

Item 20:
**Discussion of Proposed Amendments to 19 TAC Chapter
245, Certification of Educators from Other Countries**

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries. The proposed amendments would update the requirements for certification of educators from other countries. The proposed amendments reflect guidance provided by the SBEC at the July 2021 meeting.

STATUTORY AUTHORITY: The statutory authority for the proposed amendments to 19 TAC Chapter 245 is the Texas Education Code (TEC), §§21.041(b)(1), (4), and (5); 21.048(a); 21.050; 21.052(a)-(e); and 22.0831(f).

TEC, §21.041(b)(1), states the SBEC must 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)(4), states the SBEC must propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(5), states the SBEC must 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, §21.048(a), states the SBEC must propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC.

TEC, §21.050, 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, §21.052(a), states that the SBEC may issue a certificate to an educator who submits an application for certification and 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 bachelor's degree issued in the United States, or holds an appropriate certificate issued in another state and has met all certification requirements for issuance of the credential.

TEC, §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.

TEC, §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).

TEC, §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, §21.052(e), states that 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.

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

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC is statutorily authorized to regulate and oversee all aspects of certification of public school educators. The SBEC is also statutorily authorized to ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse population of this state.

At the July SBEC meeting, the Board and Texas Education Agency (TEA) staff discussed the current pathway an individual certified in another country must comply with to obtain a Texas educator certificate. Following is a description of the proposed amendments included in Attachment II that incorporates feedback received by the Board as well as technical clean-up to update current cross-references.

§245.1. General Provisions

The proposed amendment to subsection §245.1(d) would remove the outdated reference to a "certificate entitlement card" as it is not a document that has been presented by individuals certified outside the state who submit applications for the review of out of state credentials. TEA staff believes the other documents referenced in rule (statement or approval letter) are sufficient proof of an individual's completion of requirements for licensure to teach in another state.

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

Proposed new subsection §245.5(a)(3) would add a reference to the provisions in Chapter 152, Commissioner's Rules Concerning Examination Requirements, that may qualify an individual for

exemption from required state examinations leading to issuance of the Texas standard certificate.

The proposed amendment to subsection §245.5(b) would clarify that demonstration of English language proficiency is required prior to issuance of a Texas one-year certificate and would add the word “Legacy” to align with the correct title to Chapter 239, Student Services Certificates, Subsection E, that has been renamed, Legacy Master Teacher Certificate, effective December 27, 2020.

The proposed amendment to subsection §245.5(e) would clarify that the current process requires applicants issued the temporary, one-year certificate to obtain a Texas standard classroom teacher certificate prior to adding a supplemental certificate area to their record of certification. This is not a change in the certification process, only a clarification of current rule and procedures.

§245.10. Application Procedures

The proposed amendment to subsection §245.10(a)(3) would delete the requirement that individuals licensed in other countries must obtain an original written statement, provided by the authorizing licensing agency in the issuing country, that the educator’s certificate is in good standing, and has not been revoked, suspended, or sanctioned for misconduct and is not pending disciplinary or adverse action. The amendment would reduce duplicative efforts and barriers of the educators due to the required Foreign Credential Evaluation and successful completion of the Texas background check and fingerprinting processes that are the verifiable safeguards to ensure an educator applying for issuance of a Texas certificate is in good standing.

During the July 2021 SBEC meeting, TEA staff presented Agenda Item 14, Discussion of Texas Certification Options for Individuals Certified Outside the State. The Board directed TEA staff to explore additional options to verify “the good standing” status of an individual’s background prior to issuance of a Texas certificate. TEA staff has determined that when an individual applies for U.S. “citizenship/naturalization,” U.S. Citizenship and Immigration Services (US CIS) checks that individual’s criminal background and ensures they are not a threat to the security of the United States. Because citizenship is viewed as the highest benefit a person can obtain under U.S. Immigration Law, it comes with a list of requirements, including a three-step process of background investigation, biometric fingerprints, and FBI name checks to ensure everyone is thoroughly vetted for employment or residential purposes. With these additional safeguards in place, coupled with the unverifiable nature of the written statement provided by the issuing country, TEA supports the current process that is put in place by the US CIS to ensure all individuals certified in another country, who desire a Texas educator certificate, have been properly vetted.

The proposed amendment in §245.10(a) would provide technical edits to renumber subsections (4)-(6) to subsections (3)-(5).

§245.15. Evaluation of College Credentials

The proposed amendment would add “Request for” to update the section heading to match that used in §230.115, Request for Evaluation of College Credentials that are related to rules specific to individuals certified in other states or territories of the United States.

Next Steps:

TEA staff will seek stakeholder feedback with the Educator Preparation Advisory Committee (EPAC) and will bring proposed rule changes to the SBEC at the December 2021 Board meeting to update the rules with feedback from the SBEC and the EPAC.

Staff Member Responsible:

Marilyn Cook, Director, Educator Certification

Attachments:

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

ATTACHMENT I**Statutory Citations Relating to Proposed Amendments to 19 TAC Chapter 245,
Certification of Educators from Other Countries****Texas Education Code, §21.041, Rules; Fees (excerpts):**

- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;

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

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.

Texas Education Code, §21.050, 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, §21.052, Certification of Educators From Outside the State, (excerpts):

- (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 temporary certificate as provided by Subsection (c) 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.

TEC, §22.0831, National Criminal History Record Information Review of Certified Educators (excerpt):

- (f) The board may propose rules to implement this section, including rules establishing:
 - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
 - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

ATTACHMENT II
Draft Text of Proposed Amendments to 19 TAC

Chapter 245. Certification of Educators from Other Countries

§245.1. General Provisions.

- (a) A Texas educator certificate may be issued to an individual who holds a college degree and an acceptable certificate or other credential issued by the authorized licensing agency in another country and who meets appropriate requirements specified in §230.11 of this title (relating to General Requirements) and in this chapter.
- (b) The degree held by an applicant from another country must be equivalent to at least a bachelor's degree or higher issued by an accredited institution of higher education in the United States accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board or by the U.S. Department of Education.
- (c) The certificate(s) or other credential(s) issued by the authorized licensing agency in another country may not be a temporary permit, a credential issued by a city or school district, or a certificate for which academic or other program deficiencies are indicated. Specific examination or renewal requirements shall not be considered academic or program deficiencies.
- (d) A statement^[] or approval letter^[] ~~or certification entitlement card~~ issued by the authorized licensing agency in another country specifying eligibility for full certification upon employment or completion of specified examination requirements shall have the same standing as a certificate.
- (e) The certificate(s) or other credential(s) and areas of certification issued by the authorized licensing agency in another country 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 certificate(s) submitted with the application for review of credentials, 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 scores, are received by TEA staff 60 calendar days before the application submission deadline for the examination and/or certification sought.

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

- (a) The appropriate standard certificate issued under Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), may be issued to an applicant holding an acceptable certificate or other credential and college degree as specified in §245.1 of this title (relating to General Provisions). The applicant must:
 - (1) pass the appropriate examination(s) prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment); ~~or~~
 - (2) achieve an acceptable score on an examination(s) similar to and at least as rigorous as the requirements prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered under the authority of another country. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another country^[]; or
 - (3) qualify for an exemption from required Texas examinations through provisions in §152.1001 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (b) If all certification requirements are met, except successful completion of the appropriate certification examination(s), the applicant who has demonstrated English language proficiency as specified in §230.11 of this title (Relating to General Requirements) may request issuance of a one-year certificate in one or

more of the certification areas authorized by the certificate(s) or other credential(s) from another country. An applicant who holds only a credential that is equivalent to a student services, principal, or superintendent certificate issued in accordance with Chapter 239 of this title (relating to Student Services Certificates), with the exception of Subchapter E (relating to Legacy Master Teacher Certificate); Chapter 241 of this title (relating to Principal Certificate); or Chapter 242 of this title (relating to Superintendent Certificate) may be issued the equivalent Texas certificate. The applicant must verify two creditable years of public or private school experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the TEC, §5.001(2), in the specific student services or administrative area sought.

- (c) After satisfying all certification requirements, including all appropriate examination requirements, the applicant is eligible to apply for issuance of the standard certificate issued under Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued).
- (d) An applicant issued a one-year certificate under Chapter 230, Subchapter D, of this title and this chapter who does not satisfy the appropriate examination requirements to establish eligibility for a standard certificate during the validity of the one-year certificate is not eligible for any type of certificate or permit authorizing employment for the same certification level or area until he or she has satisfied the examination requirements. If, due to extenuating circumstances beyond the control of the educator, examination requirements are not met during the validity period of the one-year certificate, the district may request an extension of the one-year certificate, not to exceed one calendar year in length.
- (e) 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. A supplemental certificate may also not be added to a one-year certificate.
- (f) An applicant issued a one-year certificate under subsection (d) of this section who, during or subsequent to the validity of the one-year certificate, satisfies the appropriate examination requirements and establishes eligibility for a standard certificate may apply for:
 - (1) a new one-year certificate in another certification area based on a certificate or other credential issued by another country; or
 - (2) a second one-year certificate in an area previously authorized on a one-year certificate, provided the applicant was not assigned to the area and has not attempted the appropriate examination requirements for that area.

§245.10. Application Procedures.

- (a) An individual who has been issued an appropriate certificate or other credential by the authorized licensing agency in another country as specified in §245.1 of this title (relating to General Provisions) may apply for a review of credentials by submitting the following items to the Texas Education Agency (TEA) staff:
 - (1) a completed application;
 - (2) the original detailed report or course-by-course evaluation for professional licensing of all college-level credits prepared by a foreign credential evaluation service recognized by the TEA staff. The evaluation must verify that the individual:
 - (A) holds, at a minimum, the equivalent of a baccalaureate degree issued by an accredited institution of higher education in the United States as specified in §245.1(b) of this title, including the date that the degree was conferred; and
 - (B) has completed an educator preparation program, including a teaching practicum;
 - ~~(3) an original written statement, provided by the authorized licensing agency in the issuing country, that the educator certificate(s) or other credential(s) specified in §245.1 of this title is currently in good standing and has not been revoked, suspended, or sanctioned for misconduct and is not pending disciplinary or adverse action. The statement must be written in the English language or~~

~~must be accompanied by a translation in the English language from a foreign credential evaluation service recognized by the TEA staff or an accredited translation service;~~

- (3) [(4)] official transcripts of any additional college credits and/or degrees earned in the United States;
 - (4) [(5)] copies of any standard certificates issued by another state department of education; and
 - (5) [(6)] a nonrefundable review fee as specified in Chapter 230, Subchapter G, of this title (relating to Certificate Issuance Procedures).
- (b) Pursuant to §245.5(b) of this title (relating to Requirements for Issuance of a Texas Certificate Based on Certification from Another Country) an applicant may apply for a one-year certificate by submitting the following items to the TEA staff:
- (1) a completed application; and
 - (2) the appropriate fee as specified in Chapter 230, Subchapter G, of this title.
- (c) Pursuant to §245.5(a) of this title, an applicant may apply for a standard certificate by submitting the following items to the TEA staff:
- (1) a completed application; and
 - (2) the appropriate fee as specified in Chapter 230, Subchapter G, of this title.

§245.15. Requests for Evaluation of College Credentials.

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