

Item 11:**Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.437, Issuance of Additional Certificates Based on Examination, and Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation; and 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.437, Issuance of Additional Certificates Based on Examination, and Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation; and 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area). The proposed amendments would allow the Marketing Education: Grades 8-12 certificate to be obtained through certification by examination and would allow either a school district or an educator preparation program to review and approve the required two years of work experience.

STATUTORY AUTHORITY: The statutory authority for 19 TAC §230.437 is the Texas Education Code (TEC), §§21.031(a), 21.041(b)(1)-(5) and (9) and (c), 21.048, 21.050, 21.054(a), 22.082, and 22.0831(f). The statutory authority for 19 TAC §230.483 is the TEC, §21.031(a) and §21.041(b)(1)-(3). The statutory authority for 19 TAC §233.14 is the TEC, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.048(a), 21.050, and 22.0831(f).

EFFECTIVE DATE: If approved for filing as proposed in June 2010, the proposed effective date of the proposed amendments to 19 TAC §§230.437, 230.483, and 233.14 would be October 31, 2010 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and State Board of Education meeting schedules.

PREVIOUS BOARD ACTION: Section 230.437 and §230.483 were adopted to be effective December 5, 1996, and last amended to be effective June 21, 2009. Section 233.14 was adopted to be effective June 4, 2006, and last amended to be effective June 21, 2009.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The commissioner of education has received a complaint from an educator who is currently certified in several other fields and is seeking to become certified in Marketing Education: Grades 8-12, a Career and Technical

certification, which, pursuant to 19 TAC §233.14, requires two years of wage-earning experience approved by the educator preparation program in one or more marketing occupations. This certification also requires passing a content area certification examination. However, 19 TAC §230.437(2), specifically excludes career and technical education certification based on skill and experience from the provisions allowing certification by examination for most other certification fields.

In addition, 19 TAC §230.483 requires a one-year internship and recommendation by an educator preparation program for the other career and technical education certifications based on skill and experience (Health Science Technology: Grades 8-12 and Trade and Industrial: Grades 8-12) because these areas involve student safety issues unique to those areas. The same concerns do not apply to Marketing Education.

Staff have consulted with the Texas Education Agency (TEA) Curriculum Division, which concurs that there is no need for a separate Marketing Education internship and no reason why an educator who is already certified and whose work experience has been approved should not be able to qualify for certification by examination in Marketing Education: Grades 8-12.

The proposed amendments to 19 TAC §230.437 and §230.483, shown in Attachment II, and 19 TAC §233.14, shown in Attachment III, would update the rules to add an exception for the issuance of certificates based on examination and address the verification of work experience. The following is a description of the recommended changes.

The proposed amendment to 19 TAC §230.437(2) would add language to allow an exception for Marketing Education: Grades 8-12 even though it is a career and technical certificate based on skill and experience. The exception would allow for certification by examination.

The proposed amendments to 19 TAC §230.483(c)(1) and to §233.14(a) would provide that, in the case of an educator otherwise qualified for certification by examination in Marketing Education: Grades 8-12, the review and approval of work experience could be performed by a certified school administrator.

FISCAL IMPACT: The TEA staff have determined that there are no additional costs to persons or entities required to comply with the proposed amendments. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed amendments would be to increase the availability of qualified Marketing Education instructors without compromising SBEC standards for certification in this area.

PROCEDURAL AND REPORTING IMPLICATIONS: The TEA staff have determined that there are no procedural and reporting implications to school districts and educators.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The TEA staff have determined that there are no locally maintained paperwork requirements to school districts and educators.

PUBLIC COMMENTS: The official public comment period will begin once the rule actions have been published as proposed in the *Texas Register*.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

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 N, Certificate Issuance Procedures, §230.437, Issuance of Additional Certificates Based on Examination, and Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation, for filing as proposed with the *Texas Register*; and

Approve the proposed amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area), for filing as proposed with the *Texas Register*.

Respectfully submitted,

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- Attachments:**
- I. Statutory Citations
 - II. Text of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.437, Issuance of Additional Certificates Based on Examination, and Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation
 - III. Text of Proposed Amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)

ATTACHMENT I

Statutory Citations Relating to Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.437, Issuance of Additional Certificates Based on Examination, Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation; and 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)

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 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, §21.041, Rules; Fees (excerpts):

- (b) The board shall propose rules that:
- (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (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;
 - (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;
 - (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, §21.048, Certification Examinations:

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board.
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.
- (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.
- (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless:
 - (1) the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057; or
 - (2) the educator has failed the examination more than five times.
- (d) In this section:
 - (1) "Hearing impairment" means a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
 - (2) "Reliability" means the extent to which an experiment, test, or measuring procedure yields the same results on repeated trials.
 - (3) "Validity" means being:
 - (A) well-grounded or justifiable;
 - (B) relevant and meaningful;
 - (C) correctly derived from premises or inferences; and
 - (D) supported by objective truth or generally accepted authority.

Texas Education Code, §21.050, 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, §21.054, 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 (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 Proposed Amendments to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter N. Certificate Issuance Procedures

§230.437. Issuance of Additional Certificates Based on Examination.

General provisions. A teacher who holds a valid provisional, professional, or standard classroom teaching certificate or a valid temporary classroom teaching certificate issued under the provisions of Subchapter O of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States), or Chapter 245 of this title (relating to Certification of Educators from Other Countries), and a baccalaureate degree may qualify for an additional teaching field or certification to teach at another level by passing the appropriate certification examination(s) for that subject. The rule shall not be used to qualify a classroom teacher for:

- (1) initial certification;
- (2) career and technical education certification based on skill and experience , with the exception of Marketing Education: Grades 8-12 ;
- (3) another class of certificate, as listed in Chapter 232, Subchapter A, of this title (relating to Types and Classes of Certificates Issued);
- (4) certification for which no certification examination has been developed.

Subchapter P. Requirements for Standard Certificates and Specialized Assignments or Programs

§230.483. Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation.

- (a)-(b) (No Change.)
- (c) Career and technical education certificate. Approval of career and technical education teachers shall be based on prior experience and preparation in a skill area.
 - (1) Prospective career and technical education teachers shall submit a statement of qualifications detailing prior experience and skill area preparation to the educator preparation program approved to prepare teachers for the career and technical education certificate sought. The certification officer of the educator preparation program shall review the applicant's statement of qualifications to determine whether the applicant meets the appropriate approval criteria specified in this subsection. In the case of an educator who otherwise qualifies for certification by examination in Marketing Education: Grades 8-12, the review and approval of required work experience may be performed by a certified school administrator.
 - (2) Under this subsection, 12 months of wage-earning experience consisting of at least 40 hours per week shall equal one year of full-time experience. Wage-earning experience consisting of less than 40, but at least 20, hours per week shall be calculated at a 50% rate in determining years of full-time experience. Wage-earning experience consisting of less than 20 hours per week shall not be considered acceptable in determining full-time experience.
 - (3) Postsecondary and proprietary school teaching experience in the specific occupational area for which the candidate is seeking certification may be counted on a year-for-year basis in lieu of on-the-job experience. Proprietary schools must be accredited or otherwise approved by the Texas Workforce Commission. Recency of experience, as well as current licensure, certification, or registration by a state or nationally recognized accrediting agency must be met.

ATTACHMENT III
Text of Proposed Amendment to 19 TAC

Chapter 233. Categories of Classroom Teaching Certificates

§233.14. Career and Technical Education (Certificates requiring experience and preparation in a skill area).

- (a) All individuals seeking a career and technical education certificate specified in this section must have two years of qualified ~~[prior]~~ work experience and preparation in a skill area approved in accordance with the provisions of §230.483(c) of this title (relating to Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation). Approval may be granted by an educator preparation program approved to prepare teachers for the career and technical education certificate sought, or in the case of an educator who otherwise qualifies for certification by examination in Marketing Education: Grades 8-12, by a certified school administrator. ~~[in accordance with the provisions of §230.483(c) of this title (relating to Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation).]~~
- (b) Marketing Education: Grades 8-12. The Marketing Education: Grades 8-12 certificate may be issued no earlier than September 1, 2005. The holder of the Marketing Education: Grades 8-12 certificate is eligible to teach all marketing education courses in Grades 8-12. ~~[The Marketing Education: Grades 8-12 certificate requires two years of wage earning experience approved by the educator preparation program in one or more of the marketing occupations.]~~