

Item 9:

Consider and Take Appropriate Action on Proposed Amendment to 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 discuss and propose an amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements, which would specify the Test of English as a Foreign Language internet-Based Test (TOEFL-iBT) and the minimum scaled scores required for each section of the test to demonstrate English language proficiency for a candidate whose degree was earned outside the United States where the primary language of instruction was not English.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 230, Subchapter B, §230.11, is the Texas Education Code (TEC), §§21.003(a), 21.031, and 21.041(b)(1), (4), and (5).

TEC, §21.003(a), states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(5), requires the SBEC to propose rules that specify the requirements for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to TEC, §21.052.

EFFECTIVE DATE: If approved for filing as proposed in June 2017 and if adopted, subject to State Board of Education (SBOE) review, at the August 2017 SBEC meeting, the proposed effective date of the proposed amendment to 19 TAC §230.11 would be October 22, 2017 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: The SBEC approved a scaled score of 26 as the passing standard on the speaking section of the TOEFL-iBT in May 2006. The SBEC last amended 19 TAC §230.11 effective December 27, 2016.

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 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.

Previously, the requirement under 19 TAC §230.413 focused on an applicant's ability to "speak and understand the English language sufficiently to use it easily and readily in conversation and teaching." Therefore, testing focused only on assessing an individual's oral English proficiency. In May 2001, the SBEC approved a passing standard of 50 on the Test of Spoken English (TSE) to meet this requirement. When TOEFL-iBT replaced the prior English proficiency test in 2006, the SBEC approved a passing standard of 26 on the speaking section only, which paralleled the requirements of the prior test. Even though candidates are held accountable for only the speaking section of the examination, they are assessed on all four sections of the TOEFL: speaking, listening, reading, and writing.

The TOEFL-iBT measures the ability of non-native English speakers to use and understand the English language as it is spoken, heard, read, and written in the university classroom. Each section of the test has specific tasks as follows:

- Speaking: Express an opinion on a familiar topic; speak based on reading and listening tasks.
- Listening: Listen to lectures, classroom discussions and conversations, then answer questions.
- Reading: Read three or four passages from academic texts and answer questions.
- Writing: Write essay responses based on reading and listening tasks; support an opinion in writing.

During the test, individuals are asked to perform tasks that combine more than one skill, such as:

- Read, listen, and then speak in response to a question.
- Listen and then speak in response to a question.
- Read, listen, and then write in response to a question.

At the December 2016 SBEC meeting, the SBEC discussed the English language proficiency requirements in rule and the use of the TOEFL-iBT to measure that proficiency. SBEC directed Texas Education Agency (TEA) staff to provide additional information on the TOEFL-iBT, to gather stakeholder feedback, and to bring back recommendations to the SBEC. In particular, the Board directed staff to gather input from stakeholders on:

- 1) using all four sections of the TOEFL-iBT in determining English language proficiency;
- 2) cut score recommendations on each section and/or an overall score; and
- 3) which candidates should be required to take the exam.

A stakeholder committee was convened via webinar on February 23, 2017. Attachment III is a list of the committee members, which consisted of participants nominated by SBEC members. The committee's feedback was shared with the SBEC at the March 3, 2017 SBEC meeting. While the committee was not unanimous in recommending that only a total score or that minimum section scores on all parts of the TOEFL-iBT be used, the committee agreed that using only the speaking section did not provide an accurate picture of a candidate's English language proficiency and did not align with 19 TAC §230.11(b)(5), which specifies that an 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. The committee was unanimous in recommending that the next step would be to conduct a standard-setting study to determine the appropriate minimum scaled scores on the TOEFL-iBT that a candidate must attain to demonstrate English language proficiency.

A standard-setting committee on the TOEFL-iBT met on May 12-13, 2017. The committee, as reflected in Attachment IV, consisted of some of the members of the February 23 stakeholder committee, along with additional experts in the field. The proposed amendment to 19 TAC §230.11, shown in Attachment II, reflects input received from the SBEC and the standard-setting committee.

Subchapter B, General Certification Requirements

The purpose of 19 TAC Chapter 230, Subchapter B, General Certification Requirements, is to outline general certification requirements applicable to all individuals regardless of route taken to obtain Texas certification.

Language in 19 TAC §230.11(b)(5)(C) would be amended to clarify that minimum scaled scores on the TOEFL-iBT would be used to satisfy English language proficiency requirements for a candidate who earned his or her degree outside the United States where the primary language of instruction was not English. These specific scaled score requirements would replace the current use of a score of at least 26 on only the writing section of the TOEFL-iBT. The recommended scaled scores would reflect the minimally acceptable English language proficiency skills in speaking, listening, reading, and writing for an educator certificate applicant whose degree was earned outside the United States where English was not the primary language of instruction.

An applicant would be required to earn the minimum score in all four sections (speaking, listening, reading, and writing) because all these English language proficiency skills are needed for an educator to use English readily and easily in communication and teaching. An applicant would be allowed to retake the TOEFL-iBT to cumulatively achieve the required minimum scores on all sections of the test (i.e., test results from prior administrations that meet one or more of the requirements would count and not have to be retaken).

The following chart indicates the recommended scores from the standard-setting committee. Representatives from TEA and Educational Testing Service attended the meetings and agree that the recommended passing standards are reasonable.

Speaking	Listening	Reading	Writing
24	25	25	21

The above recommended minimum TOEFL-iBT scaled scores, specified in the proposed amendment to 19 TAC §230.11(b)(5)(C), would provide clarity to candidates and educator preparation programs on the required scores and would ensure that candidates demonstrate the English language proficiency skills needed to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication and teaching as specified in rule.

FISCAL IMPACT: The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to persons or entities required to comply with the proposed rule action. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required. There is no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed amendment to 19 TAC §230.11(b)(5)(C) would be to ensure that educator certificate applicants demonstrate the level of English language proficiency needed to instruct and support all learners and to communicate effectively with parents, colleagues, and other stakeholders upon certification.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed amendment would have no additional procedural and reporting requirements.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed amendment would have no additional locally maintained paperwork requirements.

PUBLIC COMMENTS: The public comment period on the proposal begins June 30, 2017, and ends July 31, 2017. The SBEC will take registered oral and written comments on this item at the August 4, 2017 meeting in accordance with the SBEC board operating policies and procedures.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

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

Approve the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements, to be published as proposed in the *Texas Register*.

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 Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements
 - III. February 23, 2017 TOEFL-iBT Stakeholder Committee Member List
 - IV. May 12-13, 2017 TOEFL-iBT Standard-Setting Committee Member List

ATTACHMENT I**Statutory Citations Related to Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements****Texas Education Code, §21.003, Certification Required (excerpt):**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

Texas Education Code, §21.031, Purpose:

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
- (b) In proposing rules under this subchapter, the board 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.

Texas Education Code, §21.041. Rules; Fees (excerpts):

- (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;
 - (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;

ATTACHMENT II
Text of Proposed Amendment to 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 minimum scaled [satisfactory] scores on the Test of English as a Foreign Language internet-Based Test (TOEFL-iBT) [an English language proficiency examination(s) approved by the State Board for Educator Certification (SBEC)] of 24 for speaking, 25 for listening, 25 for reading, and 21 for writing;
 - (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).

ATTACHMENT III**February 23, 2017 TOEFL-iBT Stakeholder Committee Member List**

Name	Title	Affiliation
Sharon Fikes	Executive Director	Education Career Alternative Program (ECAP)
Maria (Liliana) Hernandez	Director	Bilingual Educators.com
Dr. John Jauregi	Director, Educator Preparation & Accountability	University of Texas-Rio Grande Valley
Dr. Jennifer Brock	Director, Reading/Language Arts/Social Studies Solutions	Region 4 Education Service Center
Dr. Rae Queen	Program Director	ACT San Antonio
Magda Grape	Executive Director, Bilingual/ESL Programs	Grand Prairie ISD
Norma Castillo	Director of Talent Acquisition & Development	Harlingen CISD
Rafael Alba Cascales (degree from Spain)	Dual Language Teacher Certifications: Core Subjects EC-6, Bilingual Education Supplemental-Spanish EC-12, Computer Science 8-12, Languages Other Than English – Spanish EC-12	Austin ISD
Maria Rodriguez-Martinez (degree from Spain)	Teacher Certifications: Core Subjects EC-6, Bilingual Education Supplemental-Spanish EC-6	Tyler ISD
Maria Fernandez Martin (degree from Spain)	Teacher Certification: Generalist EC-6, Bilingual Education Supplemental-Spanish EC-6	Dallas ISD
Ingyrd Soto (degree from Columbia)	Teacher Certifications: Core Subjects EC-6, Languages Other Than English - Spanish EC-12; English as a Second Language Supplemental EC-12, English Language Arts and Reading 7-12, Bilingual Education Supplemental-Spanish EC-12	Dallas ISD
Christie Volmer	Chief Human Resources Officer	Hereford ISD
Cara Schwartz	Executive Director, Special Education & Federal Programs	Georgetown ISD

ATTACHMENT IV**May 12-13, 2017 TOEFL-iBT Standard-Setting Committee Member List**

Name	Title	Affiliation
Rafael Alba Cascales* (degree from Spain)	Dual Language Teacher Certifications: Core Subjects EC-6, Bilingual Education Supplemental- Spanish EC-12, Computer Science 8-12, Languages Other Than English – Spanish EC-12	Austin ISD
Dr. Gregory Bonewald	Executive Director of Human Resources	Victoria ISD
Dr. Jennifer Brock*	Director, Reading/Language Arts/Social Studies Solutions	Region 4 Education Service Center
Norma Castillo*	Director of Talent Acquisition & Development	Harlingen CISD
Anna De Leon	Director of Bilingual/ESL Programs	Everman ISD
Dr. Veronica Galvan	Director of Elementary Certification	Excellence in Teaching Alternative Certification Program
Maria (Liliana) Hernandez*	Director	Bilingual Educators.com
Ameka Hunt	Associate Principal, Pflugerville HS	Pflugerville ISD
Brian Hurley	Human Resources Director, Certified	North East ISD
Dr. John Jauregi*	Director, Educator Preparation & Accountability	University of Texas-Rio Grande Valley
Gabril Munoz	Assistant Superintendent of Human Resources	Del Valle ISD
Jonathan Purser	Principal, Shady Grove Elementary	Burnet CISD
Myrna Reyna	Consultant, Teaching and Learning Services	Region 10 Education Service Center
Cara Schwartz*	Executive Director, Special Education & Federal Programs	Georgetown ISD
Carmen Solis Rodriguez	Director, Connecting Languages (Secondary)	El Paso ISD
Rosemichael Yusingco (degree from Philippines)	Substitute Teacher Certification: Physical Science	Texarkana ISD

*Provided input to SBEC on TOEFL-iBT in March 2017