

**Item 14:****Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers****DISCUSSION AND ACTION**

**SUMMARY:** Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the proposed review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers. The rules being reviewed provide requirements for ensuring the certification of appraisers performing appraisals of teachers, administrators, and counselors employed in Texas public schools.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 244 is the Texas Education Code, §21.041(b)(10).

**PREVIOUS BOARD ACTION:** The SBEC last adopted the review of 19 TAC Chapter 244 in August 2013, finding that the reasons for initially adopting the rules continue to exist.

**FUTURE ACTION EXPECTED:** The review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, is scheduled to be presented to the SBEC for adoption at the August 2015 meeting. Any rule changes resulting from the rule review process will be presented to the SBEC for consideration at a future meeting.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** The SBEC rules in 19 TAC Chapter 244 establish general provisions, conditions for issuing a certificate of completion of training for appraisers of teachers, training for appraisers in districts using locally-developed teacher appraisal systems, and the certification of appraisers of administrators or counselors.

The rules currently in effect in 19 TAC Chapter 244 are shown in Attachment II.

**ANTICIPATED REVISIONS TO RULES:** Texas Education Agency staff will conduct stakeholder meetings in the upcoming months and present any changes to 19 TAC Chapter 244 for discussion and action at a future SBEC meeting.

**RULE REVIEW:** The SBEC plans to file the notice of proposed review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, with the *Texas Register* following the June 2015 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 244 continue to exist. The public comment period will begin July 3, 2015, with the publication of the notice of proposed review of 19 TAC Chapter 244 in the *Texas Register*.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** The review of 19 TAC Chapter 244 will result in the continuation of guidelines for certificates of completion of training for appraisers.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** The public comment period on the proposed rule review begins July 3, 2015, and ends August 3, 2015. The SBEC will take registered oral and written comments on this item at the August 7, 2015 meeting in accordance with the SBEC board operating policies and procedures.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** None.

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

Approve the proposed review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, to be published as proposed with the *Texas Register*.

**Staff Member Responsible:** Tim Regal, Director  
Educator Evaluation and Support

**Attachments:** I. Statutory Citations  
II. Text of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers

**ATTACHMENT I****Statutory Citations Relating to Review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

**19 TAC Chapter 244, Certificate of Completion of Training for Appraisers****Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (b) The board shall propose rules that:
  - (10) provide for certification of persons performing appraisals under Subchapter H.

**ATTACHMENT II**  
**Text of 19 TAC**

**Chapter 244. Certificate of Completion of Training for Appraisers**

*Statutory Authority: The provisions of this Chapter 244 issued under the Texas Education Code, §21.041(b)(10), unless otherwise noted.*

**§244.1. General Provisions.**

As authorized by the Texas Education Code (TEC), Chapter 21, Subchapter H, the commissioner of education rules for a recommended teacher appraisal system, known as the Professional Development and Appraisal System (PDAS), and for a recommended administrator appraisal process, are codified in Chapter 150 of this title (relating to Commissioner's Rules Concerning Educator Appraisal). Other appraisal systems may be locally developed and adopted by a school district according to the TEC, Chapter 21, Subchapter H, and Chapter 150 of this title.

*Source: The provisions of this §244.1 adopted to be effective March 1, 1998, 23 TexReg 1022; amended to be effective October 28, 2010, 35 TexReg 9507.*

**§244.2. Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process.**

- (a) The State Board for Educator Certification hereby adopts the appraiser qualifications, required appraiser training, and criteria for acceptable appraiser performance under the recommended Professional Development and Appraisal System (PDAS), as established by the commissioner of education in §150.1006 of this title (relating to Appraiser Qualifications).
- (b) Training of PDAS appraisers shall be provided in accordance with the rules established by the commissioner of education in Chapter 150, Subchapter AA, of this title (relating to Teacher Appraisal). The providers of such training are responsible for verifying completion of the training, and the regional education service center designated by the commissioner to serve as the PDAS certification provider for the state is responsible for maintaining documentation and issuing certification to individuals who have completed PDAS training to appraise teachers.
- (c) A school district using the commissioner-recommended administrator appraisal process shall comply with §150.1022(c) of this title (relating to Commissioner-Recommended Administrator Appraisal Process: Procedures) and §244.3 of this title (relating to Training for Appraisers of Educators in School Districts Using Locally-Developed Educator Appraisal Systems).

*Source: The provisions of this §244.2 adopted to be effective March 1, 1998, 23 TexReg 1022; amended to be effective October 28, 2010, 35 TexReg 9507.*

**§244.3. Training for Appraisers of Educators in School Districts Using Locally-Developed Educator Appraisal Systems.**

A school district that locally develops and adopts its own educator appraisal system should have a clearly defined set of procedures for training appraisers. The school district should identify the qualities appraisers must demonstrate and include appropriate proficiency checks to evaluate the performance of all educators performing appraisals under the district's locally adopted appraisal systems. The school district shall be responsible for documenting that appraisers have met training criteria established by the district.

*Source: The provisions of this §244.3 adopted to be effective March 1, 1998, 23 TexReg 1022; amended to be effective October 28, 2010, 35 TexReg 9507.*