

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§227.1, 227.5, 227.10, and 227.103, concerning provisions for educator preparation candidates. The proposed amendments would make conforming changes to the Chapter 227 rules given proposed updates to Chapter 228, Requirements for Educator Preparation Programs, and Chapter 230, Professional Educator Preparation and Certification. The proposed changes would also update the Pre-Admission Content Test (PACT) figure to include the proposed new certificates and aligned PACT exams as well as proposed cut scores.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters establish requirements for admission into an educator preparation program (EPP) and preliminary evaluation of certification eligibility.

These requirements ensure that EPPs attract and admit applicants who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of Texas.

The following is a description of the proposed amendments to 19 TAC Chapter 227. The proposed amendments would update rule references based on the proposed revisions to 19 TAC Chapter 228 and would update the PACT figure to include the new certificate names and aligned PACT names and associated passing standards based on the proposed revisions to 19 TAC Chapter 230.

#### Subchapter A. Admission to Educator Preparation Programs

##### *Proposed Amendment to 19 TAC §227.1. General Provisions*

The proposed amendment to 19 TAC §227.1(c)(3) would update the statutory reference from Texas Education Code (TEC), §21.044(e)(3), to TEC, §21.044(g), to conform with updates to statute.

##### *Proposed Amendment to 19 TAC §227.5. Definitions*

The proposed amendment to the definition for alternative certification program in 19 TAC §227.5(2) would update the reference from 19 TAC §228.20(a) to proposed new 19 TAC §228.25, Governance of Educator Preparation Programs. The proposed amendment to the definition for clinical teaching in 19 TAC §227.5(7) would update the reference from 19 TAC §228.35 to proposed new 19 TAC §228.67, Clinical Teaching. The proposed amendment to the definition for content pedagogy examinations in 19 TAC §227.5(9) would change "examinations" to "examination" to mirror use of the singular term in the definition for content certification examination in 19 TAC §227.5(8).

##### *Proposed Amendment to 19 TAC §227.10. Admission Criteria*

The proposed amendment to 19 TAC §227.10(a)(1) would update the language from "an undergraduate university program" to "a university undergraduate or post-baccalaureate program" to align with the exit policy in proposed new 19 TAC §228.31(b), Minimum Educator Preparation Program Obligations to All Candidates.

The proposed amendment to 19 TAC §227.10(g) would update the reference from 19 TAC §228.35(i)(2) to proposed new 19 TAC §228.45(b), Coursework and Training Requirements for Early Childhood-Grade 3. The proposed amendment would also expand the list of certificates, from 17 to 22, that a certified educator may hold to enroll in an EPP and complete the course of instruction that qualifies him or her to pursue the early childhood certification, including five proposed new Core: Early Childhood-Grade 6 certificates, which are proposed updates to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates.

##### *Proposed Amendment to 19 TAC §227.10(a)(4)(C)*

##### *Update to Figure for Pre-Admission Content Test Requirements*

The proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would provide two technical edits, including moving the certificate Early Childhood: Prekindergarten-Grade 3 from Core Subjects to Early Childhood and removing the section header language for "Certification category (continued)" throughout to align with proposed updates to Figure: 19 TAC §230.21(e).

The proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would remove the certificates Core Subjects Early Childhood-Grade 6, Core Subjects Grades 4-8, English Language Arts and Reading Grades 4-8, and English Language Arts and Reading/Social Studies Grades 4-8 to align with proposed updates to Figure: 19 TAC §230.21(e).

The proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would adjust the passing standard for 790 Texas PACT Core Subjects 4-8 from 94 out of 160 selected response items to 82 out of 128 selected response items, based on updated standard setting committee recommendations.

The proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would also add the certificates for Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6, Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6, Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6, Core/English as a Second Language with the Science of Teaching Reading: Early Childhood-Grade 6, and Special Education Specialist: Early Childhood-Grade 12 to align with proposed updates to Figure: 19 TAC §230.21(e), including the proposed PACT and associated passing standard.

Finally, the proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would add a new certification category and PACT for Tamil: Early Childhood-Grade 12, in alignment with proposed updates to Figure: 19 TAC §230.21(e). The proposed amendment would also clarify that a passing standard for Tamil: Early Childhood-Grade 12 would be established in the future, in alignment with the launch of the certificate and associated exam in September 2025, which would be codified in future rulemaking.

#### Subchapter B. Preliminary Evaluation of Certification Eligibility

##### *Proposed Amendment to 19 TAC §227.103. Application*

The proposed amendment to 19 TAC §227.103(a) would update the section to mirror language used in 19 TAC §227.107(a) to reference the schedule of fees for certification services.

**FISCAL IMPACT:** Emily Garcia, associate commissioner for educator preparation, certification, and enforcement has determined that for the first five years the proposal is in effect, 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:** 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:** 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:** 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:** 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:** Texas Education Agency (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, it 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:** Ms. Garcia has determined that for the first five years that the rule will be in effect that the public benefit anticipated as a result of the proposal would be supporting EPPs in ensuring

that educator candidates have the appropriate content knowledge in the subject they intend to teach upon admission to the program. TEA staff has determined there is no anticipated cost to persons required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no new data and reporting impact.

**ENVIRONMENTAL IMPACT STATEMENT:** The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA staff has determined that 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 begins March 15, 2024, and ends April 15, 2024. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/SBEC\\_Rules\\_\(TAC\)/Proposed\\_State\\_Board\\_for\\_Educator\\_Certification\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). The SBEC will take registered oral and written comments on the proposal during the April 26, 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

**STATUTORY AUTHORITY.** The amendments are proposed under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(4), which specifies the requirements for the issuance and renewal of an educator certificate; TEC, §21.044(a), which requires SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each educator preparation program (EPP) to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC, §21.0441, which requires SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0489(c), which requires SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; and TEC, §21.050(a), which requires 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; and Texas Occupations Code (TOC), §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules regarding the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

**CROSS REFERENCE TO STATUTE.** The amendments implement Texas Education Code, §§21.031; 21.041(b)(1) and (4); 21.044(a) and (g)(2) and (3); 21.0441; 21.0489(c); 21.049(a); and 21.050(a); and Texas Occupations Code, §§53.151, 53.152, and 53.153.

<rule>

### **§227.1. General Provisions.**

- (a) It is the responsibility of the education profession as a whole to attract applicants and to retain educators who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) Educator preparation programs (EPPs) shall inform all applicants that:
  - (1) pursuant to the Texas Education Code (TEC), §22.083, candidates must undergo a criminal history background check prior to employment as an educator; and
  - (2) pursuant to the TEC, §22.0835, candidates must undergo a criminal history background check prior to clinical teaching.
- (c) EPPs shall inform all applicants, in writing, of the following:
  - (1) the admission requirements as specified in this chapter;
  - (2) the requirements for program completion as specified in Chapter 228 of this title (relating to Requirements for Educator Preparation Programs); and
  - (3) in accordance with TEC, §21.044(g): [~~§21.044(e)(3)~~]:
    - (A) the effect of supply and demand forces on the educator workforce in this state; and
    - (B) the performance over time of the EPP for the past five years.
- (d) EPPs shall notify, in writing by mail, personal delivery, facsimile, email, or an electronic notification, each applicant to and enrollee in the EPP of the following regardless of whether the applicant or enrollee has been convicted of an offense:
  - (1) the potential ineligibility of an individual who has been convicted of an offense for issuance of a certificate on completion of the EPP;
  - (2) the current State Board for Educator Certification (SBEC) rules prescribed in §249.16 of this title (relating to Eligibility of Persons with Criminal History for a Certificate under Texas Occupations Code, Chapter 53, and Texas Education Code, Chapter 21); and
  - (3) the right to request a criminal history evaluation letter as provided in Chapter 227, Subchapter B, of this title (relating to Preliminary Evaluation of Certification Eligibility).
- (e) If the SBEC determines that an EPP has failed to provide the notice required by subsection (d) of this section to an individual entitled to receive the notice and that the individual's application for a certificate for which the EPP prepares the individual was denied because the individual has been convicted of an offense prior to the EPP providing notice, the SBEC shall order the EPP to:
  - (1) refund the amount of any tuition paid by the individual to the EPP; and
  - (2) pay to the individual an amount equal to the total of the following, as applicable:
    - (A) the amount of any application fees paid by the individual to the SBEC; and
    - (B) the amount of any examination fees paid by the individual to the SBEC and/or to a provider of examinations required for certification. An EPP is not liable for examination fees if the examination was not required to be passed to meet the admission requirements of the EPP and/or the EPP did not provide test approval for the examination.
- (f) If the governor of Texas declares a state of disaster consistent with the Texas Government Code, §418.014, Texas Education Agency staff may extend deadlines in this chapter for up to 90 days as necessary to accommodate persons in the affected disaster areas.

### **§227.5. Definitions.**

The following words and terms, when used in this chapter, 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) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.25 of this title (relating to Governance of Educator Preparation Programs), [~~§228.20(a) of this title (relating to Governance of Educator Preparation Programs)~~], specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's degree from an accredited institution of higher education.
- (3) Applicant--An individual seeking admission to an educator preparation program for any class of certificate.
- (4) Candidate--An individual who has been formally or contingently admitted to an educator preparation program; also referred to as an enrollee or participant.
- (5) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (6) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories.
- (7) Clinical teaching--An assignment, as described in §228.67 of this title (relating to Clinical Teaching). [~~§228.35 of this title (relating to Preparation Program Coursework and/or Training)~~].
- (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 examination [~~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) Contingency admission--Conditional admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria) except graduation and degree conferred from an accredited institution of higher education.
- (11) Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more classes of certificates.
- (12) Formal admission--Admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria).
- (13) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.
- (14) Post-baccalaureate program--An educator preparation program, delivered by an accredited institution of higher education and approved by the State Board for Educator Certification to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree from an accredited institution of higher education and are seeking an additional degree.
- (15) Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited institution of higher education.
- (16) Undergraduate degree--A bachelor's degree earned from and conferred by an accredited institution of higher education.

### §227.10. Admission Criteria.

- (a) The educator preparation program (EPP) delivering educator preparation shall require the following minimum criteria of all applicants seeking initial certification in any class of certificate, unless specified otherwise, prior to admission to the program.
- (1) For a university undergraduate or post-baccalaureate program, [~~an undergraduate university program,~~] an applicant shall be enrolled in an accredited institution of higher education (IHE).
  - (2) For an alternative certification program or post-baccalaureate program, an applicant shall have, at a minimum, a bachelor's degree earned from and conferred by an accredited IHE.
  - (3) For an undergraduate university program, alternative certification program, or post-baccalaureate program, to be eligible for admission into an EPP, an applicant shall have a grade point average (GPA) of at least 2.5 before admission.
    - (A) The GPA shall be calculated from an official transcript as follows:
      - (i) 2.5 on all coursework previously attempted by the person at an accredited IHE:
        - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or
        - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred (alternative certification program formal admission or post-baccalaureate program formal admission); or
      - (ii) 2.5 in the last 60 semester credit hours on all coursework previously attempted by the person at an accredited IHE:
        - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission). If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall use grades from all coursework previously attempted by a person at the most recent accredited institution(s) of higher education, starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or
        - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE (alternative certification program formal admission or post-baccalaureate program formal admission).
    - (B) In accordance with the Texas Education Code, (TEC), §21.0441(b), an exception to the minimum GPA requirement may be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any incoming class of candidates. An applicant is eligible for this exception if:
      - (i) documentation and certification from the program director that an applicant's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement; and
      - (ii) in accordance with the TEC, §21.0441(a)(2)(B), an applicant must pass an appropriate content certification examination as specified in paragraph (4)(C) of this subsection for each subject in which the applicant seeks certification prior to admission. In accordance with the TEC, §21.0441(b), applicants who do not

meet the minimum GPA requirement and have previously been admitted into an EPP may request permission to register for an appropriate content certification examination if the applicant is not seeking admission to the same EPP that previously granted test approval for a certification examination in the same certification class.

- (C) An applicant who is seeking a career and technical education (CTE) certificate that does not require a degree from an accredited IHE is exempt from the minimum GPA requirement.
  - (D) An applicant who does not meet the minimum GPA requirement and is seeking certification in a class other than classroom teacher must perform at or above a score equivalent to a 2.5 GPA on the Verbal Reasoning, Quantitative Reasoning, and Analytic Writing sections of the GRE® (Graduate Record Examinations) revised General Test. The State Board for Educator Certification will use equivalency scores established by the Educational Testing Service, and the Texas Education Agency (TEA) will publish those equivalency scores annually on the TEA website.
- (4) For an applicant who will be seeking an initial certificate in the classroom teacher class of certificate, the applicant shall have successfully completed, prior to admission, at least:
- (A) a minimum of 12 semester credit hours in the subject-specific content area for the certification sought, unless certification sought is for mathematics or science at or above Grade 7; or
  - (B) 15 semester credit hours in the subject-specific content area for the certification sought if the certification sought is for mathematics or science at or above Grade 7; or
  - (C) a passing score on the appropriate content certification examination as specified in the figure provided in this subparagraph.
- Figure: 19 TAC §227.10(a)(4)(C) [~~Figure: 19 TAC §227.10(a)(4)(C)~~]
- (5) For an applicant who will be seeking an initial certificate in a class other than classroom teacher, the applicant shall meet the minimum requirements for admission described in Chapter 239 of this title (relating to Student Services Certificates); Chapter 241 of this title (relating to Certification as Principal [~~Certificate~~]); and Chapter 242 of this title (relating to Superintendent Certificate). If an applicant has not met the minimum certification, degree, and/or experience requirement(s) for issuance of a standard certificate prior to admission, the EPP shall inform the applicant in writing of any deficiency prior to admission.
- (6) An applicant must demonstrate basic skills in reading, written communication, and mathematics by meeting the requirements of the Texas Success Initiative under the rules established by the Texas Higher Education Coordinating Board (THECB) in Part 1, Chapter 4, Subchapter C, of this title (relating to Texas Success Initiative), including one of the requirements established by §4.54 of this title (relating to Exemptions, Exceptions, and Waivers).
- (7) An applicant must demonstrate the English language proficiency skills as specified in §230.11 of this title (relating to General Requirements).
- (A) An applicant for CTE certification that does not require a bachelor's degree from an accredited IHE may satisfy the English language proficiency requirement with an associate's degree or high school diploma or the equivalent that was earned at an accredited IHE or an accredited high school in the United States.
  - (B) An applicant to a university undergraduate program that leads to a bachelor's degree may satisfy the English language proficiency requirement by meeting the English language proficiency requirement of the accredited IHE at which the applicant is enrolled.
- (8) An applicant must submit an application and participate in either an interview or other screening instrument to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought.

- (9) An applicant must fulfill any other academic criteria for admission that are published and applied consistently to all EPP applicants.
- (b) An EPP may adopt admission requirements in addition to and not in conflict with those required in this section.
- (c) An EPP may not admit an applicant who:
- (1) has been reported as completing all EPP requirements by another EPP in the same certification category or class, unless the applicant only needs certification examination approval; or
  - (2) has been employed for three years in a public school under a permit, intern, or probationary certificate as specified in Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), unless the applicant is seeking clinical teaching that may lead to the issuance of an initial standard certificate.
- (d) An EPP may admit an applicant for CTE certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (e) An EPP may admit an applicant for the Trade and Industrial Workforce Training: Grades 6-12 certification who has met the following requirements:
- (1) has been issued a high school diploma or a postsecondary credential, certificate, or degree;
  - (2) has seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered;
  - (3) holds with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement; and
  - (4) within the period described by paragraph (2) of this subsection, has not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.
- (f) An EPP may admit an applicant who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries). An EPP at an entity that is accredited by an accrediting organization recognized by the THECB may use its own foreign credential evaluation service to meet the requirement described in §245.10(a)(2) of this title (relating to Application Procedures), if the entity is in good standing with its accrediting organization.
- (g) An applicant is eligible to enroll in an EPP for the purpose of completing the course of instruction, defined in §228.45(b) [~~§228.35(i)(2)~~] of this title (relating to Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification [~~Preparation Program Coursework and/or Training~~], that is required for the issuance of an Early Childhood: Prekindergarten-Grade 3 certificate if the individual holds a valid standard, provisional, or one-year certificate specified in §230.31 of this title (relating to Types of Certificates) in one of the following certificate categories:
- (1) Bilingual Generalist: Early Childhood-Grade 4;
  - (2) Bilingual Generalist: Early Childhood-Grade 6;
  - (3) Core Subjects: Early Childhood-Grade 6;
  - (4) Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6;
  - (5) Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6;
  - (6) Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6;



- (7) Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6;
- (8) Core with the Science of Teaching Reading: Early Childhood-Grade 6;
- (9) ~~(4)~~ Early Childhood Education;
- (10) ~~(5)~~ Elementary--General;
- (11) ~~(6)~~ Elementary--General (Grades 1-6);
- (12) ~~(7)~~ Elementary--General (Grades 1-8);
- (13) ~~(8)~~ Elementary Early Childhood Education (Prekindergarten-Grade 6);
- (14) ~~(9)~~ Elementary Self-Contained (Grades 1-8);
- (15) ~~(10)~~ English as a Second Language Generalist: Early Childhood-Grade 4;
- (16) ~~(11)~~ English as a Second Language Generalist: Early Childhood-Grade 6;
- (17) ~~(12)~~ Generalist: Early Childhood-Grade 4;
- (18) ~~(13)~~ Generalist: Early Childhood-Grade 6;
- (19) ~~(14)~~ Kindergarten;
- (20) ~~(15)~~ Prekindergarten-Grade 5--General;
- (21) ~~(16)~~ Prekindergarten-Grade 6--General; or
- (22) ~~(17)~~ Teacher of Young Children--General.

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STATUTORY AUTHORITY. The amendment is proposed under Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Occupations Code, §53.105.

<rule>

### **§227.103. Application.**

- (a) A request for preliminary criminal history evaluation must be preceded by payment of the required criminal history evaluation fee specified in §230.101 of this title (relating to Schedule of Fees for Certification Services). [~~§230.101(a)(19) of this title (relating to Schedule of Fees for Certification Services).~~]
- (b) A request for preliminary criminal history evaluation must include the following:
  - (1) a signed and dated application, in the form provided on the Texas Education Agency (TEA) website, containing contact information and the date and description of each offense requested to be evaluated;
  - (2) an attached statement of the circumstances upon which the arrest is based and the disposition relating to each offense to be evaluated;
  - (3) court documentation relating to each offense, including, at a minimum, the formal disposition of the offense(s) and related charge(s) (e.g., Judgment, Order of Probation, Sentence, Deferred Adjudication Order, etc.); and
  - (4) a copy of the receipt for the request for preliminary criminal history evaluation fee.
- (c) All required documents and information specified in subsection (b) of this section must be provided with the request for preliminary criminal history evaluation. Any documents or information not provided in the original request will not be considered reasonably available.
- (d) The preliminary criminal history evaluation will be based solely on the application and court or law enforcement documents provided. Any information not provided by the requestor shall be considered not reasonably available at the time of the request and may be considered at the time the requestor subsequently applies for a certificate issued by the State Board for Educator Certification. Additional documentation that should be provided, if possible, includes the following:
  - (1) the formal charge(s) (e.g., indictment, information, or complaint);
  - (2) evidence that the condition(s) of the court have been met (e.g., completion of probation, receipt for restitution, etc.); and
  - (3) any available law enforcement report(s) describing the offense or the investigation of the offense.
- (e) The application, the statement of circumstances, the required court documentation, and a copy of the receipt for the request for preliminary criminal history evaluation fee must be submitted to the TEA division responsible for educator investigations by United States certified mail, return receipt requested, to the address provided on the application or by facsimile to the facsimile number provided on the application.
- (f) A request for preliminary criminal history evaluation is incomplete unless it includes a copy of the receipt for the request for preliminary criminal history evaluation fee, a completed application, a statement of circumstances, and the required court documentation. The TEA staff will take no action on a request that is incomplete.
- (g) All documents submitted in connection with a request for preliminary criminal history evaluation, whether complete or incomplete, will not be returned to the requestor. All documents will be retained or destroyed by the TEA in accordance with the TEA records retention schedule.