

The State Board for Educator Certification (SBEC) proposes the repeal of §§239.100-239.104, concerning the master teacher certificate. The proposed repeal of 19 TAC Chapter 239, Subchapter E, would implement the requirements of House Bill 3 (HB 3), 86th Texas Legislature, Regular Session, 2019. HB 3 requires that effective September 1, 2019, the SBEC can no longer issue or renew master teacher certificates. HB 3 also specifies that master teacher certificates will be designated as "legacy" certificates and recognized for assignment purposes until they expire.

BACKGROUND INFORMATION AND JUSTIFICATION: SBEC rules in 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate, establish the minimum requirements for admission, preparation, standards, certificate issuance, and renewal of master teacher certificates in reading, mathematics, technology, and science.

HB 3 repealed Texas Education Code (TEC), §§21.0481-21.0484, the statutory authority for the master teacher certificates.

Texas Education Agency (TEA) staff have proactively reached out to those potentially affected by the repeal of those certificates: (1) educator preparation programs that offer preparation for the master teacher certification to notify them and provide guidance to the programs on what they need to do to close-out these certificate classes and to assist candidates who are currently in the pipeline for the master teacher certificates; and (2) current certificate holders to notify them and provide guidance that the current master teacher certificates will be designated as "legacy" and will allow holders to be eligible for placement into appropriate teaching assignments.

FISCAL IMPACT: Ryan Franklin, associate commissioner for educator leadership and quality, has determined that for the first five-year period the proposal is in effect, there is no additional fiscal impact on state or local governments and there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would eliminate a government program, would decrease the number of individuals subject its applicability, and would repeal an existing regulation by repealing the master teacher certification.

The proposed rulemaking would not create a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Franklin has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be timely implementation of legislative mandates in HB 3 and clarity for educators and applicants regarding which certificates are available. There are no anticipated costs to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins August 23, 2019 and ends September 23, 2019. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). The SBEC will take registered oral and written comments on the proposal at the October 4, 2019 meeting in accordance with the SBEC board operating policies and procedures. All requests for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the Department of Educator Leadership and Quality, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, Attention: Mr. Ryan Franklin, associate commissioner for educator leadership and quality, not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on August 23, 2019.

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.064, as amended by House Bill 3, 86th Texas Legislature, Regular Session, 2019, which required the State Board for Educator Certification (SBEC) to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire; and Article 4, Repealer, Section 4.001(a)(2)-(5), which repeals TEC, §21.0481, Master Reading Teacher Certification; TEC, §21.0482, Master Mathematics Teacher Certification; TEC, §21.0483, Master Technology Teacher Certification; and TEC, §21.0484, Master Science Teacher Certification.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §21.064, as amended by House Bill 3, 86th Texas Legislature, Regular Session, 2019; and Article 4, Repealer, Section 4.001(a)(2)-(5).

<rule>

§239.100. General Provisions for Master Teacher Certificates.

§239.101. Master Reading Teacher Certification.

§239.102. Master Mathematics Teacher Certification.

§239.103. Master Technology Teacher Certification.

§239.104. Master Science Teacher Certification.