

ATTACHMENT I
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 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) 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) Classroom teacher--An educator who is employed by a school or district and who, 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 aide or a full-time administrator.
- (8) Content certification 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.
- (9) Content pedagogy examinations--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's certification as an educator.
- (10) Continuing professional education--Professional development required for the renewal of standard and/or lifetime certificates that is designed to ensure improvement in both the performance of the educator and achievement of his or her students.
- (11) Educator--An individual who is required to hold a certificate issued under ~~the~~ Texas Education Code, Chapter 21, Subchapter B.
- (12) Educator preparation program--An entity approved by the State Board for Educator Certification to prepare and recommend candidates for certification in one or more educator certification classes ~~offer training and coursework that must adequately prepare candidates for educator certification and meet the standards and requirements of the board~~ .

- (13) Enhanced standard certificate--A type of certificate issued to an individual who has met all requirements as specified in §230.39(b) of this title (relating to Enhanced Standard Certificates) under the teacher class of certificates.
- (14) ~~(13)~~ 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.
- (15) ~~(14)~~ 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.
- (16) ~~(15)~~ 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).
- (17) ~~(16)~~ 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.
- (18) ~~(17)~~ Pilot exam--A certification exam that is subject to annual review by the State Board for Educator Certification ~~[prior to September 1, 2022]~~ .
- (19) ~~(18)~~ 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.
- (20) ~~(19)~~ 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.
- (21) ~~(20)~~ 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).
- (22) ~~(21)~~ 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).
- (23) ~~(22)~~ Teacher--An individual who is required to hold a certificate issued under ~~the~~ Texas Education Code, Chapter 21, Subchapter B.
- (24) ~~(23)~~ Teacher of record--An educator who is employed by a school or district and who teaches 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.
- (25) ~~(24)~~ 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.
- (26) ~~(25)~~ 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.
- (27) ~~(26)~~ Texas school district--A school district accredited and approved by the Texas Education Agency under ~~the~~ Texas Education Code, Chapter 11.

Subchapter C. Assessment of Educators

§230.21. Educator Assessment.

- (a) A candidate seeking certification as an educator must pass the examination(s) required by [the] Texas Education Code (TEC), §21.048, and the State Board for Educator Certification (SBEC) in §233.1(e) of this title (relating to General Authority) and shall not retake an examination more than four times, unless the limitation is waived for good cause. The burden of proof shall be upon the candidate to demonstrate good cause.
- (1) For the purposes of the retake limitation described by [the] TEC, §21.048, an examination retake is defined as a second or subsequent attempt to pass any examination required for the issuance of a certificate, including an individual core subject examination that is part of the overall examination required for the issuance of a Core Subjects certificate as described in §233.2 of this title (relating to Early Childhood; Core Subjects).
- (A) A canceled examination score is not considered an examination retake.
- (B) An examination taken by an educator during a pilot period is not considered part of an educator's five-time test attempt limit.
- (C) Pursuant to TEC, §21.0491(d), the limit on number of test attempts does not apply to the trade and industrial workforce training certificate examination prescribed by the SBEC.
- (D) A candidate who fails a computer- or paper-based examination cannot retake the examination before 30 days have elapsed following the candidate's last attempt to pass the examination.
- (2) Good cause is:
- (A) the candidate's highest score on an examination is within one conditional standard error of measurement (CSEM) of passing, and the candidate has completed 50 clock-hours of educational activities. CSEMs will be published annually on the Texas Education Agency (TEA) website;
- (B) the candidate's highest score on an examination is within two CSEMs of passing, and the candidate has completed 100 clock-hours of educational activities;
- (C) the candidate's highest score on an examination is within three CSEMs of passing, and the candidate has completed 150 clock-hours of educational activities;
- (D) the candidate's highest score on an examination is not within three CSEMs of passing, and the candidate has completed 200 clock-hours of educational activities;
- (E) if the candidate needs a waiver for more than one of the individual core subject examinations that are part of the overall examination required for the issuance of a Core Subjects certificate, the candidate has completed the number of clock-hours of educational activities required for each individual core subject examination as described in subparagraphs (A)-(D) of this paragraph up to a maximum of 300 clock-hours. The number of clock-hours for each examination may be divided equally based on the number of examinations in the waiver request, but the number of clock-hours for an examination shall not be less than 50; or
- (F) if a CSEM is not appropriate for an examination, the TEA staff will identify individuals who are familiar and knowledgeable with the examination content to review the candidate's performance on the five most recent examinations, identify the deficit competency or competencies, and determine the number of clock-hours of educational activities required.
- (3) Educational activities are defined as:
- (A) institutes, workshops, seminars, conferences, interactive distance learning, video conferencing, online activities, undergraduate courses, graduate courses, training programs, in-service, or staff development given by an approved continuing professional education provider or sponsor, pursuant to §232.17 of this title (relating to Pre-Approved

Continuing Professional Education Provider or Sponsor) and §232.19 of this title (relating to Approval of Private Companies, Private Entities, and Individuals as Continuing Professional Education Providers), or an approved educator preparation program (EPP), pursuant to Chapter 228, Subchapter B, [§228.19] of this title (relating to Approval of Educator Preparation Programs [Approval Process]); and

- (B) being directly related to the knowledge and skills included in the certification examination competency or competencies in which the candidate answered less than 70 percent of competency questions correctly. The formula for identifying a deficit competency is the combined total of correct answers for each competency on the five most recent examinations divided by the combined total of questions for each competency on the five most recent examinations.
- (4) Documentation of educational activities that a candidate must submit includes:
- (A) the provider, sponsor, or program's name, address, telephone number, and email address. The TEA staff may contact the provider, sponsor, or program to verify an educational activity;
 - (B) the name of the educational activity (e.g., course title, course number);
 - (C) the competency or competencies addressed by the educational activity as determined by the formula described in paragraph (3)(B) of this subsection;
 - (D) the provider, sponsor, or program's description of the educational activity (e.g., syllabus, course outline, program of study); and
 - (E) the provider, sponsor, or program's written verification of the candidate's completion of the educational activity (e.g., transcript, certificate of completion). The written verification must include:
 - (i) the provider, sponsor, or program's name;
 - (ii) the candidate's name;
 - (iii) the name of the educational activity;
 - (iv) the date(s) of the educational activity; and
 - (v) the number of clock-hours completed for the educational activity. Clock-hours completed before the most recent examination attempt or after a request for a waiver is submitted shall not be included. One semester credit hour earned at an accredited institution of higher education is equivalent to 15 clock-hours.
- (5) To request a waiver of the limitation, a candidate must meet the following conditions:
- (A) the candidate is otherwise eligible to take an examination. A candidate seeking a certificate based on completion of an EPP must have the approval of an EPP to request a waiver;
 - (B) beginning September 1, 2016, the candidate pays the non-refundable waiver request fee of \$160;
 - (C) the candidate requests the waiver of the limitation in writing on forms developed by the TEA staff; and
 - (D) the request for the waiver is postmarked not earlier than:
 - (i) 30 [45] calendar days after an unsuccessful attempt at the fourth retake of an examination as defined in [the] TEC, §21.048; or
 - [(ii) 90 calendar days after the date of the most recent denied waiver of the limitation request; or]

(ii) ~~(iii)~~ 90 ~~180~~ calendar days after the date of the most recent unsuccessful examination attempt that was the result of the most recently approved request for waiver of the limitation.

- (6) The TEA staff shall administratively approve each application that meets the criteria specified in paragraphs (2)-(5) of this subsection.
- (7) An applicant who does not meet the criteria in paragraphs (2)-(5) of this subsection may appeal to the SBEC for a final determination of good cause. A determination by the SBEC is final and may not be appealed.
- (b) A candidate seeking a standard certificate as an educator based on completion of an approved EPP may take the appropriate certification examination(s) required by subsection (a) of this section only at such time as the EPP determines the candidate's readiness to take the examinations, or upon successful completion of the EPP, whichever comes first.
- (c) The holder of a lifetime Texas certificate effective before February 1, 1986, must pass examinations prescribed by the SBEC to be eligible for continued certification, unless the individual has passed the Texas Examination of Current Administrators and Teachers (TECAT).
- (d) The commissioner of education approves the satisfactory level of performance required for certification examinations, and the SBEC approves a schedule of examination fees and a plan for administering the examinations.
- (e) The appropriate examination(s) required for certification are specified in the figure provided in this subsection. ~~[By September 1, 2026, the SBEC shall update the pedagogy examination requirements as specified in the figure provided in this subsection to include content and grade banded Texas specific teacher performance assessments.]~~ For issuance of a probationary or standard certificate in more than one certification category, a candidate must pass the appropriate pedagogy examination specified in the figure provided in this subsection for any one of the certificates sought.
- ~~Figure: 19 TAC §230.21(c)~~ ~~[Figure: 19 TAC §230.21(e)]~~ ~~[Figure: 19 TAC §230.21(e)]~~
- (f) Scores from examinations required under this title must be made available to the examinee, the TEA staff, and, if appropriate, the EPP from which the examinee will seek a recommendation for certification. Candidates may use passing scores on an examination required under this section for certification if the candidate is recommended for certification up to one year after the last operational date for the examination as prescribed in Figure: 19 TAC §230.21(e).
- (g) The following provisions concern ethical obligations relating to examinations.
- (1) An educator or candidate who participates in the development, design, construction, review, field testing, scoring, or validation of an examination shall not reveal or cause to be revealed the contents of the examination to any other person.
- (2) An educator or candidate who administers an examination shall not:
- (A) allow or cause an unauthorized person to view any part of the examination;
- (B) copy, reproduce, or cause to be copied or reproduced any part of the examination;
- (C) reveal or cause to be revealed the contents of the examination;
- (D) correct, alter, or cause to be corrected or altered any response to a test item contained in the examination;
- (E) provide assistance with any response to a test item contained in the examination or cause assistance to be provided; or
- (F) deviate from the rules governing administration of the examination.
- (3) An educator or candidate who is an examinee shall not:
- (A) copy, reproduce, or cause to be copied or reproduced any test item contained in the examination;

- (B) provide assistance with any response to a test item contained in the examination, or cause assistance to be provided;
 - (C) solicit or accept assistance with any response to a test item contained in the examination;
 - (D) deviate from the rules governing administration of the examination; or
 - (E) otherwise engage in conduct that amounts to cheating, deception, or fraud.
- (4) An educator, candidate, or other test taker shall not:
- (A) solicit information about the contents of test items on an examination that the educator, candidate, or other test taker has not already taken from an individual who has had access to those items, or offer information about the contents of specific test items on an examination to individuals who have not yet taken the examination;
 - (B) fail to pay all test costs and fees as required by this chapter or the testing vendor; or
 - (C) otherwise engage in conduct that amounts to violations of test security or confidentiality integrity, including cheating, deception, or fraud.
- (5) A person who violates this subsection is subject to:
- (A) sanction, including, but not limited to, disallowance and exclusion from future examinations either in perpetuity or for a period of time that serves the best interests of the education profession, in accordance with the provisions of ~~the~~ TEC, §21.041(b)(7), and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases); and/or
 - (B) denial of certification in accordance with the provisions of ~~the~~ TEC, §21.041(b)(7), and Chapter 249 of this title; and/or
 - (C) voiding of a score from an examination in which a violation specified in this subsection occurred as well as a loss of a test attempt for purposes of the retake limit in subsection (a) of this section.

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) probationary, as specified in §230.37 of this title (relating to Probationary Certificates);
 - (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) ; ~~and~~ []
 - (9) enhanced standard, as specified in §230.39 of this title (relating to Enhanced Standard Certificates).

- (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).
- (e) Effective September 1, 2024, the enhanced standard certificate shall be issued for the teacher class of certificates and shall be valid for five years, subject to the requirements of Chapter 232, Subchapter A, of this title. The enhanced standard certificate is issued to individuals who have met all requirements as specified in §230.39 of this title.

§230.39. Enhanced Standard Certificates.

- (a) General provisions.
 - (1) Certificate classes. An enhanced standard certificate may be issued for the teacher class of certificate.
 - (2) Requirement to hold an enhanced standard certificate. A candidate who has completed a residency in accordance with §228.65 of this title (relating to Residency) must hold an enhanced standard certificate to be employed by a school district to teach the majority of the instructional day in an academic instructional setting and to evaluate student achievement and assign grades.
- (b) Requirements for issuance. An enhanced standard certificate may be issued to an individual 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, an individual must hold a bachelor's degree or higher from an accredited institution of higher education to be eligible for the enhanced standard certificate. 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 individual must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).
 - (3) Fee. The individual must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
 - (4) Fingerprints. The individual must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and Texas Education Code (TEC), §22.0831.
 - (5) Residency. The individual must complete a residency in accordance with Chapter 228 of this title (relating to Requirements for Educator Preparation Programs), meet proficiency thresholds on teacher competencies as prescribed in §228.65(f) of this title, and be recommended by an approved educator preparation program by the application and issuance deadlines for the certificate.

- (6) Content pedagogy examination. The individual must receive a passing score on comprehensive content pedagogy examinations prescribed by the SBEC as specified in §230.21 of this title (relating to Educator Assessment).
- (c) Validation period. The enhanced standard certificate 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).

Subchapter G. Certificate Issuance Procedures

§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 aide certificate:
 - (A) prior to September 1, 2017--\$30; and
 - (B) after August 31, 2017--\$15.
 - (2) Standard certificate--\$75.
 - (3) Enhanced standard certificate--\$75.
 - (4) ~~(3)~~ Probationary or intern certificate:
 - (A) prior to September 1, 2017--\$50; and
 - (B) after August 31, 2017--\$75.
 - (5) ~~(4)~~ Addition of certification based on completion of appropriate examination--\$75.
 - (6) ~~(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.
 - (7) ~~(6)~~ One-year certificate based on a credential issued by a jurisdiction other than Texas--\$50.
 - (8) ~~(7)~~ Emergency permit (nonrefundable)--\$55.
 - (9) ~~(8)~~ National criminal history check (nonrefundable)--The fee, posted on the Texas Education Agency website, shall include a \$10 criminal history review fee in addition to the current cost of fingerprint scanning, 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.
 - (10) ~~(9)~~ Review of the superintendent application for the substitution of managerial experience for the principal certificate requirement (nonrefundable)--\$160.
 - (11) ~~(10)~~ On-time renewal of educational aide certificate:
 - (A) prior to September 1, 2017--\$10; and
 - (B) after August 31, 2017--no charge.
 - (12) ~~(11)~~ Additional fee for late renewal of educational aide certificate:
 - (A) prior to September 1, 2017--\$5; and
 - (B) after August 31, 2017--no charge.
 - (13) ~~(12)~~ Reactivation of an inactive educational aide certificate--\$15.

- (14) ~~(13)~~ Reinstatement following restitution of child support or student loan repayment for educational aide certificate--\$20.
- (15) ~~(14)~~ On-time renewal of a standard certificate--\$20.
- (16) On-time renewal of an enhanced standard certificate--\$20.
- (17) ~~(15)~~ Additional fee for late renewal of a standard certificate--\$10.
- (18) ~~(16)~~ 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).
- (19) ~~(17)~~ Reinstatement following restitution of child support or student loan repayment--\$50.
- (20) ~~(18)~~ Visiting international teacher certificate--\$75.
- (21) ~~(19)~~ 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.
- (c) An individual registering to take certification tests shall pay the applicable fee(s) from the following list of categories:
- (1) Selected Response-Only Assessments--\$116.
 - (2) Single Subject Area Tests (801-809)--\$58.
 - (3) Enhanced Selected-Response/Constructed-Response Assessments for Tests (801-809)--\$70.
 - (4) Enhanced Selected-Response/Constructed-Response Assessments--\$136.
 - (5) Enhanced Selected-Response/Constructed-Response Administrator and Student Services Assessments--\$200.
 - (6) Performance-Based Assessments for teachers--\$311.
 - (7) Performance-Based Assessments for teachers, retake per task--\$111.
- (d) An individual registering to take a content certification examination prior to admission to an educator preparation program ~~[EPP]~~ shall pay the applicable fee(s) from the following list of categories:
- (1) Content Certification Examinations except American Sign Language (ASL)--\$106.
 - (2) Essential Academic Skills Sub-Tests Retake (701-703)--\$56.
 - (3) Content Certification Examinations for ASL Sub-Tests (784-785)--\$56.

§230.105. Issuance of Additional Certificates Based on Examination.

A teacher who holds a valid provisional, professional, ~~or~~ standard ~~[classroom teaching certificate]~~ or enhanced 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) the Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate;
- (3) the Early Childhood: Prekindergarten-Grade 3 certificate;
- ~~(4) the Deafblind Supplemental: Early Childhood-Grade 12 certificate;~~
- ~~(5) [(4)]~~ another class of certificate, as listed in Subchapter D of this chapter (relating to Types and Classes of Certificates Issued); or
- ~~(6) [(5)]~~ certification for which no certification examination has been developed.