

Item 5:

Adoption of Proposed Amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries. The proposed amendments would update the rules to reflect current law and add specificity to the requirements relating to the issuance of a Texas educator certificate based on certification from another country. No additional changes are recommended since published as proposed.

STATUTORY AUTHORITY: 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(a)-(e) and (g); and 22.0831(f).

EFFECTIVE DATE: The proposed effective date of the proposed amendments to 19 TAC Chapter 245 would be June 27, 2010 (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 adopted 19 TAC Chapter 245 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 at the August 2009 meeting.

At the February 2010 meeting, the SBEC adopted the review of 19 TAC Chapter 245, finding that the reasons for initially adopting the rules continue to exist. The SBEC also approved amendments to 19 TAC Chapter 245 for filing as proposed.

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.

The proposed amendments to 19 TAC Chapter 245, shown in Attachment II, would update the rules to reflect current law relating to the issuance of a Texas educator certificate based on certification from another country. The proposed amendments reflect discussions held during the September 28, 2009, stakeholder meeting. The following is a description of the proposed changes.

Language in 19 TAC §245.5(b) would be added to clarify the requirements for the issuance of a one-year certificate. The proposed language also clarifies requirements for the issuance of a one-year certificate when the applicant holds only a student services, principal, or superintendent certificate. Section 245.5(d)(1) and (2) would be renumbered as subsections (c) and (d), respectively, with technical edits. Language would be added in renumbered §245.5(c)

to clarify that the examination requirements are to establish eligibility for a standard certificate and to allow an extension of the one-year certificate in extenuating circumstances. Current §245.5(e) and (f) would be deleted since the subsections are obsolete or have an expiration date of March 1, 2004, specified in rule.

Language in 19 TAC §245.10(a)(2)(A) would be added to clarify that the equivalent of a baccalaureate degree, at a minimum, must be verified by a foreign credential evaluation service. Language in §245.10(a)(3) would be added to specify that a statement from an authorized licensing agency in the issuing country must be written in English or accompanied by a translation in the English language from a foreign credential evaluation service or from an accredited translation service. Current §245.10(b) and (e) would be deleted since they are obsolete. Current §245.10(c) and (d) would be renumbered accordingly.

Language would be amended in 19 TAC §245.15 to clarify that requests for evaluation of college credentials must be directed to and approved by an SBEC-approved educator preparation program. Language would also specify that an individual with no certificate or other credential must seek admission to an SBEC-approved educator preparation program and be recommended by the program for certification.

Technical Changes

Throughout Chapter 245, grammatical and technical changes would be made, such as replacing the term "executive director" with the term "Texas Education Agency staff" or "State Board for Educator Certification" and the term "State Board for Educator Certification" with the term "Texas Education Agency staff" where appropriate. Language would be amended to clarify that accrediting organizations must be recognized by the Texas Higher Education Coordinating Board. Language would be amended to specify creditable years of service. Also, statutory citation references would be updated and standardized to reflect current law and *Texas Register* formatting requirements.

References to other SBEC rules would be updated and/or added as part of the proposed amendments to 19 TAC Chapter 245.

No additional changes are recommended since published as proposed.

FISCAL IMPACT: The TEA staff has 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 the continuation and clarification of requirements for the certification of educators from other countries.

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: Following the February 2010 SBEC meeting, the proposed amendments to 19 TAC Chapter 245 were filed with the *Texas Register* initiating the official public comment period. At the time this item was prepared, no comments had been received. Any public comments received will be provided to the SBEC during the April 2010 meeting.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: A stakeholder meeting was held on September 28, 2009, for the purpose of reviewing and seeking input related to 19 TAC Chapter 245. The stakeholders included representatives from school districts, professional associations, and TEA staff.

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

Approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries, with an effective date of 20 days after filing as adopted with the *Texas Register*.

Respectfully submitted,

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

ATTACHMENT I

**Statutory Citations Relating to Proposed Amendments to 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.
- (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.).

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 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 , at a minimum, equivalent to [at least] a baccalaureate [bachelor's] degree issued by an institution of higher education in the United States [that was] accredited or otherwise approved by an [a state department of education, a recognized governmental organization, or a recognized regional] accrediting organization recognized by the Texas Higher Education Coordinating Board .
- (c) The certificate(s) [certificate] or other credential(s) [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(s) [certificate] or other credential(s) [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 Texas Education Agency (TEA) staff [executive director of SBEC or a designee] shall identify the certification areas [certificate(s)] for which the applicant qualifies in Texas. The certificate, including all certification areas [certificate(s)] for which the applicant qualifies , may be issued by the TEA staff under the authority of the SBEC [executive director] .

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

- (a) The appropriate standard certificate [Standard Certificate] issued under Chapter 232, Subchapter A, [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 title [chapter] (relating to General Provisions). The applicant must:
 - (1) pass the appropriate examination(s) [examination] prescribed in the Texas Education Code (TEC), [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 the [that] requirements prescribed in the TEC, [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 Texas Education Agency staff [executive director] the level of performance on acceptable examinations administered under the authority of another country.
- (b) 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(s) or other credential(s) from another country. An applicant who holds only a credential that is equivalent to 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 public or private school experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on

- Creditable Years of Service) and the TEC, §5.001(2), in the specific student services or administrative area sought.
- ~~(c) An applicant issued a one-year certificate under §232.1 of this title (relating to Types of Certificates) and this chapter who does not satisfy the appropriate examination requirements to establish eligibility for a standard certificate 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. If, due to extenuating circumstances, examination requirements are not met during the validity period of the one-year certificate, the educator may request an extension of the one-year certificate, not to exceed one calendar year in length.~~
- ~~(d) An applicant issued a one-year certificate under subsection (c) of this section who, during or subsequent to the validity of the one-year certificate, satisfies the appropriate examination requirements and establishes eligibility for a standard certificate may apply for:~~
- ~~(1) a new one-year certificate in another certification area based on a certificate or other credential issued by a another country; or~~
- ~~(2) 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.~~
- ~~[(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.]~~

§245.10. Application Procedures.

- (a) An individual who has ~~[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 title ~~[chapter]~~ (relating to General Provisions) may apply for a review of credentials by submitting the following items to the Texas Education Agency (TEA) staff ~~[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 ~~foreign~~ credential evaluation service recognized by the ~~TEA staff [executive director of SBEC]~~ . The evaluation must verify that the individual:
 - (A) holds , at a ~~minimum~~, the equivalent of a ~~baccalaureate [bachelor's]~~ degree ~~issued [granted]~~ by an accredited institution of higher education in the United States as specified in §245.1(b) of this title , including the ~~date [month, day, and year]~~ that the degree was conferred; and
 - (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) ~~an original written statement, provided by the authorized licensing agency in the issuing country, [evidence in a form approved by the executive director]~~ that the educator ~~certificate(s) [certificate]~~ or other credential(s) ~~[credential]~~ specified in §245.1 of this title ~~[chapter]~~ is currently in good standing and has not been revoked, suspended, or sanctioned for misconduct and is not pending disciplinary or adverse action . ~~The statement must be written in the English language or must be accompanied by a translation in the English language from a foreign credential evaluation service recognized by the TEA staff or an accredited translation service ;~~
 - (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 ~~₂~~ 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);]~~
- (b) ~~[(e)]~~ Pursuant to §245.5(b) of this title ~~[chapter]~~ (relating to Requirements for ~~[of]~~ Issuance of a Texas Certificate Based on ~~[a]~~ Certification from Another Country) ~~an applicant [applicants]~~ may apply for a one-year certificate by submitting the following items to the ~~TEA staff [board]~~ :
- (1) a completed application ~~[form]~~ ; and
 - (2) ~~the~~ appropriate fee as specified in Chapter 230, Subchapter N ~~₂~~ of this title ~~[(relating to Certificate Issuance Procedures)]~~ .

- (c) ~~(d)~~ Pursuant to §245.5(a) of the title, an applicant ~~[chapter, applicants]~~ may apply for a standard certificate ~~[Standard Certificate]~~ by submitting the following items to the TEA staff ~~[board]~~ :
- (1) a completed application ~~[form]~~ ; and
 - (2) the 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.]~~

§245.15. Evaluation of College Credentials.

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