

Item 22:**Discussion of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter D, Types and Classes of Certificates Issued, §230.37, Probationary Certificates, and Subchapter F, Permits, §230.77, Specific Requirements for Initial Emergency Permits****DISCUSSION ONLY**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss the provisions in 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter D, Types and Classes of Certificates Issued, §230.37, Probationary Certificates, and Subchapter F, Permits, §230.77, Specific Requirements for Initial Emergency Permits.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 230, Subchapter D, §230.37, and Subchapter F, §230.77, is the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(9), 21.044(a), 21.048(a), and 21.051.

BOARD RESPONSE: This item is presented for review and comment.

PREVIOUS BOARD ACTION: The SBEC adopted 19 TAC §230.37 and §230.77 effective August 12, 2012.

FUTURE ACTION EXPECTED: Any proposed rule actions would be presented to the SBEC for filing as proposed at the March 2015 meeting.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: Section 230.37 establishes the requirements for the issuance of probationary certificates and §230.77 establishes specific requirements for the issuance of initial emergency permits.

On August 22, 2014, Texas Education Agency (TEA) staff conducted an Educator Preparation Advisory Committee meeting. At that meeting, stakeholders voiced concerns over the need for clarification and closer alignment of the credentials for the issuance of probationary certificates and emergency permits. This item provides the SBEC an opportunity to discuss and provide input on 19 TAC §230.37 relating to probationary certificates and §230.77 relating to emergency permits. TEA staff will be conducting stakeholder meetings to gather input and will present those results to the SBEC at the March 2015 meeting.

FISCAL IMPACT: An assessment of fiscal impact can be made after the SBEC gives guidance to TEA staff.

PUBLIC AND STUDENT BENEFIT: The public and student benefit would be clarification and closer alignment of the credentials for the issuance of the probationary certificates and emergency permits.

PROCEDURAL AND REPORTING IMPLICATIONS: An assessment of procedural and reporting implications can be made after the SBEC gives guidance to TEA staff.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: An assessment of locally maintained paperwork requirements can be made after the SBEC gives guidance to TEA staff.

PUBLIC COMMENTS: None.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

Respectfully submitted,

Ryan Franklin
Interim Associate Commissioner
Educator Leadership and Quality

Staff Members Responsible: Marilyn Cook, Interim Director
Educator Testing and Certification

Tim Miller, Director
Educator Preparation Programs

Attachments: I. Statutory Citations
II. Text of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter D, Types and Classes of Certificates Issued, §230.37, Probationary Certificates, and Subchapter F, Permits, §230.77, Specific Requirements for Initial Emergency Permits

ATTACHMENT I**Statutory Citations Relating to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter D, Types and Classes of Certificates Issued, §230.37, Probationary Certificates, and Subchapter F, Permits, §230.77, Specific Requirements for Initial Emergency Permits****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, §21.041, 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;
 - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
 - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;
 - (9) provide for continuing education requirements; and

Texas Education Code, §21.044, Educator Preparation (excerpt):

- (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.

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

- (a) [2 Versions: As amended by Acts 2013, 83rd Leg., ch. 1282] The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The board shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the board shall require a satisfactory level of examination performance in each core subject covered by the examination.

Texas Education Code, §21.051, Rules Regarding Field-Based Experience and Options for Field Experience and Internships:

- (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, 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.
- (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.

ATTACHMENT II
Text of 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter D. Types and Classes of Certificates Issued

§230.37. Probationary Certificates.

- (a) General provisions.
 - (1) Certificate classes. A probationary certificate may be issued for any class of certificate except educational aide.
 - (2) Requirement to hold a probationary certificate. A candidate seeking certification as an educator must hold a probationary certificate while participating in an internship through an approved educator preparation program (EPP).
- (b) Requirements for issuance. A probationary certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.
 - (1) Bachelor's degree. Except as otherwise provided in rules of the SBEC related to certain career and technical education certificates based on skill and experience, the candidate must hold at least a bachelor's degree from an accredited institution of higher education.
 - (2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).
 - (3) Preparation program and assignment. The candidate's internship assignment must:
 - (A) be supervised by an approved Texas EPP;
 - (B) be in the subject area and at the grade level of certification sought or, if applicable, be in an assignment consistent with the professional class certification sought;
 - (C) take place in a Texas school district, open-enrollment charter school, or other school approved by the Texas Education Agency (TEA) for this purpose pursuant to §228.35(d) of this title (relating to Preparation Program Coursework and/or Training); and
 - (D) if applicable, commence after the candidate for initial certification has met the pre-internship requirements specified in §228.35(a) and (c) of this title and the Texas Education Code (TEC), §21.051.
 - (4) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
 - (5) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the TEC, §22.0831.
- (c) Conditions. The validity and effectiveness of a probationary certificate is subject to the following conditions.
 - (1) Internship. The holder of a probationary certificate must be a participant in good standing in an internship supervised by an approved EPP.
 - (2) Supervision and professional development. An EPP shall provide field supervision, as prescribed in §228.35 of this title, and high-quality professional development throughout the entire term of the internship, including all extensions of the initial term.
 - (3) Mentor. The EPP shall collaborate with the campus administrator to assign a campus mentor to each intern throughout his or her internship.
 - (4) Notice. An EPP must immediately notify TEA by email if the holder of a probationary certificate:

- (A) resigns or is terminated from the school assignment for which a probationary certificate was issued; or
 - (B) is discharged or released from the EPP. In this case, the program must also notify the employing school district.
- (5) Inactive status. A probationary certificate will become inactive 30 calendar days after the holder's termination from the school assignment or the EPP. The unexpired term of a probationary certificate may be reactivated if the holder satisfies the program enrollment and school assignment requirements specified in subsection (b)(3) of this section.
- (6) Term of a probationary certificate. A probationary certificate shall be valid for a 12-month period from the date of issuance.
- (7) Additional terms. A probationary certificate issued to an individual enrolled in a post-baccalaureate or alternative certification program for initial certification, or any program for professional class certification, may be extended for no more than two additional 12-month terms following the expiration of the initial term, subject to the following conditions.
- (A) A probationary certificate may be issued for an additional 12-month term only if the Texas EPP recommends the additional term and certifies that the holder is making satisfactory progress toward standard certification.
 - (B) The EPP must provide supervision to the educator for the full term of any such additional probationary certificate, unless, prior to the expiration of that term, a standard certificate is issued to the educator.
- (8) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:
- (A) probationary certificates as described in this subsection;
 - (B) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or
 - (C) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).
- (9) Reduction in force exception. If an educator is employed under a probationary certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that probationary term shall not count as one of the three allowed annual probationary terms.
- (d) Traditional undergraduate preparation program internship.
- (1) A candidate who has completed a bachelor's degree in a traditional teacher certification program at an accredited institution of higher education, but who has failed to meet the testing requirements necessary for issuance of a standard certification, may serve an internship under the supervision of the traditional undergraduate certification program.
 - (2) Such a candidate may be issued a probationary certificate for a period of one year. The traditional undergraduate certification program may not recommend any extensions of this term.
- (e) Subject matter knowledge for classroom teaching assignments.
- (1) To obtain a probationary certificate for a classroom teaching assignment, a candidate must demonstrate knowledge of each subject area to be taught:
 - (A) at the elementary school level (Early Childhood-Grade 6), by passing an appropriate certification examination as prescribed in Subchapter C of this chapter (relating to Assessment of Educators);

- (B) at the middle or high school level (Grades 7-12):
 - (i) by passing an appropriate content area certification examination as prescribed in Subchapter C of this chapter;
 - (ii) by completing coursework that complies with the TEC, §21.050, and comprised of not fewer than 24 semester credit hours, including 12 semester credit hours of upper division coursework in the subject area taught; or
 - (iii) in the case of career and technical education assignments based on skill and experience, by satisfying the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)); or
- (C) for professional class probationary certificates, by meeting requirements established by the recommending EPP, which shall be based on the qualifications and requirements relating to the class of certification sought and on the duties performed by the holder of a probationary certificate in that class.
- (2) The individual in a special education classroom teaching assignment must demonstrate both knowledge of special education and knowledge of each subject to be taught, as follows:
 - (A) at the elementary school level (Early Childhood-Grade 6):
 - (i) by passing a certification examination appropriate to the individual's grade level or subject matter assignment, as prescribed in Subchapter C of this chapter; and
 - (ii) by passing a special education examination; or
 - (B) at the middle or high school level (Grades 7-12):
 - (i) by either:
 - (I) passing a certification examination appropriate to the individual's subject matter assignment, as prescribed in Subchapter C of this chapter; or
 - (II) completing coursework comprised of not fewer than 24 semester hours, including 12 semester hours of upper division coursework in the subject area taught; and
 - (ii) by passing a special education examination.
- (f) Probationary certificate for professional class certificates. A probationary certificate may be issued for a professional class assignment 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 a professional class probationary certificate 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 a probationary certificate in that class.
 - (2) The individual must have 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 professional class certification area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.35 of this title, other school approved by TEA.
 - (3) The holder of a professional class probationary certificate is subject to all the terms and conditions of a probationary certificate prescribed in subsection (c) of this section.

Source: The provisions of this §230.37 adopted to be effective August 12, 2012, 37 TexReg 5753.

Subchapter F. Permits

§230.77. Specific Requirements for Initial Emergency Permits.

- (a) General provisions. An individual for whom an emergency permit is activated must:
 - (1) have completed the appropriate semester credit hours or equivalent contact hours required for the emergency permit sought as specified in this section, or, for a degreed, certified teacher, have passed the appropriate content specialization portions of the appropriate certification examination required for the target certificate; and
 - (2) have satisfied the appropriate experience requirement specified in this section for the emergency permit sought.
- (b) Assignments to elementary grades (Early Childhood-Grade 6) (general education). The individual must have completed 12 semester credit hours in a combination of subjects directly related to the elementary curriculum, 12 semester credit hours in elementary education, or any combination of these areas of study. Subjects related to the elementary curriculum include, but are not limited to, art, English language arts, health, mathematics, music, physical education, reading, science, social studies, technology applications, and theatre arts.
- (c) Assignments to secondary grades (Grades 7-12) (general education).
 - (1) An emergency permit may be activated for an individual not certified at the secondary level provided the individual has completed:
 - (A) 24 semester credit hours in the subject to be taught; or
 - (B) 24 semester credit hours toward a composite teaching field appropriate for the assignment, including at least six semester credit hours in the subject to be taught.
 - (2) A Temporary Classroom Assignment Permit (TCAP) may be activated for a teacher certified at the secondary level assigned to a subject area not covered by the certificate. The school district is not required to file the TCAP with the Texas Education Agency staff. The TCAP must be maintained in the school district personnel records.
 - (A) A TCAP must be activated for each class period taught by an individual who is assigned to one or more class periods in an area not covered by the certificate held. The individual must have completed six semester credit hours in the specific subject area(s) to be taught. A TCAP may be activated for no more than four class periods.
 - (B) The TCAP is valid for one school year and is not renewable except in the event that the TCAP was issued for fewer than 90 calendar days before the last day of student instruction in the prior school year.
- (d) Assignments to all grade levels (Early Childhood-Grade 12) (general education).
 - (1) An individual must have completed 24 semester credit hours in the subject area to be taught.
 - (2) This section will apply to all general education subject areas that are available as Early Childhood-Grade 12 certificates.
- (e) Assignments to career and technical education programs.
 - (1) Agricultural science and technology assignments. An individual must:
 - (A) hold a bachelor's degree from an accredited institution of higher education; and
 - (B) have completed 24 semester credit hours in agricultural science and technology coursework.
 - (2) Health science technology assignments. An individual must:
 - (A) hold a bachelor's degree from an accredited institution of higher education;

- (B) be currently licensed, certified, or registered (requiring two years of college education) by a state-authorized or nationally recognized accrediting agency as a professional practitioner in one or more health occupations for which instruction is offered; and
 - (C) have an approved statement of qualifications verifying two years of full-time employment in an accredited health care facility or agency while holding the license specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).
- (3) Family and consumer sciences assignments. An individual must:
- (A) hold a bachelor's degree from an accredited institution of higher education; and
 - (B) have completed 24 semester credit hours in family and consumer sciences coursework.
- (4) Marketing education or marketing assignments. An individual must:
- (A) hold a bachelor's degree from an accredited institution of higher education;
 - (B) have completed 24 semester credit hours in marketing coursework; and
 - (C) have an approved statement of qualifications verifying two years of full-time wage-earning experience in marketing occupations for which training is offered at the secondary level.
- (5) Business education assignments (for any instructional arrangement). An individual must:
- (A) hold a bachelor's degree from an accredited institution of higher education; and
 - (B) have completed 24 semester credit hours in business coursework.
- (6) Trade and industrial education assignments.
- (A) Option I. An individual must:
 - (i) hold a bachelor's degree from an accredited institution of higher education; and
 - (ii) have an approved statement of qualifications verifying three years of full-time wage-earning experience earned within the past eight years in one or more approved occupations for which instruction is offered. Up to 18 months of the wage-earning experience can be met through a formal documented internship.
 - (B) Option II. An individual must:
 - (i) hold an associate's degree from an accredited institution of higher education; and
 - (ii) have an approved statement of qualifications verifying three years of full-time wage-earning experience earned within the past eight years in one or more approved occupations for which instruction is offered.
 - (C) Option III. An individual must:
 - (i) hold a high school diploma, the equivalent of a high school diploma, or higher; and
 - (ii) have an approved statement of qualifications verifying five years of full-time wage-earning experience earned within the past eight years in one or more approved occupations for which instruction is offered.
 - (D) Additional requirements.
 - (i) An individual must hold a current licensure, certification, or registration by a state or nationally recognized accrediting agency as a professional practitioner in one or more approved occupations for which instruction is offered. Licensure, certification, or registration by a nationally recognized accrediting agency must be based on a recognized test or measurement or on passing the appropriate National Occupational Competency Testing (NOCTI) assessment.

- (ii) A cosmetology teacher must:
 - (I) have three years of full-time wage-earning experience as a licensed cosmetologist; and
 - (II) currently be licensed as a cosmetology instructor by the Texas Department of Licensing and Regulation.
 - (iii) Wage-earning experience must be approved by the certification officer of the educator preparation program (EPP).
- (f) Assignments for special populations.
 - (1) English language learners (ELLs).
 - (A) Bilingual education.
 - (i) An individual who holds a bachelor's degree from an accredited institution of higher education and is certified at the appropriate level must:
 - (I) have completed three semester credit hours in an approved bilingual education program; and
 - (II) have completed six semester credit hours in the language of the target population and demonstrate proficiency in comprehension and expression by having a passing score on an appropriate State Board for Educator Certification (SBEC)-approved examination.
 - (ii) An individual who holds a bachelor's degree from an accredited institution of higher education but is not certified must:
 - (I) meet the requirements for the level of assignment;
 - (II) be currently enrolled in an approved EPP for bilingual education; and
 - (III) have satisfied one of the following requirements:
 - (-a-) completed 12 semester credit hours in the language of the target population, bilingual education, or a combination of the two subject areas; or
 - (-b-) demonstrated proficiency in oral or sign language communication skills in the language of the target population by having a passing score on an appropriate SBEC-approved examination.
 - (B) English as a second language (ESL). An individual must:
 - (i) be currently certified for the grade level to be taught and must have a bachelor's degree from an accredited institution of higher education; and
 - (ii) have satisfied one of the following requirements:
 - (I) have completed six semester credit hours in an approved ESL program; or
 - (II) have one creditable year of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service).
 - (2) Students with special learning needs.
 - (A) Auditory impairments. An individual must:
 - (i) hold a bachelor's degree from an accredited institution of higher education;

- (ii) have completed six semester credit hours directly related to teaching the hearing impaired;
 - (iii) have demonstrated competence in the specific communication method used in the classroom setting with students with auditory impairments; and
 - (iv) have verified that the employing school district, cooperative, or education service center (ESC) has one or more fully certified teachers for students with auditory impairments available as a mentor and to provide support.
- (B) Visual impairments. An individual must:
 - (i) hold a valid Texas classroom teaching certificate;
 - (ii) have satisfied the following requirements:
 - (I) have completed six semester credit hours directly related to teaching students with visual impairments; and
 - (II) have one creditable year of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title;
 - (iii) have demonstrated competency in literary Braille and basic Nemeth Code by passing the approved Braille examination, holding certification as a literary Braille transcriber by the Library of Congress, or completing one university course in Braille; and
 - (iv) have verified that the employing school district, cooperative, or ESC has one or more fully certified teachers of students with visual impairments available as a mentor and to provide support.
- (C) Home-based instruction or instruction in a hospital class. An individual must:
 - (i) be currently certified based on a bachelor's degree from an accredited institution of higher education; and
 - (ii) have one creditable year of teaching experience, as defined in Chapter 153, Subchapter CC, of this title.
- (D) Special education (Early Childhood-Grade 12).
 - (i) An individual who holds a bachelor's degree from an accredited institution of higher education and is certified at the appropriate level must:
 - (I) have completed six semester credit hours directly related to teaching children with special learning needs; or
 - (II) have one creditable year of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title.
 - (ii) An individual who holds a bachelor's degree from an accredited institution of higher education, but is not certified must:
 - (I) for elementary assignments (Early Childhood-Grade 6), meet requirements for the level of assignment as stated in subsection (b) of this section and have completed 18 semester credit hours directly related to teaching children with special learning needs; or
 - (II) for secondary assignments (Grades 7-12), have completed 24 semester credit hours directly related to teaching children with special learning needs.
- (g) Assignments for other instructional and support personnel.
 - (1) School counselor (Early Childhood-Grade 12). An individual must:

- (A) hold a bachelor's degree from an accredited institution of higher education;
 - (B) have completed 24 semester credit hours of graduate-level credit, including 12 semester credit hours in guidance and counseling; and
 - (C) have two creditable years of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title.
- (2) Educational diagnostician (Early Childhood-Grade 12). An individual must:
- (A) hold a bachelor's degree from an accredited institution of higher education;
 - (B) have completed 30 semester credit hours of graduate-level credit in the field of education or a related field, including six semester credit hours in tests and measurements, at least three semester credit hours of which emphasized individualized testing;
 - (C) have completed six semester credit hours directly related to teaching individuals with special learning needs; and
 - (D) have two creditable years of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title.
- (3) School librarian (Early Childhood-Grade 12). An individual must:
- (A) hold a bachelor's degree from an accredited institution of higher education;
 - (B) have completed 12 semester credit hours directly related to the basic competencies required of school librarians; and
 - (C) have two creditable years of classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title.
- (4) Reserve Officers' Training Corps (ROTC) instructor.
- (A) An individual must verify that he or she has satisfied the requirements and been approved to serve by the ROTC.
 - (B) An ROTC instructor permit may not be renewed, but must be reissued every year.

Source: The provisions of this §230.77 adopted to be effective August 12, 2012, 37 TexReg 5753.