

Item 14:**Consideration of Petition for Adoption of Rule Change Concerning 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, and Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a petition for rulemaking regarding 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, and Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, filed pursuant to Texas Government Code, §2001.021. The petitioner requests amendments to the rules regarding the issuance, validity period, and testing requirements of an Intern certificate. The SBEC must either deny the petitions or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.

STATUTORY AUTHORITY: Texas Government Code, §2001.021.

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

PREVIOUS BOARD ACTION: The SBEC approved changes to §230.1 and §230.36, effective December 27, 2016, included in Attachment I.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC requires educator candidates pursuing a classroom teacher certificate to pass the SBEC-approved content pedagogy exam prior to being issued an Intern certificate to demonstrate subject matter knowledge necessary for a teacher of record providing instruction, assessment, and evaluation of students. The content pedagogy exams assess not only the subject matter, but also the content pedagogy applicable for each particular certification area. This ensures that candidates have the content pedagogy knowledge of the subjects on which they are providing instruction for Texas schoolchildren. Candidates then have that first year as a teacher of record on an Intern certificate to pass the pedagogy and professional responsibilities (“PPR”) exam.

At the December 9, 2022 SBEC meeting, Mr. Scott Fikes with Education Career Alternatives Program (ECAP) submitted a petition for rulemaking to the Board during public comment regarding Chapter 230, Subchapters A and D. Attachment II includes the submitted petition requesting the SBEC change current rules regarding the issuance, testing requirements, and validity period of the Intern certificate.

In accordance with the Texas Government Code, §2001.021, the SBEC may deny the petition or direct the TEA staff to initiate rulemaking proceedings.

The table below summarizes the content of the petitioner's requests, the impact of the requests if granted, and TEA staff's recommendations based on prior actions of the SBEC.

Petition to Adopt Changes to Chapter 230, Subchapters A and D
<p>Requests:</p> <ol style="list-style-type: none"> 1. Change §230.1(16) definition of Intern certificate to read: "Intern certificate – A type of certificate issued to a candidate who has passed all required content examinations <u>met admission requirements to an approved educator preparation program</u> and is completing requirements for certification through an approved educator preparation program." 2. Change §230.36(c) validity period of the Intern certificate to read: "Conditions. The validity and effectiveness of an intern certificate is subject to the following conditions. <ol style="list-style-type: none"> (3). Term of Intern certificate. An intern certificate shall be valid for one <u>two</u> 12-month periods from the date of issuance. (4). Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve more than three 12-month periods while holding any combination of the following: <ol style="list-style-type: none"> (a) intern certificates, limited to one <u>two</u> 12-month periods maximum, as described in this subsection; (b) probationary certificates, limited to two <u>one</u> 12-month periods maximum, as specified in §230.27 of this title (relating to Probationary Certificates)." 3. Change §230.36(d) testing requirements for the Intern certificate to read: "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 content pedagogy examinations, as prescribed in Subchapter C of this chapter <u>meet admission requirements to an approved educator preparation program, as prescribed in TAC 227.</u>"
<p>Impact of Requests:</p> <p>This request would change the rule adopted by the SBEC at the October 2016 meeting, effective December 27, 2016, regarding the issuance, validity period, and testing requirements to obtain an SBEC-issued Intern certificate. The SBEC approved rule changes in 2016 to establish the Intern certificate, which is valid for one year and requires success on the content pedagogy examination for issuance. A candidate on an Intern certificate is the teacher of record providing instruction, assessment, and evaluation of Texas students. The SBEC created the required qualifications for an Intern certificate to ensure that a candidate demonstrates content pedagogy knowledge in the area of instruction based on successful completion of the SBEC-approved content pedagogy certification exam prior to becoming the teacher of record in a Texas classroom.</p> <p>The language the petitioner recommends would remove the examination requirements for an Intern certificate. The proposed amendments would thus allow a candidate to</p>

enter the classroom on an Intern certificate as a teacher of record with only the qualifications that are currently the minimum admission requirements to enter an educator preparation program under 19 Texas Administrative Code §227.10—in most cases, a bachelor’s degree with a 2.5 GPA and 12 - 15 hours of subject-specific college-level coursework. This would be a significant change from the current rule, in which there is a sharp difference between the basic content familiarity sufficient to enter a program and the demonstrated content pedagogy knowledge necessary to instruct Texas schoolchildren as the teacher of record.

The petitioner’s rationale for removing the examination requirement for the Intern certificate is that it would cause districts to hire more first-year teachers on intern certificates, in lieu of hiring uncertified people through District of Innovation (DOI) waivers, emergency teaching permits, or as long-term substitutes. The petitioner notes that Texas has twice the number of DOI and Emergency Permit holders and substitute teachers in the classroom as it did in 2008. But a change to the Intern certification requirements will not have any direct impact on the issue of uncertified educators working in DOIs, on Emergency Permits, or as long-term substitutes, because SBEC does not have authority over those entities. There is no evidence that reducing the requirements for an intern certificate would cause school districts to make different local decisions on whether to hire certified educators. Removing the content pedagogy certification exam prior to issuance of an intern certificate to a candidate in an EPP is not related to district-level activities and decisions mentioned in the petitioner’s rationale.

The petition for rulemaking also requests that the SBEC extend the validity period for Intern certificates from one year to two years, and reduce the validity period for Probationary certificates from two years to one year. In 2016, the SBEC created Probationary certificates to allow candidates who did not complete all EPP requirements by the end of their internship year to be granted a second internship year by passing the required pedagogy and professional responsibilities examination (PPR) for issuance of a Probationary certificate. The petitioner states that changing the term and validity period will alleviate the problem of losing teachers at the end of their first year by giving them more time to pass the PPR. If the SBEC extends the validity period of an Intern certificate as proposed in the petition, teachers will be allowed to teach Texas students for two years without demonstrating basic compliance with SBEC-required pedagogy and professional responsibilities teaching practices. The SBEC has previously considered this issue: on May 1, 2020, the SBEC denied a petition requesting this change. Since 2016, the SBEC has maintained the requirement for candidates to demonstrate pedagogical knowledge and professional responsibilities by their second year as the teacher of record.

Recommendation Based on SBEC Action:**Deny Petition**

The rule change proposed in this petition would allow for candidates to be a teacher of record in a Texas classroom for two years with only the minimal content knowledge necessary to enter an educator preparation program. The recommended amendments would be a total reversal of SBEC's efforts since 2016 to ensure every Texas student receive a high-quality classroom teacher.

OTHER COMMENTS AND RELATED ISSUES: Under SBEC rule 19 TAC §250.20, Petition for Adoption of Rules or Rule Changes, the TEA must respond to a rule petition within 60 days even if it is not possible for the SBEC to act upon it within 60 days, as was the case with this petition. As a result, TEA staff notified the petitioner that the petition would be considered at the February 10, 2023, meeting.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Deny the petition concerning Intern certificate requirements in 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, and Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates.

Staff Member Responsible:

Christie Pogue, Director, SBEC Policy Development and Support

Attachments:

- I. Text of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, and Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates
- II. Petition to Amend 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, and Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates

ATTACHMENT I
Text of 19 TAC**Chapter 230. Professional Educator Preparation and Certification****§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 offer training and coursework that must adequately prepare candidates for educator certification and meet the standards and requirements of the board.
- (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.

- (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.
- (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).
- (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.
- (17) Pilot exam--A certification exam that is subject to review by the State Board for Educator Certification prior to September 1, 2022.
- (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.
- (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.
- (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).
- (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).
- (22) Teacher--An individual who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B.
- (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.
- (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.
- (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.
- (26) Texas school district--A school district accredited and approved by the Texas Education Agency under the Texas Education Code, Chapter 11.

Subchapter D. Types and Classes of Certificates Issued

§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 content pedagogy examinations, as prescribed in Subchapter C of this chapter.

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- (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 pedagogy examination(s), as prescribed in Subchapter C of this chapter (relating to Assessment of Educators).
- (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.
- (4) The following provisions apply to the intern certificate for Principal as Instructional Leader.
- (A) During the transition period of December 1, 2018 through September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets the requirements specified in paragraphs (1)-(3) of this subsection.
- (B) Effective September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets requirements specified in paragraphs (1)-(3) of this subsection and has passed the Principal as Instructional Leader examination specified in Subchapter C of this chapter.
- (f) Intern certificate for intensive pre-service. An intern certificate may be issued to an applicant who is admitted to an EPP intensive pre-service as prescribed in §228.33 of this title (relating to Intensive Pre-Service) on or after January 1, 2020, who:
- (1) obtained a passing score on the aligned pedagogical rubric specified in §228.33 of this title;
- (2) obtained a passing score, in accordance with §151.1001 of this title (relating to Passing Standards), on the required content certification (subject-matter only) examination and the following additional requirements for special education and bilingual assignments;
- (A) Special education assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES Special Education Supplemental examination prescribed in §230.21(e) of this title (relating to Educator Assessment); and
- (B) Bilingual education assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES Bilingual Target Language Proficiency examination or the related language proficiency examination prescribed in §230.21(e) of this title; and
- (C) English as Second Language (ESL) assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES ESL Supplemental examination or the related language proficiency examination prescribed in §230.21(e) of this title; and
- (3) met the requirements as prescribed in subsections (a)-(c) of this section.

ATTACHMENT II

Figure: 19 TAC §250.20(a)

STATE BOARD FOR EDUCATOR CERTIFICATION
Petition for Adoption of a Rule

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:
by mail to Rulemaking Division, Texas Education Agency, 1701 North Congress Avenue, Austin Texas 78701-1494; or by using the email button at the bottom of this petition form or by emailing directly to sbcrules@tea.texas.gov.

Name:
J. Scott Fikes

Affiliation/Organization (if applicable):
Education Career Alternatives Program

Address: P.O. Box 162179
Ft. Worth, TX 76161

Telephone: (817) 284-7731 Date: December 9, 2022

Texas Government Code, §2001.021, specifies that an interested person must meet one of the following criteria. Please check all of the following that apply to you.

- resident of Texas
- business entity located in Texas
- governmental subdivision located in Texas
- public or private organization located in Texas that is not a state agency

Proposed rule text (indicate words to be added or deleted from the current text):

Chapter 230. Professional Educator Preparation and Certification
Subchapter D. Types and Classes of Certificates Issued

§230.A.

- 16. Intern certificate—A type of certificate issued to a candidate who has **passed all required content examinations met admission requirements to an approved educator preparation program** and is completing requirements for certification through an approved educator preparation program.

§230.31. Types of Certificates §230.D

(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~~ **two** 12-month periods 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~~ **two** 12-month periods maximum, as described in this subsection;

probationary certificates, limited to ~~two~~ **one** 12-month periods maximum, as specified in §230.37 of this title (relating to Probationary Certificates)

§230.D. Types and Classes of Certificates Issued

(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 content pedagogy examinations, as prescribed in Subchapter C of this chapter~~ **meet admission requirements to an approved educator preparation program, as prescribed in TAC 227.**

Statutory authority for the proposed rule action:

TEXAS EDUCATION CODE TITLE 2. PUBLIC EDUCATION SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS CHAPTER 21. EDUCATORS SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC 21.041 TEC, §21.041. RULES; FEES.

- (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;

Why is this rule action necessary or desirable?

Changing the requirement for issuance of an intern certificate will ensure that new teachers are given the support and oversight that is not given to teachers on permits or long-term substitutes. Currently Texas has twice the number of DOI and Emergency Permit holders and substitute teachers in the classroom since 2008, as reported by TEA PIEMS data.

Changing the term of an intern certificate from one year to two years will alleviate the problem of losing teachers at the end of their first year of teaching due to the lack of opportunity to pass the PPR. This will:

1. Keep good teachers in the classroom and decrease teacher turnover.
2. Provide the most cost effective and immediate way to comply with TEC statute related to TEA teacher recruitment and retention mandate.
3. Bring Texas more in-line with the other 49 states that give 2 - 3 years to pass their Pedagogy Test.
4. Benefit Texas taxpayers by putting more qualified teachers into our classrooms, at no additional cost.

(If more space is required, attach additional sheets.)

Petitioner's Signature J.Scott Fikes