, in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases); and/or
 - (B) denial of certification in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title; and/or
 - (C) voiding of a score from an examination in which a violation specified in this subsection occurred as well as a loss of a test attempt for purposes of the retake limit in subsection (a) of this section.

§230.23. Testing Accommodations for Persons with Dyslexia.

The Texas Education Agency (TEA) shall provide examination accommodations for persons with dyslexia.

- (1) For each licensing examination administered, the TEA and its testing vendor shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia as that term is defined in the Texas Occupations Code, §54.003 ~~[Texas Education Code, §51.970]~~ .
- (2) The TEA and its testing vendor shall provide examination accommodations to an examinee diagnosed with dyslexia, provided acceptable medical or diagnostic documentation has been received and reviewed by the vendor prior to the administration of the examination.

Subchapter D. Types and Classes of Certificates Issued

§230.36. Intern Certificates.

- (a)-(d) (No change.)
- (e) Intern certificate in a certification class other than classroom teacher. An intern certificate may be issued for assignment as a superintendent, principal, reading specialist, master teacher, school librarian, school counselor, and educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.

- (1) An applicant for an intern certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of an intern certificate in that class.
- (2) The individual must have also been:
 - (A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and
 - (B) assigned in the certificate area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.35 of this title (relating to Preparation Program Coursework and/or Training), other school approved by the TEA.
- (3) The holder of an intern certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.
- (4) The following provisions apply to the intern certificate for Principal as Instructional Leader.
 - (A) During the transition period of December 1, 2018 through September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets the requirements specified in paragraphs (1)-(3) of this subsection.
 - (B) Effective September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets requirements specified in paragraphs (1)-(3) of this subsection and have passed the Principal as Instructional Leader examination specified in Subchapter C of this chapter (relating to Assessment of Educators).

§230.41. Visiting International Teacher Certificates.

- (a) For purposes of this subsection, Visiting International Teacher Program is defined as a J-1 Visa Exchange Visitor Program officially approved by the United States Department of State.
- ~~[(a) A teacher may be issued a visiting international teacher certificate valid for no more than three school years upon recommendation by a school district participating in an officially recognized foreign teacher exchange program.]~~
- (b) The visiting international teacher certificate will be issued to an individual who meets the conditions and requirements specified ~~[presented]~~ in this subsection. The individual must:
 - (1) meet appropriate requirements prescribed in §230.11(b)(1)-(4) ~~[§230.11]~~ of this title (relating to General Requirements);
 - (2) be recommended for certification by a school district participating in a Visiting International Teacher Program;
 - (3) [(2)] hold valid teaching credentials from the country of origin based, at a minimum, on the equivalent of a bachelor's degree issued by an institution of higher education in the United States accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board or by the U.S. Department of Education;
 - (4) [(3)] demonstrate English language proficiency and subject matter competence in subject area(s) taught, as verified by the Visiting International Teacher Program sponsor and the employing school district;
 - (5) [(4)] have criminal activity clearance from country of origin;
 - ~~[(5) demonstrate subject matter competence in subject area(s) taught, as defined by the Texas Education Agency (TEA) in compliance with federal requirements;]~~
 - (6) pay appropriate fee prescribed by §230.101 of this title (relating to Schedule of Fees for Certification Services); and

- (7) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code, §22.0831.
- (c) School districts ~~[Participating school districts]~~ that recommend educators for visiting international teacher certificates agree to provide the visiting international teachers with intensive supervision consisting of structured guidance and regular ongoing support through a mentoring program.
- (d) The Texas Education Agency (TEA) ~~[TEA]~~ staff shall establish reasonable procedures to implement this section.
- (e) The visiting international teacher certificate is valid for three years and may be extended two additional years, for a maximum total of five years, for all candidates actively enrolled in and in good standing with a Visiting International Teacher Program as verified by the employing school district.
- (f) ~~(e)~~ Issuance of a visiting international teacher certificate does not prohibit issuance of a one-year certificate following a successful review of credentials, as specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries).

Subchapter E. Educational Aide Certificate

§230.53. Procedures in General.

- (a)-(b) (No change.)
- (c) The applicant for an educational aide certificate must be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication as determined by the employing school district.
- (d) (No change.)
- (e) An applicant for an educational aide certificate is subject to the provisions in §230.11(b)(1)-(4) ~~[§230.11(b)(1)-(5)]~~ of this title (relating to General Requirements).
- (f)-(g) (No change.)

Subchapter G. Certificate Issuance Procedures

§230.101. Schedule of Fees for Certification Services.

- (a) An applicant for a certificate or a school district requesting a permit shall pay the applicable fee from the following list.
- (1) Educational aide certificate:
- (A) prior to September 1, 2017--\$30; and
- (B) after August 31, 2017--\$15.
- (2) Standard certificate--\$75.
- (3) Probationary or intern certificate:
- (A) prior to September 1, 2017 --\$50; and
- (B) after August 31, 2017--\$75.
- (4) Addition of certification based on completion of appropriate examination--\$75.
- (5) Review of a credential issued by a jurisdiction other than Texas (nonrefundable):
- (A) prior to September 1, 2016--\$175; and
- (B) after August 31, 2016--\$160.
- (6) One-year certificate based on a credential issued by a jurisdiction other than Texas--\$50.

- (7) Emergency permit (nonrefundable)--\$55.
 - (8) National criminal history check (nonrefundable)--The fee, posted on the Texas Education Agency website, shall include a \$10 criminal history review fee in addition to the current cost of fingerprint scanning, processing, and obtaining national criminal history record information from the Texas Department of Public Safety, its contractors, and the Federal Bureau of Investigation. The same fee will be paid by current certified educators who are subject to a national criminal history check pursuant to the Texas Education Code, §§22.082, 22.0831, and 22.0836.
 - (9) Review of the superintendent application for the substitution of managerial experience for the principal certificate requirement (nonrefundable)--\$160.
 - (10) On-time renewal of educational aide certificate:
 - (A) prior to September 1, 2017--\$10; and
 - (B) after August 31, 2017--no charge.
 - (11) Additional fee for late renewal of educational aide certificate:
 - (A) prior to September 1, 2017--\$5; and
 - (B) after August 31, 2017--no charge.
 - (12) Reactivation of an inactive educational aide certificate--\$15.
 - (13) Reinstatement following restitution of child support or student loan repayment for educational aide certificate--\$20.
 - (14) On-time renewal of a standard certificate--\$20.
 - (15) Additional fee for late renewal of a standard certificate--\$10.
 - (16) Reactivation of an inactive standard certificate--\$40; except for an inactivation pursuant to §232.9 of this title (relating to Inactive Status and Late Renewal).
 - (17) Reinstatement following restitution of child support or student loan repayment--\$50.
 - (18) Visiting international teacher certificate--\$75.
 - (19) Request for preliminary criminal history evaluation (nonrefundable)--\$50.
- (b) The fee for correcting a certificate or permit when the error is not made by the Texas Education Agency shall be equal to the fee for the original certificate or permit.
- (c) An individual registering to take certification tests shall pay the applicable fee(s) from the following list of categories:
- (1) Selected Response-Only Assessments, \$116.
 - (2) Single Subject Area Tests (801-809), \$58.
 - (3) Enhanced Selected-Response/Constructed-Response Assessments for Tests 801-809, \$70.
 - (4) Enhanced Selected-Response/Constructed-Response Assessments, \$136.
 - (5) Enhanced Selected-Response/Constructed-Response Administrator and Student Services Assessments, \$200.

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

§230.111. General Provisions.

- (a)-(c) (No change.)

- (d) A statement, approval letter, or certification entitlement card [~~must be~~] issued by the authorized 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.
- (e)-(f) (No change.)

§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.

- (a) An applicant for a standard Texas certificate based on a certificate issued in accordance with §230.111 of this title (relating to General Provisions) must :
- (1) pass the appropriate examination requirements prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment); ~~or~~
 - (2) achieve an acceptable level of performance on an examination(s) that ~~has~~ ~~have~~ been determined to be similar to and at least as rigorous as that prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered to the applicant under the authority of another state or territory of the United States. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another state or territory of the United States ; ~~or~~ ~~;~~
 - (3) qualify for an exemption from required Texas examinations through provisions in §152.1001 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (b) If all certification requirements are met except the appropriate examination requirements, the applicant may request issuance of a one-year certificate in one or more certification areas authorized on the out-of-state certificate. An applicant who holds only a student services, principal, or superintendent certificate issued in accordance with Chapter 239 of this title (relating to Student Services Certificates), with the exception of Subchapter E (relating to Master Teacher Certificate); Chapter 241 of this title (relating to Principal Certificate); or Chapter 242 of this title (relating to Superintendent Certificate) may be issued the equivalent Texas certificate. The applicant must verify two creditable years of service in an Early Childhood-Grade 12 public or accredited private school in the specific student services or administrative area sought.
- (c) After satisfying all requirements, including all appropriate examination requirements, the applicant is eligible to receive the appropriate standard certificate issued under Subchapter D of this chapter (relating to Types and Classes of Certificates Issued).
- (d)-(f) (No change.)

Figure: 19 TAC §230.21(e)

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Art			
§233.10	Art: Early Childhood-Grade 12	178 Art EC-12 Texas Examinations of Educator Standards (TExES)	160 PPR EC-12 TExES
Bilingual Education			
§233.6	Bilingual Education Supplemental: Spanish	164 Bilingual Education Supplemental TExES and [and] 190 BTLPT – Spanish TExES	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: American Sign Language	164 Bilingual Education Supplemental TExES and [and] 184 American Sign Language (ASL) EC-12 TExES and [and] 073 Texas Assessment of Sign Communications-American Sign Language (TASC-ASL)	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Arabic	164 Bilingual Education Supplemental TExES and [and] American Council for the Teaching of Foreign Languages (ACTFL) 614 Oral Proficiency Interview (OPI) – Arabic and [and] 615 Writing Proficiency Test (WPT) – Arabic	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Chinese	164 Bilingual Education Supplemental TExES and [and] ACTFL 618 OPI – Chinese (Mandarin) and [and] 619 WPT – Chinese (Mandarin)	Not Applicable: Not a Stand-alone Certificate

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Bilingual Education (continued)			
§233.6	Bilingual Education Supplemental: Japanese	164 Bilingual Education Supplemental TExES and and ACTFL 616 OPI – Japanese and and 617 WPT – Japanese	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Vietnamese	164 Bilingual Education Supplemental TExES and and ACTFL 620 OPI – Vietnamese and and 621 WPT – Vietnamese	Not Applicable: Not a Stand-alone Certificate
Career and Technical Education			
<u>§233.13</u>	<u>Technology Education: Grades 6-12</u>	<u>171 Technology Education 6-12 TExES</u>	<u>160 PPR EC-12 TExES</u>
<u>§233.13</u>	<u>Family and Consumer Sciences, Composite: Grades 6-12</u>	<u>American Association of Family and Consumer Sciences (AAFCS) 200 Family and Consumer Sciences – Composite Examination</u>	<u>160 PPR EC-12 TExES</u>
<u>§233.13</u>	<u>Human Development and Family Studies: Grades 8-12</u>	<u>AAFCS 202 Human Development and Family Studies Concentration Examination</u>	<u>160 PPR EC-12 TExES</u>
<u>§233.13</u>	<u>Hospitality, Nutrition, and Food Sciences: Grades 8-12</u>	<u>AAFCS 201 Hospitality, Nutrition, and Food Science Concentration Examination</u>	<u>160 PPR EC-12 TExES</u>
<u>§233.13</u>	<u>Agriculture, Food, and Natural Resources: Grades 6-12</u>	<u>272 Agriculture, Food, and Natural Resources 6-12 TExES</u>	<u>160 PPR EC-12 TExES</u>
<u>§233.13</u>	<u>Business and Finance: Grades 6-12</u>	<u>276 Business and Finance 6-12 TExES</u>	<u>160 PPR EC-12 TExES</u>
<u>§233.14</u>	<u>Marketing: Grades 6-12</u>	<u>275 Marketing 6-12 TExES</u>	<u>160 PPR EC-12 TExES</u>
<u>§233.14</u>	<u>Health Science: Grades 6-12</u>	<u>273 Health Science 6-12 TExES</u>	<u>160 PPR EC-12 TExES</u>

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
<u>§233.14</u>	<u>Trade and Industrial Education: Grades 6-12</u>	<u>Not Applicable</u>	<u>270 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6-12 TExES</u>
Computer Science and Technology Applications			
§233.5	Computer Science: Grades 8-12	141 Computer Science 8-12 TExES or [or] 241 Computer Science 8-12 TExES	160 PPR EC-12 TExES
§233.5	Technology Applications: Early Childhood-Grade 12	142 Technology Applications EC-12 TExES or [or] 242 Technology Applications EC-12 TExES	160 PPR EC-12 TExES
§233.5	Technology Applications: Grades 8-12	139 Technology Applications 8-12 TExES	160 PPR EC-12 TExES
Core Subjects			
§233.2	Core Subjects: Early Childhood-Grade 6	291 Core Subjects EC-6 TExES	160 PPR EC-12 TExES
§233.2	Core Subjects: Grades 4-8	211 Core Subjects 4-8 TExES	160 PPR EC-12 TExES
Counselor			
§239.20	School Counselor: Early Childhood-Grade 12	152 School Counselor EC-12 TExES	Not Applicable: Not an Initial Certificate
Dance			
§233.10	Dance: Grades 8-12	179 Dance 8-12 TExES	160 PPR EC-12 TExES
§233.10	Dance: Grades 6-12	279 Dance 6-12 TExES	160 PPR EC-12 TExES
Educational Diagnostician			
§239.84	Educational Diagnostician: Early Childhood-Grade 12	153 Educational Diagnostician EC-12 TExES	Not Applicable: Not an Initial Certificate

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
English Language Arts and Reading			
§233.3	English Language Arts and Reading: Grades 4-8	117 English Language Arts and Reading 4-8 TExES	160 PPR EC-12 TExES
§233.3	English Language Arts and Reading: Grades 7-12	231 English Language Arts and Reading 7-12 TExES	160 PPR EC-12 TExES
§233.3	English Language Arts and Reading/Social Studies: Grades 4-8	113 English Language Arts and Reading/Social Studies 4-8 TExES	160 PPR EC-12 TExES
§239.93	Reading Specialist: Early Childhood-Grade 12	151 Reading Specialist EC-12 TExES	Not Applicable: Not an Initial Certificate
English as a Second Language			
§233.7	English as a Second Language Supplemental	154 English as a Second Language Supplemental TExES	Not Applicable: Not a Stand-alone Certificate
Gifted and Talented			
§233.9	Gifted and Talented Supplemental	162 Gifted and Talented TExES	Not Applicable: Not a Stand-alone Certificate
Health			
§233.11	Health: Early Childhood-Grade 12	157 Health Education EC-12 TExES	160 PPR EC-12 TExES
Journalism			
§233.3	Journalism: Grades 7-12	256 Journalism 7-12 TExES	160 PPR EC-12 TExES
Junior Reserve Officer Training			
§233.17	Junior Reserve Officer Training Corps: Grades 6-12	Not Applicable	160 PPR EC-12 TExES
Languages Other Than English			
§233.15	American Sign Language: Early Childhood-Grade 12	184 ASL EC-12 TExES and [and] 073 TASC-ASL	160 PPR EC-12 TExES
§233.15	Arabic: Early Childhood-Grade 12	ACTFL 605 OPI – Arabic and [and] 600 WPT – Arabic	160 PPR EC-12 TExES
§233.15	Chinese: Early Childhood-Grade 12	ACTFL 606 OPI – Chinese (Mandarin) and [and] 601 WPT – Chinese (Mandarin)	160 PPR EC-12 TExES

§233.15	French: Early Childhood-Grade 12	610 Languages Other Than English (LOTE) French EC-12 TExES	160 PPR EC-12 TExES
Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Languages Other Than English (continued)			
§233.15	German: Early Childhood-Grade 12	611 LOTE German EC-12 TExES	160 PPR EC-12 TExES
§233.15	Hindi: Early Childhood-Grade 12	ACTFL 622 OPI – Hindi and [and] 623 WPT – Hindi	160 PPR EC-12 TExES
§233.15	Italian: Early Childhood-Grade 12	ACTFL 624 OPI – Italian and [and] 625 WPT – Italian	160 PPR EC-12 TExES
§233.15	Japanese: Early Childhood-Grade 12	ACTFL 607 OPI – Japanese and [and] 602 WPT – Japanese	160 PPR EC-12 TExES
§233.15	Korean: Early Childhood-Grade 12	ACTFL 630 OPI – Korean and [and] 631 WPT – Korean	160 PPR EC-12 TExES
§233.15	Latin: Early Childhood-Grade 12	612 LOTE Latin EC-12 TExES	160 PPR EC-12 TExES
§233.15	Portuguese: Early Childhood-Grade 12	ACTFL 632 OPI – Portuguese and [and] 633 WPT – Portuguese	160 PPR EC-12 TExES
§233.15	Russian: Early Childhood-Grade 12	ACTFL 608 OPI – Russian and [and] 603 WPT – Russian	160 PPR EC-12 TExES
§233.15	Spanish: Early Childhood-Grade 12	613 LOTE Spanish EC-12 TExES	160 PPR EC-12 TExES
§233.15	Turkish: Early Childhood-Grade 12	ACTFL 626 OPI – Turkish and [and] 627 WPT – Turkish	160 PPR EC-12 TExES
§233.15	Vietnamese: Early Childhood-Grade 12	ACTFL 609 OPI – Vietnamese and [and] 604 WPT – Vietnamese	160 PPR EC-12 TExES
Librarian			
§239.60	School Librarian: Early Childhood-Grade 12	150 School Librarian Early Childhood-12 TExES	Not Applicable: Not an Initial Certificate

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Master Teacher			
§239.102	Master Mathematics Teacher [Certificate] : Early Childhood-Grade 4	087 Master Mathematics Teacher EC-4 Texas Examinations for Master Teachers (TExMaT)	Not Applicable: Not an Initial Certificate
§239.102	Master Mathematics Teacher [Certificate] : Grades 4-8	088 Master Mathematics Teacher 4-8 TExMaT	Not Applicable: Not an Initial Certificate
§239.102	Master Mathematics Teacher [Certificate] : Grades 8-12	089 Master Mathematics Teacher 8-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.101	Master Reading Teacher [Certificate] : Early Childhood-Grade 12	085 Master Reading Teacher EC-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.103	Master Technology Teacher [Certificate] : <u>Early Childhood-Grade 12</u>	086 Master Technology Teacher EC-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher [Certificate] : Early Childhood-Grade 4	090 Master Science Teacher EC-4 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher [Certificate] : Grades 4-8	091 Master Science Teacher 4-8 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher [Certificate] : Grades 8-12	092 Master Science Teacher 8-12 TExMaT	Not Applicable: Not an Initial Certificate
Mathematics and Science			
§233.4	Mathematics: Grades 4-8	115 Mathematics 4-8 TExES	160 PPR EC-12 TExES
§233.4	Science: Grades 4-8	116 Science 4-8 TExES	160 PPR EC-12 TExES
§233.4	Mathematics/Science: Grades 4-8	114 Mathematics/ Science 4-8 TExES	160 PPR EC-12 TExES
§233.4	Mathematics: Grades 7-12	235 Mathematics 7-12 TExES	160 PPR EC-12 TExES
§233.4	Science: Grades 7-12	236 Science 7-12 TExES	160 PPR EC-12 TExES
§233.4	Life Science: Grades 7-12	238 Life Science 7-12 TExES	160 PPR EC-12 TExES

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Mathematics and Science (continued)			
§233.4	Physical Science: Grades 6-12	237 Physical Science 6-12 TExES	160 PPR EC-12 TExES
§233.4	Physics/Mathematics: Grades 7-12	243 Physics/Mathematics 7-12 TExES	160 PPR EC-12 TExES
§233.4	Mathematics/Physical Science/Engineering: Grades 6-12	274 Mathematics/Physical Science/Engineering 6-12 TExES	160 PPR EC-12 TExES
§233.4	Chemistry: Grades 7-12	240 Chemistry 7-12 TExES	160 PPR EC-12 TExES
Music			
§233.10	Music: Early Childhood-Grade 12	177 Music EC-12 TExES	160 PPR EC-12 TExES
Physical Education			
§233.12	Physical Education: Early Childhood-Grade 12	158 Physical Education EC-12 TExES	160 PPR EC-12 TExES
Principal and Superintendent			
§241.20	[Principal: Early Childhood-Grade 12] Principal as Instructional Leader: Early Childhood-Grade 12	[068 Principal TExES] 268 Principal as Instructional Leader TExES and Performance Assessment for School Leaders (PASL)	Not Applicable: Not an Initial Certificate
§241.35	Principal as Instructional Leader Endorsement	Performance Assessment for School Leaders (PASL)	Not Applicable: Not an Initial Certificate; however, individuals must already hold a valid certificate to serve in the role of principal to be eligible for this endorsement.
§241.60	Principal: Early Childhood-Grade 12	068 Principal TExES	Not Applicable: Not an Initial Certificate.
§242.20	Superintendent: Early Childhood-Grade 12	195 Superintendent TExES	Not Applicable: Not an Initial Certificate
Social Studies			
§233.3	Social Studies: Grades 4-8	118 Social Studies 4-8 TExES	160 PPR EC-12 TExES
§233.3	Social Studies: Grades 7-12	232 Social Studies 7-12 TExES	160 PPR EC-12 TExES
§233.3	History: Grades 7-12	233 History 7-12 TExES	160 PPR EC-12 TExES

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Speech Communications			
§233.3	Speech: Grades 7-12	129 Speech 7-12 TExES	160 PPR EC-12 TExES
Special Education			
§233.8	Special Education: Early Childhood-Grade 12	161 Special Education EC-12 TExES	160 PPR EC-12 TExES
§233.8	Special Education Supplemental	163 Special Education Supplemental TExES	Not Applicable: Not a Stand-alone Certificate
§233.8	Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12	181 Deaf and Hard of Hearing EC-12 TExES and and 072 TASC or 073 TASC-ASL (required for assignment but not for certification)	160 PPR EC-12 TExES
§233.8	Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12	182 Visually Impaired TExES and and 183 Braille TExES or 283 Braille TExES	Not Applicable: Not a Stand-alone Certificate
Theatre			
§233.10	Theatre: Early Childhood-Grade 12	180 Theatre EC-12 TExES	160 PPR EC-12 TExES
<u>Career and Technical Education</u>			
§233.13	[Technology Education: Grades 6-12]	[171 Technology Education 6-12 TExES]	[160 PPR EC-12 TExES]
§233.13	[Family and Consumer Sciences, Composite: Grades 6-12]	[American Association of Family and Consumer Sciences (AAFCS) 200 Family and Consumer Sciences – Composite Examination]	[160 PPR EC-12 TExES]
§233.13	[Human Development and Family Studies: Grades 8-12]	[AAFCS 202 Human Development and Family Studies Concentration Examination]	[160 PPR EC-12 TExES]
§233.13	[Hospitality, Nutrition, and Food Sciences: Grades 8-12]	[AAFCS 201 Hospitality, Nutrition, and Food Science Concentration Examination]	[160 PPR EC-12 TExES]

<u>[Certificate TAC Reference]</u>	<u>[Certificate Name]</u>	<u>[Required Content Test(s)]</u>	<u>[Pedagogy and Professional Responsibilities (PPR) Requirements]</u>
<u>[Career and Technical Education (continued)]</u>			
<u>§233.13</u>	<u>[Agriculture, Food, and Natural Resources: Grades 6-12]</u>	<u>[272 Agriculture, Food, and Natural Resources 6-12 TExES]</u>	<u>[160 PPR EC 12 TExES]</u>
<u>§233.13</u>	<u>[Business and Finance: Grades 6-12]</u>	<u>[276 Business and Finance 6-12 TExES]</u>	<u>[160 PPR EC 12 TExES]</u>
<u>§233.14</u>	<u>[Marketing: Grades 6-12]</u>	<u>[275 Marketing 6-12 TExES]</u>	<u>[160 PPR EC 12 TExES]</u>
<u>§233.14</u>	<u>[Health Science: Grades 6-12]</u>	<u>[273 Health Science 6-12 TExES]</u>	<u>[160 PPR EC 12 TExES]</u>
<u>§233.14</u>	<u>[Trade and Industrial Education: Grades 6-12]</u>	<u>[Not Applicable]</u>	<u>[270 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6-12 TExES]</u>