

Item 8:

Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

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 proposed review of 19 Texas Administrative Code (TAC) Chapter 233, Categories of Classroom Teaching Certificates. The rules under review establish separate certificate categories within the certificate class for the classroom teacher. These categories identify the content area or special population the holder may teach, the grade levels the holder may teach, and the earliest date the certificate may be issued.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 233 is the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0487, 21.0489, 21.0491, 21.050, 22.0831(f), and 29.061(b-1) and (b-2).

FUTURE ACTION EXPECTED: The review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, is scheduled to be presented to the SBEC for adoption at the July 2019 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 233 establish the general categories of classroom teaching certificates, specific grade levels and subject areas of classroom certificates, and assignments that may be taught by the holder of each certificate.

The rules currently in effect in 19 TAC Chapter 233 are shown in Attachment II.

ANTICIPATED REVISIONS TO RULES: No changes to rules in 19 TAC Chapter 233 are anticipated at this time.

PUBLIC COMMENTS: The Texas Education Agency will file the notice of proposed review of 19 TAC Chapter 233 with the *Texas Register* following the April 2019 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 233 continue to exist. The public comment period on the proposed rule review begins May 31, 2019, and ends July 1, 2019. The SBEC will take registered oral and written comments on this item at the July 26, 2019 meeting in accordance with the SBEC board operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the proposed review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, to be published as proposed in the *Texas Register*.

Staff Member Responsible:

Marilyn Cook, Director, Educator Certification

Attachments:

- I. Statutory Citations
- II. Text of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

ATTACHMENT I

Statutory Citations Relating to Review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates**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 233, Categories of Classroom Teaching Certificates**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 (excerpt):

- (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;
- (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;

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

- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
 - (1) an associate degree or more advanced degree from an accredited institution of higher education;
 - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
 - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).

Texas Education Code, §21.0442, Educator Preparation Program for Probationary and Standard Trade and Industrial Workforce Training Certificates [contingently added]:

- (a) The board shall propose rules under this subchapter to create an abbreviated educator preparation program for a person seeking certification in trade and industrial workforce training.
- (b) A person is eligible for admission to an educator preparation program created under this section only if the person:
 - (1) has been issued a high school diploma or a postsecondary credential, certificate, or degree;
 - (2) has seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered;
 - (3) holds with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement; and
 - (4) within the period described by Subdivision (2), has not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.
- (c) In proposing rules for an educator preparation program under this section, the board shall ensure that the program requires at least 80 hours of classroom instruction in:

- (1) a specific pedagogy;
- (2) creating lesson plans;
- (3) creating student assessment instruments;
- (4) classroom management; and
- (5) relevant federal and state education laws.

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. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.

Texas Education Code, §21.0487, Junior Reserve Officer Training Corps Teacher Certification:

- (a) The board shall establish a standard Junior Reserve Officer Training Corps teaching certificate to provide Junior Reserve Officer Training Corps instruction.
- (b) To be eligible for a certificate under this section, a person must:
 - (1) hold a bachelor's degree from an institution of higher education that is, and at the time the person received the degree was, accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
 - (2) satisfy the eligibility and testing requirements for certification as a Junior Reserve Officer Training Corps instructor established by the branch of service in which the person served; and
 - (3) complete an approved educator preparation program.
- (c) The board shall propose rules to:
 - (1) approve educator preparation programs to prepare a person as a teacher for certification under this section; and
 - (2) establish requirements under which:
 - (A) a person's training and experience acquired during the person's military service serves as proof of the person's demonstration of subject matter knowledge if that training and experience is verified by the branch of service in which the person served; and
 - (B) a person's employment by a school district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program or while the person is enrolled in an educator preparation program is applied to satisfy any student teaching, internship, or field-based experience program requirement.
- (d) A person is not required to hold a certificate established under this section to be employed by a school district as a Junior Reserve Officer Training Corps instructor.

Texas Education Code, §21.0489, Early Childhood Certification:

- (a) To ensure that there are teachers with special training in early childhood education focusing on prekindergarten through grade three, the board shall establish an early childhood certificate.
- (b) A person is not required to hold a certificate established under this section to be employed by a school district to provide instruction in prekindergarten through grade three.
- (c) To be eligible for a certificate established under this section, a person must:
 - (1) either:
 - (A) satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:
 - (i) teaching methods for:
 - (a) using small group instructional formats that focus on building social, emotional, and academic skills;
 - (b) navigating multiple content areas; and
 - (c) managing a classroom environment in which small groups of students are working on different tasks; and
 - (ii) strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or
 - (B) hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by Paragraph (A);
 - (2) perform satisfactorily on an early childhood certificate examination prescribed by the board; and
 - (3) satisfy any other requirements prescribed by the board.
- (d) The criteria for the course of instruction described by Subsection (c)(1)(A) shall be developed by the board in consultation with faculty members who provide instruction at institutions of higher education in education preparation programs for an early childhood through grade six certificate.

Texas Education Code, §21.0491, Probationary and Standard Trade and Industrial Workforce Training Certificates [contingently added]:

- (a) To provide a continuing additional source of teachers to provide workforce training, the board shall establish a probationary trade and industrial workforce training certificate and a standard trade and industrial workforce training certificate that may be obtained through an abbreviated educator preparation program under Section 21.0442.
- (b) To be eligible for a probationary certificate under this section, a person must:
 - (1) satisfactorily complete the course work for that certificate in an educator preparation program under Section 21.0442; and
 - (2) satisfy any other requirements prescribed by the board.
- (c) To be eligible for a standard certificate under this section, a person must:

- (1) hold a probationary certificate issued under this section;
 - (2) be employed by:
 - (A) a public or private primary or secondary school; or
 - (B) an institution of higher education or an independent or private institution of higher education as those terms are defined by Section 61.003; and
 - (3) perform satisfactorily on a standard trade and industrial workforce training certificate examination prescribed by the board.
- (d) The limitation imposed by Section 21.048(a-1) on the number of administrations of an examination does not apply to the administration of the standard trade and industrial workforce training certificate examination prescribed by the board.
- (e) Notwithstanding any other law, the board may administer the standard trade and industrial workforce training certificate examination to a person who satisfies the requirements of Subsections (c)(1) and (2).
- (f) The board shall propose rules to:
- (1) specify the term of a probationary certificate and a standard certificate issued under this section; and
 - (2) establish the requirements for renewal of a standard certificate.

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 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

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 Education Code, §29.061, Bilingual Education and Special Education Language Program Teachers (excerpts):

- (b-1) A teacher assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified by the board for:
 - (1) bilingual education for the component of the program provided in a language other than English; and
 - (2) bilingual education or English as a second language for the component of the program provided in English.
- (b-2) A school district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified under Subsection (b-1)(1) for the language other than English component of the program and a different teacher certified under Subsection (b-1)(2) for the English language component.

ATTACHMENT II
Text of 19 TAC

Chapter 233. Categories of Classroom Teaching Certificates

§233.1. General Authority.

- (a) In this chapter, the State Board for Educator Certification (SBEC) establishes separate certificate categories within the certificate class for the classroom teacher established under §230.33 of this title (relating to Classes of Certificates).
- (b) For purposes of authorizing a person to be employed by a school district under the Texas Education Code, §21.003(a), a certificate category identifies:
 - (1) the content area or the special student population the holder may teach;
 - (2) the grade levels the holder may teach; and
 - (3) the earliest date the certificate may be issued.
- (c) Unless provided otherwise in this title, the content area and grade level of a certificate category as well as the standards underlying the certification examination for each category are aligned with the Texas Essential Knowledge and Skills curriculum adopted by the State Board of Education.
- (d) A category includes both a standard certificate and the related emergency or temporary credential. A category may comprise a standard base certificate or a supplemental certificate. A supplemental certificate may be issued only to a person who already holds the appropriate standard base certificate.
- (e) A person must satisfy all applicable requirements and conditions under this title and other law to be issued a certificate in a category. A person seeking an initial standard certification must pass the appropriate examination(s) as prescribed in §230.21 of this title (relating to Educator Assessment). A person completing requirements for a standard certificate using a score on an examination that has been eliminated must apply and pay for the certification not later than one year from the last test administration of the deleted examination. Exceptions may be granted for a period of two years after the elimination of the examination for catastrophic illness of the educator or an immediate family member or military service of the applicant.
- (f) If the governor declares a state of disaster consistent with the Texas Government Code, §418.014, Texas Education Agency staff may extend deadlines in this chapter for up to 90 days as necessary to accommodate persons in the affected disaster areas.
- (g) A holder of a certificate valid for Grades 4-8 may teach technology applications in Grades 4-8 if integrated within an academic course or through interdisciplinary methodology in those subjects that the individual is certified to teach. The school district is responsible for ensuring that the educator has the appropriate technology applications knowledge and skills to teach the course(s) to which he or she is assigned. If Technology Applications is taught as a separate course, the educator shall be required to hold an appropriate technology applications certificate as specified in §233.5 of this title (relating to Technology Applications and Computer Science).
- (h) The general assignment descriptions in this chapter, where applicable, are subject to the specific provisions for the assignment of a holder of a certificate in Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments), and in the event of any conflict with this chapter, Chapter 231 of this title shall prevail.

Statutory Authority: The provisions of this §233.1 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0487, 21.0489, 21.0491, 21.050, 22.0831(f), and 29.061(b-1) and (b-2).

Source: The provisions of this §233.1 adopted to be effective June 9, 2002, 27 TexReg 4699; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective October 25, 2009, 34 TexReg 7199; amended to be effective October 28, 2010, 35 TexReg 9504; amended to be effective August 12, 2012, 37 TexReg 5766; amended to

be effective December 28, 2014, 39 TexReg 10008; amended to be effective May 15, 2016, 41 TexReg 3308, amended to be effective October 21, 2018, 43 TexReg 6834.

§233.2. Early Childhood; Core Subjects.

- (a) Early Childhood: Prekindergarten-Grade 3. The Early Childhood: Prekindergarten-Grade 3 certificate may be issued no earlier than January 1, 2020.
- (b) Core Subjects: Early Childhood-Grade 6. The Core Subjects: Early Childhood-Grade 6 certificate may be issued no earlier than January 1, 2015.
- (c) Core Subjects: Grades 4-8. The Core Subjects: Grades 4-8 certificate may be issued no earlier than January 1, 2015.

Statutory Authority: The provisions of this §233.2 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0489, 21.0491, 21.050, and 22.0831(f).

Source: The provisions of this §233.2 adopted to be effective June 9, 2002, 27 TexReg 4699; amended to be effective February 6, 2003, 28 TexReg 935; amended to be effective July 31, 2006, 31 TexReg 5963; amended to be effective October 17, 2007, 32 TexReg 7262; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective June 21, 2009, 34 TexReg 3943; amended to be effective October 28, 2010, 35 TexReg 9504; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective December 28, 2014, 39 TexReg 10008; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.3. English Language Arts and Reading; Social Studies.

- (a) English Language Arts and Reading: Grades 4-8. The English Language Arts and Reading: Grades 4-8 certificate may be issued no earlier than September 1, 2002.
- (b) Social Studies: Grades 4-8. The Social Studies: Grades 4-8 certificate may be issued no earlier than September 1, 2002.
- (c) English Language Arts and Reading/Social Studies: Grades 4-8. The English Language Arts and Reading/Social Studies: Grades 4-8 certificate may be issued no earlier than September 1, 2002.
- (d) English Language Arts and Reading: Grades 7-12. The English Language Arts and Reading: Grades 7-12 certificate may be issued no earlier than September 1, 2013.
- (e) Social Studies: Grades 7-12. The Social Studies: Grades 7-12 certificate may be issued no earlier than September 1, 2013.
- (f) History: Grades 7-12. The History: Grades 7-12 certificate may be issued no earlier than September 1, 2013.
- (g) Journalism: Grades 7-12. The Journalism: Grades 7-12 certificate may be issued no earlier than September 1, 2013.
- (h) Speech: Grades 7-12. The Speech: Grades 7-12 certificate may be issued no earlier than November 1, 2010.

Statutory Authority: The provisions of this §233.3 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0487, 21.0489, 21.0491, 21.050, 22.0831(f), and 29.061(b-1) and (b-2).

Source: The provisions of this §233.3 adopted to be effective June 9, 2002, 27 TexReg 4699; amended to be effective February 6, 2003, 28 TexReg 935; amended to be effective June 4, 2006, 31 TexReg 4425; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective October 28, 2010, 35 TexReg 9504; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective May 17, 2015, 40 TexReg 2532; amended to be effective May 15, 2016, 41 TexReg 3308; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.4. Mathematics; Science.

- (a) Mathematics: Grades 4-8. The Mathematics: Grades 4-8 certificate may be issued no earlier than September 1, 2002.

- (b) Science: Grades 4-8. The Science: Grades 4-8 certificate may be issued no earlier than September 1, 2002.
- (c) Mathematics/Science: Grades 4-8. The Mathematics/Science: Grades 4-8 certificate may be issued no earlier than September 1, 2002.
- (d) Mathematics: Grades 7-12. The Mathematics: Grades 7-12 certificate may be issued no earlier than September 1, 2013.
- (e) Science: Grades 7-12. The Science: Grades 7-12 certificate may be issued no earlier than September 1, 2013.
- (f) Life Science: Grades 7-12. The Life Science: Grades 7-12 certificate may be issued no earlier than September 1, 2013.
- (g) Physical Science: Grades 6-12. The Physical Science: Grades 6-12 certificate may be issued no earlier than September 1, 2013.
- (h) Physics/Mathematics: Grades 7-12. The Physics/Mathematics: Grades 7-12 certificate may be issued no earlier than September 1, 2014.
- (i) Mathematics/Physical Science/Engineering: Grades 6-12. The Mathematics/Physical Science/Engineering: Grades 6-12 certificate may be issued no earlier than September 1, 2014.
- (j) Chemistry: Grades 7-12. The Chemistry: Grades 7-12 certificate may be issued no earlier than September 1, 2013.

Statutory Authority: The provisions of this §233.4 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0487, 21.0489, 21.0491, 21.050, 22.0831(f), and 29.061(b-1) and (b-2).

Source: The provisions of this §233.4 adopted to be effective June 9, 2002, 27 TexReg 4699; amended to be effective February 6, 2003, 28 TexReg 935; amended to be effective June 28, 2004, 29 TexReg 6088; amended to be effective June 4, 2006, 31 TexReg 4425; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective June 21, 2009, 34 TexReg 3943; amended to be effective October 28, 2010, 35 TexReg 9504; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective May 17, 2015, 40 TexReg 2532; amended to be effective May 15, 2016, 41 TexReg 3308; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.5. Technology Applications and Computer Science.

- (a) Technology Applications: Grades 8-12. The Technology Applications: Grades 8-12 certificate may be issued no earlier than June 1, 2001. A candidate must meet the requirements for a Technology Applications: Grades 8-12 certificate by August 31, 2018. All applications must be complete and received by the Texas Education Agency by October 30, 2018.
- (b) Technology Applications: Early Childhood-Grade 12. The Technology Applications: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2002.
- (c) Computer Science: Grades 8-12. The Computer Science: Grades 8-12 certificate may be issued no earlier than June 1, 2001.

Statutory Authority: The provisions of this §233.5 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0489, and 21.0491.

Source: The provisions of this §233.5 adopted to be effective June 9, 2002, 27 TexReg 4699; amended to be effective February 6, 2003, 28 TexReg 935; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective May 17, 2015, 40 TexReg 2532; amended to be effective May 15, 2016, 41 TexReg 3308; amended to be effective December 27, 2016, 41 TexReg 10326; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.6. Bilingual Education.

- (a) Bilingual Education Supplemental. The Bilingual Education Supplemental certificate may be issued no earlier than September 1, 2009.

- (b) The State Board for Educator Certification shall determine the target languages for bilingual education certificates based on the student population in the Texas public schools.

Statutory Authority: The provisions of this §233.6 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0489, 21.0491, 21.050, and 22.0831(f).

Source: The provisions of this §233.6 adopted to be effective June 9, 2002, 27 TexReg 4699; amended to be effective February 6, 2003, 28 TexReg 935; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective June 21, 2009, 34 TexReg 3943; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective December 28, 2014, 39 TexReg 10008; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.7. English as a Second Language.

English as a Second Language Supplemental. The English as a Second Language Supplemental certificate may be issued no earlier than September 1, 2003.

Statutory Authority: The provisions of this §233.7 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0487, 21.0489, 21.0491, 21.050, 22.0831(f), and 29.061(b-1) and (b-2).

Source: The provisions of this §233.7 adopted to be effective February 6, 2003, 28 TexReg 935; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective June 21, 2009, 34 TexReg 3943; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective December 28, 2014, 39 TexReg 10008; amended to be effective May 15, 2016, 41 TexReg 3308; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.8. Special Education.

- (a) Special Education: Early Childhood-Grade 12. The Special Education: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2003.
- (b) Special Education Supplemental. The Special Education Supplemental certificate may be issued no earlier than September 1, 2003.
- (c) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12. The Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.
- (d) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12. The Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.

Statutory Authority: The provisions of this §233.8 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, and 21.048(a), 21.0489, and 21.0491.

Source: The provisions of this §233.8 adopted to be effective February 6, 2003, 28 TexReg 935; amended to be effective June 4, 2006, 31 TexReg 4425; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective December 27, 2016, 41 TexReg 10326; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.9. Gifted and Talented.

Gifted and Talented Supplemental. The Gifted and Talented Supplemental certificate may be issued no earlier than September 1, 2004.

Statutory Authority: The provisions of this §233.9 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0489, 21.0491, 21.050, and 22.0831(f).

Source: The provisions of this §233.9 adopted to be effective June 28, 2004, 29 TexReg 6088; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.10. Fine Arts.

- (a) Music: Early Childhood-Grade 12. The Music: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2004.

- (b) Art: Early Childhood-Grade 12. The Art: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.
- (c) Theatre: Early Childhood-Grade 12. The Theatre: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.
- (d) Dance: Grades 8-12. The Dance: Grades 8-12 certificate may be issued no earlier than September 1, 2005. The holder of the Dance: Grades 8-12 certificate is eligible to teach all dance courses in Grades 8-12. A candidate must meet the requirements for a Dance: Grades 8-12 certificate by August 31, 2018. All applications must be complete and received by the Texas Education Agency by October 30, 2018.
- (e) Dance: Grades 6-12. The Dance: Grades 6-12 certificate may be issued no earlier than March 1, 2017.

Statutory Authority: The provisions of this §233.10 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0489, and 21.0491.

Source: The provisions of this §233.10 adopted to be effective June 28, 2004, 29 TexReg 6088; amended to be effective June 4, 2006, 31 TexReg 4425; amended to be effective May 15, 2016, 41 TexReg 3308; amended to be effective December 27, 2016, 41 TexReg 10326; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.11. Health.

Health: Early Childhood-Grade 12. The Health: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2004.

Statutory Authority: The provisions of this §233.11 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0489, 21.0491, 21.050, and 22.0831(f).

Source: The provisions of this §233.11 adopted to be effective June 28, 2004, 29 TexReg 6088; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.12. Physical Education.

Physical Education: Early Childhood-Grade 12. The Physical Education: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2004.

Statutory Authority: The provisions of this §233.12 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0489, 21.0491, 21.050, and 22.0831(f).

Source: The provisions of this §233.12 adopted to be effective August 12, 2012, 37 TexReg 5766; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.13. Career and Technical Education (Certificates not requiring experience and preparation in a skill area).

- (a) Technology Education: Grades 6-12. The Technology Education: Grades 6-12 certificate may be issued no earlier than September 1, 2004.
- (b) Family and Consumer Sciences, Composite: Grades 6-12. The Family and Consumer Sciences, Composite: Grades 6-12 certificate may be issued no earlier than September 1, 2004.
- (c) Human Development and Family Studies: Grades 8-12. The Human Development and Family Studies: Grades 8-12 certificate may be issued no earlier than September 1, 2004.
- (d) Hospitality, Nutrition, and Food Sciences: Grades 8-12. The Hospitality, Nutrition, and Food Sciences: Grades 8-12 certificate may be issued no earlier than September 1, 2004.
- (e) Agriculture, Food, and Natural Resources: Grades 6-12. The Agriculture, Food, and Natural Resources: Grades 6-12 certificate may be issued no earlier than September 1, 2014.
- (f) Business and Finance: Grades 6-12. The Business and Finance: Grades 6-12 certificate may be issued no earlier than September 1, 2014.

Statutory Authority: The provisions of this §233.13 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0489, 21.0491, 21.050, and 22.0831(f).

Source: The provisions of this §233.13 adopted to be effective August 12, 2012, 37 TexReg 5766; amended to be effective December 28, 2014, 39 TexReg 10008; amended to be effective October 21, 2018, 43 TexReg 6834.

§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 the required number of years of qualified work experience and preparation in a skill area approved in accordance with the provisions of subsection (f) of this section prior to issuance of the certificate and assignment in a Texas school.
- (b) Marketing: Grades 6-12. The Marketing: Grades 6-12 certificate may be issued no earlier than September 1, 2014. A candidate for the Marketing: Grades 6-12 certificate must:
 - (1) hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and
 - (2) have two years of full-time wage-earning experience in a marketing occupation as specified in subsection (f) of this section.
- (c) Health Science: Grades 6-12 certificate. The standard Health Science: Grades 6-12 certificate may be issued no earlier than September 1, 2014. A standard Health Science: Grades 6-12 certificate shall be based on experience and academic preparation in the skill area and require the following:
 - (1) an associate or more advanced degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB;
 - (2) current licensure, certification, or registration by a nationally recognized accrediting agency as a health professions practitioner; and
 - (3) approval, by the certification officer of an approved EPP, of two years of full-time wage-earning experience using the licensure requirement described in paragraph (2) of this subsection.
- (d) Trade and Industrial Education: Grades 6-12 certificate. The certificate may be issued no earlier than September 1, 2014. A standard Trade and Industrial Education: Grades 6-12 certificate shall be based on academic preparation and experience in the skill areas to be taught and completion of specified pedagogy and professional responsibilities training.
 - (1) The standard Trade and Industrial Education: Grades 6-12 certificate shall require the following academic preparation and wage-earning experience.
 - (A) Option I. An individual must:
 - (i) hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and
 - (ii) have two years of full-time wage-earning experience within the past ten years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate. 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 degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

- (ii) have two years of full-time wage-earning experience within the past ten years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate.
- (C) Option III. An individual must:
 - (i) hold a high school diploma or the equivalent; and
 - (ii) have five years of full-time wage-earning experience within the past ten years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate.
- (2) The standard Trade and Industrial Education: Grades 6-12 certificate shall require current licensure, certification, or registration by a nationally recognized accrediting agency based on a recognized test or measurement. If the licensure, certification, or registration is not based on a recognized test or measurement, then passing the appropriate NOCTI assessment is required. A cosmetology teacher must hold a current cosmetology instructor license issued by the Texas Department of Licensing and Regulation.
- (3) An individual must complete one year of creditable classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title, on an emergency permit or probationary certificate in the specific area of trade and industrial education.
- (4) The holder of a standard or provisional Trade and Industrial Education: Grades 6-12 certificate or Vocational Trades and Industry certificate may be approved for additional trade and industrial education assignments provided he or she meets the required number of years of wage-earning experience as indicated in this subsection. Work experience must be approved according to the provisions of this subsection. The EPP must submit a statement of qualifications to the TEA within 60 calendar days of approval.
- (e) Trade and Industrial Workforce Training: Grades 6-12 certificate. The certificate may be issued no earlier than September 1, 2018. A standard Trade and Industrial Workforce Training: Grades 6-12 certificate shall be based on academic preparation and experience in the skill areas to be taught and completion of specified pedagogy and professional responsibilities training.
 - (1) The standard Trade and Industrial Workforce Training: Grades 6-12 certificate shall require all of the following academic preparation and wage-earning experience.
 - (A) An individual must have been issued a high school diploma or its equivalent or a postsecondary credential, certificate or degree.
 - (B) An individual must have seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered, and have not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.
 - (C) An individual must hold with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement.
 - (2) The standard Trade and Industrial Workforce Training: Grades 6-12 certificate shall require current licensure, certification, or registration by a nationally recognized accrediting agency based on a recognized test or measurement.
- (f) Career and technical education certificates. Approval of career and technical education certificates in this section 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 EPP approved to prepare teachers for the career and technical education certificate sought. The certification officer of the EPP 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: Grades 6-12, Health Science: Grades 6-12, or Trade and Industrial Education: Grades 6-12, 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 hours, 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 requirements must be met, as well as current licensure, certification, or registration by a state or nationally recognized accrediting agency.

Statutory Authority: The provisions of this §233.14 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, and 21.048(a), 21.0489, and 21.0491.

Source: The provisions of this §233.14 adopted to be effective June 4, 2006, 31 TexReg 4425; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective June 21, 2009, 34 TexReg 3943; amended to be effective October 28, 2010, 35 TexReg 9506; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective December 26, 2013, 38 TexReg 9361; amended to be effective May 17, 2015, 40 TexReg 2532; amended to be effective May 15, 2016, 41 TexReg 3308; amended to be effective December 27, 2016, 41 TexReg 10326; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.15. Languages Other Than English.

- (a) The State Board for Educator Certification (SBEC) shall issue languages other than English (LOTE) certificates in the following areas:
 - (1) American Sign Language: Early Childhood-Grade 12. The American Sign Language: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.
 - (2) Arabic: Early Childhood-Grade 12. The Arabic: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
 - (3) Chinese: Early Childhood-Grade 12. The Chinese: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
 - (4) French: Early Childhood-Grade 12. The French: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2009.
 - (5) German: Early Childhood-Grade 12. The German: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2009.
 - (6) Hindi: Early Childhood-Grade 12. The Hindi: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2010.
 - (7) Italian: Early Childhood-Grade 12. The Italian: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2010.
 - (8) Japanese: Early Childhood-Grade 12. The Japanese: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
 - (9) Korean: Early Childhood-Grade 12. The Korean: Early Childhood-Grade 12 certificate may be issued no earlier than June 1, 2016.

- (10) Latin: Early Childhood-Grade 12. The Latin: Early Childhood-Grade 12 certificate may be issued no earlier than January 1, 2010.
 - (11) Portuguese: Early Childhood-Grade 12. The Portuguese: Early Childhood-Grade 12 certificate may be issued no earlier than June 1, 2016.
 - (12) Russian: Early Childhood-Grade 12. The Russian: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
 - (13) Spanish: Early Childhood-Grade 12. The Spanish: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2009.
 - (14) Turkish: Early Childhood-Grade 12. The Turkish: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2010.
 - (15) Urdu: Early Childhood-Grade 12. The Urdu: Early Childhood-Grade 12 certificate may be issued no earlier than November 1, 2010.
 - (16) Vietnamese: Early Childhood-Grade 12. The Vietnamese: Early Childhood-Grade 12 certificate may be issued no earlier than October 15, 2007.
- (b) An interested party may request an additional LOTE certificate using the petition process described in §250.20 of this title (relating to Petition for Adoption of Rules or Rule Changes) for SBEC consideration. The petitioner must provide:
- (1) the desired LOTE certificate and confirmation of the number of students likely to receive instruction in the requested language;
 - (2) the number of individuals interested in adding a certification in the new language; and
 - (3) the rationale for the request and anticipated benefit to students.

Statutory Authority: The provisions of this §233.15 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0487, 21.0491, 21.050, 22.0831(f), and 29.061(b-1) and (b-2).

Source: The provisions of this §233.15 adopted to be effective June 4, 2006, 31 TexReg 4425; amended to be effective October 15, 2007, 32 TexReg 7264; amended to be effective October 25, 2009, 34 TexReg 7199; amended to be effective October 28, 2010, 35 TexReg 9504; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective May 15, 2016, 41 TexReg 3308; amended to be effective October 21, 2018, 43 TexReg 6834.

§233.16. Driver Education Endorsement.

The driver education endorsement will be issued upon evidence of completion of requirements specified in §75.1002 of this title (relating to Driver Education Teachers). The driver education endorsement requires the following:

- (1) completion of an approved driver education endorsement educator preparation program offered under this title;
- (2) a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and
- (3) a valid standard, provisional, or professional Texas classroom teaching certificate.

Statutory Authority: The provisions of this §233.16 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.048(a), 21.050, and 22.0831(f).

Source: The provisions of this §233.16 adopted to be effective August 12, 2012, 37 TexReg 5766.

§233.17. Junior Reserve Officer Training Corps.

Junior Reserve Officer Training Corps: Grades 6-12 certificate. The holder of the Junior Reserve Officer Training Corps: Grades 6-12 certificate is eligible to teach all junior reserve officer training courses in Grades 6-12. A candidate for the standard Junior Reserve Officer Training Corps: Grades 6-12 certificate must:

- (1) hold a Junior Reserve Officer Training Corps instructor certificate issued by one of the military branches;
- (2) complete an approved educator preparation program;
- (3) hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and
- (4) pass the appropriate certification examination.

Statutory Authority: The provisions of this §233.17 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.0442, 21.048(a), 21.0487, 21.0489, 21.0491, 21.050, 22.0831(f), and 29.061(b-1) and (b-2).

Source: The provisions of this §233.17 adopted to be effective effective May 15, 2016, 41 TexReg 3308; amended to be effective October 21, 2018, 43 TexReg 6834.