

Item 13:

Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 242, Superintendent Certificate

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 adoption of the review of 19 Texas Administrative Code (TAC) Chapter 242, Superintendent Certificate. The rules being reviewed provide requirements relating to the certification of superintendents.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 242 is the Texas Education Code, §§21.003(a), 21.040(4), 21.041(b)(2)-(4), and 21.046(a).

PREVIOUS BOARD ACTION: The SBEC last adopted the review of 19 TAC Chapter 242 in March 2015, finding that the reasons for initially adopting the rules continue to exist. Subsequent to the rule review, §242.20 was amended effective February 28, 2016.

FUTURE ACTION EXPECTED: The review of 19 TAC Chapter 242, Superintendent Certificate, is scheduled to be presented to the SBEC for adoption at the October 2018 meeting. Any proposed rule changes resulting from the rule review process will also be presented to the SBEC for consideration at the October 2018 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 242 establish requirements for the issuance and renewal of the superintendent certificate.

The rules currently in effect in 19 TAC Chapter 242 are shown in Attachment II.

ANTICIPATED REVISIONS TO RULES: No changes to rules in 19 TAC Chapter 242 are anticipated at this time.

RULE REVIEW: The notice of proposed review of 19 TAC Chapter 242, Superintendent Certificate, will be filed with the *Texas Register* following the August 2018 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 242 continue to exist. The public comment period will begin August 24, 2018, with the publication of the notice of proposed review of 19 TAC Chapter 242 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 242 will result in the continuation of requirements relating to admission to a superintendent preparation program, preparation program requirements, standards required for the superintendent certificate, issuance and renewal of the standard superintendent certificate, and requirements for the first-time superintendent in Texas.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: The public comment period on the proposed rule review begins August 24, 2018, and ends September 24, 2018. The SBEC will take registered oral and written comments on this item at the October 5, 2018 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 242, Superintendent Certificate, to be published as proposed in the *Texas Register*.

Staff Member Responsible:

Tam Jones, Director, Educator Preparation

Attachments:

- I. Statutory Citations
- II. Text of 19 TAC Chapter 242, Superintendent Certificate

ATTACHMENT I**Statutory Citations Relating to Review of 19 TAC Chapter 242, Superintendent Certificate
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 242, Superintendent Certificate**Texas Education Code, §21.003, Certification Required (excerpt):**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

Texas Education Code, §21.040, General Powers and Duties of Board (excerpt):

The board shall:

- (4) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;

Texas Education Code, §21.041, Rules; Fees (excerpts):

- (b) The board shall propose rules that:
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (3) specify the period for which each class of educator certificate is valid;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;

Texas Education Code, §21.046, Qualifications for Certification As Superintendent or Principal (excerpt):

- (a) The qualifications for superintendent must permit a candidate for certification to substitute management training or experience for part of the educational experience.

ATTACHMENT II
Text of 19 TAC

Chapter 242. Superintendent Certificate

Statutory Authority: The provisions of this Chapter 242 issued under the Texas Education Code, §§21.003(a), 21.041(b)(2)-(4), and 21.046(a), unless otherwise noted.

§242.1. General Provisions.

- (a) Due to the critical role the superintendent plays in school district effectiveness and student achievement, the rules adopted by the State Board for Educator Certification ensure that each candidate for the Superintendent Certificate is of the highest caliber and possesses the knowledge and skills necessary for success.
- (b) As required by the Texas Education Code, §21.046(b)(1)-(6), the standards identified in §242.15 of this title (relating to Standards Required for the Superintendent Certificate) emphasize instructional leadership; administration, supervision, and communication skills; curriculum and instruction management; performance evaluation; organization; and fiscal management.
- (c) An individual serving as a superintendent is expected to actively participate in professional development activities to continually update his or her knowledge and skills. Currency in best practices and research as related to both school district leadership and student learning is essential.
- (d) The holder of the Superintendent Certificate issued under the provisions of this chapter may serve as a superintendent, principal, or assistant principal in a Texas public school.

Source: The provisions of this §242.1 adopted to be effective October 25, 2009, 34 TexReg 7202.

§242.5. Minimum Requirements for Admission to a Superintendent Preparation Program.

- (a) Prior to admission to an educator preparation program leading to the Superintendent Certificate, an individual must hold, at a minimum, a master's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (b) An educator preparation program may adopt requirements for admission in addition to those required in subsection (a) of this section.
- (c) The educator preparation program shall implement procedures that include screening activities to determine the candidate's appropriateness for the Superintendent Certificate as identified in Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates).

Source: The provisions of this §242.5 adopted to be effective March 14, 1999, 24 TexReg 1617; amended to be effective September 2, 1999, 24 TexReg 6751; amended to be effective April 28, 2002, 27 TexReg 3354; amended to be effective October 25, 2009, 34 TexReg 7202.

§242.10. Preparation Program Requirements.

- (a) The design of the superintendent preparation program resides with the State Board for Educator Certification-approved educator preparation program and curricula and coursework shall be based upon the standards in §242.15 of this title (relating to Standards Required for the Superintendent Certificate) and Chapter 228 of this title (relating to Requirements for Educator Preparation Programs).
- (b) The superintendent preparation program shall include a field-based practicum whereby candidates must demonstrate proficiency in each of the standards identified in §242.15 of this title.
- (c) An educator preparation program may develop and implement specific criteria and procedures that allow a candidate to substitute related experience and/or professional training directly related to the standards identified in §242.15 of this title for part of the preparation requirements.

Source: The provisions of this §242.10 adopted to be effective March 14, 1999, 24 TexReg 1617; amended to be effective September 2, 1999, 24 TexReg 6751; amended to be effective October 25, 2009, 34 TexReg 7202.

§242.15. Standards Required for the Superintendent Certificate.

- (a) Superintendent Certificate Standards. The knowledge and skills identified in this section must be used by an educator preparation program in the development of curricula and coursework and the State Board for Educator Certification as the basis for developing the examinations required to obtain the standard Superintendent Certificate. The standards also serve as the foundation for the individual assessment, professional growth plan, and continuing professional education activities required by §242.30 of this title (relating to Requirements to Renew the Standard Superintendent Certificate).
- (b) Learner-Centered Values and Ethics of Leadership. A superintendent is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner. A superintendent understands, values, and is able to:
- (1) model and promote the highest standard of conduct, ethical principles, and integrity in decision making, actions, and behaviors;
 - (2) implement policies and procedures that encourage all school district personnel to comply with Chapter 247 of this title (relating to Educators' Code of Ethics);
 - (3) serve as an articulate spokesperson for the importance of education in a free democratic society;
 - (4) enhance teaching and learning by participating in quality professional development activities, study of current professional literature and research, and interaction with the school district's staff and students;
 - (5) maintain personal physical and emotional wellness; and
 - (6) demonstrate the courage to be a champion for children.
- (c) Learner-Centered Leadership and School District Culture. A superintendent is an educational leader who promotes the success of all students and shapes school district culture by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community. A superintendent understands, values, and is able to:
- (1) establish and support a school district culture that promotes learning, high expectations, and academic rigor for self, student, and staff performance;
 - (2) facilitate the development and implementation of a shared vision that focuses on teaching and learning;
 - (3) implement strategies for the involvement of all stakeholders in the planning processes and facilitate planning between constituencies;
 - (4) conduct and analyze school district/campus climate inventories for effective and responsive decision making;
 - (5) institute and monitor planning processes that include strategies designed to ensure the accomplishment of school district goals and objectives to achieve the school district's vision;
 - (6) facilitate the use and allocation of all available resources to support the implementation of the school district's vision and goals;
 - (7) recognize and celebrate contributions of staff and community toward realization of the school district's vision;
 - (8) demonstrate an awareness of emerging issues and trends affecting the education community;
 - (9) encourage and model innovative thinking and risk taking and view problems as learning opportunities; and
 - (10) promote multicultural awareness, gender sensitivity, and the appreciation of diversity in the education community.

- (d) Learner-Centered Human Resources Leadership and Management. A superintendent is an educational leader who promotes the success of all students by implementing a staff evaluation and development system to improve the performance of all staff members, selects and implements appropriate models for supervision and staff development, and applies the legal requirements for personnel management. A superintendent understands, values, and is able to:
- (1) develop, implement, and evaluate a comprehensive professional development plan designed specifically to address areas of identified school district, campus, and/or staff need;
 - (2) facilitate the application of adult learning principles to all professional development activities, including the use of relevant issues and tasks and the use of support and follow-up strategies to facilitate implementation;
 - (3) implement strategies to enhance professional capabilities at the school district and campus level to ensure support for a continuum of services and programming;
 - (4) deliver effective presentations and facilitate the learning of both small and large groups;
 - (5) implement effective strategies for the recruitment, selection, induction, development, and promotion of staff;
 - (6) develop and institute comprehensive staff evaluation models appropriate to the position held that include both formative and summative assessment and appraisal strategies;
 - (7) demonstrate use of school district and staff evaluation data for personnel policy development and decision making;
 - (8) demonstrate and apply knowledge of certification requirements and standards; and
 - (9) diagnose and improve organizational health/morale by the implementation of strategies and programs designed to provide on-going assistance and support to personnel.
- (e) Learner-Centered Policy and Governance. A superintendent is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context and by working with the board of trustees to define mutual expectations, policies, and standards. A superintendent understands, values, and is able to:
- (1) define and apply the general characteristics of internal and external political systems to the educational organization;
 - (2) demonstrate and apply appropriate knowledge of legal issues affecting education;
 - (3) provide leadership in defining superintendent and board of trustees roles, mutual expectations, and effective superintendent-board of trustees working relationships;
 - (4) determine the political, economic, and social aspects and/or needs of groups in the community, and those of the community at large, for effective and responsive decision making;
 - (5) prepare and recommend school district policies to improve student learning and school district performance in compliance with state and federal requirements;
 - (6) use legal systems to protect the rights of students and staff and to improve learning opportunities;
 - (7) apply laws, policies, and procedures fairly, wisely, and considerately; and
 - (8) access state and national political systems to provide input on critical educational issues.
- (f) Learner-Centered Communications and Community Relations. A superintendent is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources. A superintendent understands, values, and is able to:
- (1) develop and implement an effective and comprehensive school district internal and external communications plan and public relations program;

- (2) analyze community and school district structures and identify major opinion leaders and their relationships to school district goals and programs;
 - (3) establish partnerships with parents, area businesses, institutions of higher education, and community groups to strengthen programs and support school district goals;
 - (4) implement effective strategies to systematically communicate with and gather input from all stakeholders in the school district;
 - (5) communicate effectively with all social, cultural, ethnic, and racial groups in the school district and community;
 - (6) develop and use formal and informal techniques to obtain accurate perceptions of the school district staff, parents, and community;
 - (7) use effective consensus-building and conflict-management skills;
 - (8) articulate the school district's vision and priorities to the community and to the media;
 - (9) influence the media by using proactive communication strategies that serve to enhance and promote the school district's vision;
 - (10) communicate an articulate position on educational issues; and
 - (11) demonstrate effective and forceful writing, speaking, and active listening skills.
- (g) Learner-Centered Organizational Leadership and Management. A superintendent is an educational leader who promotes the success of all students by leadership and management of the organization, operations, and resources for a safe, efficient, and effective learning environment. A superintendent understands, values, and is able to:
- (1) implement appropriate management techniques and group processes to define roles, assign functions, delegate effectively, and determine accountability for goal attainment;
 - (2) implement processes for gathering, analyzing, and using data for informed decision making;
 - (3) frame, analyze, and resolve problems using appropriate problem-solving techniques and decision-making skills;
 - (4) develop, implement, and evaluate change processes for organizational effectiveness;
 - (5) implement strategies that enable the physical plant, equipment, and support systems to operate safely, efficiently, and effectively to maintain a conducive learning environment throughout the school district;
 - (6) apply legal concepts, regulations, and codes for school district operations;
 - (7) perform effective budget planning, management, account auditing, and monitoring and establish school district procedures for accurate and effective fiscal reporting;
 - (8) acquire, allocate, and manage resources according to school district vision and priorities;
 - (9) manage one's own time and the time of others to maximize attainment of school district goals; and
 - (10) use technology to enhance school district operations.
- (h) Learner-Centered Curriculum Planning and Development. A superintendent is an educational leader who promotes the success of all students by facilitating the design and implementation of curricula and strategic plans that enhance teaching and learning; alignment of curriculum, curriculum resources, and assessment; and the use of various forms of assessment to measure student performance. A superintendent understands, values, and is able to:
- (1) apply understanding of pedagogy, cognitive development, and child and adolescent growth and development to facilitate effective school district curricular decisions;
 - (2) implement curriculum planning methods to anticipate and respond to occupational and economic trends and to achieve optimal student learning;

- (3) implement core curriculum design and delivery systems to ensure instructional continuity and instructional integrity across the school district;
 - (4) develop and implement collaborative processes for the systematic assessment and renewal of the curriculum to ensure appropriate scope, sequence, content, and alignment;
 - (5) evaluate and provide direction for improving school district curriculum in ways that are based upon sound, research-based practices;
 - (6) facilitate the use of technology, telecommunications, and information systems to enrich the school district curriculum and enhance learning for all students;
 - (7) facilitate the use of creative, critical-thinking, and problem-solving tools by staff and other school district stakeholders; and
 - (8) facilitate the effective coordination of school district and campus curricular and extracurricular programs.
- (i) Learner-Centered Instructional Leadership and Management. A superintendent is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school district culture and instructional program conducive to student learning and staff professional growth. A superintendent understands, values, and is able to:
- (1) apply knowledge and understanding of motivational theories to create conditions that empower staff, students, families, and the community to strive to achieve the school district's vision;
 - (2) facilitate the implementation of sound, research-based theories and techniques of classroom management, student discipline, and school safety to ensure a school district environment conducive to learning;
 - (3) facilitate the development of a learning organization that supports instructional improvement, builds and implements an appropriate curriculum, and incorporates best practice;
 - (4) facilitate the ongoing study of current best practice and relevant research and encourage the application of this knowledge to school district/campus improvement initiatives;
 - (5) plan and manage student activity programs to fulfill developmental, social, cultural, athletic, leadership, and scholastic needs (i.e., guidance and counseling programs and services);
 - (6) institute a comprehensive school district program of student assessment, interpretation of data, and reporting of state and national data results;
 - (7) apply knowledge and understanding of special programs to ensure that students with special needs are provided quality, flexible instructional programs and services;
 - (8) analyze and deploy available instructional resources in the most effective and equitable manner to enhance student learning;
 - (9) develop, implement, and evaluate change processes to improve student and adult learning and the climate for learning; and
 - (10) create an environment in which all students can learn.

Source: The provisions of this §242.15 adopted to be effective March 14, 1999, 24 TexReg 1617; amended to be effective September 2, 1999, 24 TexReg 6751; amended to be effective October 25, 2009, 34 TexReg 7202.

§242.20. Requirements for the Issuance of the Standard Superintendent Certificate.

To be eligible to receive the standard Superintendent Certificate, a candidate must:

- (1) satisfactorily complete an examination based on the standards identified in §242.15 of this title (relating to Standards Required for the Superintendent Certificate); and
- (2) successfully complete a State Board for Educator Certification-approved superintendent preparation program and be recommended for certification by that program; and

- (3) hold, at a minimum, a master's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and
- (4) hold, at a minimum, a principal certificate or the equivalent issued under this title or by another state or country; or
- (5) have at least three creditable years of managerial experience in a public school district.
 - (A) The managerial experience must include responsibility for:
 - (i) supervising or appraising faculty or staff;
 - (ii) conducting district-level planning and coordination of programs, activities, or initiatives; and
 - (iii) creating or maintaining a budget.
 - (B) The candidate must submit an application to Texas Education Agency (TEA) staff for the substitution of managerial experience as defined in this paragraph. The TEA staff will review the application and will notify the applicant, in writing, of approval or denial within 60 calendar days from date of receipt.

Source: The provisions of this §242.20 adopted to be effective March 14, 1999, 24 TexReg 1617; amended to be effective September 2, 1999, 24 TexReg 6751; amended to be effective April 28, 2002, 27 TexReg 3354; amended to be effective July 13, 2004, 29 TexReg 6646; amended to be effective October 25, 2009, 34 TexReg 7202; amended to be effective February 28, 2016, 41 TexReg 1246.

§242.25. Requirements for the First-Time Superintendent in Texas.

- (a) A first-time superintendent (including the first time in the state) shall participate in a one-year mentorship that should include at least 36 clock-hours of professional development directly related to the standards identified in §242.15 of this title (relating to Standards Required for the Superintendent Certificate).
- (b) During the one-year mentorship, the superintendent should have contact with his or her mentor at least once a month. The mentorship program must be completed within the first 18 months of employment as superintendent in order to maintain the standard certificate.
- (c) Experienced superintendents willing to serve as mentors must participate in training for the role.

Source: The provisions of this §242.25 adopted to be effective March 14, 1999, 24 TexReg 1617; amended to be effective September 2, 1999, 24 TexReg 6751; amended to be effective October 25, 2009, 34 TexReg 7202.

§242.30. Requirements to Renew the Standard Superintendent Certificate.

- (a) An individual who holds the standard Superintendent Certificate is subject to Chapter 232, Subchapter B, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements).
- (b) To satisfy the requirements of this section, an individual must complete 200 clock-hours of continuing professional education every five years directly related to the standards in §242.15 of this title (relating to Standards Required for the Superintendent Certificate).
- (c) An individual who holds a valid Texas professional administrator certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.810 of this title (relating to Voluntary Renewal of Current Texas Educators).

Source: The provisions of this §242.30 adopted to be effective March 14, 1999, 24 TexReg 1617; amended to be effective September 2, 1999, 24 TexReg 6751; amended to be effective October 25, 2009, 34 TexReg 7202.