

**Item 10:**  
**Adoption of Review of 19 TAC Chapter 230, Professional Educator Preparation and Certification**

**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 230, Professional Educator Preparation and Certification. The rules being reviewed provide requirements relating to definitions; assessment of educators; certification of educators in general; certificate issuance procedures; Texas educator certificates based on certification and college credentials from other states or territories of the United States; requirements for standard certificates and specialized assignments or programs; permits; educational aide certificate; and induction training for beginning teachers.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 230 is the Texas Education Code (TEC), §21.041(b)(1) and (2), for Subchapter A; the TEC, §§21.031, 21.045(a)(1), and 21.048(a), for Subchapter B; the TEC, §§21.041(b)(2) and (4), 21.044, 21.048, 21.050, and 22.082, for Subchapter M; the 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), and Texas Occupations Code, §53.105, for Subchapter N; the TEC, §§21.040(6), 21.041(b)(4) and (5) and (c), 21.048, 21.050, 21.052, and 21.054(a), for Subchapter O; the TEC, §21.031(a) and §21.041(b)(1)-(3), for Subchapter P; the TEC, §§21.031(a), 21.041(b)(1), (2), and (4), 21.044, 21.045, and 21.048, for Subchapter Q; the TEC, §21.041(a) and (b)(1)-(4), for Subchapter S; and the TEC, §21.044, for Subchapter V.

**PREVIOUS BOARD ACTION:** The SBEC last adopted the review of 19 TAC Chapter 230 in February 2009, finding that the reasons for initially adopting the rules continue to exist. A majority of the rules in 19 TAC Chapter 230 were last amended to be effective June 21, 2009. Sections 230.1, 230.412, and 230.481 were adopted to be effective June 21, 2009. Sections 230.121, 230.192-230.199, 230.301, 230.305, 230.310, 230.316, 230.601, and 230.801 were repealed effective June 21, 2009. Sections 230.436, 230.437, and 230.483 were last amended to be effective October 28, 2010.

The review of 19 TAC Chapter 230, Professional Educator Preparation and Certification, was presented to the SBEC for discussion in June 2011.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** The SBEC rules in 19 TAC Chapter 230 are organized as follows: Subchapter A, Definitions; Subchapter B, Assessment of Educators; Subchapter M, Certification of Educators in General; Subchapter N, Certificate Issuance Procedures; Subchapter O, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States; Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs; Subchapter Q, Permits; Subchapter S, Educational Aide Certificate; and Subchapter V, Induction Training

for Beginning Teachers. These 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.

Revisions are anticipated to the SBEC rules in 19 TAC Chapter 230 to incorporate any changes that may result from the 2011 legislative session, as well as to clarify the rules and incorporate current SBEC policy and procedures. Texas Education Agency staff anticipate presenting for discussion proposed revisions at the October 2011 SBEC meeting following a stakeholder meeting.

To reduce the volume of the agenda and cost of printing, the text of 19 TAC Chapter 230 is not presented in this agenda. A copy of the text of Chapter 230 will be available at the meeting. The text can also be viewed on the Secretary of State website at <http://www.sos.state.tx.us/tac/index.shtml> by selecting the "View the current *Texas Administrative Code*" link.

**RULE REVIEW:** The notice of proposed review of 19 TAC Chapter 230, Professional Educator Preparation and Certification, was filed with the *Texas Register* following the June 2011 SBEC meeting. If authorized by the SBEC, the notice of adopted review will be filed with the *Texas Register* following the August 2011 SBEC meeting. The notice of adopted review will state that the SBEC finds the reasons for adopting 19 TAC Chapter 230 continue to exist. Any public comments received during the review of 19 TAC Chapter 230 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 230 will result in the continuation of requirements relating to certification requirements, fees, procedures, educational aides, and permits for professional educator preparation and certification.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** Following the June 2011 SBEC meeting, notice of the proposed review of 19 TAC Chapter 230 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 August 2011 meeting.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** None.

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

Adopt the review of 19 TAC Chapter 230, Professional Educator Preparation and Certification.

Respectfully submitted,

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Associate Commissioner  
School Improvement and Educator Initiatives

**Staff Members Responsible:** Janice Lopez, Ph.D., Director  
Educator Certification and Standards

Andrew Allen, Assistant Counsel  
Legal Services

**Attachment:** Statutory Citations

## ATTACHMENT

**Statutory Citations Relating to Review of 19 TAC Chapter 230, Professional Educator Preparation and Certification****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 230, Professional Educator Preparation and Certification****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:**

The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.

**Texas Education Code, §21.045, Accountability System for Educator Preparation Programs:**

- (a) The board shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to sex and ethnicity:
- (1) results of the certification examinations prescribed under Section 21.048(a);
  - (2) performance based on the appraisal system for beginning teachers adopted by the board;
  - (3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable; and
  - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3), and the following information, disaggregated by sex and ethnicity:
- (1) the number of candidates who apply;
  - (2) the number of candidates admitted;
  - (3) the number of candidates retained;

- (4) the number of candidates completing the program;
  - (5) the number of candidates employed in the profession after completing the program;
  - (6) the number of candidates retained in the profession; and
  - (7) any other information required by federal law.
- (c) The board shall propose rules establishing performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a). The board may propose rules establishing minimum standards for approval or renewal of approval of:
- (1) educator preparation programs; or
  - (2) certification fields authorized to be offered by an educator preparation program.

**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, §21.052, Certification of Educators From Outside the State:**

- (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, §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.

**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.