

Item 14:**Update and Take Appropriate Action on Petition for Adoption
of Rule Change Concerning 19 TAC Chapter 239, Student
Services Certificates, Subchapter B, School Librarian
Certificate, §239.60, Requirements for the Issuance of the
Standard School Librarian Certificate****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an update on Texas Education Agency (TEA) staff activities since the August 2014 meeting where a citizen petition on the Standard School Librarian Certificate was presented. At that time, the SBEC took action to initiate rulemaking and direct TEA staff to explore options to facilitate the process of becoming a certified school librarian. As part of this item, the SBEC will also have an opportunity to take appropriate action on the petition for adoption of rule change concerning 19 TAC §239.60, Requirements for the Issuance of the Standard School Librarian Certificate.

STATUTORY AUTHORITY: Texas Government Code, §2001.021, and the Texas Education Code, §§21.040(4), 21.041(b)(2)-(4), 21.044, 21.048(a), and 21.054.

EFFECTIVE DATE: None.

PREVIOUS BOARD ACTION: Section 239.60 was adopted effective January 23, 2001, and amended effective December 23, 2009. At the August 2014 SBEC meeting, the SBEC took action on a citizen petition to initiate rulemaking and directed TEA staff to look at options for creditable years of teaching experience requirements.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: Section 239.60, shown in Attachment II, establishes the requirements for the issuance of the Standard School Librarian Certificate. Currently, to obtain certification as a school librarian, an applicant must complete an approved educator preparation program, successfully complete the required examination, hold a minimum of a master's degree from an accredited institution of higher education, and have two creditable years of teaching experience as a classroom teacher.

The petition for adoption of a rule change concerning 19 TAC §239.60 was discussed at the August 2014 meeting, and the SBEC took action to initiate rulemaking and direct staff to explore options to facilitate the process of becoming a certified school librarian. At the October 2014 SBEC meeting, TEA staff provided a brief update on the timeline for rulemaking activities and presented a proposed list of school librarian stakeholders.

TEA staff held a stakeholder meeting on November 13, 2014, to discuss the Standard School Librarian Certificate. The list of individuals who participated in the stakeholder meeting is provided in Attachment III. The stakeholders discussed the current requirement of two creditable years of teaching experience for issuance of the Standard School Librarian Certificate, including potential revisions to 19 TAC §239.60(4) and options for satisfying the two years of creditable

teaching experience requirement. The consensus of the stakeholders was that there is no substitute for actual teaching experience. Based on stakeholder feedback obtained during that meeting, TEA staff recommends no changes to 19 TAC §239.60 regarding the creditable years of teaching experience required for issuance of the Standard School Librarian Certificate.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: None.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: None.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

MOTION TO BE CONSIDERED: The State Board for Educator Certification:

Discontinue the rulemaking process that would change the two-year classroom teaching requirement for issuance of the Standard School Librarian Certificate in 19 TAC §239.60, in response to a petition for rulemaking, after considering all relevant matters, including feedback from stakeholders convened to explore options to facilitate the process of becoming a certified school librarian, and determining that the two-year classroom teaching requirement is an important component for certification of a school librarian.

Respectfully submitted,

Ryan Franklin
Associate Commissioner
Educator Leadership and Quality

Staff Members Responsible: Marilyn Cook, Director
Educator Certification

Tim Miller, Director
Educator Preparation Programs

Tim Regal, Director
Educator Evaluation and Support

- Attachments:**
- I. Statutory Citations
 - II. Text of 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, §239.60, Requirements for the Issuance of the Standard School Librarian Certificate
 - III. School Librarian Stakeholder List
 - IV. Petition to Amend 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, §239.60, Requirements for the Issuance of the Standard School Librarian Certificate (presented at the August 2014 SBEC meeting)

ATTACHMENT I**Statutory Citations Relating to Petition for Adoption of Rule Change Concerning 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, §239.60, Requirements for the Issuance of the Standard School Librarian Certificate****Texas Education Code, §21.040, General Powers and Duties of Board (excerpt):**

The board shall:

- (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 (excerpts):

- (b) The board shall propose rules that:
 - (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;

Texas Education Code, §21.044, Educator Preparation:

- (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 curriculum for that degree, instruction in detection and education of students with dyslexia. This subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.
- (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 in detection of students with mental or emotional disorders.

- (c-2) The instruction under Subsection (c-1) must:
- (1) be developed by a panel of experts in the diagnosis and treatment of mental or emotional disorders who are appointed by the board; and
 - (2) include information on:
 - (A) characteristics of the most prevalent mental or emotional disorders among children;
 - (B) identification of mental or emotional disorders;
 - (C) effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports; and
 - (D) providing, in compliance with Section 38.010, notice and referral to a parent or guardian of a student with a mental or emotional disorder so that the parent or guardian may take appropriate action such as seeking mental health services.
- (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) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1091] 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.
- (e) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1282] 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.
- (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).

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

- (a) [2 Versions: As amended by Acts 2013, 83rd Leg., ch. 1282] The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The board shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the board shall require a satisfactory level of examination performance in each core subject covered by the examination.

Texas Education Code, §21.054, Continuing Education:

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.
- (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) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 638] 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) 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.
- (d) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1306] 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.

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- (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) 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.
- (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

Texas Government Code, §2001.021, Petition for Adoption of Rules:

- (a) An interested person by petition to a state agency may request the adoption of a rule.
- (b) A state agency by rule shall prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition.
- (c) Not later than the 60th day after the date of submission of a petition under this section, a state agency shall:
 - (1) deny the petition in writing, stating its reasons for the denial; or
 - (2) initiate a rulemaking proceeding under this subchapter.

19 TAC §250.20, Petition for Adoption of Rules or Rule Changes.

- (a) Any interested person may petition for the adoption, amendment, or repeal of a rule of the State Board for Educator Certification (SBEC) by filing a petition on a form provided in this subsection. The petition shall be signed and submitted to the Texas Education Agency (TEA). The TEA shall evaluate the merits of the proposal to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.
- Figure: 19 TAC §250.20(a)
- (b) In accordance with the Texas Government Code, §2001.021, the TEA must respond to the petitioner within 60 calendar days of receipt of the petition.
- (1) Where possible, the recommendation concerning the petition shall be placed on the SBEC agenda, and the SBEC shall act on the petition within the 60-calendar-day time limit.
- (2) Where the time required to review the petition or the scheduling of SBEC meetings will not permit the SBEC to act on the petition within the required 60 calendar days, the TEA shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBEC meeting at which the recommendation will be presented to the SBEC for action.
- (c) The SBEC will review the petition and the recommendation and will either direct the TEA to begin the rulemaking process or deny the petition, giving reasons for the denial. The TEA will notify the petitioner of the SBEC's action related to the petition.
- (d) Without limitation to the reasons for denial in this subsection, the SBEC may deny a petition on the following grounds:
- (1) the SBEC does not have jurisdiction or authority to propose or to adopt the petitioned rule;
- (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBEC, or other law;
- (3) the SBEC determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding; or
- (4) the petitioner is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing a petition:
- (A) before the fourth anniversary of the SBEC's having previously considered and rejected a similar rule on the same subject matter; or
- (B) to amend a rule proposed or adopted by the SBEC that has not yet become effective.
- (e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.

ATTACHMENT II
Text of 19 TAC**Chapter 239. Student Services Certificates****Subchapter B. School Librarian Certificate**

Statutory Authority: The provisions of this Subchapter B issued under the Texas Education Code, §§21.040(4), 21.041(b)(2)-(4), 21.044, 21.048(a), and 21.054, unless otherwise noted.

§239.60. Requirements for the Issuance of the Standard School Librarian Certificate.

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

- (1) successfully complete a school librarian preparation program that meets the requirements of §239.50 of this title (relating to Preparation Program Requirements) and §239.55 of this title (relating to Standards Required for the School Librarian Certificate);
- (2) successfully complete the examination based on the standards identified in §239.55 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; 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).

Source: The provisions of this §239.60 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201.

ATTACHMENT III

School Librarian Stakeholder List

Name	Current Position	Current Employer
Jane Claes	Professor, School of Education	University of Houston – Clear Lake
Elizabeth Philippi	Manager of Library Media Services	Houston ISD
Julie Briggs	Director, Library Media Services	Richardson ISD
Jennifer LaBoon	Manager of Library Media Services	Fort Worth ISD
Becky Calzada	Library Coordinator	Leander ISD
Dianna Jackson	Teacher and Librarian	Lubbock-Cooper ISD
Cristal Isaacks	Librarian	Levelland ISD
Nicole Cruz	Librarian	Sharyland ISD
Len Bryan	School Program Coordinator	Texas State Library and Archives Commission
Janae Pierce	Library Media Specialist	Georgetown ISD

ATTACHMENT IV

Figure: 19 TAC §250.20(a)

STATE BOARD FOR EDUCATOR CERTIFICATION**Petition for Adoption of a Rule**

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Office of Educator Certification and Standards Texas Education Agency, 1701 North Congress Avenue,
Austin, Texas 78701-1494

Name: Vanessa D. Corral

Affiliation/Organization (if applicable): Canutillo-ISD

Address: 740 Country Club El Paso TX 79932

Telephone: 915-841-5947

Date: 4/23/2014

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

- 1. Persons going through an approved school librarian certification program that hold a Master's in Education should have the opportunity to obtain the librarian certification if they have the experience in teaching in a school setting for 15 hours a week or more; whether as an academic tutor or any other related experience that can be documented as such.*
- 2. Persons going through an approved school librarian certification program should have the opportunity to obtain the certification if they are already hired as full-time librarians in a school district and are given an emergency permit by the district. The librarian teaching technology classes should have the time counted as instructional time / "classroom teacher" needed for school librarian certification.*

Statutory authority for the proposed rule action:

Title 19 Part 7 Chapter 239 Subchapter B Rule 239.60

TEC 5.001(2)

TEC Chapter 21 Subchapter B Sec. 21.051 (b)

**Why is this rule action necessary or desirable?
(If more space is required, attach additional sheets.)**

Adopting these rules will give the opportunity to highly qualified individuals to become certified school librarians. It will fill the high demand for school librarians.

On a personal note, I was admitted and have completed a program with TWU to be certified as a school librarian; however, I have been faced with the impediment of not being able to obtain my certification without being considered "classroom teacher". I hold a Master's degree in education. My teaching experience comes from being an academic tutor. I planned lessons, managed classrooms and tested students to document their progress.

On a closing note, adopting the rules will help those who have that desire to become school librarians but have been turned away because of similar situations. Do not let this become an obstacle to keep highly qualified individuals from pursuing a career in school services.

Vanessa D. Corral, M.ED

Petitioner's Signature