

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 149, Commissioner's Rules Concerning Educator Standards, Subchapter AA, Teacher Standards; and Subchapter BB, Administrator Standards, pursuant to the Texas Government Code, §2001.039. The TEA proposed the review of 19 TAC Chapter 149, Subchapter AA and BB, in the August 3, 2018 issue of the *Texas Register* (43 TexReg 5099). Relating to the review of 19 TAC Chapter 149, Subchapter AA, the TEA finds that the reasons for adopting Subchapter AA continue to exist and readopts the rules. No changes are necessary as a result of the review. Relating to the review of 19 TAC Chapter 149, Subchapter BB, the TEA finds that the reasons for adopting Subchapter BB continue to exist and readopts the rules. No changes are necessary as a result of the review. The TEA received public comments on the rule review of 19 TAC Chapter 149. Following is a summary of the comments received and corresponding responses.

Comment: Texas School Counselor Association, Texas Counseling Association, and one individual recommended using the word "educator" rather than "teacher" to better reflect the diversity of personnel who work directly with students on a campus under the direction and supervision of the campus principal. In addition, the commenters stated that "educator" more closely aligns with Texas Education Code, Chapter 21, Subchapter B. The commenters also made specific recommendations to the standards in §149.2001, Principal Standards, to incorporate the four components of the Texas Model for Comprehensive School Counseling Programs throughout instructional and student support initiatives; focus on students' interpersonal effectiveness, intrapersonal effectiveness, and personal health and safety to help students develop resiliency and self-advocacy skills; and ensure all students have access to school counselors through classroom guidance, individual planning, responsive services, and system support to further their interpersonal and intrapersonal effectiveness, college and career readiness, and personal health and safety.

Response: The agency disagrees with the recommended changes at this time. At a later date, the agency plans to review §149.2001 with broad stakeholder engagement to determine what revisions should be made to the standards as a whole.

Comment: Texas School Counselor Association, Texas Counseling Association, and four individuals commented that the Texas Model for Comprehensive School Counseling Programs is intended for all educational stakeholders to improve the school counseling program in their schools and districts. The commenters stated that the model indicates that principals are key in collaborating with school counselors

to design and deliver a quality school counseling program and that school administrators can make decisions and establish policies considering their understanding and support of the school counseling program's priorities and its demands. The commenters further stated that throughout the model, administrators are included as one of the collaborators to ensure effective delivery of a comprehensive program. Finally, the commenters stated that reciprocity of inclusion of key stakeholders throughout the Texas Administrative Code will help schools to implement and continue a counseling program that will benefit students, teachers, administrators, and the community.

Response: The agency disagrees with the proposed change. Stakeholder feedback during the process of drafting §149.2001, Principal Standards, indicated that these principal standards should not specify, outside of the Educator Code of Conduct, other statutory recommendations or obligations enumerated throughout the Texas Education Code. That is not intended to diminish the importance of any particular recommendation or obligation, but rather to acknowledge that the inclusion of such statutory recommendations or obligations could lead to the principal standards being viewed not as an articulation of standards but as an enumeration of statutory expectations.

Comment: Disability Rights of Texas (DRTx) and one individual commented that the rules in Chapter 149 should be maintained but should be amended to reflect the needs of students with disabilities. DRTx stated that general education teachers are not currently required to receive training related to students with disabilities as part of their professional preparation programs; that educational aides are not required to have experience or training related to students with disabilities; that administrators are not required to receive training related to students with disabilities; that, under 19 TAC §232.11, Number and Content of Required Continuing Professional Education Hours, teachers are required to receive no more than 6.25 hours of continuing professional education credits related to students with disabilities over a five-year period; and that a certified teacher can obtain a special education supplemental certification without any additional coursework or professional development.

Response: The agency agrees that the rules in Chapter 149 should be maintained. However, the comments relating to educator and administrator preparation, certification, and continuing education requirements are outside the scope of the rule review of Chapter 149, Subchapters AA and BB.

Comment: Texas Council of Administrators of Special Education commented in support of the rules and recommended opening the rules in the future to obtain stakeholder feedback on educating students with disabilities.

Response: The agency agrees and plans to review §149.2001 at a later date with broad stakeholder engagement to determine what revisions should be made to the standards as a whole.

This concludes the review of 19 TAC Chapter 149.