

## Item 8:

# COVER PAGE

### Type of Agenda Rule Item:

- Discussion Only:** TEA staff will present rule items with an update, potential future rule changes, and/or seek SBEC direction on potential rule changes. TEA staff will draft rule changes from the Board's discussion on the item and start preparing rule text for proposal to the Board.
- ✓ **Proposal:** First SBEC reading (vote). SBEC members will give input on proposed rule text and will approve rule changes that will go out for public comment as a proposed rule with the *Texas Register*. Important to make substantive changes now because only non-substantive changes can be made at adoption.
- Adoption:** Second and final SBEC reading (vote). Only non-substantive changes are permissible at adoption phase. If approved will go to SBOE for review and filed as an SBEC rule with *Texas Register* if SBOE takes no action.

### Summary:

This item is a proposal of revisions to 19 TAC Chapter 230, which covers the requirements for the issuance of educator certificates and permits. The subchapters being proposed provide for rules that establish guidelines and procedures for certification requirements, fees, permits, educational aides, and assignment criteria relating to professional educator preparation and certification. At the January 2015 SBEC work session, the Board requested policy options on raising educator quality. The proposed rules reflect input received from the SBEC at the June 2016 SBEC work session and meeting, TEA staff-convened stakeholder meetings, additional stakeholder input, and TEA staff. The proposed revisions also includes additional changes since the draft rule text was shared at the December 2015, April 2016, and June 2016 SBEC meetings.

### Statutory Authority:

All of the relevant statutes pertaining to this chapter are listed for you on the agenda title page and the entire statutory language is on Attachment I. This is always helpful in referencing the law the TEA staff was working under when preparing this item.

### TEA Staff Recommendation:

To approve the proposed revisions as presented.

### Relevant SBEC Core Principles:

- *We believe well-prepared educators are essential.*
- *We believe high certification standards measured by rigorous and reliable assessments are essential.*
- *We believe stakeholder input is essential, and we are accountable to all Texas stakeholders.*
- *We believe educators must be held to high standards of ethical conduct.*
- *We believe we must continually improve our policies and processes in response to changing needs.*

**Item 8:****Consider and Take Appropriate Action on Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States****DISCUSSION AND ACTION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States. The proposed amendments to 19 TAC §§230.1, 230.11, 230.13, 230.31, 230.33, 230.35, 230.37, 230.41, 230.53, 230.71, 230.73, 230.75, 230.77, 230.79, 230.81, 230.83, 230.91, 230.93, 230.97, 230.101, 230.105, 230.111, and 230.113; proposed new 19 TAC §§230.36, 230.63, 230.65, 230.104, and 230.107; and proposed repeal of 19 TAC §230.15 and §230.39 would result from SBEC board input, stakeholder input, and input received from staff at the Texas Education Agency (TEA).

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 230, Subchapter A, is the Texas Education Code (TEC), §§21.041(b)(1) and (2) and (4), 21.044(a), 21.048, 21.050, and 22.082. The statutory authority for 19 TAC Chapter 230, Subchapter B, is the TEC, §§21.041(b)(2) and (4), 21.044(a), 21.048, 21.050, and 22.082. The statutory authority for 19 TAC Chapter 230, Subchapter D, is the TEC, §§21.003(a), 21.031, 21.041(b)(1)-(5) and (9), 21.051, and 22.0831(c) and(f). The statutory authority 19 TAC Chapter 230, Subchapter E, is the TEC, §§21.041(a) and (b)(1)-(4). The statutory authority for 19 TAC Chapter 230, Subchapter F, is the TEC, §§21.031(a), 21.041(b)(1), (2), and (4), 21.044(a), and 21.048. The statutory authority for 19 TAC Chapter 230, Subchapter G, is the TEC, §§21.031(a), 21.041(b)(1)-(5) and (9) and (c), 21.044(a), (e) and (f), 21.048, 21.0485, 21.050, 21.054(a), 22.082, and 22.0831(f) and Texas Occupations Code (TOC), §53.105. The statutory authority for 19 TAC Chapter 230, Subchapter H, is the TEC, §§21.040(6), 21.041(b)(4), and (5), and (c), 21.048, 21.050, and 21.052.

TEC, §21.003(a), states that 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 the TEC, Chapter 21, Subchapter B.

TEC, §21.031(a), authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; and §21.031(b), states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC 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.

TEC, §21.040(6), allows the SBEC authority to develop and implement policies that define responsibilities of the SBEC.

TEC, §21.041(a), allows the SBEC to adopt rules as necessary for its own procedures.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(3), requires the SBEC to propose rules that specify the period for which each class of educator certificate is valid.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(5), requires the SBEC to propose rules that 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 the TEC, §21.052.

TEC, §21.041(b)(9), requires the SBEC to propose rules that provide for continuing education requirements.

TEC, §21.041(c), requires the SBEC to propose a rule adopting a fee for the issuance and maintenance of an educator certificate that is adequate to cover the cost of administration of the TEC, Chapter 21, Subchapter B.

TEC, §21.044(a), requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program.

TEC, §21.044(e), provides the requirements that SBEC rules must specify for a person to obtain a certificate to teach a health science technology education course.

TEC, §21.044(f), provides that SBEC rules for a person to obtain a certificate to teach a health science technology education course shall not specify that a person must have a bachelor's

degree or establish any other credential or teaching experience requirements that exceed the requirements under §21.044(e)

TEC, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC.

TEC, §21.0485, provides that all candidates for a certificate to teach students with visual impairments must complete an approved educator preparation program (EPP).

TEC, §21.050(a), states that a person who applies for a teaching certificate for which SBEC 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 TEC, Chapter 28, Subchapter A.

TEC, §21.051, provides a requirement that before a school may employ a certification candidate as a teacher of record, the candidate must have completed at least 15 hours of field-based experience in which the candidate was actively engaged at an approved school in instructional or educational activities under supervision.

TEC, §21.052(a), states that the SBEC may issue a certificate to an educator who holds a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board or a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by §21.052(a)(1)(A), holds an appropriate certificate or other credential issued by another state or country, and performs satisfactorily on the examination prescribed under the TEC, §21.048, or, 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 §21.052(a)(1)(A) administered to the educator under the authority of that state; §21.052(b), states that for purposes of §21.052(a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired; §21.052(c), states that the SBEC may issue a temporary certificate under this section to an educator who holds a degree required by §21.052(a)(1) and a certificate or other credential required by §21.052(a)(2) but who has not satisfied the requirements prescribed by §21.052(a)(3); and §21.052(d), states that a temporary certificate issued under §21.052(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 SBEC completes the review of the educator's credentials and informs the educator of the examination or examinations under the TEC, §21.048, on which the educator must perform successfully to receive a standard certificate.

TEC, §21.054(a), requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

TEC, §22.082, states that the SBEC shall subscribe to the criminal history clearinghouse as provided by the Texas Government Code, §411.0845, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records

contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under the TEC, Chapter 21, Subchapter B.

TEC, §22.0831(c), provides that the SBEC shall review the national criminal history record information of all applicants for or holders of educator certification.

TEC, §22.0831(f), authorizes the SBEC to propose rules to implement the national criminal history record information review of certified educators.

TOC, §53.105, specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter.

**EFFECTIVE DATE:** If approved for filing as proposed in August 2016 and if adopted, subject to State Board of Education (SBOE) review, at the October 2016 SBEC meeting, the proposed effective date of the proposed amendments to 19 TAC §§230.1, 230.11, 230.13, 230.31, 230.33, 230.35, 230.37, 230.41, 230.53, 230.71, 230.73, 230.75, 230.77, 230.79, 230.81, 230.83, 230.91, 230.93, 230.97, 230.101, 230.105, 230.111, and 230.113; proposed new 19 TAC §§230.36, 230.63, 230.65, 230.104, and 230.107; and proposed repeal of 19 TAC §230.15 and §230.39 would be December 27, 2016 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 230 are currently organized as follows: Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States. The subchapters provide for rules that establish guidelines and procedures for certification requirements, fees, permits, educational aides, and assignment criteria relating to professional educator preparation and certification. Chapter 230 serves as a foundation for the practices and procedures related to educator preparation and certification. The seven subchapters include key definitions relevant to educator preparation and certification; provide general eligibility, recommendation and issuance requirements for various types of certificates; outline testing requirements for certification; identify certificate application fees; and confirm the overall process for individuals already certified in other states or countries to obtain Texas certification. The TEC, §21.031, states that the SBEC is established to oversee all aspects of the certification and continuing education of public school educators and to 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.

At the January 2015 SBEC work session, the SBEC members received three presentations on educator quality as it pertains to EPPs in the state of Texas. The Texas Teaching Commission, the Council for the Accreditation of Educator Preparation, and the National Council on Teacher Quality provided state and national perspectives on educator quality in relation to Texas EPPs. SBEC members provided feedback to TEA staff on those presentations. Specifically, as it relates to 19 TAC Chapter 230, the SBEC requested policy options that focus on raising EPP

standards, improving teacher preparation programs, and new and improved ways to train better teachers.

TEA staff conducted an SBEC work session on June 9, 2016 to provide the Board with a shared understanding of the preparation process, to discuss current issues related to educator preparation and teacher quality, and to capture SBEC's perspective on preparation so that TEA can provide the desired support in preparation for possible rule changes.

The TEA staff also convened three face-to-face stakeholder meetings in December 2015 and June 2016 to gather input on the proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States. The proposed revisions, shown in Attachment II, reflect input received from the SBEC, TEA staff, and TEA staff-convened stakeholder meetings, but also includes additional changes since the draft rule text was shared at the December 2015, April 2016, and June 2016 SBEC meetings.

Following is a description of the proposed revisions included in Attachment II.

#### Subchapter A, General Provisions

The purpose of Subchapter A, General Provisions, is to define key terms that share common meaning across several certification and educator preparation rules within the Texas Administrative Code.

The proposed amendment to 19 TAC §230.1 reflects the addition of terms relevant to general requirements for educator preparation and certification and the removal of terms not applicable to Chapter 230. The goal is to ensure there is common understanding of frequently used terms so that there is accurate and effective communication and alignment throughout the state between EPPs, school districts, educators, candidates for certification, and other stakeholders.

In 19 TAC §230.1, TEA staff recommends adding definitions for *candidate*, *certification class*, *charter school*, *intern certificate*, *probationary certificate*, *standard certificate*, *teacher*, and *Texas Essential Knowledge and Skills*; removing the definitions for *field supervision*, *high-quality professional development*, *internship*, *mentor*, *State Board for Educator Certification*, and *Texas Education Agency staff*; and amending the definitions for *accredited institution of higher education*, *certificate*, *classroom teacher*, *continuing professional education*, *educator*, *educator preparation program*, *initial certification*, and *teacher of record*.

#### Subchapter B, General Certification Requirements

The purpose of Subchapter B, General Certification Requirements, is to outline general certification requirements applicable to all individuals regardless of the route taken to obtain Texas certification.

Language in 19 TAC §230.11(b)(5)(B) would be amended to clarify that the English language proficiency requirement can be satisfied for individuals coming from territories of the United

States, if English was the primary language of instruction at the university where the degree was earned. Regardless of their route to Texas certification, all individuals unable to provide a letter from their university confirming the primary language of instruction was English would be required to take and pass the Test of English as a Foreign Language--Internet Based Test (TOEFL-ibt). Subsection (b)(7)(F) would be removed since 19 TAC §230.39, Temporary Teacher Certificate, is recommended for repeal in Subchapter D.

Language in 19 TAC §230.13(a)(2) and (b)(3) would be amended to clarify that standard certificate applications must be completed and recommended by the EPP by the application and issuance deadlines for the certificate.

Section 230.15 would be repealed because provisions for the military community are addressed in proposed new 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, adopted, subject to SBOE review, by the SBEC at the April 2016 meeting.

#### Subchapter C, Assessment of Educators

SBEC rules in Subchapter C, Assessment of Educators, are not included in this agenda item. The SBEC adopted those amendments, subject to SBOE review, at the April 15, 2016 meeting.

#### Subchapter D, Types and Classes of Certificates Issued

The purpose of Subchapter D, Types and Classes of Certificates Issued, is to identify types and classes of certificates issued in Texas. This subchapter also identifies some of the temporary credentials issued as individuals complete requirements to obtain a five-year Texas standard certificate.

Language in 19 TAC §230.31(a)(2) and (3) would be retained to confirm that prior to September 1, 1999, provisional certificates were issued for all classroom teacher subject areas and professional certificates were issued for areas other than classroom teacher; however, both of these certificate types remain valid for life unless suspended, surrendered in lieu of revocation, or revoked by lawful authority as referenced in subsection (b).

To better reflect certification requirements, TEA staff recommends moving educational aide from the list of types of classes of certificates in §230.33(b) to the list of types of certificates in §230.31(a)(8). Proposed subsection (d) would be added to reflect the change from a five-year validity period to a two-year validity period for the educational aide certificate. TEA staff discussed potential changes to the educational aide certificate with the SBEC during the December 2015, February 2016, and April 2016 meetings. While TEA staff acknowledges the important role of the educational aide and that the certificate should remain in place, TEA staff recommends shortening the validity period of the certificate. TEA staff ran data for the 2014-2015 school year that confirmed a total of 227,910 educational aide certificates were issued. Of those, 153,789 certificates were valid for life, while 74,121 educational aide certificates were issued as standard certificates that must currently be renewed every five years. While there were a large number of educational aide certificates issued, employment data from school year 2014-2015 show approximately 53,791 educational aides were actively employed. Of those 53,791 educational aides, only 8,044 (or 18%) had been employed for over two years.

The recommendation to shorten the validity period of the educational aide certificate would address the challenge the TEA faces allocating limited resources to the investigation and prosecution of individuals possessing only educational aide certificates that are either in inactive status and/or are not otherwise being utilized by the individual as a condition of employment by a Texas school district. A significant number of cases involving educational aides (paraprofessionals) accused of wrongdoing result in defaults when filed at the State Office of Administrative Hearings (SOAH). Over the course of the five most recent SBEC meetings, 65 defaults were issued for educational aides making up 39% of the defaults issued. The investigation and prosecution of defaults require the same or more resources as non-default cases. Shortening the validity period for the educational aide certificate would focus TEA investigative and prosecutorial resources only on those who are actively using the educational aide certificate in a Texas public school.

Proposed new 19 TAC §230.36 would establish a new intern certificate. The concept of the intern certificate was first presented to the SBEC at the April 2016 meeting and was originally intended to replace the probationary certificate. At the time, TEA staff recommended that candidates pass all required examinations (content and pedagogy) for the certification area prior to issuance of the intern certificate to ensure that a teacher of record has demonstrated minimal competence in both pedagogy and content prior to placement in a classroom with only minimal supervision. District and EPP representatives expressed concerns about future plans to increase the testing requirements for issuance of the intern certificate. During the June 2016 SBEC work session and meeting, TEA staff presented a tiered licensure process for certification through an EPP that better reflects the candidate's progress toward full certification and the level of support the candidate receives. This two-tiered licensure structure for EPP candidates included an intern certificate, where prior to issuance, successful completion of all content examinations were required; and a probationary certificate, where prior to issuance, successful completion of all examinations (content and pedagogy) was required. TEA staff recommends a one-year validity period for the intern certificate and a maximum of two, one-year validity periods for the probationary certificate. Probationary certificates would remain in 19 TAC §230.37.

Section 230.37 currently allows EPP candidates to be placed on a probationary certificate and serve as the teacher of record for up to three years. TEA staff recommends limiting the amount of time a candidate can serve on a probationary certificate. Language would be amended in proposed subsection (c)(4) to add intern certificates and reduce the total amount of time allowed from three years to two years. TEA staff recognizes that the proposed change may impact an EPP's timeline on preparing candidates, but finds it better aligns with the SBEC's goals and principles. To ensure that school districts and the TEA are properly notified about candidates serving on an intern or probationary certificate who resign or are terminated from assignments and/or candidates that withdraw or are released from an EPP, EPP notification requirements have been removed from this subchapter and moved to Chapter 228.

Proposed subsection (d) would establish testing requirements for issuance of a probationary certificate and include a transition from testing requirements and options in place prior to September 1, 2017, and testing requirements for issuance of the probationary certificate beginning September 1, 2017. Proposed subsection (d)(2) would require candidates to successfully complete all examinations currently required for issuance of a standard certificate prior to issuance of the probationary certificate in any subject area (i.e., pedagogy, content, and as applicable, oral, written, or sign communication assessments) beginning September 1, 2017. In addition, the proposed amendment would add a requirement for successful completion of the



pedagogy and professional responsibilities examination in addition to the required content examinations and would remove the provision in subsection (d)(1) that prior to September 1, 2017, allows individuals to receive the probationary certificate for Grades 7-12 by substituting the required content examination with a minimum number of college hours. The proposed changes to the probationary certificate rules are recommended to ensure that individuals have demonstrated minimal competence in both pedagogy and content prior to placement in a classroom as the paid teacher of record with only minimal supervision. The proposed testing requirement to qualify for issuance of a probationary certificate would become effective September 1, 2017. Current subsections (d)-(f) would be removed.

TEA staff recognizes the impact of these recommended changes and acknowledges stakeholder feedback on the proposed rule actions and their concerns related to testing requirements prior to issuance of the intern and/or probationary certificate and the potential impact these requirements could have on bilingual certification candidates and certification candidates in other high-need areas. TEA staff carefully considered this issue and recommends that the SBEC propose the rule actions as presented. TEA staff has continued to focus on the need to ensure that individuals entering classrooms as the teacher of record demonstrate content proficiency to ensure that students have the best opportunity to master academic content. It is particularly critical that students in bilingual or special education classrooms have teachers with the academic knowledge and skills to meet the needs of those students. Although teachers on an intern or probationary certificate would still be receiving training in essential pedagogical skills, the TEA staff recommendation supports the belief that all students deserve teachers who have demonstrated content knowledge. TEA staff understands there are processes in place that allow districts to apply for bilingual exceptions to receive some flexibility from the bilingual program requirements. Creating a tiered licensure structure also would allow for meaningful differentiation for districts in making hiring decisions and EPPs in supporting their intern or probationary teachers.

Section 230.39, Temporary Teacher Certificates, would be repealed due to a lack of district participation for several years and because the TEA no longer issues the Grades 8-12 certificates that aligned with this process.

Language in 19 TAC §230.41, Visiting International Teacher Certificates, would be amended in subsection (a) to remove the reference to the agreement since rules in this subsection provide eligibility and certificate issuance requirements. Proposed subsection (e) would be added to confirm that issuance of the visiting international certificate does not preclude candidates from completing the credentials review process and being issued a one-year certificate if all requirements are met.

#### Subchapter E, Educational Aide Certificate

The purpose of Subchapter E, Educational Aide Certificate, is to outline the general requirements for the recommendation, issuance, and renewal of educational aide certificates.

The majority of the rules in this subchapter remain the same and, therefore, are not included in Attachment II. Language would be added as proposed 19 TAC §230.53(f) and (g) to confirm that individuals already certified as a classroom teacher would be eligible to serve as an educational aide without obtaining the educational aide certificate unless requested by the employing district and confirm that individuals seeking a higher level of educational aide

certificate (i.e., transferring from educational aide I to II or educational aide II to III) would need to complete an online application, pay a fee, and be recommended for the new level of certification by the employing district.

Proposed new 19 TAC §230.63 would address the TEA staff-recommended change in validity period for educational aide certificates; provide notification of the proposed change taking effect September 1, 2017, if approved by the SBEC; and confirm the elimination of the renewal requirements having to be completed for an expired lower level educational aide certificate when applying and being recommended by the district for a higher level certificate.

Proposed new 19 TAC §230.65 would clarify the new process for reissuance of educational aide certificates by confirming that effective September 1, 2017, all educational aide certificates issued would expire at the end of their validity period and that reissuance of an educational aide certificate would require a new online application, a new recommendation from the employing district, and a new fee paid online. Because holders of educational aide certificates would be required to reapply for new certification each time, TEA staff recommends a fee reduction for issuance of this certificate beginning September 1, 2017. The proposed fee of \$15 every two years is included in the recommended changes to 19 TAC §230.101, Schedule of Fees for Certification Services, in Subchapter G. It is also important to note that all educational aide certificates issued prior to September 1, 2017, would be issued with a five-year validity period, but the certificate would expire at the end of the period and is not subject to renewal. Individuals would be required to reapply for a new educational aide certificate with a two-year validity period. Individuals holding a lifetime educational aide certificate would maintain that certificate.

#### Subchapter F, Permits

The purpose of Subchapter F, Permits, is to outline the general requirements for the recommendation, issuance, and renewal of emergency permits.

TEA staff recommends returning use of emergency permits back to serving as a temporary credential that provides resolution to a "true emergency" and allows an employing district to fill an immediate need for placement of a teacher into the classroom. Language in 19 TAC §230.71, General Provisions, would be amended to alert districts of proposed changes in issuance of emergency permits. Proposed subsection (b) would be added to indicate that effective with the 2017-2018 school year, emergency permits would be limited to one year of issuance, with no option for renewal. Proposed subsection (c) would be added to confirm that the one-year limitation does not apply to the annual reissuance of emergency permits for Junior Reserve Officer Training Corps (JROTC) instructors or renewals of emergency permits for teachers of students with visual impairments. Language in proposed subsection (d)(1) would be amended to confirm that the superintendent or his designee must take specific steps to determine an individual's qualifications for placement on an emergency permit. Language in proposed subsection (d)(3) would be amended to add "open-enrollment charter school" to expand the type of educational setting where a permit may be initiated for an individual. Language in proposed subsection (h)(3)(A) would be amended to include a proposed change from "deficiency plan" to "certification plan" to better align with EPP terminology. Language in proposed subsection (h)(3)(B) would be amended to add "or higher" after the bachelor's degree reference to confirm a higher degree is acceptable and in proposed subsection (i) to add "pertaining to parental notification." Proposed subsection (j) would be added to confirm

individuals issued an intern or probationary certificate are not allowed to also be placed on an emergency permit.

Language in 19 TAC §230.73 would be amended in subsection (d) and proposed subsections (e)-(g) to confirm that the 2016-2017 school year would be a transition year and that rules currently in place for emergency permits, including renewal of permits would remain the same. However, in the 2017-2018 school year, the one-year limit would become effective. The only exceptions to the limited use of emergency permits are for the assignments to teach JROTC and to serve as teachers of students with visual impairments. Districts would continue being allowed to apply for new emergency permits every year to allow individuals employed in their district to continue serving in the assigned role of JROTC instructor. Districts will also be allowed a maximum of two renewals on emergency permits for assignments to teach students with visual impairments. Texas Education Code, §21.0485, requires individuals pursuing the Visually Impaired (VI) Supplemental Certificate to complete an EPP and does not allow them to earn this certificate through the certification by examination route. Individuals assigned to teach students with visual impairments on a permit are already certified educators who must complete requirements through an approved EPP to qualify for issuance of the VI Supplemental Certificate. Teachers of students with visual impairments often serve in itinerant positions that go where the students are at their local school in a district or as part of a cooperative for more rural areas of Texas. These teachers also receive additional support from the Texas School for the Blind and Visually Impaired's statewide mentoring program. Because the statute does not allow individuals to earn certification solely by test passage and due to the specialized and intensive nature of the training requirements for individuals seeking this certificate, TEA staff recommends additional time under the emergency permit for teachers of students with visual impairments. This will allow districts to maintain qualified staff in this specialized area without causing a disruption to the population of students being served.

Language in 19 TAC §230.75(1)(A) would be amended to incorporate associate's degree or more advanced degree reference into the rule text to align with health science certification requirements.

Language in 19 TAC §230.77(c)(1)(B) would be amended to increase the semester credit hour requirement from six to twelve in the subject to be taught. Also, TEA staff recommends changes to subsection (c)(2)(A) to match the increase in semester credit hours in subsection (c)(1)(B). Proposed subsection (c)(2)(C) would incorporate stakeholder feedback to prohibit approval of a temporary classroom assignment permit for an individual teaching more than four class periods with fewer than six semester credit hours in the specific subject area to be taught. Language in subsections (d)-(g) would be amended to incorporate minor edits to update certificate names, align semester credit hour requirements or licensure and experience requirements for certain certificates (e.g., career and technical education areas), and clarify degree requirements.

Language in 19 TAC §230.79(a)(1) and (b)(1) would be amended to clarify application for the emergency permit is an online process. TEA staff also recommends changing "deficiency plan" to "certification plan" in subsections (a)(2)(A) and (b)(4) to better align with EPP terminology. Clarifying language specific to career and technical education assignments based on skill and experience would be added in subsection (b)(2) and proposed paragraph (3).

Language would be amended in 19 TAC §230.81(2) to confirm emergency permits are limited to one year in an assignment, and language in paragraph (3)(B) would be amended to reflect a

change in semester credit hour requirements needed for one renewal. Because the proposed change in the emergency permit validity period is not effective until the 2017-2018 school year, TEA staff recommends retaining the renewal provisions in rule to provide districts with guidance until the new emergency permit rules are effective.

TEA staff recommends removing 19 TAC §230.83(b)(3) since there are very few district requests for nonrenewable permits related to candidates from other states who held the one-year certificate and did not pass the pedagogy and professional responsibilities (PPR) test during the validity period of their one-year certificate. TEA staff are cognizant of concerns expressed by stakeholders that the requirements for placement on emergency permits has been more rigorous for certified educators versus non-certified individuals. Attempts have been made to address this discrepancy by revising the emergency permit rule to treat both populations more fairly while maintaining a balance of meeting needs at the local level and still ensuring the placement of qualified individuals in every classroom.

### Subchapter G, Certificate Issuance Procedures

The purpose of Subchapter G, Certificate Issuance Procedures, is to identify the general procedures for issuance of certificates, to confirm the roles of EPPs in the recommendation of their candidates for certification, to highlight the process for dating and issuing certificates and permits, to establish in rule the fees for various certification services, to outline the process for submitting fees for correction of a certificate or permit issued in error, and to identify requirements for issuance of additional certificates based on examination only.

The majority of the rules in this subchapter would remain the same; however, language would be amended in 19 TAC §230.91(a)(1) to confirm that the virtual certificate is considered to be the official record of educator certification in Texas. This online certificate is available on the TEA website and satisfies the TEC, §21.053(a). TEA staff recommends removing the reference to the SBEC board chair signature since TEA stopped printing and mailing paper certificates in January 2011.

Language would be amended in 19 TAC §230.93, Candidates of Approved Educator Preparation Programs, to confirm that an EPP is responsible for recommending candidates for certification by the deadlines for issuance of the certificate. Language would be amended in 19 TAC §230.97(c) to confirm that a fee is required to change the effective date for a certificate or permit.

TEA staff recommends fee changes in 19 TAC §230.101, Schedule of Fees for Certification Services, to support necessary online system updates to implement the proposed rule changes and cover TEA's administrative costs. Language would be amended in subsection (a)(1) to confirm the fee reduction from \$30 to \$15 for the educational aide certificate, effective September 1, 2017, and in subsection (a)(3) to add the intern certificate to the line item and propose a fee increase from \$50 to \$75 for issuance of the probationary or intern certificate. In subsection (a)(6), TEA staff recommends changing "temporary credential" to "one-year certificate" to better reflect what is issued and to align rule text with wording in Subchapter D, Types and Classes of Certificates Issued. In subsection (a)(8), TEA staff recommends increasing the national criminal history check processing fee from \$6 to \$10 to better cover TEA's administrative costs and, in proposed subsection (a)(9), add a fee for reviewing superintendent applications for the substitution of managerial experience for the principal

certification requirements. The SBEC's approval of this fee would allow TEA staff to begin the timely review of anticipated requests from individuals to utilize the new process recently established in rule to allow flexibility in obtaining the Superintendent Certificate in accordance to rules outlined in 19 TAC Chapter 242, Superintendent Certificate. The fee references in proposed subsections (a)(10) and (11) would not apply to educational aide certificates effective September 1, 2017; however, TEA staff recommends leaving the current fees in place until they are no longer applicable to the certification process for educational aides. Language in proposed subsection (a)(18) would be amended to increase the Visiting International Teacher certificate from \$50 to \$75 to better cover TEA's administrative costs.

Proposed new 19 TAC §230.104, Correcting a Certificate or Permit Issued in Error, would confirm in rule the need for payment by an EPP or district to correct a certificate or permit issued in error based on information submitted by the EPP or district. TEA does not charge a fee to individuals, EPPs, or districts, if TEA staff was responsible for the incorrect issuance of a certificate or permit.

TEA staff recommends removing 19 TAC §230.105(2) to allow marketing, health science, and trade and industrial education to the list of certificates eligible to be added under the provision of additional certification by examination. However, because there are legislative requirements that must be met for issuance of the health science certificate, as well as licensure and work experience requirements needed for the trade and industrial education certificate, TEA staff has aligned the test approval process for health science and trade and industrial education to the process already in place for marketing certification through additional certification by examination. Like marketing, candidates seeking the health science and/or trade and industrial education certificate through this route would need to have licensure and wage-earning experience verified through a school district or approved EPP before test approval can be granted.

And finally, proposed new 19 TAC §230.107 would place into rule a process that allows individuals to relinquish a Texas certificate if they no longer wish to have the credential listed as part of their official record of certification. Over the years, educators have requested to relinquish one or more of their approved educator certifications. There is no current rule that addresses this type of request from an educator. TEA staff recommends language in this section that would allow an individual to relinquish the certificate, but also emphasizes that once it is relinquished, it cannot be added back to the official certificate record without the individual completing the requirements for issuance of the certificate (i.e., retaking the applicable test, completing EPP requirements as applicable, reapplying and paying the fee for certificate issuance).

#### Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States and Territories of the United States

The purpose of Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States and Territories of the United States, is to outline the process for individuals already certified to teach in other states to obtain Texas certification. This subchapter also explains the legislatively mandated comparable tests process that eliminates some of the Texas certification testing requirements for educators already certified to teach in other states.

The majority of the rules in this subchapter would remain the same, but TEA staff recommends a few minor changes. Language in 19 TAC §230.111(a) would be amended to add the word "acceptable" to further describe the certificate or credential that can be submitted for the Texas review of credentials process. Language would be amended in subsection (c) to resolve grammatical issues and clarify that examination and/or certificate renewal requirements pending in another state would not impact an individual's ability to complete the Texas review of credentials process if he or she has met all other requirements for certification in the other state. Language in subsection (d) would be amended to confirm that a letter from another state department of education responsible for issuance of certification or licensure can be accepted in place of a copy of the actual certificate for purposes of the TEA's review of credentials process. Language would be amended in subsection (e) to confirm that the Texas credentials review process can only be completed based on the areas and grade levels of certification included on the certificate issued by another state department of education.

TEA staff recommends removing 19 TAC §230.113(e) to align with deletion of similar text in the nonrenewable permit section of this chapter. Language in proposed subsection (e) would be amended to confirm that individuals must establish a base classroom teaching certificate before they can add a supplemental certification area to their Texas certificate record. After much consideration and discussion, along with stakeholder input, TEA staff determines it is important to leave territories of the United States in place as part of this subchapter's title, and any concerns regarding English language proficiency for individuals can be addressed directly with the individuals pursuing certification. The general certification requirements outlined in Subchapter B apply to all individuals seeking certification, regardless of the path taken to obtain Texas certification. For this reason, if an individual from a territory of the United States cannot provide proof that English was the primary language of instruction at the university where the bachelor's degree or higher was earned, that individual would be required to take and pass the oral proficiency test approved by the SBEC before a certificate could be issued.

**FISCAL IMPACT:** At the time this item was prepared, TEA staff was reviewing the fiscal impact of the proposed revisions. More information will be provided prior to the August 5, 2016 SBEC meeting.

**PUBLIC AND STUDENT BENEFIT:** The public and student benefit anticipated as a result of the proposed rule actions would be the continuation of rules relating to certification requirements, fees, procedures for testing and certificate issuance, educational aides, and permits for professional educator preparation and certification.

**PROCEDURAL AND REPORTING IMPLICATIONS:** The proposed revisions would have no additional procedural and reporting implications.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** The proposed revisions would have no additional locally maintained paperwork requirements.

**PUBLIC COMMENTS:** The public comment period on the proposal begins August 26, 2016, and ends September 26, 2016. The SBEC will take registered oral and written comments on this item at the October 7, 2016 meeting in accordance with the SBEC board operating policies and procedures.

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

Approve the proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, to be published as proposed in the *Texas Register*.

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

Tim Miller, Director  
Educator Preparation

- Attachments:**
- I. Statutory Citations
  - II. Text of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

## ATTACHMENT I

**Statutory Citations Relating to Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**

**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, §21.040, General Powers and Duties of Board (excerpt):**

The board shall:

- (6) develop and implement policies that clearly define the respective responsibilities of the board and the board's staff; and

**Texas Education Code, §21.041, Rules; Fees (excerpts):**

- (a) The board may adopt rules as necessary for its own procedures.
- (b) The board shall propose rules that:
- (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (3) specify the period for which each class of educator certificate is valid;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;
  - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
  - (9) provide for continuing education requirements; and



- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.

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

- (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.
- (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, §21.045, Accountability System for Educator Preparation Programs:**

- (a) The board shall propose rules necessary to establish standards to govern the continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:
- (1) results of the certification examinations prescribed under Section 21.048(a);
  - (2) performance based on the appraisal system for beginning teachers adopted by the board;
  - (3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable;
  - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
  - (5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain:
- (1) the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3);

- (2) data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences;
  - (3) the following information, disaggregated by race, sex, and ethnicity:
    - (A) the number of candidates who apply;
    - (B) the number of candidates admitted;
    - (C) the number of candidates retained;
    - (D) the number of candidates completing the program;
    - (E) the number of candidates employed as beginning teachers under standard certificates by not later than the first anniversary of completing the program;
    - (F) the amount of time required by candidates employed as beginning teachers under probationary teaching certificates to be issued standard teaching certificates;
    - (G) the number of candidates retained in the profession; and
    - (H) any other information required by federal law.
  - (4) the ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
  - (5) any other information necessary to enable the board to assess the effectiveness of the program on the basis of teacher retention and success criteria adopted by the board.
- (c) The board shall propose rules necessary to establish performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a).

**Texas Education Code, §21.048, Certification Examinations:**

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. 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.
  - (a-1) The board may not require that more than 45 days elapse before a person may retake an examination. A person may not retake an examination more than four times, unless the board waives the limitation for good cause as prescribed by the board.
  - (a-2) For purposes of the limitation imposed by Subsection (a-1) on the number of administrations of an examination, a person who initially took an examination before September 1, 2015, may retake the examination up to four times after that date, regardless of the number of times that the person attempted to perform satisfactorily on the examination before that date. This subsection expires September 1, 2018.
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.

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

**Texas Education Code, §21.0485, Certification to Teach Students With Visual Impairments:**

- (a) To be eligible to be issued a certificate to teach students with visual impairments, a person must:
  - (1) complete either:
    - (A) all course work required for that certification in an approved educator preparation program; or
    - (B) an alternative educator certification program approved for the purpose by the board;
  - (2) perform satisfactorily on each examination prescribed under Section 21.048 for certification to teach students with visual impairments, after completing the course work or program described by Subdivision (1); and
  - (3) satisfy any other requirements prescribed by the board.
- (b) Subsection (a) does not apply to eligibility for a certificate to teach students with visual impairments, including eligibility for renewal of that certificate, if the application for the initial certificate was submitted on or before September 1, 2011.

**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, §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.

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

- (a) The board may issue a certificate to an educator who applies for a certificate and:
  - (1) holds:

- (A) a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or
  - (B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
- (2) holds an appropriate certificate or other credential issued by another state or country; and
- (3) performs satisfactorily on:
  - (A) the examination prescribed under Section 21.048; or
  - (B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by Paragraph (A) administered to the educator under the authority of that state.
- (b) For purposes of Subsection (a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsection (d), the board may specify the term of a temporary certificate issued under this subsection.
- (d) A temporary certificate issued under Subsection (c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a certificate as provided by Subsection (a) must perform satisfactorily on the examination prescribed under Section 21.048 not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.
- (f) The board shall post on the board's Internet website the procedures for obtaining a certificate under Subsection (a).
- (g) The commissioner shall provide guidance to school districts that employ an educator certified as provided by Subsection (a) on procedures to classify the educator as a highly qualified teacher in a manner consistent with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).
- (h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of

the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:

- (1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
- (2) information necessary to complete a national criminal history record information review; and
- (3) an application fee as required by the board.

**Texas Education Code, §21.053, Presentation and Recording of Certificates:**

- (a) A person who desires to teach in a public school shall present the person's certificate for filing with the employing district before the person's contract with the board of trustees of the district is binding.
- (b) An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

**Texas Education Code, §21.054, Continuing Education (excerpt):**

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

**Texas Education Code, §22.082, Access to Criminal History Records by State Board for Educator Certification:**

The State Board for Educator Certification shall subscribe to the criminal history clearinghouse as provided by Section 411.0845, Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter 21.

**Texas Education Code, §22.0831, National Criminal History Record Information Review of Certified Educators (excerpts):**

- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (f) The board may propose rules to implement this section, including rules establishing:
  - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
  - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

**Texas Occupations Code, §53.105, Fees:**

A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

**Texas Occupations Code, §54.003, Examination Accommodations for Person With Dyslexia:**

- (a) In this section, "dyslexia" has the meaning assigned by Section 51.970, Education Code.
- (b) For each licensing examination administered by a state agency, the agency shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia.
- (c) Each state agency shall adopt rules necessary to implement this section, including rules to establish the eligibility criteria an examinee must meet for accommodation under this section.

**ATTACHMENT II**  
**Text of Proposed Revisions to 19 TAC**

**Chapter 230. Professional Educator Preparation and Certification**

**Subchapter A. General Provisions**

**§230.1. Definitions.**

The following words and terms, when used in this chapter, Chapter 232 of this title (relating to General Certification Provisions), and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited institution of higher education--An institution of higher education that at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating ~~[Coordination]~~ Board.
- (2) Appropriate--Suitable for a particular purpose. The term denotes compliance with State Board for Educator Certification (SBEC) rules and with SBEC procedures and policies posted on the Texas Education Agency website that are related to the stated particular purpose.
- (3) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.
- (4) ~~[(3)]~~ Certificate--Any educator credential issued by the State Board for Educator Certification under the authority of the Texas Education Code, Chapter 21, Subchapter B.
- (5) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics and includes the following: superintendent, principal, classroom teacher, school counselor, school librarian, educational diagnostician, reading specialist, and master teacher.
- (6) Charter school--A Texas public school operated by a charter holder under an open-enrollment charter school granted either by the State Board of Education (SBOE) or commissioner of education, whichever is applicable, pursuant to Texas Education Code, §12.101, identified with its own county district number.
- (7) ~~[(4)]~~ Classroom teacher--An educator who is employed by a school or district ~~[approved by the Texas Education Agency or by an open-enrollment charter school approved by the State Board of Education]~~ and who teaches, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical education instructional setting. This term does not include an educational ~~[a teacher's] aide~~ ~~[, Reserve Officers' Training Corps (ROTC) instructors, substitute,]~~ or a full-time ~~[or part-time]~~ administrator.
- (8) ~~[(5)]~~ Continuing professional education--Professional development required for the renewal of standard and/or lifetime ~~[educator and professional]~~ certificates that is designed to ensure improvement in both the performance of the educator and achievement of his or her students.
- (9) ~~[(6)]~~ Educator-- An individual ~~[A person]~~ who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B.
- (10) ~~[(7)]~~ Educator preparation program--An entity approved by the State Board for Educator Certification to offer training and coursework that must adequately ~~[to]~~ prepare candidates for ~~[an]~~ educator certification and meet the standards and requirements of the board ~~[certificate]~~ .
- (11) ~~[(8)]~~ Examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
- ~~[(9)]~~ Field supervision -- An educator preparation program is responsible for the supervision of a candidate during student teaching, clinical teaching, internship, or a practicum. The supervision



~~includes monitoring candidates and providing them with constructive feedback to improve their professional performance based on the standards associated with the certificate being sought.]~~

- (12) ~~(40)~~ Hearing impairment--As defined in the Texas Education Code, §21.048(d)(1), a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
- ~~(11) High quality professional development Professional development that meets the requirements of the No Child Left Behind Act of 2001, 20 United States Code, §7801 (2001, as amended) and its subsequent amendments.]~~
- (13) ~~(12)~~ Initial certification--The first Texas educator certificate for a particular class issued to an individual as specified in §230.33 of this title (relating to Classes of Certificates) ~~[based on participation in an approved educator preparation program] .~~
- (14) Intern certificate--A type of certificate issued to a candidate who has passed all required content examinations and is completing requirements for certification through an approved educator preparation program.
- ~~(13) Internship A one academic year (or 180 school days) supervised educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for internships, which may lead to completion of a standard certificate.]~~
- ~~(14) Mentor A certified educator who is assigned by the campus administrator and who has completed, within the past three years, mentor training provided by an educator preparation program, regional education service center, campus, or school district. Responsibilities of the mentor include, but are not limited to:~~
- ~~(A) guiding, assisting, and supporting the beginning teacher in areas such as acquisition of instructional materials, classroom management, curriculum and instruction, district policy, parent involvement, and student assessment; and~~
- ~~(B) providing information to the educator preparation program regarding the progress of the beginning teacher seeking new certification.]~~
- (15) Private school--A non-public school whose educational program has been evaluated by a regional accrediting agency and whose program has met and is maintaining certain educational standards.
- (16) Probationary certificate--A type of certificate issued to a candidate who has passed all required examinations and is completing requirements for certification through an approved educator preparation program.
- (17) ~~(16)~~ Professional class--A term that refers to certificates for duties other than classroom teacher (e.g., superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and master teachers).
- (18) Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title (relating to Classes of Certificates).
- (19) Teacher--An individual who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B.
- ~~(17) State Board for Educator Certification The State Board for Educator Certification acting through its voting members in a decision making capacity.]~~
- (20) ~~(18)~~ Teacher of record--An educator who is employed by a school or district and who teaches ~~[the majority of the instructional day]~~ in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.
- (21) ~~(19)~~ Teacher service record--The official document used to record years of service and days used and accumulated under the state's former minimum sick leave program or the state's current personal leave program.

~~(22)~~ Texas Essential Knowledge and Skills (TEKS)--The kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

~~[(20) Texas Education Agency staff Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.]~~

~~(23)~~ ~~[(21)]~~ Texas school district--A school district accredited and approved by the Texas Education Agency under the Texas Education Code, Chapter 11.

## Subchapter B. General Certification Requirements

### §230.11. General Requirements.

- (a) The only credits and degrees acceptable for certification of educators are those earned from and conferred by accredited institutions of higher education. All credit hour requirements for certification are semester credit hours or their equivalent.
- (b) An applicant for a Texas educator certificate must:
- (1) be at least 18 years of age;
  - (2) submit to the criminal history review required by the Texas Education Code (TEC) §22.0831, not be disqualified by the TEC, §21.058, §21.060, or other Texas statute, and not be subject to administrative denial pursuant to §249.12 of this title (relating to Administrative Denial; Appeal) or a pending proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
  - (3) not be disqualified by federal law;
  - (4) be willing to support and defend the constitutions of the United States and Texas;
  - (5) be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication and teaching. English language proficiency shall be evidenced by one of the following:
    - (A) completion of an undergraduate or graduate degree at an accredited institution of higher education in the United States;
    - (B) if an undergraduate or graduate degree was earned at an institution of higher education outside of the United States, including territories of the United States, evidence must be provided under procedures approved by the Texas Education Agency (TEA) staff that the primary language of instruction was English; or
    - (C) verification of satisfactory scores on an English language proficiency examination(s) approved by the State Board for Educator Certification (SBEC);
  - (6) successfully complete appropriate examinations prescribed in §230.21 of this title (relating to Educator Assessment) for the educator certificate sought; and
  - (7) satisfy one or more of the following requirements:
    - (A) complete the requirements for certification specified in this chapter, Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), Chapter 239 of this title (relating to Student Services Certificates), Chapter 241 of this title (relating to Principal Certificate), or Chapter 242 of this title (relating to Superintendent Certificate), and be recommended for certification by an approved educator preparation program;
    - (B) qualify under 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);

- (C) qualify under §230.105 of this title (relating to Issuance of Additional Certificates Based on Examination);
- (D) qualify for a career and technical education certificate based on skill and experience specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)); or
- (E) qualify under Chapter 245 of this title (relating to Certification of Educators from Other Countries) ; ~~[; or]~~
- ~~[(F) qualify for certification under §230.39 of this title (relating to Temporary Teacher Certificates).]~~

### §230.13. Standard Certificate Requirements.

- (a) Initial standard classroom teacher certificates that are not based on experience and preparation in a skill area shall require:
  - (1) a bachelor's degree from an accredited institution of higher education;
  - (2) completion of and recommendation by an approved educator preparation program (EPP) by the application and issuance deadlines for the certificate ; and
  - (3) submission of passing scores on comprehensive examinations prescribed by the State Board for Educator Certification (SBEC) as specified in §230.21 of this title (relating to Educator Assessment).
- (b) Standard career and technical education certificates based on experience and preparation in a skill area shall require:
  - (1) a bachelor's degree from an accredited institution of higher education. In the case of the trade and industrial education certificates, experience may be substituted for a bachelor's degree;
  - (2) preparation, experience, and/or licensure, certification, or registration in a skill area as described in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area));
  - (3) completion of and recommendation by an approved EPP by the application and issuance deadlines for the certificate ; and
  - (4) submission of passing scores on comprehensive examinations prescribed by the SBEC as specified in §230.21 of this title.

### ~~[§230.15. Certification of Military Service Members, Military Spouses, and Military Veterans.]~~

- ~~[(a) In the event of conflict with any other State Board for Educator Certification rule codified in the Texas Administrative Code, Title 19, Part 7; policy; or procedure, this section and the Texas Occupations Code, Chapter 55, as amended, shall apply to the certification of military service members, military spouses, and military veterans.]~~
- ~~[(b) The application for certification of a military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification requirements substantially similar to the Texas certification requirements, shall be processed as soon as practicable.]~~
- ~~[(c) As soon as practicable after the issuance of a one-year certificate, Texas Education Agency (TEA) staff shall notify, in writing or by email, a military spouse of the requirements for obtaining a standard Texas certificate.]~~
- ~~[(d) A military spouse's standard Texas certificate that has expired within five years preceding the spouse's Texas application date, while the military spouse lived outside Texas for at least six months, may be renewed by the military spouse.]~~
- ~~[(e) A military service member or a military veteran shall be entitled to credit verified military service, training, or education toward the training, education, work experience, or related requirements (other than~~

~~certification examinations) for educator certification. TEA staff and educator preparation programs shall use information from the U. S. Department of Veterans Affairs or other reliable source to assist in crediting applicable military service, training, or education to certification requirements.]~~

## Subchapter D. Types and Classes of Certificates Issued

### §230.31. Types of Certificates.

- (a) "Type of certificate" means a designation of the period of validity for a certificate and includes the following certificate designations:
- (1) standard, as specified in subsection (c) of this section;
  - (2) provisional, as specified in subsection (b) of this section;
  - (3) professional, as specified in subsection (b) of this section;
  - (4) one year, as specified in §230.113 of this title (relating to Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries);
  - (5) intern, as specified in §230.36 of this title (relating to Intern Certificates);
  - (6) ~~[(5)]~~ probationary, as specified in §230.37 of this title (relating to Probationary Certificates);
  - ~~[(6) — temporary, as specified in §230.39 of this title (relating to Temporary Teacher Certificates); and]~~
  - (7) emergency, as specified in §230.73 of this title (relating to Validity of Emergency Permits) ; and
  - (8) educational aide, as specified in Subchapter E of this chapter (relating to Educational Aide Certificate) .
- (b) All provisional and professional educator certificates issued prior to September 1, 1999, shall be valid for the life of the individual unless suspended, surrendered in lieu of revocation, or revoked by lawful authority.
- (c) Effective September 1, 1999, the standard certificate shall be issued for all classes of certificates and shall be valid for five years, subject to the requirements of Chapter 232, Subchapter A, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements). The standard certificate is issued to individuals who have met all requirements for a given subject area or class of certification.
- ~~(d) Effective September 1, 2017, the educational aide certificate shall be valid for two years. Educational aide certificates issued effective September 1, 2017, will expire at the end of the two-year validity period. Individuals issued an educational aide certificate prior to September 1, 2017, as well as new applicants for the educational aide certificate, will be required to reapply for certification every two years and meet any other requirements for the educational aide certificate as specified in §230.65 of this title (relating to Requirements for Reissuance of Educational Aide Certificates).~~

### §230.33. Classes of Certificates.

- (a) "Class of certificates" means a certificate with the following characteristics:
- (1) specific job duties or functions associated with the certificate;
  - (2) standards established by the State Board for Educator Certification (SBEC) for the issuance of the certificate; and
  - (3) comprehensive examination(s) prescribed by the SBEC , as specified in §230.21 of this title (relating to Educator Assessment) [for the certificate] .
- (b) Classes of certificates include the following:
- (1) superintendent;
  - (2) principal;

- (3) classroom teacher (categories of classroom teaching certificates are described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates));
- (4) reading specialist;
- (5) master teacher;
- (6) school librarian;
- (7) school counselor; and
- (8) educational diagnostician . [~~;~~ and]
- ~~[(9) educational aide.]~~

### **§230.35. Development, Approval, Implementation, and Evaluation of Teacher Certification Standards.**

- (a) Purpose. The purpose of the certification standards shall be to ensure the highest level of educator preparation and practice to achieve student excellence.
- (b) Objectives. The objectives of the certification standards are:
  - (1) to establish the knowledge and skills required of an individual seeking certification in a particular subject area;
  - (2) to guide the design and delivery of educator preparation programs (EPPs); and
  - (3) to direct the development of certification examinations and other requirements for issuance of the certificate.
- (c) Policy. The State Board for Educator Certification (SBEC) shall appoint an advisory committee to develop and recommend [approve] certification standards for approval that are based on the applicable Texas essential knowledge and skills (TEKS) adopted by the State Board of Education (SBOE) and reflect current research-based practices and knowledge of the developmental stages of learning to promote successful outcomes and academic achievement from Early Childhood-Grade 12.
- (d) Development. The SBEC shall develop the certification standards based on information provided by Texas educators, EPP representatives, parents, and citizens. Before approving standards for a certificate, the SBEC shall make the proposed standards available for public comment [~~from the public, the SBOE, and the commissioner of education~~].
- (e) Implementation. The Texas Education Agency (TEA) staff shall be primarily responsible for implementing the certification standards approved by the SBEC by having certification examinations developed or recommended to the SBEC on the basis of such standards.
- (f) Evaluation. The TEA staff shall periodically evaluate approved certification standards based, at a minimum, on any changes to the TEKS or the job functions and duties of the related certificate.

### **§230.36. Intern Certificates.**

- (a) General provisions.
  - (1) Certificate classes. An intern certificate may be issued for any class of certificate except educational aide.
  - (2) Requirement to hold an intern certificate. A candidate seeking certification as an educator must hold an intern certificate while participating in an internship through an approved educator preparation program (EPP).
- (b) Requirements for issuance. An intern 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 State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of

- higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation for all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.
- (2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).
  - (3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
  - (4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.
- (c) Conditions. The validity and effectiveness of an intern certificate is subject to the following conditions.
- (1) Internship. The holder of an intern certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.
  - (2) Inactive status. An intern certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of an intern certificate may be reactivated if the holder satisfies the requirements specified in this section.
  - (3) Term of an intern certificate. An intern certificate shall be valid for one 12-month period from the date of issuance.
  - (4) 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) intern certificates, limited to one 12-month period maximum, as described in this subsection;
    - (B) probationary certificates, limited to two 12-month periods maximum, as specified in §230.37 of this title (relating to Probationary Certificates)
    - (C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or
    - (D) 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).
  - (5) Reduction in force exception. If an educator is employed under an intern certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that intern term shall not count as one of the three years referenced in paragraph (4) of this subsection.
- (d) Testing requirements for issuance of an intern certificate. Beginning September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of an intern certificate to serve an internship in a classroom teacher assignment for each subject area to be taught.
- (1) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a classroom teacher assignment on or after September 1, 2017, a candidate must pass all of the appropriate certification content examination(s), as prescribed in Subchapter C of this chapter.
  - (2) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience on or after September 1, 2017, a candidate must satisfy 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)) and pass the appropriate content certification examination(s), as prescribed in Subchapter C of this chapter.

- (e) Intern certificate in a certification class other than classroom teacher. An intern certificate may be issued for assignment as a superintendent, principal, reading specialist, master teacher, school librarian, school counselor, and educational diagnostician 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 an intern certificate in a certification class other than classroom teacher 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 an intern certificate in that class.
- (2) The individual must have also 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 certificate area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.35 of this title (relating to Preparation Program Coursework and/or Training), other school approved by the TEA.
- (3) The holder of an intern certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.

### §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 State Board for Educator Certification [SBEC] related to certain career and technical education certificates based on skill and experience, the candidate must hold [at least] a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation of all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.
- (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.]~~

- (3) ~~(4)~~ Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
- (4) ~~(5)~~ Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC) [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 of an approved Texas EPP, serving in an acceptable, paid internship supervised by the [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.]~~
- (2) ~~(5)~~ Inactive status. A probationary certificate will become inactive 30 calendar days after the holder's separation [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 §228.35 of this title (relating to Preparation Program Coursework and/or Training. [subsection (b) (3) of this section.]
- (3) ~~(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.]~~
- (4) ~~(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) intern certificates, limited to one 12-month period maximum, as described in this subsection;
- (B) ~~(A)~~ probationary certificates, limited to two 12-month periods maximum, as described in this subsection;
- (C) ~~(B)~~ emergency permits as specified in Subchapter F of this chapter (relating to Permits); or



- (D) ~~(E)~~ 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).
- (5) ~~(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 two ~~three~~ allowed annual probationary terms.
- (d) Testing requirements for issuance of a probationary certificate.
- (1) Prior to September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of a probationary certificate to serve an internship in a classroom teacher assignment for each subject area to be taught:
- (A) At the elementary school level, by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter (relating to Assessment of Educators) that are appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments).
- (B) At the middle or high school level:
- (i) by passing an appropriate content area certification examination(s), including the appropriate pedagogy and professional responsibilities examination as prescribed in Subchapter C of this chapter that are appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title; or
- (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(s) 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)).
- (C) A candidate who is the teacher of record in a special education assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate special education certification examination(s) as prescribed in Subchapter C of this chapter that are appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the special education supplemental-examination prior to the beginning of an internship, an EPP may permit the internship assignment if:
- (i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination; and
- (ii) the EPP implements the plan during the initial internship, an EPP shall not permit an additional internship if all examinations requirements are not met.
- (D) A candidate who is in a bilingual education and/or English as a Second Language (ESL) assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate bilingual education and/or ESL certification examination(s), as prescribed in Subchapter C of this chapter that are appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the bilingual education supplemental examination, ESL supplemental examination, or the bilingual target language proficiency test prior to the beginning of an internship, an EPP may permit the internship if:



- ~~[(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.]~~

~~[§230.39. Temporary Teacher Certificates.]~~

~~[(a) — A person may be temporarily certified to teach only in Grades 8–12 if the person:]~~

~~[(1) — holds a bachelor's or advanced degree from an accredited institution of higher education received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to at least one area of the curriculum as prescribed under the Texas Education Code (TEC), Chapter 28, Subchapter A;]~~

~~[(2) — performs satisfactorily on the appropriate examinations prescribed under the TEC, §21.048;]~~

~~[(3) — passes a criminal history background check by submitted fingerprints for review; and]~~

~~[(4) — submits fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the TEC, §22.0831.]~~

~~[(b) — A certificate issued under this section is valid for a term not to exceed two academic years.]~~

~~[(c) — A person may receive a certificate to teach only in a subject area of the curriculum prescribed under the TEC, Chapter 28, Subchapter A, in which the person holds a bachelor's or advanced degree from an accredited institution of higher education with an academic major related to that area of the curriculum. Guidelines for determining the academic major related to the current Grades 8–12 certificate structure will be developed by the Texas Education Agency (TEA) staff.]~~

~~[(d) — A person who applies for a temporary teaching certificate under this section shall pay a fee equal to that required of applicants for a probationary certificate under §230.101 of this title (relating to Schedule of Fees for Certification Services).]~~

~~[(e) — A person who holds a certificate under this section may be employed by a school district only if the person and the school district agree that the person will be employed under a probationary contract for each year of the person's employment with the district.]~~

~~[(f) — A school district employing a person who holds a certificate issued under this section must provide the same coursework, mentoring, and training that is required by Chapter 228 of this title (relating to Requirements for Educator Preparation Programs), except that a certificate issued under this section shall require 380 total clock hours of training.]~~

~~[(g) — A school district delivering the required intensive support for an educator holding the temporary teacher certificate must follow guidelines established by the TEA staff with evidence indicating the ability to comply with the provisions of this chapter.]~~

~~[(h) — A school district may require that a person who will be employed by the district and who holds a temporary teacher certificate issued under this section complete a teacher training program.]~~

~~[(i) — At the end of the two years of employment, the person must apply to the State Board for Educator Certification (SBEC) for a standard certificate. The person must also be recommended by the current employing school district for certification. All employing school districts must provide evidence to the SBEC that each district complied with the requirements of subsection (f) of this section.]~~

~~[(j) — A standard teaching certificate may be issued to a person under this section if:]~~

~~[(1) — the person held a temporary teacher certificate issued under this section;]~~

~~[(2) — the person has been continuously employed as a teacher of record in a school district for two academic years; and]~~

~~[(3) — the employing district(s) has (have) favorably reviewed the person's performance, including classroom performance and performance in any teacher training program(s). Each school district must predominately base the review of a person's performance on the increase in achievement of his or her students.]~~

~~[(k) — At the end of the two years of employment, if a person is granted a standard certificate, the person may not apply for or receive another temporary certificate under this section.]~~

#### **§230.41. Visiting International Teacher Certificates.**

- (a) A teacher may be issued a visiting international teacher certificate valid for no more than three school years upon recommendation by a school district participating in an officially recognized foreign teacher exchange program. ~~[The program shall be based upon an agreement made between the State Board for Educator Certification and/or the Texas Education Agency (TEA) and a ministry of education in a foreign country.]~~
- (b) The visiting international teacher certificate will be issued to an individual who meets conditions and requirements presented in this subsection. The individual must:
- (1) meet appropriate requirements prescribed in §230.11 of this title (relating to General Requirements);
  - (2) hold valid teaching credentials from the country of origin based, at a minimum, on the equivalent of a bachelor's degree issued by an institution of higher education in the United States accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
  - (3) demonstrate English language proficiency;
  - (4) have criminal activity clearance from country of origin;
  - (5) demonstrate subject matter competence in subject area(s) taught, as defined by the Texas Education Agency (TEA) ~~[TEA]~~ in compliance with federal requirements;
  - (6) pay appropriate fee prescribed by §230.101 of this title (relating to Schedule of Fees for Certification Services); and
  - (7) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code, §22.0831.
- (c) Participating school districts agree to provide the visiting international teachers with intensive supervision consisting of structured guidance and regular ongoing support through a mentoring program.
- (d) The TEA staff shall establish reasonable procedures to implement this section.
- ~~(e) Issuance of a visiting international teacher certificate does not prohibit issuance of a one-year certificate following a successful review of credentials, as specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries).~~

### **Subchapter E. Educational Aide Certificate**

#### **§230.53. Procedures in General.**

- (a) School district administrators have the authority and responsibility to determine the number of educational aides and level of job performance desired for the operation of the school district. The school district administrator is responsible for preparing accurate job descriptions for each assignment, classifying each assignment, and filling these assignments with individuals certified according to this subchapter.
- (b) An appropriate educational aide certificate shall be issued to a qualified individual who is recommended by the employing superintendent or his or her designee and who meets the requirements of this subchapter. The school district shall submit a completed application and recommendation for an educational aide certificate to Texas Education Agency (TEA) staff. The applicant shall pay the designated fee.
- (c) The applicant for an educational aide certificate must be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication.
- (d) An individual with experience in other states must have that experience verified on a teacher service record when he or she is employed in a Texas school district.

- (e) An applicant for an educational aide certificate is subject to the provisions in §230.11(b)(1)-(5) of this title (relating to General Requirements).
- (f) An individual who holds a valid Texas classroom teaching certificate may serve as an educational aide without obtaining an educational aide certificate.
- (g) An individual seeking a higher level of educational aide certificate must submit a completed online application and payment and be recommended for issuance at the higher level by the employing school district.

#### **§230.63. Validity Period of Educational Aide Certificates.**

- (a) Educational aide certificates issued prior to September 1, 2017, are valid for five years and are not eligible for renewal.
- (b) Educational aide certificates issued after August 31, 2017, are valid for two years and are not eligible for renewal.
- (c) Effective September 1, 2017, individuals seeking to transfer from one level of educational aide certificate to another level are not required to renew expired educational aide certificates.

#### **§230.65. Requirements for Reissuance of Educational Aide Certificates.**

- (a) Effective September 1, 2017, educational aide certificates will expire at the end of their validity period and are not subject to renewal.
- (b) To be eligible for reissuance of an educational aide certificate following the expiration of an educational aide certificate, a candidate shall submit a new online application and payment and be recommended by the employing school district.

### **Subchapter F. Permits**

#### **§230.71. General Provisions.**

- (a) In accordance with the provisions of this subchapter, emergency permits are issued under the authority of the State Board for Educator Certification (SBEC).
- (b) Effective with the 2017-2018 school year, an emergency permit will limit an individual to one year of service and no renewal will be allowed.
- (c) The one-year limitation on permits referenced in subsection (b) of this section does not apply to individuals serving in the position of Junior Reserve Officer Training Corps (JROTC) instructor or teachers of students with visual impairments. As indicated in §230.77(g)(4)(B) of this title (relating to Specific Requirements for Initial Emergency Permits), emergency permits for JROTC instructors must be reissued every year. Emergency permits for visual impairments referenced in §230.77(f)(2)(B) of this title may be renewed a maximum of two years.
- (d) ~~(b)~~ Under this subchapter, a superintendent or his or her designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials required for the assignment as specified in Chapter 231 of this title (relating to Requirements for [Assignment of] Public School Personnel Assignments). The superintendent or his or her designee must:
  - (1) document locally the efforts the school district or open-enrollment charter school has taken to employ an appropriately [a-fully] certified individual in the position for which an emergency permit is activated;
  - (2) apply for an emergency permit when a vacant position is filled with an uncertified or inappropriately certified individual who will serve as the teacher of record or will serve in the assignment for more than 30 consecutive instructional days. The application must be submitted to the Texas Education Agency (TEA) within 45 instructional days of the date of assignment;

- (3) verify that the school district or open-enrollment charter school maintains a support system, has assigned a trained mentor, and will provide release time as needed to assist the individual serving on an emergency permit. (A school district shall not be required to provide a mentor for a degreed, certified teacher assigned on an emergency permit if the teacher has one or more creditable years experience within the school district, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service)); and
- (4) verify that the individual for whom the emergency permit is activated has been advised of the SBEC rules regarding permits and permit renewal requirements in this subchapter.
- (e) ~~(e)~~ A certified teacher must consent to the activation of an emergency permit and be advised of the conditions of the emergency permit. A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the emergency permit. However, a teacher's refusal to consent shall not impair a school district's right to implement a necessary reduction in force or other personnel actions in accordance with local school district or open-enrollment charter school policy.
- (f) ~~(f)~~ An emergency permit is authorized for the school district or open-enrollment charter school for a specific assignment and is not the property of the individual for whom the emergency permit was activated.
- (g) ~~(g)~~ If an emergency permit authorized by the SBEC is not used, the school district or open-enrollment charter school shall notify TEA ~~[the Texas Education Agency (TEA)]~~ staff by email.
- (h) ~~(h)~~ An emergency permit may be authorized on a hardship basis for an individual who does not meet all emergency permit requirements as listed in §§230.75, 230.77, and 230.81 of this title (relating to General Eligibility Requirements for Emergency Permits, Specific Requirements for Initial Emergency Permits, and Renewal Requirements and Procedures) only if approval has been granted and email notification received from the TEA staff. The school district must:
- (1) document local conditions requiring the assignment of an individual who does not meet emergency permit requirements;
  - (2) verify that the deficiencies for the certificate sought do not exceed 36 semester credit hours; and
  - (3) verify:
    - (A) that the individual will be enrolled in the first available course listed on the certification ~~[deficiency]~~ plan; or
    - (B) registration for the next available administration of the appropriate content specialization portion of the certification examination for an individual who holds a valid Texas classroom teaching certificate and a bachelor's degree or higher from an accredited institution of higher education and is placed in an assignment requiring a different classroom teaching certificate.
- (i) ~~(i)~~ The school district is not required to comply with the requirements of this subchapter if an uncertified individual is assigned for a certified teacher that will be absent for more than 30 consecutive instructional days due to documented health related reasons and has expressed the intention to return to the assignment. The school district must comply with the Texas Education Code, §21.057, pertaining to parental notification.
- (j) Candidates who hold an intern certificate under the provisions of §230.36 of this title (relating to Intern Certificates) or a probationary certificate under the provisions of §230.37 of this title (relating to Probationary Certificates) may not be employed on an emergency permit during the validity of the intern certificate or probationary certificate.

### §230.73. Validity of Emergency Permits.

- (a) The validity date of an emergency permit activated and authorized under this subchapter is specified in §230.97 of this title (relating to Effective Dates of Certificates and Permit Issuance).

- (b) An emergency permit is valid for the remainder of the school year for which it is activated and authorized by the State Board for Educator Certification (SBEC). The emergency permit must be submitted to the Texas Education Agency staff within 45 instructional days from the date of assignment.
- (c) An emergency permit authorized by the SBEC is valid for service only in the requesting school district and only for the assignments indicated on the emergency permit application.
- (d) Effective with the 2017-2018 school year, the ~~The~~ employment of an individual on an emergency permit, with the exception of the assignment as a Junior Reserve Officer Training Corps instructor or a teacher of students with visual impairments, may not exceed one ~~three~~ school year ~~years~~ in the same assignment.
- (e) Prior to the 2017-2018 school year, the ~~The~~ individual may serve in a specific assignment no more than one ~~two~~ additional school year ~~years~~ beyond the initial emergency permit. To continue beyond the initial emergency permit year, the individual must comply with the renewal provisions specified in §230.81 of this title (relating to Renewal Requirements and Procedures).
- (f) Effective with the 2017-2018 school year, renewal provisions specified in §230.81 of this title will no longer apply for emergency permits, with the exception of teachers of students with visual impairments.
- (g) ~~(e)~~ Effective with the 2017-2018 school year, to ~~To~~ continue employment in the assignment beyond the validity of the initial emergency permit, the individual must hold the appropriate certificate, in accordance with Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments). An individual may not serve as a classroom teacher of record in the Texas school district for more than three school years without obtaining initial, standard certification.

#### **§230.75. General Eligibility Requirements for Emergency Permits.**

An individual for whom an emergency permit is activated must meet the following criteria.

- (1) The individual must hold a bachelor's degree or higher from an accredited institution of higher education.
  - (A) For a career and technical education assignment requiring certification based on both an associate's or more advanced degree and experience in an occupational area to be taught, such as health science technology education or health science, or a bachelor's degree or higher and experience in the occupational area to be taught such as ~~health science technology education,~~ marketing education, ~~or marketing,~~ the individual must have completed the degree requirement and have specified work experience.
  - (B) For a trade and industrial education assignment, the individual must have specified work experience in lieu of a bachelor's degree.
- (2) The individual must be at least 18 years of age.
- (3) The individual must be able to communicate and understand the English language sufficiently to use it easily and readily in daily communication and teaching, as specified in §230.11 of this title (relating to General Requirements).
- (4) The individual must be of good moral character. The State Board for Educator Certification may refuse to authorize an emergency permit for an individual, applying the same standards that would be applied to the administrative denial of an applicant for certification under §249.12 of this title (relating to Administrative Denial; Appeal).
- (5) The individual must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.

#### **§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 twelve ~~[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 twelve ~~[six]~~ semester credit hours in the specific subject area(s) to be taught. In the case of an assignment in mathematics or science, an individual must have completed fifteen semester 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.
- (C) For assignments that exceed four class periods, or for individuals who have not completed the minimum semester credit hours in the subject area(s) to be taught, approval must be granted by the TEA; however, in no event may an individual with six or fewer semester credit hours in the specific subject area to be taught be approved.
- (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) Agriculture, food, and natural resources ~~[Agricultural science and technology]~~ assignments. An individual must:
- (A) hold a bachelor's degree or higher from an accredited institution of higher education; and
- (B) have completed 24 semester credit hours in agriculture, food, and natural resources ~~[agricultural science and technology]~~ coursework.
- (2) Health science ~~[technology]~~ assignments. An individual must:

- (A) hold an associate's degree or more advanced ~~[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 or higher 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 or higher 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 and finance ~~[education]~~ assignments ~~[(for any instructional arrangement)]~~ . An individual must:
- (A) hold a bachelor's degree or higher from an accredited institution of higher education; and
  - (B) have completed 24 semester credit hours in business and finance coursework.
- (6) Trade and industrial education assignments.
- (A) Option I. An individual must:
    - (i) hold a bachelor's degree or higher from an accredited institution of higher education; and
    - (ii) have an approved statement of qualifications verifying two ~~[three]~~ years of full-time wage-earning experience earned within the past ten ~~[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 two ~~[three]~~ years of full-time wage-earning experience earned within the past ten ~~[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-authorized [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 state-authorized or 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 approved Texas 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 or higher from an accredited institution of higher education and is certified at the appropriate level must:
        - (I) have completed six [three] semester credit hours in the language of the [an] approved bilingual education program; or [and]
        - (II) [have completed six semester credit hours in the language of the target population and] demonstrate proficiency in comprehension and expression in the language of the target population 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 or higher from an accredited institution of higher education but is not certified must:
        - (I) meet the requirements for the grade level of assignment , as described in subsections (b)-(d) of this section ;
        - (II) be currently enrolled in an approved Texas 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 comprehension and expression [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) hold [be currently certified for the grade level to be taught and must have] a bachelor's degree or higher from an accredited institution of higher education; [and]
      - (ii) be currently certified for the grade level to be taught; and

- (iii) ~~(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 or higher from an accredited institution of higher education;
  - (ii) have completed six semester credit hours directly related to teaching students with auditory impairments ~~[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 based on a bachelor's degree or higher from an accredited institution of higher education ;
  - (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 or higher from an accredited institution of higher education and is certified at the appropriate grade 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 or higher 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 or higher 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 or higher 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 or higher 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) Junior Reserve Officer [~~Officers'~~] Training Corps (JROTC) [~~(ROTC)~~] instructor.
    - (A) An individual must verify that he or she has satisfied the requirements and been approved to serve by the appropriate military branch [~~ROTC~~] .
    - (B) A JROTC [~~An ROTC~~] instructor permit may not be renewed, but must be reissued every year.

#### **§230.79. Procedures for Activation of Initial Emergency Permits.**

- (a) For all assignments (except career and technical education assignments based on skill and experience). The employing superintendent or his or her designee or authorized representative must verify the individual's eligibility for the emergency permit as described in §230.75 of this title (relating to General Eligibility Requirements for Emergency Permits) and §230.77 of this title (relating to Specific Requirements for

Initial Emergency Permits) and submit online to the Texas Education Agency (TEA) staff the following information within 45 instructional days of assignment:

- (1) a completed online emergency permit application;
  - (2) one of the following:
    - (A) a certification [~~deficiency~~] plan from an approved Texas educator preparation program (EPP) verifying that the individual meets the grade point average requirement for admission to the EPP and a listing of the preparation, student teaching/internship, and/or assessment activities required to obtain certification in the assignment for which the emergency permit application has been submitted; or
    - (B) verification of registration for the next available and practicable administration of the appropriate content area certification examination(s) [~~examination~~] for an individual who:
      - (i) holds a bachelor's degree or higher from an accredited institution of higher education;
      - (ii) is already certified in another classroom teaching content area; and
      - (iii) is placed in an assignment requiring a different classroom teaching certificate; and
  - (3) the appropriate fee (payable by the school district).
- (b) For career and technical education assignments based on skill and experience. The employing superintendent or his or her designee or authorized representative must verify the individual's eligibility for the emergency permit as described in §230.75 and §230.77 of this title and submit online to the TEA staff the following information within 45 instructional days of assignment:
- (1) a completed online emergency permit application;
  - (2) a copy of the individual's statement of qualifications, approved by the certification officer of a Texas EPP [~~an institution of higher education~~] approved to prepare career and technical education teachers, verifying appropriate work experience in the occupation or trade area to be taught as specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area));
  - (3) acceptable license, registration, or certification by a state-authorized or nationally recognized agency in an occupational area appropriate for the assignment;
  - (4) [~~(3)~~] a certification [~~deficiency~~] plan from an approved Texas EPP for the career and technical education certificate appropriate for the assignment; and
  - (5) [~~(4)~~] the appropriate fee (payable by the school district).

### §230.81. Renewal Requirements and Procedures.

General provisions.

- (1) The employing superintendent or his or her designee or authorized representative of a school district may renew an emergency permit for the same assignment in the same school district for which the initial emergency permit was activated.
- (2) No individual may continue in the same assignment for more than one [~~three~~] school year [~~years~~] of service on an emergency permit, except as provided in paragraph (4) of this section.
- (3) The total of semester credit hours or the equivalent contact hours required to obtain certification appropriate for the assignment shall determine the number of emergency permit renewals for which the individual may be eligible. The following schedule shall determine eligibility for emergency permit renewal.

- (A) For six semester credit hours or less plus appropriate examination requirements, an individual is not eligible for renewal.
- (B) For seven ~~[7-12]~~ semester credit hours or more plus appropriate examination requirements, an individual is eligible for one renewal.
- ~~[(C) For more than 12 semester credit hours plus appropriate examination requirements, an individual is eligible for two renewals.]~~
- (4) Effective with the 1998-1999 school year, emergency permits used fewer than 90 calendar days may be renewed for one additional year of service, if needed.
- (5) The superintendent or his or her designee or authorized representative may renew an emergency permit provided the following requirements and procedures are met.
  - (A) The emergency permit must be renewed for the same assignment in the same school district.
  - (B) Official transcripts verifying completion of a minimum of six semester credit hours or documentation of completion of equivalent contact hours toward the appropriate target certificate must be placed in the individual's personnel file.
  - (C) If the individual has not completed permit renewal requirements as indicated in paragraph (3) of this section, the superintendent or his or her designee must obtain hardship approval from the Texas Education Agency prior to continuation of the assignment.
  - (D) The appropriate renewal of the emergency permit application must be completed online prior to the beginning date of duties for the current school year.
  - (E) The school district shall pay the appropriate fee.

### §230.83. Nonrenewable Permits.

- (a) The superintendent or his or her designee of a school district may activate a nonrenewable permit for an individual who has not completed the appropriate examination requirements specified in §230.21 of this title (relating to Educator Assessment).
- (b) A nonrenewable permit may be activated for an individual in one or more of the following categories:
  - (1) an individual who has completed all course and degree requirements of a Texas educator preparation program specified in this chapter except for successful completion of all appropriate examination requirements. Nonrenewable permits activated for individuals in this category expire 12 months from the date of activation; or
  - (2) an individual who holds a Texas teacher certificate with an effective date before February 1, 1986, but has not revalidated the certificate for employment purposes by passing an examination specified in this chapter. The individual must not have been employed in a Texas school district since the start of the 1985-1986 school year. A nonrenewable permit activated for an individual in this category expires six months from the date of activation or at the end of the school year, whichever is less; or
  - ~~[(3) an individual who has been issued a one-year certificate under 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), who passed the appropriate content specialization portions of the certification examinations, and who attempted, but did not pass, the pedagogy and professional responsibilities portion of the examination while the one-year certificate was valid. A nonrenewable permit activated for an individual in this category expires 12 months from the date the individual first attempted the pedagogy and professional responsibilities portion of the certification examinations.]~~
- (c) A nonrenewable permit may not be activated for an individual in the same assignment area for which another permit had previously been authorized.

- (d) The employing superintendent or his or her designee or authorized representative must verify that an individual is eligible for the permit under this section and submit the following information within 45 ~~60~~ calendar days of assignment:
- (1) an application for a nonrenewable permit completed before the effective date of the assignment; and
  - (2) the appropriate fee (payable by the school district).

### **Subchapter G. Certificate Issuance Procedures**

#### **§230.91. Procedures in General.**

- (a) The State Board for Educator Certification (SBEC), in compliance with SBEC rules, shall issue appropriate certificates to qualified individuals who meet all requirements.
- (1) The certificate shall identify the name of the holder, the class, grade levels, ~~and~~ subject areas, and validity periods of all certificates issued, and reflect, if applicable, disciplinary history taken by the certificate, and bear the signature of the SBEC ~~chair~~.
  - (2) A certificate that is issued shall be maintained in a printable format on the Texas Education Agency (TEA) website on behalf of the SBEC.
- (b) Permanent records of all certificates, permits, and supporting documentation shall be maintained by the TEA staff.
- (c) An applicant for or holder of an educator's certificate shall be responsible for maintaining his or her educator profile with current mailing and email addresses. The applicant for or holder of an educator's certificate must update his or her educator profile within 45 calendar days of the effective date of such change, unless another rule under this title requires earlier notification.
- (d) The representation of an individual's certificate status as maintained on the TEA website is considered to be the official record of educator certification. This electronic representation of the certificate satisfies Texas Education Code, §21.053(a), which requires individuals to present their certificate prior to employment by a school district.

#### **§230.93. Candidates of Approved Educator Preparation Programs.**

An appropriate certificate may be issued to a candidate who completes all requirements of a State Board for Educator Certification-approved educator preparation program (EPP). The candidate must complete the appropriate application and pay the designated fee. The certification officer representing the approved EPP shall submit to the Texas Education Agency staff a recommendation for the issuance of the appropriate certificate, not earlier than the date on which all requirements were completed, and by the recommendation deadlines for issuance of the certificate.

#### **§230.97. Effective Dates of Certificates and Permit Issuance.**

- (a) Issuance date of a certificate.
- (1) The date of issuance shall not precede the date all certification requirements are completed.
  - (2) The issuance date of a certificate recommended by an approved educator preparation program (EPP) shall be the date the recommending EPP verifies that the applicant has satisfied all certification requirements.
  - (3) A certificate shall not become effective more than 60 calendar days before the Texas Education Agency (TEA) staff receives the application and may not precede the date all certification, degree, and examination requirements are completed.
  - (4) A certificate shall be valid for the entire month in which it is issued.
- (b) Effective date of a permit.



- (1) A permit shall become effective on the date of the assignment, provided the TEA staff receives the application within 60 calendar days of the date of the assignment.
  - (2) If the permit application is completed and signed by the applicant and superintendent or his or her designee on the date teaching duties begin, the application may be kept in the school district's files until all materials for submission are acquired. A permit held by a school district shall not become effective more than 60 calendar days before the TEA staff receives the application.
  - (3) The school district shall be notified regarding eligibility for the permit. Coverage will not be provided to the school district for the employment of an individual who is ineligible for the permit requested.
- (c) Authority to alter dating procedures. A certificate or permit may become effective more than 60 calendar days before the TEA staff receives an application if the appropriate official or authority documents his or her responsibility for the delay. A fee equal to the fee for the original certificate or permit may be assessed for altering the effective date of a certificate or permit, provided sufficient justification for the correction is provided.

### §230.101. Schedule of Fees for Certification Services.

- (a) An applicant for a certificate or a school district requesting a permit shall pay the applicable fee from the following list.
  - (1) Educational ~~[Standard educational]~~ aide certificate :
    - (A) prior to September 1, 2017 --\$30 ; and
    - (B) after August 31, 2017--\$15 .
  - (2) Standard certificate--\$75.
  - (3) Probationary or intern certificate :
    - (A) prior to September 1, 2017 --\$50 ; and
    - (B) after August 31, 2017--\$75 .
  - (4) Addition of certification based on completion of appropriate examination--\$75.
  - (5) Review of a credential issued by a jurisdiction other than Texas (nonrefundable):
    - (A) prior to September 1, 2016--\$175; and
    - (B) after August 31, 2016--\$160.
  - (6) One-year certificate ~~[Temporary credential]~~ based on a credential issued by a jurisdiction other than Texas--\$50.
  - (7) Emergency permit (nonrefundable)--\$55.
  - (8) National criminal history check (nonrefundable)--The fee, posted on the Texas Education Agency website, shall include a \$10 processing fee in addition ~~[vary according]~~ to the current cost of fingerprint processing and obtaining national criminal history record information from the Texas Department of Public Safety, its contractors, and the Federal Bureau of Investigation. The same fee will be paid by current certified educators who are subject to a national criminal history check pursuant to the Texas Education Code, §§22.082, 22.0831, and 22.0836.
  - (9) Review of the superintendent application for the substitution of managerial experience for the principal certificate requirement (nonrefundable)--\$160.
  - ~~[(9) Temporary teacher certificate based on recommendation by an approved Texas school district --\$50.]~~
  - ~~[(10) Review of credentials requiring analysis and research of college or university transcript and degrees for issuance of a temporary certificate (nonrefundable):]~~

- ~~[(A) — prior to September 1, 2016 --\$175; and]~~
- ~~[(B) — after August 31, 2016 --\$160.]~~
- (10) ~~[(11)]~~ On-time renewal of ~~[standard]~~ educational aide certificate :
- (A) ~~— prior to September 1, 2017 --\$10 ; and~~
- (B) ~~— after August 31, 2017--no charge .~~
- (11) ~~[(12)]~~ Additional fee for late renewal of ~~[standard]~~ educational aide certificate :
- (A) ~~— prior to September 1, 2017 --\$5 ; and~~
- (B) ~~— after August 31, 2017--no charge .~~
- (12) ~~[(13)]~~ Reactivation of an inactive ~~[standard]~~ educational aide certificate--\$15.
- (13) ~~[(14)]~~ Reinstatement following restitution of child support or student loan repayment for ~~[standard]~~ educational aide certificate--\$20.
- (14) ~~[(15)]~~ On-time renewal of a standard certificate ~~[(to include any educational aide certificate if held)]~~ --\$20.
- (15) ~~[(16)]~~ Additional fee for late renewal of a standard certificate--\$10.
- (16) ~~[(17)]~~ Reactivation of an inactive standard certificate--\$40; except for an inactivation pursuant to §232.9 of this title (relating to Inactive Status and Late Renewal).
- (17) ~~[(18)]~~ Reinstatement following restitution of child support or student loan repayment--\$50.
- (18) ~~[(19)]~~ Visiting international teacher certificate-- ~~\$75~~ ~~[\$50]~~ .
- (19) ~~[(20)]~~ Request for preliminary criminal history evaluation (nonrefundable)--\$50.
- (b) The fee for correcting a certificate or permit when the error is not made by the Texas Education Agency shall be equal to the fee for the original certificate or permit.

#### **§230.104. Correcting a Certificate or Permit Issued in Error.**

If a certificate or permit is issued with an incorrect grade level, subject area, or effective date, the recommending entity may request a correction of the certificate or permit by submitting a written request to Texas Education Agency staff and a fee equivalent to the fee for the original certificate or permit. The entity must provide sufficient justification for the correction.

#### **§230.105. Issuance of Additional Certificates Based on Examination.**

A teacher who holds a valid provisional, professional, or standard classroom teaching certificate or a valid temporary classroom teaching certificate issued under the provisions of Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States), or Chapter 245 of this title (relating to Certification of Educators from Other Countries), and a bachelor's degree or higher from an accredited institution of higher education may qualify for an additional teaching field or certification to teach at another level by passing the appropriate certification examination(s) for that subject. The teacher must submit the application to add certification based on an examination during the time the certificate is allowed to be issued by the State Board for Educator Certification. The application for the additional certification must be submitted during the validity period of the appropriate Texas classroom teaching certificate. If a teacher holds multiple teaching certificates, all teaching certificates must be active before adding certification by examination. The rule shall not be used to qualify a classroom teacher for:

- (1) initial certification;
- ~~[(2) — career and technical education certification based on skill and experience, with the exception of marketing education or marketing certificates;]~~

- (2) ~~(3)~~ the Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate;
- (3) ~~(4)~~ another class of certificate, as listed in Subchapter D of this chapter (relating to Types and Classes of Certificates Issued); or
- (4) ~~(5)~~ certification for which no certification examination has been developed.

#### **§230.107. Requests to Relinquish a Texas Certificate.**

An individual who holds a valid provisional, professional, or standard certificate issued under the provisions of this chapter, may request removal of a certificate area(s) he or she no longer wishes to hold.

- (1) The request to relinquish a certificate must be:
  - (A) submitted by the certificate holder in writing by mail, personal delivery, facsimile, email, or an electronic notification;
  - (B) identify the specific certificate area(s) to be removed from the official record of certification; and
  - (C) include a statement acknowledging his or her understanding that once the certificate area(s) have been removed, they cannot be reinstated.
- (2) Certificate holders currently under investigation for a "Priority 1" offense as defined in Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) are not eligible to relinquish a Texas certificate(s) under provisions of this subchapter and may not unilaterally surrender a certificate without written consent of a Texas Education Agency staff member authorized by the associate commissioner to execute settlements as designated by the State Board for Educator Certification.

### **Subchapter H. Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**

#### **§230.111. General Provisions.**

- (a) A Texas educator certificate may be issued to an individual who holds a college degree and an acceptable ~~[appropriate]~~ certificate or credential issued by the authorized licensing agency in another state or territory of the United States and who meets appropriate requirements specified in §230.11 of this title (relating to General Requirements) and elsewhere in this subchapter.
- (b) The degree held by an applicant from another state or territory of the United States must be equivalent to at least a bachelor's degree or higher issued by an accredited institution of higher education.
- (c) The certificate or other credential issued by the authorized licensing agency in another state or territory of the United States may not be a temporary permit, a credential issued by a city or school district, ~~[a specific examination or renewal requirement,]~~ or a certificate for which academic or other program deficiencies are indicated. Specific examination or renewal requirements shall not be considered academic deficiencies.
- (d) A statement, approval letter, or certification entitlement card must be issued by the authorized licensing agency in another state or territory of the United States specifying eligibility for full certification upon employment or completion of specified examination requirements shall have the same standing as a certificate .
- (e) The certificate and areas of certification issued by the authorized licensing agency in another state or territory of the United States must be equivalent to a certificate or grade level that is within the early childhood-Grade 12 level and approved by the State Board for Educator Certification (SBEC). Based on the certificates submitted with the application for review of credentials, the [The] Texas Education Agency (TEA) staff shall identify the certification areas for which the applicant qualifies in Texas. The certificate(s) for which the applicant qualifies may be issued by the TEA staff under the authority of the SBEC.

- (f) If a Texas examination or certification is scheduled to be eliminated, an individual requesting certification and examination comparability must ensure that the application and all review documentation, including examination [test] scores, are received by TEA staff 60 calendar days before the application submission deadline for the examination and/or certification sought.

**§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.**

- (a) An applicant for a standard Texas certificate based on a certificate issued in accordance with §230.111 of this title (relating to General Provisions) must pass the appropriate examination requirements prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment) or achieve an acceptable level of performance on an examination(s) that have been determined to be similar to and at least as rigorous as that prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered to the applicant under the authority of another state or territory of the United States. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another state or territory of the United States.
- (b) If all certification requirements are met except the appropriate examination requirements, the applicant may request issuance of a one-year certificate in one or more certification areas authorized on the out-of-state certificate. An applicant who holds only 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 service in an Early Childhood-Grade 12 public or accredited private school in the specific student services or administrative area sought.
- (c) After satisfying all requirements, including all appropriate examination requirements, the applicant is eligible to receive the appropriate standard certificate issued under Subchapter D of this chapter (relating to Types and Classes of Certificates Issued).
- (d) An applicant issued a one-year certificate under this section who does not complete 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 certificate until he or she has satisfied the appropriate examination requirements. If examination requirements are not met during the validity period of the one-year certificate due to circumstances beyond the control of the educator, the employing school district may request an extension not to exceed one calendar year in length.
- ~~(e) An employing superintendent may apply for a nonrenewable permit for a teacher who does not pass the pedagogy and professional responsibilities portion of the certification examinations but does pass the appropriate content specialization portions of the examination during the validity of the one-year certificate. The nonrenewable permit shall be valid for no more than 12 months from the date the individual first attempts the pedagogy and professional responsibilities examination.]~~
- (e) ~~(f)~~ An applicant shall not be required to complete the content specialization portion of the certification examination in a certification area for which he or she does not seek standard certification unless the examination is required to establish a base classroom teaching certificate. A supplemental certificate, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), may not be issued as a standard certificate unless the educator has established a classroom teaching certificate .
- (f) ~~(g)~~ An applicant issued a one-year certificate under this section who, during or subsequent to the validity of the certificate, establishes eligibility for a standard certificate may apply for:
- (1) a new one-year certificate in another certification area based on an acceptable certificate from another state or territory of the United States; 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.