

Item 9:**Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, and Subchapter C, Educational Diagnostician Certificate****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate and Subchapter C, Educational Diagnostician Certificate. The proposed revisions would update the requirements for the minimum admission, preparation, standards, certificate issuance, and renewal for the School Counselor and Educational Diagnostician certificates. The proposed revisions reflect feedback provided by the SBEC-appointed advisory committees for the School Counselor Certificate and Educational Diagnostician Certificate. No changes are recommended since published as proposed.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 239 is the Texas Education Code (TEC), §§21.031(a), 21.040(4), 21.041(a), 21.041(b)(1)-(5) and (9), 21.044, 21.048(a), 21.054, and 22.0831(f), for Subchapter A, and the TEC, §21.031(a) and §21.041(a) and (b)(1)-(4), for Subchapter C.

TEC, §21.031(a), charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators.

TEC, §21.040(4), states that the SBEC shall, for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board.

TEC, §21.041(a), authorizes the SBEC to adopt rules as necessary to implement its procedures. 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)(2)-(4), require the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate. TEC, §21.041(b)(5) and (9), require the SBEC to propose rules that 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 the TEC, §21.052, and continuing education requirements.

TEC, §21.044, requires the 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, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC and requires the commissioner of education to

determine the satisfactory level of performance required for each certification examination and each core subject covered by the generalist certification examination.

TEC, §21.054, requires classroom teachers, principals, and school counselors to earn continuing professional education units in specific areas and directs the SBEC to propose rules relating to continuing education courses and programs for educators.

TEC, §22.0831(f), authorizes the SBEC to propose rules to implement the national criminal history record information review of certified educators.

EFFECTIVE DATE: The proposed effective date of the proposed revisions to 19 TAC Chapter 239, Subchapters A and C, would be December 17, 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: At the August 4, 2017 SBEC meeting, the SBEC approved the revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapters A and C, for publication in the *Texas Register* as proposed rules.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 239, Subchapter A, School Counselor Certificate, and Subchapter C, Educational Diagnostician Certificate, establish requirements for minimum admission, preparation, standards, certificate issuance, renewal, and transition and implementation dates for the school counselor and educational diagnostician certificates.

The SBEC-appointed advisory committees for the School Counselor Certificate and Educational Diagnostician Certificate were convened to provide feedback on the current rules and processes related to preparation, testing, certification, and renewal for both certificate areas. TEA staff updated the SBEC on the activities completed by both advisory committees and provided a high-level overview of key issues relevant to each certificate as part of the discussion item on the March 3, 2017 SBEC meeting agenda. TEA staff presented proposed changes to 19 TAC Chapter 239, Subchapters A and C, as part of the discussion item on the June 9, 2017 SBEC meeting agenda and for action at the August 4, 2017 meeting. Attachment III includes an updated action plan/timeline of activities for both committees. Attachment IV provides the names of the School Counselor and Educational Diagnostician Advisory Committee members. Attachment V lists the Texas-approved educator preparation programs for the School Counselor Certificate and the Educational Diagnostician Certificate.

Following is a description of the proposed revisions included in Attachment II that reflects feedback from the SBEC-appointed advisory committees for the School Counselor Certificate and Educational Diagnostician Certificate.

Subchapter A. School Counselor Certificate

§239.1. General Provisions

The proposed amendment to 19 TAC §239.1(a) would update the language to more fully reflect the scope of preparation required of candidates seeking the School Counselor certificate. The proposed amendment to subsection (b) would specify the expectation that individuals certified as a School Counselor, Grades EC-12, will participate in counseling-related professional

development activities as a way to remain current with best practices and procedures for school counseling and in developing quality, comprehensive school counseling programs. The proposed amendment to subsection (c) would provide additional confirmation that individuals with this certificate are appropriately licensed to provide counseling services to all students in Prekindergarten to Grade 12.

§239.10. Preparation Program Requirements

The proposed amendment to 19 TAC §239.10(a) would update the language to further emphasize the importance of having structured, field-based training experiences in an actual school setting but remove the reference to "campuses" to acknowledge that serving in the role of school counselor within several campus settings is not always possible for each certification candidate. The proposed change to subsection (b) would remove the phrase "and/or experience" directly related to the standards as an option for substituting preparation coursework and other requirements leading to issuance of the school counselor certificate to further emphasize the important role of training through an educator preparation program to ensure successful entry and retention in the critical role of school counselor. Proposed new subsection (c) would specify that educator preparation programs must incorporate processes to ensure certification candidates can understand and implement *The Texas Model for Comprehensive School Counseling Programs*, which aligns with provisions in the TEC, Chapter 33, Subchapter A, School Counselors and Counseling Programs, and serves as a model for school counselors and school counseling programs across the state.

§239.15. Standards Required for the School Counselor Certificate

Under Standard I, Learner-Centered Knowledge, the proposed amendment to 19 TAC §239.15(b)(1) would update the language to ensure that preparation programs and certification candidates share a common understanding of the thoughts and beliefs that have guided the role of the school counselor and school counseling programs over the years. Proposed new subsection (b)(4) would add an emphasis on the role of college and career readiness standards and the ability of the school counselor to infuse these important knowledge and skills into his or her interactions with students as they explore postsecondary options. With the addition of proposed new subsection (b)(4), the subsequent paragraphs would be renumbered accordingly.

The proposed change to subsection (b)(5) would add "test interpretation" to the list of key assessment principles and procedures important to a school counselor's repertoire to further emphasize the importance of understanding test results and using them effectively to assess and address student needs. The proposed change to subsection (b)(7) would update the language to highlight the various phases of learners' development and would allow the rules to further confirm importance of the breadth and depth of the counseling programs. The proposed change to subsection (b)(9) would update the language to stress the importance of conducting oneself in an ethical manner. The proposed change to subsection (b)(11) would reflect more current and expansive language. The proposed change to subsection (b)(12) would reflect the more current reference to the counseling program and refer to the Texas College and Career Readiness Standards as important components to be blended together with academic curricula to ensure the best preparation for all students. The proposed change to subsection (b)(13) would update the language to better express that the counselor is instrumental in ensuring the comprehensiveness of the school counseling program and its ability to be responsive to the needs of all students.

Proposed new subsection (b)(15)-(19) would expand the list of skills and abilities required of an effective school counselor. These proposed additions would further emphasize the importance of solid preparation to effectively step into the role of school counselor and would address the importance of developing and teaching best practices related to leadership skills. The proposed additions would also focus on the impact that cultural factors and group membership can have on students; stipulate a necessary understanding of the comprehensive school counseling program model; emphasize the importance and use of technology in its various forms and the personal and professional harm of technology misuse; and highlight the importance of understanding systems, with a special emphasis on family dynamics and school environments.

Under Standard II, Learner-Centered Skills, reference to *The Texas Model for Comprehensive School Counseling Programs* would be included to confirm the important role of this key Texas document and its necessary use in all educator preparation programs. The proposed change to subsection (c)(2) would incorporate updated terminology and add reference to *The Texas Model for Comprehensive School Counseling Programs* to further confirm the important role of this Texas-specific document to the development and maintenance of a successful school counseling program. The proposed change to subsection (c)(5) would emphasize the important, proactive role of the school counselor in making referrals and following up on his or her effectiveness relating to student needs within the school and community. The proposed change to subsection (c)(8) would highlight the importance of a school counselor taking time to complete a thorough assessment of student needs not only relating to assessment data but also to ensure there is sufficient information available to make informed and effective decisions on best ways to support that student in any other critical needs areas. The proposed change to subsection (c)(9) would update the types of practices that should be used to address student needs. The proposed change to subsection (c)(10) would incorporate current terminology for school counseling programs.

Proposed new subsection (c)(11) would address the school counselor's role in facilitating learners' ability to achieve their potential. Proposed new subsection (c)(12) would highlight the importance of the school counselor remaining proficient in counseling and campus-related technology to ensure that he or she is readily equipped with the latest tools and technology to successfully address and support the various needs of learners. Proposed new subsection (c)(13) would add a reference to the use of various resources to counsel students about postsecondary college and career readiness opportunities to ensure the school counselor remains knowledgeable about numerous options available and can craft guidance that meets the needs of each learner.

Under Standard III, Learner-Centered Process, the proposed amendment to subsection (d) would emphasize the importance of revising the school counseling program as needed to strengthen the overall program and ensure that it is meeting the needs of all learners and would add reference to *The Texas Model for Comprehensive School Counseling Programs* to confirm the importance of using the state's model for school counseling programs. The proposed amendment to subsection (d)(2) would clarify the distinction between personal and social goals. The proposed amendment to subsection (d)(5) would accurately reflect the school counselor's role as a consultant to help learners achieve success inside and outside of school.

Proposed new subsection (d)(6)-(13) would emphasize the school counselor's role as advocate for a comprehensive school counseling program that involves the school and community and utilizes resources within and beyond classrooms to implement and maintain a successful school counseling program that supports all learners, as well as elaborate on the school counselor's extensive role in leading and promoting an effective school counseling program that involves all

members of the school community. Proposed new subsection (d)(14) would encourage the school counselor to develop practices to promote learners' knowledge about college and career readiness processes necessary to pursue postsecondary opportunities.

Under Standard IV, Learner-Centered Equity and Excellence for All Learners, the proposed changes to subsection (e)(1)-(3) would update language to reflect the importance of the school counselor to create and maintain a positive school environment that is inclusive of and responsive to all learners.

Proposed new subsection (e)(4)-(9) would specify the need for school counselors to build on commonalities versus differences in all learners; understand the impact of environment and behavior on individual learners; ensure equitable access to programs and services for all students; understand how family values, group membership, and culture intersect; acknowledge learners' gifts, strengths, and extracurricular talents when considering programs and services; and increase students' awareness and include their voice regarding educational and individualized plans as this type of environment affords every learner an opportunity for growth and success. Proposed new subsection (e)(10) would emphasize the important role of the school counselor in ensuring all students and their parents/guardians have equitable access to information about postsecondary opportunities and use available resources to become college and career ready.

Under Standard V, Learner-Centered Communications, proposed new subsection (f)(9)-(11) would be added to illustrate the school counselor's opportunity to take a positive, strength-based approach to the development of a school counseling program that verbalizes commonalities versus differences in all learners; highlight the importance of effectively communicating the school counselor's roles and responsibilities to all stakeholders; and emphasize the need for school counselors to adhere to best practices connected to ethical and legal considerations related to appropriate use of technology and email, documentation, record keeping, privileged communication, and informed consent process as these are all principles that align with the statewide model for school counseling programs. Proposed new subsection (f)(12) would highlight the role of the school counselor in facilitating learners' and parent/guardians' access to school and community resources related to postsecondary opportunities and college and career readiness.

Under Standard VI, Learner-Centered Professional Development, the proposed changes to subsection (g)(5) and (6) would show the importance of school counselors engaging in active professional development on a regular basis, as well as the important role of professional development in a school counselor's ability to increase college and career readiness and the promotion of postsecondary opportunities and preparation for all learners.

§239.20. Requirements for the Issuance of the Standard School Counselor Certificate

The proposed amendment to 19 TAC §239.20(3) would change the minimum degree requirement for issuance of the School Counselor Certificate from a master's degree to a 48-hour master's degree in counseling. TEA staff discussed this suggested change with the Board during the June 9, 2017 SBEC meeting and explained that this was the more rigorous of the two options discussed with the advisory committee. Staff also shared that while all members of the advisory committee agreed on the importance of strong preparation to become certified as a school counselor, several members also supported use of an already established master's degree to meet one of the requirements for issuance of the standard certificate. Based on the

Board's discussion in June, TEA staff retained the requirement of a 48-hour master's degree in counseling as part of the proposed amendment.

§239.25. Requirements to Renew the Standard School Counselor Certificate

The proposed amendment to 19 TAC §239.25 would remove outdated references to renewal requirements for certificates issued from September 1, 1999, to August 31, 2000, and would add language to confirm it is necessary for individuals issued the standard school counselor certificate to comply with renewal requirements in place for the certificate. A technical edit would also be made to update a cross reference.

§239.30. Transition and Implementation Dates

Section 239.30 would be repealed to remove outdated language, and new §239.30 would be proposed to include an implementation date of September 1, 2018, for the proposed changes to apply to candidates being admitted into an approved Texas educator preparation program for the School Counselor Certificate. The title of proposed new §239.30 would be updated to clearly reflect the contents of the section.

Subchapter C. Educational Diagnostician Certificate

§239.80. General Provisions

The proposed amendment to 19 TAC §239.80(b) would update the language to emphasize the importance of the educational diagnostician remaining current in the area of assessment as it has a direct impact on student learning. The proposed amendment to subsection (c) would more accurately reflect the student grade range served by educational diagnosticians.

§239.82. Preparation Program Requirements

The proposed amendment to 19 TAC §239.82(b) would allow flexibility in educator preparation program design.

§239.83. Standards Required for the Educational Diagnostician Certificate

The proposed changes to 19 TAC §239.83(b)-(k) would remove the word "beginning" from every reference to the educational diagnostician since the standards apply to all educational diagnosticians and not just individuals entering the profession upon completion of a preparation program and issuance of certification.

Under Standard I, the proposed amendment to subsection (b)(1)(D) would specify that an educational diagnostician knows and understands the importance and impact of placement of special education students in the least restrictive environment.

Under Standard IV, the proposed amendment to subsection (e)(1)(A) would specify that an educational diagnostician knows and understands placement of individual students in the least restrictive environment, and the proposed amendment to subsection (e)(2)(A) would specify that an educational diagnostician is able to establish measurable annual goals and objectives.

Under Standard VI, the proposed amendment to subsection (g)(1)(I) would add the response to intervention or RTI to further explain what is meant by use of the term *prereferral*, and the

proposed amendment to subsection (g)(1)(L) would add "transition" to the examples of methods of academic and nonacademic assessment and evaluation.

Under Standard VII, the proposed amendment to subsection (h)(1)(D) would specify that an educational diagnostician knows and understands the ways in which native language may affect evaluation.

Under Standard IX, the proposed amendment to subsection (j)(1)(A) would add language to emphasize the type of support that will have the most appropriate impact on student behavior.

Under Standard X, the proposed amendment to subsection (k)(1)(D) would update language to show the need for the educational diagnostician to be able to distinguish between techniques and apply them as necessary to positively impact student living.

§239.84. Requirements for the Issuance of the Standard Educational Diagnostician Certificate

The proposed amendment to 19 TAC §239.84(5) would change the required number of creditable years of teaching experience as a classroom teacher from two to three years. The committee was unanimous in favor of this recommendation and felt that returning to three years of experience would allow the individual interested in pursuing the educational diagnostician certificate to gain a much-needed additional year in the classroom before becoming an educational diagnostician.

§239.85. Requirements to Renew the Standard Educational Diagnostician Certificate

Technical edits would be made to update cross references.

§239.86. Transition and Implementation Dates

Section 239.86 would be repealed to remove outdated language, and new §239.86 would be proposed to include an implementation date of September 1, 2018, for the proposed changes to apply to candidates being admitted into an approved Texas educator preparation program for the Educational Diagnostician Certificate. The title of proposed new §239.86 would be updated to clearly reflect the contents of the section.

No changes are recommended to the proposed revisions to 19 TAC Chapter 239, Subchapters A and C, as published.

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 actions. In addition, there is no direct adverse economic impact for small businesses, microbusinesses, and rural communities; 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. The proposed revisions do not impose a cost on regulated persons and, therefore, are not subject to Texas Government Code, §2001.0045.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed revisions would be more rigorous requirements for the preparation, certification, testing, and renewal of School Counselor and Educational Diagnostician certificates that result

in highly effective certified school counselors and educational diagnosticians upon entry into the profession and retention of these qualified professionals.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed revisions would have no additional procedural and reporting implications.

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

PUBLIC COMMENTS: The public comment period on the proposal began September 1, 2017, and ended October 2, 2017. Any comments received will be provided to the SBEC under separate cover prior to the October 6, 2017 meeting. The SBEC will take registered oral and written comments on this item at the October 6, 2017 meeting in accordance with the SBEC board operating policies and procedures.

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

Approve for adoption, subject to State Board of Education review, the proposed revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, and Subchapter C, Educational Diagnostician Certificate, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

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

Tim Miller, Director
Educator Preparation

Attachments:

- I. Statutory Citations
- II. Text of Proposed Revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, and Subchapter C, Educational Diagnostician Certificate
- III. Updated Action Plan/Timeline of Activities for Advisory Committee for 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, and Subchapter C, Educational Diagnostician Certificate
- IV. Advisory Committee Member List
- V. Approved Educator Preparation Programs for School Counselor Certificate and Educational Diagnostician Certificate

ATTACHMENT I**Statutory Citations Related to Proposed Revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, and Subchapter C, Educational Diagnostician Certificate****Texas Education Code §21.031, Certification of Educators:**

- (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 §21.040, General Powers and Duties of Board (excerpt):

The board shall:

- (3) appoint the members of any advisory committee to the board;
- (4) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;

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

- (a) The board may adopt rules as necessary for its own procedures.
- (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;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (3) specify the period for which each class of educator certificate is valid;
 - (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;

Texas Education Code, §21.044, Educator Preparation, as amended by HB 4056, SB 1839, and SB 1963, 85th Texas Legislature, Regular Session, 2017:

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person

- receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.
- (c) The instruction under Subsection (b) must:
- (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
 - (A) employed by institutions of higher education; and
 - (B) approved by the board; and
 - (2) include information on:
 - (A) characteristics of dyslexia;
 - (B) identification of dyslexia; and
 - (C) effective, multisensory strategies for teaching students with dyslexia.
- (c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:
- (1) be provided through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 161.325, Health and Safety Code; and
 - (2) include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports.
- (c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
- (1) be aligned with the International Society for Technology in Education's standards for teachers;
 - (2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and
 - (3) include resources to address any deficiencies identified by the digital literacy evaluation.
- (d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section 28.027, at a secondary school, a person must:
- (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
 - (2) have at a minimum:
 - (A) an associate degree from an accredited institution of higher education; and

- (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.
- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
 - (1) an associate degree or more advanced degree from an accredited institution of higher education;
 - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
 - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).
- (f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.
- (g) Each educator preparation program must provide information regarding:
 - (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
 - (2) the effect of supply and demand forces on the educator workforce in this state;
 - (3) the performance over time of the educator preparation program;
 - (4) the importance of building strong classroom management skills; ~~and~~
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H; and.
 - (6) appropriate relationships, boundaries, and communications between educators and students.

Texas Education Code, §21.048, Certification Examinations (excerpt):

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.

Texas Education Code, §21.054, Continuing Education, as amended by SB 7, SB 179, and SB 1839, 85th Texas Legislature, Regular Session, 2017:

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

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- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
 - (c) The training required under Subsection (b) may be offered in an online course.
 - (d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:
 - (1) collecting and analyzing information that will improve effectiveness in the classroom;
 - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (3) digital learning, digital teaching, and integrating technology into classroom instruction; ~~and~~
 - (4) educating diverse student populations, including:
 - (A) students with disabilities, including mental health disorders;
 - (B) students who are educationally disadvantaged;
 - (C) students of limited English proficiency; and
 - (D) students at risk of dropping out of school ; and
 - (5) understanding appropriate relationships, boundaries, and communications between educators and students.
 - (d-2) Continuing education requirements for a classroom teacher may include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
 - (e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:
 - (1) effective and efficient management, including:
 - (A) collecting and analyzing information;
 - (B) making decisions and managing time; and
 - (C) supervising student discipline and managing behavior;
 - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction; ~~and~~
 - (4) educating diverse student populations, including:
 - (A) students with disabilities, including mental health disorders;
 - (B) students who are educationally disadvantaged;
 - (C) students of limited English proficiency; and
 - (D) students at risk of dropping out of school; and

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- (5) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code.
- (e-2) Continuing education requirements for a principal may include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
- (f) Continuing education requirements for a counselor must provide that not more than 25 percent of training required every five years include instruction regarding:
- (1) assisting students in developing high school graduation plans;
 - (2) implementing dropout prevention strategies; and
 - (3) informing students concerning:
 - (A) college admissions, including college financial aid resources and application procedures; and
 - (B) career opportunities.
- (g) The board shall adopt rules that allow an educator to fulfill up to 12 hours of continuing education by participating in a mental health first aid training program offered by a local mental health authority under Section 1001.203, Health and Safety Code. The number of hours of continuing education an educator may fulfill under this subsection may not exceed the number of hours the educator actually spends participating in a mental health first aid training program.

Texas Education Code, §22.0831, National Criminal History Record Information Review of Certificated Educators (excerpt):

- (f) The board may propose rules to implement this section, including rules establishing:
- (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
 - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

ATTACHMENT II
Text of Proposed Revisions to 19 TAC

Chapter 239. Student Services Certificates

Subchapter A. School Counselor Certificate

§239.1. General Provisions.

- (a) Because the school counselor plays a critical role in campus effectiveness and student achievement, the rules adopted by the State Board for Educator Certification in this subchapter ensure that each candidate for the School Counselor Certificate is of the highest caliber and possesses the knowledge, ~~and~~ skills, ~~and~~ credentials necessary to improve the performance of the diverse student population of this state.
- (b) An individual serving as a school counselor is expected to actively participate in counseling-related professional development activities to continually update his or her knowledge, ~~and~~ skills, ~~and~~ credentials. Currency in best practices and research ~~as~~ related to developing a quality, comprehensive school counseling program, which includes both campus leadership and student learning, is essential for all students ~~[both campus leadership and student learning is essential]~~.
- (c) The holder of the School Counselor Certificate issued under the provisions of this subchapter is certified to ~~may~~ provide counseling services to all students in Prekindergarten-Grade 12.

§239.10. Preparation Program Requirements.

- (a) Structured, field-based training must be focused on actual school-based experiences with each of the standards identified in §239.15 of this title (relating to Standards Required for the School Counselor Certificate) to include experiences with diverse types of students and ~~at~~ grade levels ~~, and campuses~~.
- (b) An educator preparation program must develop and implement specific criteria and procedures that allow a candidate to substitute related professional counselor training ~~[and/or experience]~~ directly related to the standards identified in §239.15 of this title for part of the preparation coursework or other program requirements.
- (c) An educator preparation program for the school counselor certificate must prepare students to understand and implement *The Texas Model for Comprehensive School Counseling Programs* (Texas Education Code, Chapter 33, Subchapter A).

§239.15. Standards Required for the School Counselor Certificate.

- (a) School Counselor Certificate Standards. The knowledge and skills identified in this section must be used by an educator preparation program in the development of curricula and coursework and by the State Board for Educator Certification as the basis for developing the examination required to obtain the School Counselor Certificate. The standards also serve as the foundation for the professional growth plan and continuing professional education activities required by §239.25 of this title (relating to Requirements to Renew the Standard School Counselor Certificate).
- (b) Standard I. Learner-Centered Knowledge: The certified school counselor has a broad knowledge base. The certified school counselor must know and understand:
 - (1) the history and philosophy of counseling;
 - (2) counseling and consultation theories and practices;
 - (3) career development theories and practices;
 - (4) the roles and responsibilities of a comprehensive school counseling program that emphasizes college and career readiness and postsecondary options for all students, including college admissions, college financial aid resources, application procedures, and workforce and career opportunities;

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- (5) ~~(4)~~ assessment principles and procedures, including the appropriate use of tests, test interpretation, and test results;
- (6) ~~(5)~~ changing societal trends, including demographic, economic, and technological tendencies, and their relevance to school counseling;
- (7) ~~(6)~~ environmental, social, and cultural factors that affect learners' development and the relevance of those factors to educational, career, personal, and social development, along with comprehensive school [guidance and] counseling programs;
- (8) ~~(7)~~ learners' developmental characteristics and needs and their relevance to educational and career choices;
- (9) ~~(8)~~ legal and ethical standards, practices, and issues and the importance of commitment to and implementation of ethical principles ;
- (10) ~~(9)~~ the characteristics and educational needs of special populations;
- (11) ~~(10)~~ ~~[theories and]~~ techniques and behavioral interventions to assist teachers with [in pedagogy and] classroom management;
- (12) ~~(11)~~ the integration of a school counseling program, the Texas College and Career Readiness Standards, [the guidance] and academic curricula;
- (13) ~~(12)~~ the roles and responsibilities of a comprehensive school [the counselor in a developmental guidance and] counseling program that is responsive to all students; [and]
- (14) ~~(13)~~ counseling-related research techniques and practices ; [;]
- (15) developing and teaching best practices on leadership skills;
- (16) how cultural factors and group membership impact individual students;
- (17) the comprehensive school counseling program model;
- (18) how to utilize various forms of technology and how inappropriate use could be professionally and personally harmful; and
- (19) an understanding of systems, including family dynamics and school environments.
- (c) Standard II. Learner-Centered Skills: The certified school counselor applies the knowledge base to promote the educational, personal, social, and career development of the learner as outlined in *The Texas Model for Comprehensive School Counseling Programs* . The certified school counselor must:
- (1) develop processes and procedures for planning, designing, implementing, and evaluating *The Texas Model for Comprehensive School Counseling Programs* [a developmental guidance and counseling program] ;
- (2) provide a proactive, comprehensive, developmental school counseling [guidance] program based on the needs of students , as set forth in *The Texas Model for Comprehensive School Counseling Programs* ;
- (3) counsel individuals and small groups using appropriate counseling theories and techniques in response to students' needs;
- (4) consult with parents/guardians, teachers, administrators, and other individuals as appropriate to enhance his or her [their] work with students;
- (5) coordinate resources, referrals, and follow-up procedures for students within the school and community;
- (6) demonstrate proficiency in teaching small and large groups by actively engaging students in the learning process;
- (7) participate in the selection, use, and interpretation of assessments and assessment results;
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- (8) use multiple sets ~~[varied sources]~~ of information and data to make decisions about students ,
programs, and services ~~[for assessment purposes]~~ ;
 - (9) use counseling-related research techniques and evidence-based practices to address student needs;
[and]
 - (10) advocate for a comprehensive school ~~[developmental guidance and]~~ counseling program that is
responsive to all students ; [:]
 - (11) facilitate learners' ability to achieve their potential by helping them set and attain challenging
educational, career, personal, and social goals based on various types of information;
 - (12) maintain proficiency in counseling and campus-related technology; and
 - (13) use varied sources of information, resources, and practices to counsel students about
postsecondary opportunities and college and career readiness.
- (d) Standard III. Learner-Centered Process: The certified school counselor participates in the development, monitoring, revision, and evaluation of a campus based on *The Texas Model for Comprehensive School Counseling Programs* ~~[developmental school guidance and counseling program]~~ that promotes learners' knowledge, skills, motivation, and personal growth. The certified school counselor must:
- (1) collaborate with others in the school and community to implement a guidance curriculum that promotes learners' development in all domains, including cognitive, social, and emotional areas;
 - (2) facilitate learners' ability to achieve their potential by helping them set and attain challenging educational, career, personal, and social ~~[personal/social]~~ goals based on various types of information;
 - (3) use both preventive and intervening strategies to address the concerns of learners and to help them clarify problems and situations, set goals, explore options, and implement change;
 - (4) implement effective referral procedures to facilitate the use of special programs and services;
[and]
 - (5) act as a consultant ~~[and/or coordinator]~~ to help learners achieve success inside and outside of school ; [:]
 - (6) advocate for a comprehensive school counseling program and recognize the required time
commitment to fully apply the program implementation cycle;
 - (7) create a program mission, goal, and services in alignment with the school mission and campus
improvement plan;
 - (8) create and disseminate literature or newsletters to all stakeholders that describe the comprehensive
school counseling program and reduce negative stigmas associated with receiving counseling
services in a school-based program;
 - (9) establish an advisory council or board with membership of all stakeholders (student, parent,
teacher, administrator, community member, other personnel, and support specialists);
 - (10) increase public relations and awareness through community outreach, such as fundraising, grant
writing, donations, volunteerism, local businesses, and use of public or guest speakers;
 - (11) provide school-wide professional development and parent workshops throughout the school year;
 - (12) support participation in fair-share responsibilities versus non-counseling related duties;
 - (13) know district, state, and federal initiatives that are to be reflected in a comprehensive school
counseling program; and
 - (14) develop practices to promote learners' knowledge about college and career readiness processes
necessary to pursue postsecondary opportunities.

- (e) Standard IV. Learner-Centered Equity and Excellence for All Learners: The certified school counselor promotes academic success for all learners by acknowledging, respecting, and responding to diversity while building on similarities that bond all people. The certified school counselor must:
- (1) understand learner differences, including those related to cultural background, gender, race, ethnicity, socio-economic levels, academic ability, and learning styles, and know ways to create and maintain a positive school environment that is responsive to all learners;
 - (2) advocate for a school environment in which diversity is acknowledged and respected, resulting in positive interactions across all cultures, genders, ethnicities, and learning styles; [and]
 - (3) facilitate learning and achievement for all students to ensure services that cover an array of exceptionalities, including special populations, by promoting a cooperative, inclusive, [and] purposeful learning environment ; [;]
 - (4) take a positive, strength-based approach that builds on commonalities versus differences in all learners;
 - (5) understand how environment and behavior may impact or influence individual learners;
 - (6) ensure equitable access to programs and services for all students;
 - (7) understand how family values, group membership, and culture intersect;
 - (8) acknowledge learners' gifts, strengths, and extracurricular talents when considering programs and services;
 - (9) increase students' awareness and include their voices regarding educational and individualized plans; and
 - (10) ensure equitable access and exposure to postsecondary opportunities and college and career readiness information and resources for students and parents/guardians.
- (f) Standard V. Learner-Centered Communications: The certified school counselor, an advocate for all students and the school, demonstrates effective professional and interpersonal communication skills. The certified school counselor must:
- (1) demonstrate effective communication through oral, written, and nonverbal expression;
 - (2) use knowledge of group dynamics and productive group interaction;
 - (3) support responsive interventions by effectively communicating with parents/guardians, teachers, administrators, and community members;
 - (4) facilitate learners' access to community resources;
 - (5) develop and implement strategies for effective internal and external communications;
 - (6) facilitate parent/guardian involvement in their children's education;
 - (7) develop partnerships with parents/guardians, businesses, and other groups in the community to facilitate learning; [and]
 - (8) work effectively as a team member to promote positive change for individuals, groups, and the school community ; [;]
 - (9) take a positive, strength-based approach that verbalizes commonalities versus differences in all learners;
 - (10) effectively communicate his or her role and responsibility and counselor identity to all stakeholders to reduce confusion about the duties of a school counselor;
 - (11) adhere to best practices connected to ethical and legal considerations around appropriate use of technology and email, documentation, record keeping, privileged communication, and informed consent process; and

- (12) facilitate access to and use of school and community information and resources related to postsecondary opportunities and college and career readiness by learners, parents/guardians, teachers, administrators, and community members.
- (g) Standard VI. Learner-Centered Professional Development: The certified school counselor continues professional development, demonstrating a commitment to learn, to improve the profession, and to model professional ethics and personal integrity. The certified school counselor must:
- (1) use reflection, self-assessment, and interactions with colleagues to promote personal professional development;
 - (2) use counseling-related research techniques and practices as well as technology and other resources to facilitate continued professional growth;
 - (3) strive toward the highest level of professionalism by adhering to and modeling professional, ethical, and legal standards;
 - (4) apply research-based practice to improve the school guidance and counseling program; ~~and~~
 - (5) engage in ongoing ~~continue~~ professional development to improve the school guidance and counseling program ; ~~and~~ ~~;~~
 - (6) engage in continued professional development experiences to learn and apply concepts, skills, and practices related to increasing college and career readiness and promoting postsecondary opportunities and preparation for all learners.

§239.20. Requirements for the Issuance of the Standard School Counselor Certificate.

To be eligible to receive the standard School Counselor Certificate, a candidate must:

- (1) successfully complete a school counselor preparation program that meets the requirements of §239.10 of this title (relating to Preparation Program Requirements) and §239.15 of this title (relating to Standards Required for the School Counselor Certificate);
- (2) successfully complete the examination based on the standards identified in §239.15 of this title;
- (3) hold, at a minimum, a ~~48-hour~~ master's degree in counseling from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and
- (4) have two creditable years of teaching experience as a classroom teacher, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the Texas Education Code, §5.001(2).

§239.25. Requirements to Renew the Standard School Counselor Certificate.

~~[(a)] An individual issued a standard counselor certificate under this title from September 1, 1999, to August 31, 2000, is subject to Chapter 232, Subchapter B, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements), except that only 150 clock hours of continuing professional education must be completed during the first five-year renewal period. During subsequent renewal periods, the holder of such an active standard counselor certificate must satisfy the most current requirements for renewal.]~~

(a) ~~[(b)]~~ An individual issued the standard School Counselor Certificate on or after September 1, 2000, is subject to Chapter 232, Subchapter A ~~B~~, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements) and must satisfy the most current requirements for renewal .

(b) ~~[(c)]~~ An individual who holds a valid Texas counselor certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.3 ~~§232.810~~ of this title (relating to Voluntary Renewal of Current Texas Educators).

§239.30. Implementation Date.

The provisions of this subchapter apply to an applicant who is admitted to an educator preparation program for the School Counselor Certificate on or after September 1, 2018.

[§239.30. Transition and Implementation Dates.]

- ~~[(a) Section 239.20 of this title (relating to Requirements for the Issuance of the Standard School Counselor Certificate) shall be implemented September 1, 2002, and shall supersede all conflicting provisions in this title on September 1, 2003. All other sections of this subchapter shall take effect pursuant to the Texas Government Code, §2001.036.]~~
- ~~[(b) Not later than September 1, 2003, the following provisions shall no longer apply to the School Counselor Certificate:]~~
 - ~~[(1) Section 245.5(a)(2) of this title (relating to Requirements for Issuance of a Texas Certificate Based on Certification from Another Country), as it existed on May 5, 2000; and]~~
 - ~~[(2) the "teaching practicum" requirement in §245.10(a)(2)(B) of this title (relating to Application Procedures), as it existed on May 5, 2000.]~~

Subchapter C. Educational Diagnostician Certificate

§239.80. General Provisions.

- (a) Because the educational diagnostician plays a critical role in campus effectiveness and student achievement, the rules adopted by the State Board for Educator Certification in this subchapter ensure that each candidate for the Educational Diagnostician Certificate is of the highest caliber and possesses the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) An individual serving as an educational diagnostician is expected to actively participate in professional development activities to continually update his or her knowledge and skills. Currency in best practices and research as related to both assessment [~~campus leadership~~] and student learning is essential.
- (c) The holder of the Educational Diagnostician Certificate issued under the provisions of this subchapter may serve as an educational diagnostician, including providing educational assessment and evaluation, as required by the Individuals with Disabilities Education Act (IDEA) or other applicable law, for students from birth through adulthood [~~Early Childhood-Grade 12~~] .

§239.82. Preparation Program Requirements.

- (a) Structured, field-based training must be focused on actual experiences with each of the standards identified in §239.83 of this title (relating to Standards Required for the Educational Diagnostician Certificate) to include experiences with diverse types of students, grade levels, and campuses.
- (b) An educator preparation program may [~~must~~] develop and implement specific criteria and procedures that allow a candidate to substitute related professional educational diagnostician training and/or experience directly related to the standards identified in §239.83 of this title for part of the preparation coursework or other program requirements.

§239.83. Standards Required for the Educational Diagnostician Certificate.

- (a) Educational Diagnostician Certificate Standards. The knowledge and skills identified in this section must be used by an educator preparation program in the development of curricula and coursework and by the State Board for Educator Certification as the basis for developing the examination required to obtain the standard Educational Diagnostician Certificate. The standards also serve as the foundation for the professional growth plan and continuing professional education activities required by §239.85 of this title (relating to Requirements to Renew the Standard Educational Diagnostician Certificate).
- (b) Standard I. The educational diagnostician understands and applies knowledge of the purpose, philosophy, and legal foundations of evaluation and special education.
 - (1) The [~~beginning~~] educational diagnostician knows and understands:
 - (A) state and federal regulations relevant to the role of the educational diagnostician;
 - (B) laws and legal issues related to the assessment and evaluation of individuals with educational needs;
 - (C) models, theories, and philosophies that provide the basis for special education evaluations;
 - (D) issues, assurances, and due process rights related to evaluation, eligibility, and placement in the least restrictive environment within a continuum of services; and
 - (E) rights and responsibilities of parents/guardians, schools, students, and teachers and other professionals in relation to individual learning needs.
 - (2) The [~~beginning~~] educational diagnostician is able to:
 - (A) articulate the purpose of evaluation procedures and their relationship to educational programming; and

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- (B) conduct evaluations and other professional activities consistent with the requirements of laws, rules and regulations, and local district policies and procedures.
- (c) Standard II. The educational diagnostician understands and applies knowledge of ethical and professional practices, roles, and responsibilities.
- (1) The [beginning] educational diagnostician knows and understands:
- (A) ethical practices regarding procedural safeguards (e.g., confidentiality issues, informed consent) for individuals with disabilities;
- (B) ethical practices related to assessment and evaluation;
- (C) qualifications necessary to administer and interpret various instruments and procedures; and
- (D) organizations and publications relevant to the field of educational diagnosis.
- (2) The [beginning] educational diagnostician is able to:
- (A) demonstrate commitment to developing quality educational opportunities appropriate for individuals with disabilities;
- (B) demonstrate positive regard for the culture, gender, and personal beliefs of individual students;
- (C) promote and maintain a high level of competence and integrity in the practice of the profession;
- (D) exercise objective professional judgment in the practice of the profession;
- (E) engage in professional activities that benefit individuals with exceptional learning needs, their families, and/or colleagues;
- (F) comply with local, state, and federal monitoring and evaluation requirements;
- (G) use copyrighted educational materials in an ethical manner; and
- (H) participate in the activities of professional organizations in the field of educational diagnosis.
- (d) Standard III. The educational diagnostician develops collaborative relationships with families, educators, the school, the community, outside agencies, and related service personnel.
- (1) The [beginning] educational diagnostician knows and understands:
- (A) strategies for promoting effective communication and collaboration with others, including parents/guardians and school and community personnel, in a culturally responsive manner;
- (B) concerns of parents/guardians of individuals with exceptional learning needs and appropriate strategies to help parents/guardians address these concerns;
- (C) strategies for developing educational programs for individuals through collaboration with team members;
- (D) roles of individuals with disabilities, parents/caregivers, teachers, and other school and community personnel in planning educational programs for individuals; and
- (E) family systems and the role of families in supporting student development and educational progress.
- (2) The [beginning] educational diagnostician is able to:
- (A) use collaborative strategies in working with individuals with disabilities, parents/caregivers, and school and community personnel in various learning environments;

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- (B) communicate and consult effectively with individuals, parents/guardians, teachers, and other school and community personnel;
 - (C) foster respectful and beneficial relationships between families and education professionals;
 - (D) encourage and assist individuals with disabilities and their families to become active participants in the educational team;
 - (E) plan and conduct collaborative conferences with individuals who have exceptional learning needs and their families or primary caregivers;
 - (F) collaborate with classroom teachers and other school and community personnel in including individuals with exceptional learning needs in various learning environments;
 - (G) communicate with classroom teachers, administrators, and other school personnel about characteristics and needs of individuals with disabilities;
 - (H) use appropriate communication skills to report and interpret assessment and evaluation results;
 - (I) provide assistance to others who collect informal and observational data;
 - (J) effectively communicate to parents/guardians and professionals the purposes, methods, findings, and implications of assessments; and
 - (K) keep accurate and detailed records of assessments, evaluations, and related proceedings (e.g., admission, review, and dismissal/individualized education program (ARD/IEP) meetings, parent/guardian communications and notifications).
- (e) Standard IV. The educational diagnostician understands and applies knowledge of student assessment and evaluation, program planning, and instructional decision making.
- (1) The [beginning] educational diagnostician knows and understands:
 - (A) the characteristics, needs, and rights of individual students in relation to assessment and evaluation for placement in the least restrictive environment within a continuum of services;
 - (B) the relationship between evaluation and placement decisions; and
 - (C) the role of team members, including the student when appropriate, in planning an individualized program.
 - (2) The [beginning] educational diagnostician is able to:
 - (A) use assessment and evaluation information to plan individualized programs, establish measurable annual goals and objectives, and make instructional decisions that result in appropriate services for individuals with disabilities, including those from culturally and/or linguistically diverse backgrounds;
 - (B) interpret and use assessment and evaluation data for targeted instruction and ongoing review; and
 - (C) assist in identifying realistic expectations for educationally relevant behavior (e.g., vocational, functional, academic, social) in various settings.
- (f) Standard V. The educational diagnostician knows eligibility criteria and procedures for identifying students with disabilities and determining the presence of an educational need.
- (1) The [beginning] educational diagnostician knows and understands:
 - (A) characteristics of individuals with disabilities, including those with different levels of severity and with multiple disabilities;
 - (B) educational implications of various disabilities; and
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- (C) the variation in ability exhibited by individuals with particular types of disabilities.
- (2) The [beginning] educational diagnostician is able to:
 - (A) access information on the cognitive, communicative, physical, social, and emotional characteristics of individuals with disabilities and the assistive technology needs of those students;
 - (B) gather background information regarding the academic, medical, and family history of individuals with disabilities; and
 - (C) use various types of assessment and evaluation procedures appropriately to identify students with disabilities and to determine the presence of an educational need.
- (g) Standard VI. The educational diagnostician selects, administers, and interprets appropriate formal and informal assessments and evaluations.
 - (1) The [beginning] educational diagnostician knows and understands:
 - (A) basic terminology used in assessment and evaluation;
 - (B) standards for test reliability;
 - (C) standards for test validity;
 - (D) procedures used in standardizing assessment instruments;
 - (E) possible sources of test error;
 - (F) the meaning and use of basic statistical concepts used in assessment and evaluation (e.g., standard error of measurement, mean, standard deviation);
 - (G) uses and limitations of each type of assessment instrument;
 - (H) uses and limitations of various types of assessment data;
 - (I) procedures for screening, prereferral, including RTI (e.g., response to intervention/multi-tiered support), referral, and eligibility;
 - (J) the appropriate application and interpretation of derived scores (e.g., standard scores, percentile ranks, age and grade equivalents, stanines);
 - (K) the necessity of monitoring the progress of individuals with disabilities;
 - (L) methods of academic and nonacademic (e.g., vocational, transition, developmental, assistive technology) assessment and evaluation; and
 - (M) methods of motor skills assessment.
 - (2) The [beginning] educational diagnostician is able to:
 - (A) collaborate with families and other professionals in the assessment and evaluation of individuals with disabilities;
 - (B) select and use assessment and evaluation materials based on technical quality and individual student needs;
 - (C) score assessment and evaluation instruments accurately;
 - (D) create and maintain assessment reports;
 - (E) select or modify assessment procedures to ensure nonbiased results;
 - (F) use a variety of observation techniques;
 - (G) assess and interpret information using formal/informal instruments and procedures in the areas of cognitive/adaptive behavior and academic skills;

- (H) determine the need for further assessment in the areas of language skills, physical skills, social/emotional behavior, and assistive technology;
 - (I) determine a student's needs in various curricular areas [1] and make intervention, instructional, and transition planning recommendations based on assessment and evaluation results;
 - (J) make recommendations based on assessment and evaluation results;
 - (K) prepare assessment reports; and
 - (L) use performance data and information from teachers, other professionals, individuals with disabilities, and parents/guardians to make or suggest appropriate modifications and/or accommodations within learning environments.
- (h) Standard VII. The educational diagnostician understands and applies knowledge of ethnic, linguistic, cultural, and socioeconomic diversity and the significance of student diversity for evaluation, planning, and instruction.
- (1) The [beginning] educational diagnostician knows and understands:
 - (A) issues related to definition and identification procedures for individuals with disabilities, including individuals from culturally and/or linguistically diverse backgrounds;
 - (B) characteristics and effects of the cultural and environmental backgrounds of students and their families, including cultural and linguistic diversity, socioeconomic diversity, abuse/neglect, and substance abuse;
 - (C) issues related to the representation in special education of populations that are culturally and linguistically diverse;
 - (D) ways in which native language and diversity may affect evaluation; and
 - (E) strategies that are responsive to the diverse backgrounds and particular disabilities of individuals in relation to evaluation, programming, and placement.
 - (2) The [beginning] educational diagnostician is able to:
 - (A) apply knowledge of cultural and linguistic factors to make appropriate evaluation decisions and instructional recommendations for individuals with disabilities; and
 - (B) recognize how student diversity and particular disabilities may affect evaluation, programming, and placement [1] and use procedures that ensure nonbiased results.
- (i) Standard VIII. The educational diagnostician knows and demonstrates skills necessary for scheduling, time management, and organization.
- (1) The [beginning] educational diagnostician knows and understands:
 - (A) time-management strategies and systems appropriate for various educational situations and environments;
 - (B) legal and regulatory timelines, schedules, deadlines, and reporting requirements; and
 - (C) methods for organizing, maintaining, accessing, and storing records and information.
 - (2) The [beginning] educational diagnostician is able to:
 - (A) select, adapt, or design forms to facilitate planning, scheduling, and time management;
 - (B) maintain eligibility folders; and
 - (C) use technology appropriately to organize information and schedules.
- (j) Standard IX. The educational diagnostician addresses students' behavioral and social interaction skills through appropriate assessment, evaluation, planning, and instructional strategies.
- (1) The [beginning] educational diagnostician knows and understands:

- (A) requirements and procedures for functional behavioral assessment, manifestation determination review, and behavioral intervention plans that incorporate positive behavioral supports and interventions ;
 - (B) applicable laws, rules and regulations, and procedural safeguards regarding the planning and implementation of behavioral intervention plans for individuals with disabilities;
 - (C) ethical considerations inherent in behavior interventions;
 - (D) teacher attitudes and behaviors that influence the behavior of individuals with disabilities;
 - (E) social skills needed for school, home, community, and work environments;
 - (F) strategies for crisis prevention, intervention, and management;
 - (G) strategies for preparing individuals to live productively in a multiclass, multiethnic, multicultural, and multinational world; and
 - (H) key concepts in behavior intervention (e.g., least intrusive accommodations/modifications within the learning environment, reasonable expectations for social behavior, social skills curricula, cognitive behavioral strategies).
- (2) The [beginning] educational diagnostician is able to:
- (A) conduct functional behavioral assessments;
 - (B) assist in the development of behavioral intervention plans; and
 - (C) participate in manifestation determination review.
- (k) Standard X. The educational diagnostician knows and understands appropriate curricula and instructional strategies for individuals with disabilities.
- (1) The [beginning] educational diagnostician knows and understands:
- (A) instructional strategies, technology tools and applications, and curriculum materials for students with disabilities within the continuum of services;
 - (B) varied learning styles of individuals with disabilities;
 - (C) curricula for the development of motor, cognitive, academic, social, language, affective, career, and functional skills for individuals with disabilities;
 - (D) techniques for accommodating and/or modifying instructional methods and materials for individuals with disabilities;
 - (E) functional skills instruction relevant to transitioning across environments (e.g., preschool to elementary school, school to work);
 - (F) supports needed for integration into various program placements; and
 - (G) individualized assessment strategies for instruction (e.g., authentic assessment, contextual assessment, curriculum-based assessment).
- (2) The [beginning] educational diagnostician is able to:
- (A) interpret and use assessment and evaluation data for instructional planning; and
 - (B) use assessment and evaluation, planning, and management procedures that are appropriate in relation to student needs and the instructional environment.

§239.84. Requirements for the Issuance of the Standard Educational Diagnostician Certificate.

To be eligible to receive the standard Educational Diagnostician Certificate, a candidate must:

- (1) successfully complete an educational diagnostician preparation program that meets the requirements of §239.82 of this title (relating to Preparation Program Requirements) and §239.83 of this title (relating to Standards Required for the Educational Diagnostician Certificate);

- (2) successfully complete the examination based on the standards identified in §239.83 of this title;
- (3) hold, at a minimum, a master's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
- (4) hold a valid classroom teaching certificate; and
- (5) have three ~~two~~ creditable years of teaching experience as a classroom teacher, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the Texas Education Code, §5.001(2).

§239.85. Requirements to Renew the Standard Educational Diagnostician Certificate.

- (a) An individual issued the standard Educational Diagnostician Certificate under this title is subject to Chapter 232, Subchapter A ~~B~~, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements).
- (b) An individual who holds a valid Texas educational diagnostician certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.3 ~~§232.819~~ of this title (relating to Voluntary Renewal of Current Texas Educators).

§239.86. Implementation Date.

The provisions of this subchapter apply to an applicant who is admitted to an educator preparation program for the Educational Diagnostician Certificate on or after September 1, 2018.

[§239.86. Transition and Implementation Dates.]

[Section 239.84 of this title (relating to Requirements for the Issuance of the Standard Educational Diagnostician Certificate) shall be implemented and shall supersede all conflicting provisions in this title on September 1, 2003. All other sections of this subchapter shall take effect pursuant to the Texas Government Code, §2001.036.]

ATTACHMENT III

**Updated Action Plan/Timeline of Activities for Advisory Committee for
19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor
Certificate, and Subchapter C, Educational Diagnostician Certificate**

April 15, 2016	SBEC proposes Chapter 239, <u>Student Services Certificates</u>, four-year rule review
May 2016	TEA staff sends notification of Chapter 239 public comment period to all individuals that submitted advisory committee nomination forms
May 2016	TEA staff finalizes nominations and selects advisory committee members for the SBEC for approval
June 10, 2016	SBEC adopts Chapter 239, <u>Student Services Certificates</u>, four-year rule review and approves advisory committee members for School Counselor Certificate and Educational Diagnostician Certificate
September 2016	TEA staff emails current rule text to advisory committee members for review and feedback
October 2016	Advisory committee members return feedback to TEA
Nov/December 2016	TEA staff compiles feedback from advisory committees
January 2017	TEA staff sends compiled feedback to advisory committees and additional pre-work for webinar
February 2017	TEA staff conducts advisory committee webinars, compiles discussion notes and sends information to advisory committee members for review and feedback
March 3, 2017	TEA staff presents advisory committee update to the SBEC and timeline for proposal and adoption of rule changes
April 2017	TEA staff completes internal work on proposed rule changes for review by the advisory committees
May 2017	TEA staff works with advisory committees to finalize rule changes for proposal to the SBEC in June 2017
June 9, 2017	TEA staff presents rule changes for discussion to the SBEC for Chapter 239, <u>Student Services Certificates</u>, Subchapter A, <u>School Counselor Certificate</u>, and Subchapter C, <u>Educational Diagnostician Certificate</u>

August 4, 2017	TEA staff presents rule changes for proposal to the SBEC for Chapter 239, <u>Student Services Certificates</u> , Subchapter A, <u>School Counselor Certificate</u> , and Subchapter C, <u>Educational Diagnostician Certificate</u>
October 6, 2017	TEA staff presents rule changes for adoption to the SBEC for Chapter 239, <u>Student Services Certificates</u> , Subchapter A, <u>School Counselor Certificate</u> , and Subchapter C, <u>Educational Diagnostician Certificate</u>
November 10, 2017	State Board of Education reviews SBEC-adopted rule changes for Chapter 239, <u>Student Services Certificates</u> , Subchapter A, <u>School Counselor Certificate</u> , and Subchapter C, <u>Educational Diagnostician Certificate</u> (final step in the rulemaking process)

ATTACHMENT IV**Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate,
and Subchapter C, Educational Diagnostician Certificate**
Advisory Committee Member List**SCHOOL COUNSELOR**

NAME	AFFILIATION	TITLE
Dr. Lesley Casarez	Angelo State University	Asst. Professor
Dr. Sylvia Lopez	Dallas ISD	Director of Guidance and Counseling
Summer Martin	Keller ISD	Lead Counselor and Adjunct Professor
Twila Read	Grand Prairie ISD	Middle School Counselor
Le'Ann Solmonson	Stephen F. Austin State University	Counselor Educator
Dr. Joan Strutton	East Texas Baptist University	Associate Professor of Behavioral and Social Sciences
Dr. Lisa Wines	Lamar University	Asst. Professor of Counseling with an Emphasis on School Counseling
Dr. Karl Witt	University of Texas at Tyler	Asst. Professor of Counseling and Interim Director of School Counseling
Matt Smith	Humble ISD	Coordinator of Counseling
Dana Jackson	Grand Prairie ISD	Director of Counseling Services
Tomeka McGee	Fort Worth ISD	Senior Counselor, Guidance and Counseling

EDUCATIONAL DIAGNOSTICIAN

NAME	AFFILIATION	TITLE
Georgene Moon	Faith Charter, Alpha Charter, University of Texas at Tyler	Educational Diagnostician, Consultant
Lori Harris	Crosby ISD	Educational Diagnostician
Dr. Renee Kwiatek	Houston Baptist University	University Faculty and private practice diagnostician working with public and private schools
Diane Broome	Lubbock ISD	Educational Diagnostician

ATTACHMENT V**Approved Educator Preparation Programs for School Counselor Certificate and
Educational Diagnostician Certificate****SCHOOL COUNSELOR**

Abilene Christian University	University of Houston
Amberton University	University of Houston – Clear Lake
Angelo State University	University of Houston – Victoria
Baylor University	University of Mary Hardin-Baylor
Dallas Baptist University	University of North Texas
Dallas ISD	University of North Texas – Dallas
Hardin-Simmons University	University of St. Thomas
Houston Baptist University	University of Texas – Arlington
Houston ISD	University of Texas – Austin
Lamar University	University of Texas – El Paso
LeTourneau University	University of Texas – Permian Basin
Lubbock Christian University	University of Texas – Rio Grande Valley
Midwestern State University	University of Texas – San Antonio
Our Lady of the Lake University	University of Texas - Tyler
Prairie View A&M University	Wayland Baptist University
Region 04 Alternative Certification Program	West Texas A&M University
Region 10 Education Service Center	
Region 13 Education Service Center	
Region 14 Education Service Center	
Region 19 Education Service Center	
Sam Houston State University	
Southern Methodist University	
Southwestern Adventist University	
Southwestern Assemblies of God University	
Stephen F. Austin State University	
Sul Ross State University – Alpine	
Sul Ross State University – Uvalde/Rio Grande	
Tarleton State University	
Texas A&M International University	
Texas A&M University	
Texas A&M University – Central Texas	
Texas A&M University – Commerce	
Texas A&M University – Corpus Christi	
Texas A&M University – Kingsville	
Texas A&M University – San Antonio	
Texas A&M University – Texarkana	
Texas Christian University	
Texas Southern University	
Texas State University	
Texas Tech University	
Texas Wesleyan University	
Texas Woman's University	

EDUCATIONAL DIAGNOSTICIAN

Abilene Christian University
Angelo State University
Dallas Baptist University
Houston Baptist University
Houston ISD
Lamar University
Lubbock Christian University
Midwestern State University
Our Lady of the Lake University
Prairie View A&M University
Region 10 Education Service Center
Sam Houston State University
Stephen F Austin State University
Sul Ross State University – Alpine
Tarleton State University
Texas A&M International University
Texas A&M University
Texas A&M University – Commerce
Texas A&M University – Corpus Christi
Texas A&M University – Kingsville
Texas A&M University – San Antonio
Texas A&M University – Texarkana
Texas Christian University
Texas State University
Texas Tech University
Texas Woman's University
University of Houston
University of Houston – Victoria
University of Mary Hardin-Baylor
University of North Texas
University of St. Thomas
University of Texas – Austin
University of Texas – El Paso
University of Texas – Permian Basin
University of Texas – Rio Grande Valley
University of Texas – Tyler
University of the Incarnate Word
Wayland Baptist University
West Texas A&M University