

## Item 7:

### Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 245, Certification of Educators from Other Countries

#### DISCUSSION AND ACTION

**SUMMARY:** Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. The SBEC last adopted the review of 19 TAC Chapter 245, Certification of Educators from Other Countries, in August 2013. This item presents for SBEC approval the adoption of the review of Chapter 245. The rules being reviewed provide requirements relating to the certification of Texas educators from other countries.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 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 (g); and 22.0831(f).

**PREVIOUS BOARD ACTION:** The SBEC last adopted the review of 19 TAC Chapter 245 in August 2013, finding that the reasons for initially adopting the rules continue to exist.

At the March 2017 meeting, the SBEC voted to publish the proposed rule review of 19 TAC Chapter 245, Certification of Educators from Other Countries, in the *Texas Register*.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** The SBEC rules in 19 TAC Chapter 245, Certification of Educators from Other Countries, establish requirements for issuance of Texas certification to educators from other countries.

The rules currently in effect in 19 TAC Chapter 245 are shown in Attachment II.

It is anticipated that Texas Education Agency (TEA) staff will present proposed changes to 19 TAC Chapter 245 for discussion and action at a future meeting to clarify the rules and incorporate current SBEC policy and procedures. The TEA staff will be collecting stakeholder feedback prior to presenting proposed rule changes to the SBEC.

**RULE REVIEW:** The notice of proposed review of 19 TAC Chapter 245, Certification of Educators from Other Countries, was filed with the *Texas Register* following the March 2017 SBEC meeting. If authorized by the SBEC, the notice of adopted review will be filed with the *Texas Register* following the June 2017 meeting. The notice of adopted review will state that the SBEC finds that the reasons for adopting 19 TAC Chapter 245 continue to exist. Any comments received during the review of 19 TAC Chapter 245 will also be addressed.

The filing of the notice of adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.



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

**Attachments:** I. Statutory Citations  
II. Text of 19 TAC Chapter 245, Certification of Educators from Other Countries

**ATTACHMENT I**

**Statutory Citations Relating to Review of 19 TAC Chapter 245,  
Certification of Educators from Other Countries**

**Rule Review**

**Texas Government Code, §2001.039, Agency Review of Existing Rules:**



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



Creditable Years of Service) and the TEC, §5.001(2), in the specific student services or administrative area sought.

- (c) An applicant issued a one-year certificate under §232.1 of this title (relating to Types of Certificates) 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, examination requirements are not met during the validity period of the one-year certificate, the educator may request an extension of the one-year certificate, not to exceed one calendar year in length.
- (d) An applicant issued a one-year certificate under subsection (c) of this section who, during or subsequent to the validity of the one-year certificate, satisfies the appropriate examination requirements and establishes



- (c) Pursuant to §245.5(a) of the 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 N, of this title.

*Source: The provisions of this §245.10 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 9, 2002, 27 TexReg 4701; amended to be effective June 23, 2010, 35 TexReg 5195.*

**§245.15. 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.

*Source: The provisions of this §245.15 adopted to be effective February 3, 2000, 25 TexReg 572; amended to be effective June 23, 2010, 35 TexReg 5195.*