

Item 8:
Adoption of Proposed Amendment to 19 TAC Chapter 230,
Professional Educator Preparation and Certification,
Subchapter E, Educational Aide Certificate, §230.55,
Certification Requirements for Educational Aide I

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter E, Educational Aide Certificate, §230.55, Certification Requirements for Educational Aide I. The proposed amendment would update requirements for issuance of the Educational Aide I certificate to high school students who qualify for industry-based certification. The proposed amendment would also provide technical cross-reference and State Board of Education (SBOE) action updates. No changes are recommended since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 230, Subchapter E, §230.55, is the Texas Education Code (TEC), §21.041(a) and (b)(1)–(4).

TEC, §21.041(a), states the board may adopt rules as necessary for its own procedures.

TEC, §21.041(b)(1)–(4), 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, and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates, the period for which each class of educator certificate is valid, and the requirements for the issuance and renewal of an educator certificate.

The full text of statutory citations can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed amendment to 19 TAC Chapter 230, Subchapter E, §230.55, would be October 6, 2022 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: At the April 29, 2022 SBEC meeting, the SBEC approved the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter E, Educational Aide Certificate, §230.55, Certification Requirements for Educational Aide I, for publication in the *Texas Register* as proposed rules.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230, Subchapter E, specify the requirements for issuance of an educational aide certificate. The following provides a description of changes to 19 TAC §230.55.

The proposed amendment to §230.55(4) would include a technical cross-reference edit to reflect recent SBOE updates to Texas Essential Knowledge and Skills (TEKS) rule chapters for Career and Technical Education and to change references to Education and Training from Chapter 130, Subchapter E, to newly adopted Chapter 127, Subchapter G, Education and Training.

The proposed amendment to §230.55(4) would also expand the list of SBOE-approved education and training course options to be completed by high school students to qualify for the Educational Aide I certificate. The proposed amendment would allow high school students, who qualify for an industry-based certification, additional options for courses they can take to fulfill the three-credit requirement detailed in §230.55(4) and would continue to allow schools to accurately reflect these students as "career ready" in their accountability measures. The number of credits required to qualify for the Educational Aide I certificate remains unchanged.

The expanded list of approved education and training course options requires the proposed expansion of §230.55(4), wherein the existing two training course options are proposed to be contained in relettered subparagraphs (E) and (F), and the additional training course options are proposed to be contained in new subparagraphs (A)–(D), with §230.55(4) proposed to be organized by ascending training course section number. The proposed amendment to §230.55(E) and (F) would include the technical cross-reference edits to reflect recent TEKS chapter updates that align with the relevant education and training courses from Chapter 130, Subchapter E, to newly adopted Chapter 127, Subchapter G.

No changes are recommended to the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter E, Educational Aide Certificate, §230.55, Certification Requirements for Educational Aide I, but additional changes may be recommended at the time of the meeting based on public comment.

FISCAL IMPACT: No changes have been made to this section since published as proposed. The Texas Education Agency (TEA) staff has determined that there is no additional fiscal impact on state and local governments and that there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government, and therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property, and therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, the proposal would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be providing high school students more course options and, thereby, greater flexibility and opportunity to meet the course work requirements for issuance of the educational aide certificate as an industry-based certification. The TEA staff has determined that there is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal began June 3, 2022, and ended July 5, 2022. Any comments received will be provided to the SBEC under separate cover prior to the July 22, 2022 meeting. The SBEC will take registered oral and written comments on the proposal at the July 22, 2022 meeting in accordance with the SBEC board operating policies and procedures.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve for adoption, subject to the State Board of Education (SBOE) review, the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter E, Educational Aide Certificate, §230.55, Certification Requirements for Educational Aide I, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

Staff Member Responsible:

Marilyn Cook, Director, Educator Certification

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter E, Educational Aide Certificate, §230.55, Certification Requirements for Educational Aide I

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter E. Educational Aide Certificate

§230.55. Certification Requirements for Educational Aide I.

An applicant for an Educational Aide ~~[educational aide]~~ I certificate shall meet the requirements in either paragraphs (1) and (2) of this section or paragraphs (3) and (4) of this section as follows:

- (1) hold a high school diploma, the equivalent of a high school diploma, or higher; and
- (2) have experience working with students or parents as approved by the employing superintendent. Experience may be work in church-related schools, day camps, youth groups, private schools, licensed daycare centers, or similar experience; or
- (3) be a high school student 18 years of age or older; and
- (4) have a final grade of 70 or better in two or more education and training courses specified in Chapter 127, Subchapter G, [Chapter 130, Subchapter E,] of Part 2 of this title (relating to Education and Training) for three or more credits verified in writing by the superintendent of the district in which ~~[where]~~ the credits were earned. The education and training courses must include ~~[either]~~ :
 - (A) Child Development, as described in §127.317 of Part 2 of this title (relating to Child Development (One Credit), Adopted 2021); or
 - (B) Child Guidance, as described in §127.318 of Part 2 of this title (relating to Child Guidance (Two Credits), Adopted 2021); or
 - (C) Practicum in Early Learning, as described in §127.320 of Part 2 of this title (relating to Practicum in Early Learning (Two Credits), Adopted 2021); or
 - (D) Communication and Technology in Education, as described in §127.324 of Part 2 of this title (relating to Communication and Technology in Education (One Credit), Adopted 2021); or
 - (E) ~~[(A)]~~ Instructional Practices, as described in §127.325 ~~[§130.164]~~ of Part 2 of this title (relating to Instructional Practices (Two Credits), Adopted 2021 ~~[2015]~~); or
 - (F) ~~[(B)]~~ Practicum in Education and Training, as described in §127.326 ~~[§130.165]~~ of Part 2 of this title (relating to Practicum in Education and Training (Two Credits), Adopted 2021 ~~[2015]~~) .