

Item 7:

Consider and Take Appropriate Action on Approval of a Change to the 2015-2018 Rule Review Plan for State Board for Educator Certification Rules

DISCUSSION AND ACTION

SUMMARY: The State Board for Educator Certification (SBEC) will have an opportunity to discuss and approve a change to the 2015-2018 Rule Review Plan for SBEC Rules that would modify the date for beginning the review of 19 TAC Chapter 239, Student Services Certificates. The proposed change is based on SBEC's request to accelerate the review of this chapter. Texas Government Code, §2001.039, requires the rule review of existing state agency rules, including SBEC rules. The rule review requirement is designed to ensure that the reasons for initially adopting a rule continue to exist.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039.

PREVIOUS BOARD ACTION: The SBEC approved the 2015-2018 Rule Review Plan for SBEC Rules at the October 2014 SBEC meeting and amended the plan at the October 2015 SBEC meeting.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: Senate Bill (SB) 178, 76th Texas Legislature, 1999, amended the Texas Government Code by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in Texas Government Code, §2001.039, is designed to ensure that the reasons for adopting or readopting the rule continue to exist.

The 2015-2018 Rule Review Plan for SBEC Rules was approved by the SBEC at the October 2014 meeting. The four-year rule review plan appears as an information item on an ongoing basis in each SBEC agenda. Any necessary modifications to the plan will appear as an action item in the SBEC agenda for approval by the SBEC. Also, whenever necessary, proposed rule changes (amendments or revisions) will be presented for consideration concurrently with the required review of the rules.

Revisions to Rule Review Plan. The SBEC requested that the 2015-2018 Rule Review Plan for SBEC Rules be revised for 19 TAC Chapter 239. Therefore, the revised 2015-2018 Rule Review Plan for SBEC Rules reflects a change to the begin date for the review of 19 TAC Chapter 239. The SBEC rules in 19 TAC Chapter 239 are organized as follows: Subchapter A, School Counselor Certificate; Subchapter B, School Librarian Certificate; Subchapter C, Educational Diagnostician Certificate; Subchapter D, Reading Specialist Certificate; and Subchapter E, Master Teacher Certificate. These subchapters establish requirements for minimum admission, preparation, standards, issuance, renewal, and transition and implementation dates for the school counselor, school librarian, educational diagnostician, and reading specialist certificates. In addition, the rules establish certification requirements for the master teacher certificate in the subject areas of reading, mathematics, technology, and science. The modification to the plan shown in Attachment II includes the following:

- The date to begin the review of 19 TAC Chapter 239, Student Services Certificates, would be changed from March 2017 to April 2016.

The revised rule review plan approved by the SBEC will be posted on the Texas Education Agency (TEA) website.

PUBLIC COMMENTS: None.

OTHER COMMENTS AND RELATED ISSUES: As with proposed rule actions, the public comment period for a proposed review would last 30 days and include registered oral and written comments on the proposed review provided at an SBEC meeting.

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

Approve the proposed change to the 2015-2018 Rule Review Plan for State Board for Educator Certification Rules.

Staff Members Responsible: Christie Pogue, SBEC Manager
Educator Leadership and Quality

Cristina De La Fuente-Valadez, Director
Rulemaking

Regina Parker, Program Specialist
Rulemaking

Attachments: I. Statutory Citation
II. Proposed 2015-2018 Rule Review Plan for State Board for Educator Certification Rules

ATTACHMENT I**Statutory Citation Relating to Approval of Change to 2015-2018 Rule Review Plan for
State Board for Educator Certification Rules****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.

ATTACHMENT II**Proposed 2015-2018 Rule Review Plan for State Board for Educator Certification Rules**

Texas Government Code, §2001.039, established a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. The rule review is designed to ensure that the reasons for adopting or readopting the rule continue to exist. The plan only includes rules in effect at the time the plan is adopted.

Review Period: 2015			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases	<i>Subchapter A. General Provisions</i>	Educator Investigations	March 2015
	<i>Subchapter B. Enforcement Actions and Guidelines</i>		
	<i>Subchapter C. Prehearing Matters</i>		
	<i>Subchapter D. Hearing Procedures</i>		
	<i>Subchapter E. Post-Hearing Matters</i>		
Chapter 233. Categories of Classroom Teaching Certificates		Educator Certification	June 2015
Chapter 244. Certificate of Completion of Training for Appraisers		Educator Preparation	June 2015
Chapter 230. Professional Educator Preparation and Certification	<i>Subchapter A. General Provisions</i>	Educator Certification	October 2015
	<i>Subchapter B. General Certification Requirements</i>		
	<i>Subchapter C. Assessment of Educators</i>		
	<i>Subchapter D. Types and Classes of Certificates Issued</i>		
	<i>Subchapter E. Educational Aide Certificate</i>		
	<i>Subchapter F. Permits</i>		
	<i>Subchapter G. Certificate Issuance Procedures</i>		
	<i>Subchapter H. Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States</i>		
Chapter 232. General Certification Provisions	<i>Subchapter A. Certificate Renewal and Continuing Professional Education Requirements</i>	Educator Certification	October 2015
	<i>Subchapter B. National Criminal History Record Information Review of Active Certificate Holders</i>	Educator Investigations	

Review Period: 2016			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 239. Student Services Certificates	<i>Subchapter A. School Counselor Certificate</i>	Educator Certification	<u>April 2016</u> March 2017
	<i>Subchapter B. School Librarian Certificate</i>		
	<i>Subchapter C. Educational Diagnostician Certificate</i>		
	<i>Subchapter D. Reading Specialist Certificate</i>		
	<i>Subchapter E. Master Teacher Certificate</i>		

Review Period: 2017			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 231. Requirements for Public School Personnel Assignments	<i>Subchapter A. Criteria for Assignment of Public School Personnel</i>	Educator Certification	March 2017
	<i>Subchapter B. Prekindergarten-Grade 6 Assignments</i>		
	<i>Subchapter C. Grades 6-8 Assignments</i>		
	<i>Subchapter D. Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments</i>		
	<i>Subchapter E. Grades 9-12 Assignments</i>		
	<i>Subchapter F. Special Education-Related Services Personnel Assignments</i>		
	<i>Subchapter G. Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments</i>		
	<i>Subchapter H. Assignments for Teachers Certified Before 1966</i>		
Chapter 245. Certification of Educators from Other Countries		Educator Certification	March 2017

Review Period: 2018			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 227. Provisions for Educator Preparation Candidates	<i>Subchapter A. Admission to Educator Preparation Programs</i>	Educator Preparation	January 2018
	<i>Subchapter B. Preliminary Evaluation of Certification Eligibility</i>	Educator Investigations	
Chapter 228. Requirements for Educator Preparation Programs		Educator Preparation	January 2018
Chapter 229. Accountability System for Educator Preparation Programs		Educator Preparation	January 2018
Chapter 247. Educators' Code of Ethics		Educator Investigations	January 2018
Chapter 250. Administration	<i>Subchapter A. Purchasing</i>	Administration	January 2018
	<i>Subchapter B. Rulemaking Procedures</i>		
Chapter 241. Principal Certificate		Educator Certification	August 2018
Chapter 242. Superintendent Certificate		Educator Certification	August 2018