

Item 15:

Consider and Take Appropriate Action on 2019-2022 Rule Review Plan for State Board for Educator Certification Rules

DISCUSSION AND ACTION

SUMMARY: This item provides an opportunity for the State Board for Educator Certification (SBEC) to approve a proposed four-year rule review plan for SBEC rules. Texas Government Code, §2001.039, requires a rule review of existing state agency rules, including SBEC rules. The rule review requirement in Texas Government Code, §2001.039, is designed to ensure that the reasons for initially adopting the rule continue to exist.

STATUTORY AUTHORITY: Texas Government Code, §2001.039.

PREVIOUS BOARD ACTION: The SBEC approved the 2015-2018 rule review plan in October 2014.

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.

Whenever possible, proposed rule changes (amendments or revisions) will be brought to the Board for consideration concurrently with the required review of the rule.

Rule Review Procedures

In accordance with *Texas Register* rules, the following procedures will be used to implement the 2019-2022 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. Additional 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 Repealed rules are not subject to rule review.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 also specify the following two-step review process to implement the rule review requirement found in the Texas Government Code, §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 the SBEC meeting.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Approve the proposed 2019-2022 Rule Review Plan for State Board for Educator Certification Rules as shown in Attachment II.

Staff Members Responsible:

Christie Pogue, Director, EPP Accreditation and Policy Development

Cristina De La Fuente-Valadez, Director, Rulemaking

Lynette Smith Richardson, Rulemaking

Attachments:

I. Statutory Citations

II. 2019-2022 Rule Review Plan for State Board for Educator Certification Rules

ATTACHMENT I**Statutory Citation Relating to Proposed 2019-2022 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**2019-2022 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: 2019			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases	<i>Subchapter A. General Provisions</i>	Educator Investigations	March 2019
	<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 2019
Chapter 244. Certificate of Completion of Training for Appraisers		Educator Preparation	June 2019
Chapter 230. Professional Educator Preparation and Certification	<i>Subchapter A. General Provisions</i>	Educator Certification	October 2019
	<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 2019
	<i>Subchapter B. National Criminal History Record Information Review of Active Certificate Holders</i>	Educator Investigations	

Review Period: 2020			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 239. Student Services Certificates	<i>Subchapter A. School Counselor Certificate</i>	Educator Certification	March 2020
	<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>		
Chapter 234. Military Service Members, Military Spouses, and Military Veterans		Educator Certification	August 2020

Review Period: 2021			
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 2021
	<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 2021
Chapter 227. Provisions for Educator Preparation Candidates	<i>Subchapter A. Admission to Educator Preparation Programs</i>	Educator Preparation	August 2021
	<i>Subchapter B. Preliminary Evaluation of Certification Eligibility</i>	Educator Investigations	

Continued – Review Period: 2021			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 228. Requirements for Educator Preparation Programs		Educator Preparation	August 2021
Chapter 229. Accountability System for Educator Preparation Programs		Educator Preparation	December 2021
Chapter 247. Educators' Code of Ethics		Educator Investigations	December 2021
Chapter 250. Administration	<i>Subchapter A. Purchasing</i>	Administration	December 2021
	<i>Subchapter B. Rulemaking Procedures</i>		

Review Period: 2022			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 235. Classroom Teacher Certification Standards	<i>Subchapter A. General Provisions</i>	Educator Certification	March 2022
	<i>Subchapter B. Elementary School Certificate Standards</i>		
	<i>Subchapter C. Middle School Certificate Standards</i>		
	<i>Subchapter D. Secondary School Certificate Standards</i>		
Chapter 241. Certification as Principal	<i>Subchapter A. Principal as Instructional Leader Certificate and Endorsement</i>	Educator Certification	August 2018
	<i>Subchapter B. Principal Certificate</i>		
Chapter 242. Superintendent Certificate		Educator Certification	August 2018