

**Item 9:**

**Consider and Take Appropriate Action on Petition for  
Adoption of Rule Change Concerning 19 TAC Chapter 230,  
Professional Educator Preparation and Certification,  
Subchapter B, General Certification Requirements, §230.11,  
General Requirements**

**DISCUSSION AND ACTION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a petition for rulemaking on 19 TAC Chapter 230, Professional Educator

A member of the public has submitted to the SBEC a petition, shown in Attachment III, requesting that the SBEC specify the TOEFL as the English language proficiency examination and set the minimum satisfactory score at 22 rather than the current score of 26 on the speaking portion of the TOEFL or require a minimum total score of 83 out of a maximum total score of 120. The petitioner states that the rule is unclear as to what score meets the "satisfactory" condition, that the proposed scores are comparable to the scores required by universities in Texas and approved by the Texas Higher Education Coordinating Board (THECB), that a Fair rating of 18-25 indicates a person can speak in English and be understood when conveying relevant information, and that an overall score of 83 out of 120 is 70%, which is a commonly accepted passing score.

In accordance with the Texas Government Code, §2001.021, cif.024(3(ata[un)3(iu7mnr7(i)5(t)-4(h te3(ernm)-4(

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**OTHER COMMENTS AND RELATED ISSUES:** Under SBEC rule 19 TAC §250.20, Petition for Adoption of Rules or Rule Changes, shown in Attachment I, 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 March 3, 2017 meeting.

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

Deny the petition concerning the English language proficiency requirement in 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements, because the State Board for Educator Certification has given direction to staff to convene a stakeholder group to make recommendations to the SBEC on the English language proficiency requirements specified in rule.

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

Tim Miller, Director  
Educator Preparation

Becky McCoy, Manager  
Educator Certification and Testing

Jennifer Perez, Program Specialist  
Educator Certification and Testing

**Attachments:** I. Statutory Citations  
II. Text of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11,



- (1) a resident of this state;
- (2) a business entity located in this state;
- (3) a governmental subdivision located in this state; or

- (e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.

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**ATTACHMENT II**  
**Text of 19 TAC****Chapter 230. Professional Educator Preparation and Certification****Subchapter B. General Certification Requirements****§230.11. General Requirements.**

- (a) The only credits and degrees acceptable for certification of educators are those earned from and conferred by accredited institutions of higher education. All credit hour requirements for certification are semester credit hours or their equivalent.
- (b) An applicant for a Texas educator certificate must:
- (1) be at least 18 years of age;
  - (2) submit to the criminal history review required by the Texas Education Code (TEC) §22.0831, not be disqualified by the TEC, §21.058, §21.060, or other Texas statute, and not be subject to administrative denial pursuant to §249.12 of this title (relating to Administrative Denial; Appeal) or a pending proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
  - (3) not be disqualified by federal law;
  - (4) be willing to support and defend the constitutions of the United States and Texas;
  - (5) be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication and teaching. English language proficiency shall be evidenced by one of the following:
    - (A) completion of an undergraduate or graduate degree at an accredited institution of higher education in the United States;
    - (B) if an undergraduate or graduate degree was earned at an institution of higher education outside of the United States, including territories of the United States, evidence must be provided under procedures approved by the Texas Education Agency (TEA) staff that the primary language of instruction was English; or
    - (C) verification of satisfactory scores on an English language proficiency examination(s) approved by the State Board for Educator Certification (SBEC);
  - (6) successfully complete appropriate examinations prescribed in §230.21 of this title (relating to Educator Assessment) for the educator certificate sought; and
  - (7) satisfy one or more of the following requirements:
    - (A) complete the requirements for certification specified in this chapter, Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), Chapter 239 of this title (relating to Student Services Certificates), Chapter 241 of this title (relating to Principal Certificate), or Chapter 242 of this title (relating to Superintendent Certificate), and be recommended for certification by an approved educator preparation program;
    - (B) qualify under Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States);
    - (C) qualify under §230.105 of this title (relating to Issuance of Additional Certificates Based on Examination);

- (D) qualify for a career and technical education certificate based on skill and experience specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)); or
- (E) qualify under Chapter 245 of this title (relating to Certification of Educators from Other Countries).

*Statutory Authority: The provisions of this §230.11 issued under the Texas Education Code, §§21.041(b)(2) and (4), 21.044(a), 21.048, 21.050, and 22.082.*

*Source: The provisions of this §230.11 adopted to be effective August 12, 2012, 37 TexReg 5753; amended to be effective December 27, 2016, 41 TexReg 10309.*



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**ATTACHMENT III**

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:

Office of Educator Leadership and Quality  
Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494

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Name: **Sharon Fikes**

Affiliation/Organization (if applicable): **Education Career Alternatives Program, LTD.**

Address: **PO Box 162179, Ft. Worth, TX 7616**

Telephone: **817-284-7731** Date: **11/28/2016**

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

**19 TAC Chapter 230, Subchapter B, §230.11 General Requirements (b)(5)(C)**  
**Remove (C) verification of satisfactory scores on an English language proficiency examination(s) approved by the State Board for Educator Certification (SBEC)**  
**Add (C) verification of satisfactory scores on Test of English as a Foreign Language (TOEFL) of 22-30 on speaking portion or overall TOEFL score of 83**

Statutory authority for the proposed rule action: Title 19; Part 7; Chapter 250; Subchapter B; Rule 250.20

Why is this rule action necessary or desirable?

**would place in rule a score requirement which would give specific information for EPPs for purposes of evaluating candidates as well as making clear the requirement for purposes of audit by SBEC.**

**The proposed scores are comparable to the scores required by universities in Texas and approved by the Texas Higher Education coordinating Board.**

**The TOEFL analysis of strengths in speaking are rated Good, Fair, Limited, and Weak. A Fair rating (18-25) indicates that the person can speak in English and be understood when conveying relevant information. A Perfect overall score is 120 so a score of 83 overall is 70% which is a commonly accepted passing score.**