

**Item 10:**  
**Adoption of Review of 19 TAC Chapter 245, Certification of Educators from Other Countries**

**DISCUSSION AND ACTION**

**SUMMARY:** Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 TAC Chapter 245, Certification of Educators from Other Countries. The rules being reviewed provide requirements relating to the issuance of a Texas educator certificate based on certification from another country.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is the Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 245 is the Texas Education Code (TEC), §§21.041(b)(1), (4), and (5); 21.048(a); 21.050; 21.052; and 22.0831(f).

**PREVIOUS BOARD ACTION:** The SBEC adopted the review of 19 TAC Chapter 245 in January 2001, finding that the reasons for initially adopting the rules continue to exist. Chapter 245 was adopted to be effective February 3, 2000. The rules in 19 TAC Chapter 245 were amended to be effective June 9, 2002, with the exception of §245.15, which has not been amended since its initial adoption in February 2000. The review of 19 TAC Chapter 245, Certification of Educators from Other Countries, was presented to the SBEC for discussion in August 2009.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** The SBEC rules in 19 TAC Chapter 245 establish general provisions, requirements for the issuance of a Texas certificate based on certification from another country, application procedures, and evaluation of college credentials.

Changes are recommended to the SBEC rules in 19 TAC Chapter 245 and are presented for discussion and action as a separate item in this agenda.

The rules currently in effect in 19 TAC Chapter 245 are shown in Attachment II.

**RULE REVIEW:** The SBEC filed the notice of proposed review of 19 TAC Chapter 245, Certification of Educators from Other Countries, with the *Texas Register* following the August 2009 SBEC meeting. If authorized by the SBEC, the TEA will file the notice of adopted review with the *Texas Register* following the February 2010 SBEC meeting. The notice of adopted review will state that the SBEC finds the reasons for adopting 19 TAC Chapter 245 continue to exist. Any public comments received during the review of 19 TAC Chapter 245 will also be filed.

The filing of the notice of adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** The review of 19 TAC Chapter 245 will result in the continuation of requirements relating to the certification of educators from other countries.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** Following the August 2009 SBEC meeting, notice of the proposed review of 19 TAC Chapter 245 was filed with the *Texas Register* initiating the official public comment period for the review. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBEC during the February 2010 meeting.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** A separate item is presented for discussion and action in this agenda to propose amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries.

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

Adopt the review of 19 TAC Chapter 245, Certification of Educators from Other Countries.

Respectfully submitted,

Jerel Booker  
Associate Commissioner  
Educator Quality and Standards

**Staff Member Responsible:** Karen Loonam, Ed.D., Deputy Associate Commissioner  
Educator Certification and Standards

**Attachments:** I. Statutory Citations  
II. Text of 19 TAC Chapter 245, Certification of Educators from Other Countries

## ATTACHMENT I

**Statutory Citations Relating to Review of 19 TAC Chapter 245, Certification of Educators from Other Countries****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

**19 TAC Chapter 245, Certification of Educators from Other Countries****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;
  - (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;

**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.

**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, §21.052, Certification of Educators From Outside the State, as amended by House Bill 4152, 81st Texas Legislature, 2009:**

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

- (e) An educator who has submitted all documents required by the board for certification and who receives a certificate as provided by Subsection (a) must perform satisfactorily on the examination prescribed under Section 21.048 not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.
- (f) The board shall post on the board's Internet website the procedures for obtaining a certificate under Subsection (a).
- (g) The commissioner shall provide guidance to school districts that employ an educator certified as provided by Subsection (a) on procedures to classify the educator as a highly qualified teacher in a manner consistent with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).
- (h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:
- (1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
  - (2) information necessary to complete a national criminal history record information review; and
  - (3) an application fee as required by the board.

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

- (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.

**ATTACHMENT II**  
**Text of 19 TAC**

**Chapter 245. Certification of Educators From Other Countries**

**§245.1. General Provisions.**

- (a) A Texas educator certificate may be issued to an individual who holds a college degree and an appropriate certificate or other credential issued by the authorized licensing agency in another country and who meets appropriate requirements specified in §230.413 of this title (relating to General Requirements) and elsewhere in this chapter.
- (b) The degree held by an applicant from another country must be equivalent to at least a bachelor's degree issued by an institution of higher education in the United States that was accredited or otherwise approved by a state department of education, a recognized governmental organization, or a recognized regional accrediting organization.
- (c) The certificate or other credential issued by the authorized licensing agency in another country may not be a temporary permit, a credential issued by a city or school district, or a certificate for which academic or other program deficiencies are indicated. Specific examination or renewal requirements shall not be considered academic or program deficiencies.
- (d) A statement, approval letter, or certification entitlement card issued by the authorized licensing agency in another country specifying eligibility for full certification upon employment or completion of specified examination requirements shall have the same standing as a certificate.
- (e) The certificate or other credential and areas of certification issued by the authorized licensing agency in another country must be equivalent to a certificate and certification areas issued by the State Board for Educator Certification (SBEC). The executive director of SBEC or a designee shall identify the certificate(s) for which the applicant qualifies in Texas. The certificate(s) for which the applicant qualifies may be issued under the authority of the executive director.

*Source: The provisions of this §245.1 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 9, 2002, 27 TexReg 4701.*

**§245.5. Requirements for Issuance of a Texas Certificate Based on Certification from Another Country.**

- (a) The appropriate Standard Certificate issued under Chapter 232, Subchapter M of this title (relating to the Types and Classes of Certificates Issued), may be issued to an applicant holding a certificate or other credential and college degree as specified in §245.1 of this chapter (relating to General Provisions). The applicant must:
  - (1) pass the appropriate examination prescribed under §21.048(a), Texas Education Code (relating to certification requirements) and §230.5 of this title (relating to Educator Assessment); or
  - (2) achieve an acceptable score on an examination(s) similar to and at least as rigorous as that requirements prescribed under §21.048(a), Texas Education Code and §230.5 of this title that was administered under the authority of another country. The applicant shall verify in a manner determined by the executive director the level of performance on acceptable examinations administered under the authority of another country.
- (b) An applicant who holds a certificate or other credential that is equivalent to a certification area listed in Chapter 230, Subchapter G of this title (relating to Certification Requirements for Classroom Teachers) and that was issued in accordance with §245.1 of this chapter may be issued the equivalent Texas certificate.
- (c) An applicant who holds a certificate or other credential that is equivalent to a certification area listed in Chapter 230, Subchapter J of this title (relating to Certification Requirements for Educators Other Than Classroom Teachers and Educational Aides) and that was issued in accordance with §245.1 of this chapter may be issued the equivalent Texas certificate, provided the applicant:
  - (1) has completed requirements for a classroom teacher certificate; or

- (2) can verify three creditable years of public or private school experience, as defined in Chapter 230, Subchapter Y of this title (relating to Definitions) in the certification area.
- (d) If all certification requirements are met except successful completion of the appropriate certification examination(s), the applicant may request issuance of a one-year certificate in one or more of the certification areas authorized by the certificate from another country.
  - (1) An applicant issued a one-year certificate under this section who does not satisfy the appropriate examination requirements during the validity of the one-year certificate is not eligible for any type of certificate or permit authorizing employment for the same certification level or area until he or she has satisfied the examination requirements.
  - (2) An applicant issued a one-year certificate under this section who, during or subsequent to the validity of the certificate, satisfies the appropriate examination requirements and establishes eligibility for a standard certificate may apply for:
    - (A) a new one-year certificate in another certification area based on a certificate issued by a another country; or
    - (B) a second one-year certificate in an area previously authorized on a one-year certificate, provided the applicant was not assigned to the area and has not attempted the appropriate examination requirements for that area.
- (e) An initial one-year certificate whose validity was extended under the emergency adoption (published in the August 24, 2001, issue of the Texas Register (26 TexReg 6192)) or emergency extension (November 30, 2001, issue of the Texas Register (26 TexReg 9679)) of this amended section is hereby ratified according to the terms of its extension. The determination by the executive director or a designee of the validity period of a one-year certificate so extended shall be final and unappealable. This subsection expires March 1, 2004.
- (f) An individual issued an initial one-year certificate under this chapter during the 2001-2002 school year with an expiration after September 1, 2002, in a certification area slated for deletion on September 1, 2002, will be permitted to take the certification examinations required for the deleted certificate until August 31, 2003, and apply for the corresponding certificate. The provisions of this subsection do not extend the validity period of the one-year certificate issued under this chapter.

*Source: The provisions of this §245.5 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 9, 2002, 27 TexReg 4701.*

#### **§245.10. Application Procedures.**

- (a) Individuals who have been issued an appropriate certificate or other credential by the authorized licensing agency in another country as specified in §245.1 of this chapter (relating to General Provisions) may apply for a review of credentials by submitting the following items to the State Board for Educator Certification (SBEC):
  - (1) a completed application form;
  - (2) the original detailed report or course-by-course evaluation for professional licensing of all college-level credits prepared by a credential evaluation service recognized by the executive director of SBEC. The evaluation must verify that the individual:
    - (A) holds the equivalent of a bachelor's degree granted by an accredited institution of higher education in the United States, including the month, day, and year that the degree was conferred;
    - (B) has completed an educator preparation program, including a teaching practicum;
    - (C) holds an appropriate certificate or credential issued by another country as specified in §245.1 of this chapter, including the effective date and validity period of the certificate, certification area(s) and grade level(s);

- (3) evidence in a form approved by the executive director that the educator certificate or credential specified in §245.1 of this chapter is currently in good standing and has not been revoked, suspended, or sanctioned for misconduct and is not pending disciplinary or adverse action;
  - (4) official transcripts of any additional college credits earned in the United States; and
  - (5) a nonrefundable review fee as specified in Chapter 230, Subchapter N of this title (relating to Certificate Issuance Procedures).
- (b) Applicants holding certificates or other credentials issued by a country that is a party to the Interstate Certification Compact for reciprocity through the National Association of State Directors of Teacher Education and Certification (NASDTEC), may submit the following in lieu of a credential evaluation report from a recognized credential evaluation service:
- (1) official transcripts in English of all college credits showing the appropriate degree(s) and dates(s) conferred; and
  - (2) copies (front and back) of all certificates or credentials issued in accordance with §245.1 of this chapter, to include the effective date and validity period of the certificate, certification area(s) and grade level(s).
- (c) Pursuant to §245.5(b) of this chapter (relating to Requirements of Issuance of a Texas Certificate Based on a Certification from Another Country) applicants may apply for a one-year certificate by submitting the following items to the board:
- (1) a completed application form; and
  - (2) appropriate fee as specified in Chapter 230, Subchapter N of this title (relating to Certificate Issuance Procedures).
- (d) Pursuant to §245.5(a) of the chapter, applicants may apply for a Standard Certificate by submitting the following items to the board:
- (1) a completed application form; and
  - (2) appropriate fee as specified in Chapter 230, Subchapter N of this title, relating to Certificate Issuance Procedures.
- (e) The executive director may develop and implement further procedures to administer this chapter.

*Source: The provisions of this §245.10 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 9, 2002, 27 TexReg 4701.*

#### **§245.15. Evaluation of College Credentials.**

- (a) Requests to evaluate an applicant's credentials for areas of certification that are not identified on the certificate issued in accordance with §245.1 of this chapter (relating to General Provisions) must be directed to an approved Texas educator preparation program. The appropriate Texas certificate will be issued upon recommendation by the program.
- (b) An individual who does not hold a certificate issued in accordance with §245.1 of this chapter must have his or her credentials evaluated through an approved Texas educator preparation program and be recommended by the program for certification.

*Source: The provisions of this §245.15 adopted to be effective February 3, 2000, 25 TexReg 572.*