Item 18:

2023–2026 Rule Review Plan for State Board for Educator Certification Rules

INFORMATION ONLY

SUMMARY: This item outlines the rule review plan for State Board for Educator Certification (SBEC) rules during the period of 2023 through 2026. Texas Government Code (TGC), §2001.039, requires a rule review of existing state agency rules, including SBEC rules. The rule review requirement is designed to ensure the reasons for initially adopting a rule continue to exist.

STATUTORY AUTHORITY: TGC, §2001.039.

TGC, §2001.039, requires a state agency to review and consider for readoption each of its rules.

PREVIOUS BOARD ACTION: The SBEC approved the 2019-2022 rule review plan in October 2018.

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

The 2023–2026 Rule Review Plan for SBEC Rules was approved by the SBEC at the July 2022 meeting. The plan appears on an ongoing basis in each SBEC agenda. Any necessary modifications to the plan will be published as part of this item. Whenever necessary, proposed rule changes (amendments or revisions) will be brought to the Board for consideration concurrently with the required review of the rules.

Rule Review Procedures

In accordance with *Texas Register* rules, the following procedures will be used to implement the 2023-2026 rule review plan.

If no amendments are proposed to a rule under review, there will be no proposal presented to the SBEC for amending the rule. If amendments are proposed, only those sections with amendments will be brought back for adoption subject to State Board of Education review. Amendments to sections that were not filed as proposed will require a separate amendment process for those sections. Repealed rules are not subject to rule review.

Texas Register rules specify the following two-step review process to implement the rule review requirement found in the TGC, §2001.039:

1. a Notice of Proposed Review (Intention to Review) requesting comments on whether reasons for adopting or readopting the rules continue to exist is published in the *Texas Register*; and

2. a Notice of Adopted Review (Readoption) summarizing the public comments received in response to the notice of proposed review and providing a response to each comment and an assessment of whether the reasons for initially adopting the rules continue to exist is published in the *Texas Register*.

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.

Staff Members Responsible:
Kameryn McCain, Director, EPCE Policy and Planning
Cristina De La Fuente-Valadez, Director, Rulemaking

Attachment:
2023–2026 Rule Review Plan for State Board for Educator Certification Rules

ATTACHMENT

2023–2026 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 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: 2023			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases	*Subchapter A. General Provisions*	Educator Investigations	February 2023
	Subchapter B. Enforcement Actions and Guidelines		
	Subchapter C. Prehearing Matters		
	Subchapter D. Hearing Procedures		
	Subchapter E. Post-Hearing Matters		
Chapter 232. General Certification Provisions	*Subchapter A. Certificate Renewal and Continuing Professional Education Requirements*	Educator Certification	February 2023
	Subchapter B. National Criminal History Record Information Review of Active Certificate Holders	Educator Investigations	
Chapter 244. Certificate of Completion of Training for Appraisers		Educator Preparation	April 2023
Chapter 230. Professional Educator Preparation and Certification	*Subchapter A. General Provisions*	Educator Certification	July 2023
	Subchapter B. General Certification Requirements		
	Subchapter C. Assessment of Educators		
	Subchapter D. Types and Classes of Certificates Issued		
	Subchapter E. Educational Aide Certificate		
	Subchapter F. Permits		
	Subchapter G. Certificate Issuance Procedures		
	Subchapter H. Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States		

Continued - Review Period: 2023			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 239. Student Services Certificates	*Subchapter A. School Counselor Certificate*	Educator Certification	July 2023
	Subchapter B. School Librarian Certificate		
	Subchapter C. Educational Diagnostician Certificate		
	Subchapter D. Reading Specialist Certificate		
	Subchapter E. Legacy Master Teacher Certificate		

Review Period: 2024			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 234. Military Service Members, Military Spouses, and Military Veterans		Educator Certification	April 2024
Chapter 231. Requirements for Public School Personnel Assignments	*Subchapter A. Criteria for Assignment of Public School Personnel*	Educator Certification	April 2024
	Subchapter B. Prekindergarten–Grade 6 Assignments		
	Subchapter C. Grades 6–8 Assignments		
	Subchapter D. Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments		
	Subchapter E. Grades 9–12 Assignments		
	Subchapter F. Special Education-Related Services Personnel Assignments		
	Subchapter G. Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments		
Chapter 245. Certification of Educators from Other Countries		Educator Certification	April 2024

Review Period: 2025			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 227. Provisions for Educator Preparation Candidates	*Subchapter A. Admission to Educator Preparation Programs*	Educator Preparation	February 2025
	Subchapter B. Preliminary Evaluation of Certification Eligibility	Educator Investigations	
Chapter 229. Accountability System for Educator Preparation Programs		Educator Preparation	December 2025
Chapter 247. Educators' Code of Ethics		Educator Investigations	December 2025
Chapter 250. Administration	*Subchapter A. Purchasing*	Administration	December 2025
	Subchapter B. Rulemaking Procedures		

Review Period: 2026			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 235. Classroom Teacher Certification Standards	*Subchapter A. General Provisions*	Educator Certification	February 2026
	Subchapter B. Elementary School Certificate Standards		
	Subchapter C. Middle School Certificate Standards		
	Subchapter D. Secondary School Certificate Standards		
	Subchapter E. Science of Teaching Reading Standards		
	Subchapter F. Supplemental Certificate Standards		
	Subchapter G. Special Education Certificate Standards		
Chapter 241. Certification as Principal	*Subchapter A. Principal as Instructional Leader Certificate and Endorsement*	Educator Certification	February 2026
	Subchapter B. Principal Certificate		
Chapter 242. Superintendent Certificate		Educator Certification	February 2026
Chapter 233. Categories of Classroom Teaching Certificates		Educator Certification	September 2026