

Item 9:**Consideration of Petitions 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 two petitions for rulemaking regarding 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements, filed pursuant to Texas Government Code, §2001.021. The petitioners request an amendment to 19 TAC §230.11(b)(5)(B) and (C), General Requirements, to establish one minimum passing score for all four sections of the Test of English as a Foreign Language-Internet Based Test (TOEFL iBT) and to add another country to the list of countries approved by the SBEC to satisfy the English language proficiency requirement.

STATUTORY AUTHORITY: Texas Government Code, §2001.021, and Texas Education Code, §§21.003(a), 21.031, and 21.041(b)(2), (4), and (5). Texas Administrative Code, §250.20.

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 §230.11(b)(5)(B) effective October 17, 2017, establishing separate passing scores on each of the four sections of the TOEFL iBT exam. The SBEC approved changes to §230.11(b)(5)(C) effective March 3, 2022, to update the list of countries from which candidates are not required to demonstrate English language proficiency for admission into a Texas educator preparation program (EPP).

BACKGROUND INFORMATION AND JUSTIFICATION: Under SBEC rule 19 TAC §230.11(b)(5), any applicant for a Texas educator certificate must "be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication and teaching." For a candidate who earned his or her degree(s) outside of the United States at an institution of higher education in a country where the primary language of instruction is not English, the candidate must achieve a satisfactory score on an English language proficiency examination approved by the SBEC to satisfy this requirement.

Two petitions have been submitted requesting the SBEC adopt changes to 19 TAC §230.11(b)(5). One petition requests a change to the scale scores on the TOEFL iBT, and the other asks for the addition of Uganda to the countries from which candidates are not required to demonstrate English language proficiency for admission into a Texas EPP.

In accordance with the Texas Government Code, §2001.021, the SBEC may either:

1. Deny one or both of the petitions, or
2. Direct the TEA staff to initiate rulemaking proceedings.

Petition 1: TOEFL iBT Cut Scores

At the August 2017 SBEC meeting, the Board adopted changes to §230.11(b)(5)(B), included in Attachment I, by approving separate minimum passing scores on each of the four sections of the TOEFL iBT exam, as recommended by the SBEC-approved standards-setting advisory committee. The adopted scale scores are: 24 for speaking, 22 for listening, 22 for reading, and 21 for writing.

A member of the public has submitted a petition to the SBEC, included in Attachment III, requesting that the Board adopt a minimum score of 20 for the speaking, listening, reading, and writing portions of the TOEFL iBT. The petitioner states that every college in Texas requires a minimum total score of 79 and referenced the TOEFL requirement for graduate admission at The University of Texas at Austin as an example. The petitioner also stated that the rule contradicts itself in that someone could graduate from a US college by being admitted with a 79-admission score, while a candidate from a foreign college is required to have a score of 89. The petitioner expressed interest in ensuring a reasonable TOEFL score and the removing of roadblocks in education without lowering high expectations.

TEA staff recommends that the SBEC to reject the petition because:

- 1) TEA staff followed SBEC's directive in 2016 to engage in stakeholder feedback regarding the English language proficiency requirement, and later convened a standard setting committee to recommend the minimum passing scores on all four sections of the TOEFL iBT, currently reflected in rule.
- 2) A structured, principled process, known as standard setting, is the best method used to determine the English proficiency level needed for an educator to use English easily and readily in daily communication and instruction and to determine passing standards on all Texas certification tests.
- 3) Scores set arbitrarily or based on graduate admission requirements could be too high or too low and would not address the English needs of classroom instruction and learning. Setting a passing score requirement based solely on one petitioner's recommendation does not reflect industry best practices for establishing minimum requirements.

Petition 2: Adding Uganda to Exempt Countries

At the August 2017 SBEC meeting, the Board adopted changes to 19 TAC Chapter §230.11(b)(5)(C), included in Attachment II, to remove the provision that required candidates to demonstrate English language proficiency by providing evidence that the primary language of instruction at an institution of higher education that the candidate attended outside of the United States was English. At the same time, the SBEC adopted a list of countries in which English is the official language and allowed candidates from these countries to be exempt from the requirement to take the TOEFL iBT. The SBEC derived its list of English-speaking countries from the lists that the colleges and universities of the University of Texas and Texas A&M University systems use to determine exemptions from English language proficiency requirements for student admissions.

At the December 2021 SBEC meeting, the Board adopted changes to 19 TAC Chapter §230.11(b)(5)(C) to update the list of qualifying countries to include new additions to the lists

used by the colleges and universities of the University of Texas and Texas A&M University systems.

A member of the public has submitted a petition to the SBEC, included in Attachment IV, requesting that the SBEC approve the country of Uganda to be among the countries in 19 TAC §230.11(b)(5)(C). The petitioner stated the rule action is necessary because the official language of Uganda is English. TEA staff have found online information that states English and Swahili are both official languages of Uganda.

TEA staff recommends that the SBEC to reject the petition because:

- 1) TEA staff most recently proposed rule updates adopted by the Board that became effective in March 2022 to expand the list to a total of 32 countries approved by the SBEC to satisfy English language proficiency requirements. There are no countries currently on the list that do not appear on the list for either UT Austin or Texas A&M.
- 2) Uganda does not appear on either of the university systems' approved list of countries, and at this time, TEA staff would not recommend the addition of Uganda to the list of countries approved by the SBEC to exempt an individual from the English language proficiency requirement.
- 3) TEA staff continues to proactively monitor the university systems' websites to determine if updates are needed to SBEC's list of approved countries.

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 September 30, 2022, meeting.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Deny the petitions 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 adopted the minimum scale scores on each of the sections included in the TOEFL iBT based on standards advisory committee recommendations and because Uganda does not appear on either of the university systems' approved list of countries, at this time.

Staff Members Responsible:

Marilyn Cook, Director, Educator Certification

Kelly Padilla, License and Permit Specialist, Educator Certification

Attachments:

- I. Text of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements
- II. Text of Proposed Figure: 19 TAC §230.11(b)(5)(C)
- III. Petition to Amend 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements
- IV. Petition to Amend 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements

ATTACHMENT I
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; or
 - (B) verification of minimum scaled scores on the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) of 24 for speaking, 22 for listening, 22 for reading, and 21 for writing; or
 - (C) if an undergraduate or graduate degree was earned at an institution of higher education in a country outside of the United States listed in the figure provided in this subparagraph.
Figure: 19 TAC §230.11(b)(5)(C)
 - (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).

§230.13. Standard Certificate Requirements.

- (a) Initial standard classroom teacher certificates that are not based on experience and preparation in a skill area shall require:
 - (1) a bachelor's degree from an accredited institution of higher education;
 - (2) completion of and recommendation by an approved educator preparation program (EPP) by the application and issuance deadlines for the certificate; and
 - (3) submission of passing scores on comprehensive examinations prescribed by the State Board for Educator Certification (SBEC) as specified in §230.21 of this title (relating to Educator Assessment).
- (b) Standard career and technical education certificates based on experience and preparation in a skill area shall require:
 - (1) a bachelor's degree from an accredited institution of higher education. In the case of the trade and industrial education certificates, experience may be substituted for a bachelor's degree;
 - (2) preparation, experience, and/or licensure, certification, or registration in a skill area as described in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area));
 - (3) completion of and recommendation by an approved EPP by the application and issuance deadlines for the certificate; and
 - (4) submission of passing scores on comprehensive examinations prescribed by the SBEC as specified in §230.21 of this title.

ATTACHMENT II**Figure: 19 TAC §230.11(b)(5)(C)****Countries in which English is the Official Language**

The countries listed below have been approved by the State Board for Educator Certification (SBEC) to satisfy the English language proficiency requirement specified in 19 TAC §230.11(b)(5)(C). To be exempted from the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) testing requirement specified in 19 TAC §230.11(b)(5)(B), a certification candidate must have earned an undergraduate or graduate degree from an institution of higher education on the SBEC-approved list of countries.

American Samoa	Grand Cayman
Anguilla	Grenada
Antigua and Barbuda	Guyana
Australia	India
Bahamas	Ireland
Barbados	Jamaica
Belize	Liberia
Bermuda	New Zealand
British Virgin Islands	Nigeria
Canada (except Quebec)	Saint Kitts and Nevis
Cayman Islands	Saint Lucia
Dominica	Singapore
Federated States of Micronesia	Trinidad/Tobago
Gambia	Turks and Caicos Islands
Ghana	United Kingdom
Gibraltar	U.S. Pacific Trust

ATTACHMENT III



Monday, July 25, 2022

**State Board for Educator Certification Petition
for Adoption of a Rule**

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.

The petition should be signed and submitted:

- *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 sbecrules@tea.texas.gov.*

Your Name Ebubekir Orsun

Affiliation/Organization (if applicable): Harmony Public Schools

Email Address: [REDACTED]

Phone Number (409) 466-7088

Date Monday, July 25, 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

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

Title 19 TAC Chapter 230 Subchapter B: verification of minimum scaled scores on the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) of 20 for speaking, 20 for listening, 20 for reading, and 20 for writing; or

Statutory authority for the proposed rule action:

State Board of Education Members

Why is this rule action necessary or desirable?

Dear SBEC,

I'm a Turkish-American citizen who holds both Bachelor's and Master's in Industrial Engineering (University of Houston MIE in 2008). I had become a Math teacher in October 2006 at Harmony Public Schools in Houston. With my passion, I earned my teaching license from Oklahoma in 2009 and reciprocated to Texas in 2010. With no prior experience in Education but with hard work, I passed both OPTE in Oklahoma - PPR 068 in Texas because teaching is my passion and I love working with students... Then, I earned my Master's in Educational Administration at UT-Tyler and received my principal license 2011. I finished my Doctorate in Educational Leadership at Lamar University and received my superintendent license in 2020. Currently, I hold teaching licenses from Oklahoma, Mississippi, New Mexico and Texas. For your reference, I attached my resume and you can easily locate my 6 licenses on SBEC LOOKUP tool.

As a product of the Texas Higher Education system, the reason I wanted to reach out to is for a reason on Texas Teaching Certification Requirements for out of state- out of country applicants. I currently work as an Asst. Area Superintendent in El Paso and TEXAS is suffering from finding qualified candidates after the pandemic. Without lowering our high expectations, I propose or request the item to be changed as follows:

1- None of the state agencies require English proficiency when you are certified in any state in the US. Moreover, every college in Texas requires 79 (seventy nine) - TOEFL for graduate admission UT AUSTIN EXAMPLE. Yet, TEA requires 89 (with 24 speaking score) TOEFL. This rule also contradicts itself: someone could graduate from a US college by being admitted with a 79 admission score and another candidate is required 89. It is also unclear why Speaking requires 24 while Writing is 21 as if all teachers have to have a better speaking skill but have a lower skill writing and documentation. Thus, I request out of state certified candidates who could easily reciprocate while ensuring a reasonable TOEFL score. I really urge our amazing SBOE members to take TOEFL and check the score and relevance in the teaching role.

I appreciate your time and feedback as I was referred to file a ruling change on SBEC portal. I had almost 16 years in teaching and educational administration and I wish nothing but the best for Texas and Texas Education. Thus, we, as leaders in education, should remove the roadblocks in education. I appreciate Georgina Perez, our SBOE Member for Region1, for her advocacy of literacy and racial justice and since I also live in El Paso where I can be presenting or advocating my points in any meeting I'm invited.

Petitioner's Signature

Dr. Ebubekir Orsun

ATTACHMENT IV



Monday, August 1, 2022

State Board for Educator Certification Petition for Adoption of a Rule

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.

The petition should be signed and submitted:

- *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 sbecrules@tea.texas.gov.*

Your Name Regina Bulamu

Affiliation/Organization (if applicable): 23167 Johnson rd
Newcaney, Texas, 77357

Email Address: [REDACTED]

Phone Number (281) 515-1199

Date Sunday, July 31, 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

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

My husband Samuel Bulamu, and I Regina Bulamu are submitting this humble official request to the State Board for Educator Certification (SBEC), to approve the country of Uganda to be among the countries that have been approved by the State Board for Educator Certification (SBEC) to satisfy the English language proficiency requirement specified in 19 TAC §230.11(b)(5)(C).

Ref: <https://texreg.sos.state.tx.us/fids/201703915-1.pdf>

Statutory authority for the proposed rule action:

State Board for Educator Certification (SBEC)

Why is this rule action necessary or desirable?

This rule action is necessary, and desirable because the official language of Uganda is English. All of us who studied from Uganda learned the English language all the way from the Pre Kindergarten level up to whatever level we exited our rigorous Ugandan academic "journey". As a matter of fact, students in Uganda used to be placed under physical, or corporal punishments just for speaking, or writing grammatically incorrect English. This happened to us all the way from PreK until we were old enough to join tertiary instructions of higher learning like public universities or colleges. In fact, English is the only language in which all other academic courses like Math, History and Sciences are taught in Uganda.

Additionally, English is the language spoken almost every where in Uganda for example in places of worship, shopping centers, and other places. There is overwhelming evidence, and proof on the internet that shows that the official language of the Republic of Uganda has always been, still is, and will always be English. One good reason for this is because Uganda was an English protectorate.

Finally, due to the reasons we have presented here, we believe that all Texas prospective teachers with Ugandan degrees, especially those from Makerere University (which happens to be one of the top Universities in Africa), are looking forward to being exempted from taking the Test of English as a Foreign Language (TOEFL) before they can be accepted in any Alternative Teacher Certification Program. Again; all because English is the official language in Uganda.

Petitioner's Signature

Samuel A Bulamu and Regina N Bulamu