

## Item 7:

# Consider and Take Appropriate Action on Approval of Changes to the 2015-2018 Rule Review Plan for State Board for Educator Certification Rules

### DISCUSSION AND ACTION

**SUMMARY:** The State Board for Educator Certification (SBEC) will have an opportunity to discuss and approve changes to the 2015-2018 Rule Review Plan for SBEC Rules that would modify the dates for beginning the review of 19 TAC Chapter 230, Professional Educator Preparation and Certification, and Chapter 232, General Certification Provisions. The proposed changes are based on the SBEC rulemaking schedule as a result of the 84th Texas Legislature, Regular Session, 2015. Texas Government Code, §2001.039, requires the rule review of existing state agency rules, including SBEC rules. The rule review requirement is designed to ensure that the reasons for initially adopting a rule continue to exist.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039.

**PREVIOUS BOARD ACTION:** The SBEC approved the 2015-2018 Rule Review Plan for SBEC Rules at the October 2014 SBEC meeting.

**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.

The 2015-2018 Rule Review Plan for SBEC Rules was approved by the SBEC at the October 2014 meeting. The four-year rule review plan appears as an information item on an ongoing basis in each SBEC agenda. Any necessary modifications to the plan will appear as an action item in the SBEC agenda for approval by the SBEC. Also, whenever necessary, proposed rule changes (amendments or revisions) will be presented for consideration concurrently with the required review of the rules.

*Revisions to Rule Review Plan.* The 2015-2018 Rule Review Plan for SBEC Rules has been revised for 19 TAC Chapters 230 and 232 based on the need for SBEC rulemaking as a result of the 84th Texas Legislature, Regular Session, 2015. Recent legislation requires changes to 19 TAC Chapters 230 and 232, prompting the need to accelerate the rule review of these chapters to receive public comment for the SBEC to discuss and propose changes to these chapters. Therefore, the revised 2015-2018 Rule Review Plan for SBEC Rules reflects a change to the begin dates for the review of rules relating to professional educator preparation and certification and general certification provisions. The modification to the plan shown in Attachment II includes the following:

- The date to begin the review of 19 TAC Chapter 230, Professional Educator Preparation and Certification, and 19 TAC Chapter 232, General Certification Provisions, would be changed from March 2016 to October 2015.

The revised rule review plan approved by the SBEC will be posted on the Texas Education Agency (TEA) website.

**PUBLIC COMMENTS:** None.

**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.

**MOTION TO BE CONSIDERED:** The State Board for Educator Certification:

Approve the proposed changes to the 2015-2018 Rule Review Plan for State Board for Educator Certification Rules.

**Staff Members Responsible:** Marilyn Cook, Director  
Educator Certification

Cristina De La Fuente-Valadez, Director  
Rulemaking

Regina Parker, Program Specialist  
Rulemaking

**Attachments:** I. Statutory Citation  
II. Proposed 2015-2018 Rule Review Plan for State Board for Educator Certification Rules

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**ATTACHMENT I****Statutory Citation Relating to Approval of Changes to 2015-2018 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****Proposed 2015-2018 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.

<b>Review Period: 2015</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases</b>	<i>Subchapter A. General Provisions</i>	Educator Investigations	March 2015
	<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>		
<b>Chapter 233. Categories of Classroom Teaching Certificates</b>		Educator Certification	June 2015
<b>Chapter 244. Certificate of Completion of Training for Appraisers</b>		Educator Preparation	June 2015

<b><u>[Review Period: 2016]</u></b>			
<b><u>[Chapter Title]</u></b>	<b><u>[Subchapter Title]</u></b>	<b><u>[Topic]</u></b>	<b><u>[Begin Review]</u></b>
<b>Chapter 230. Professional Educator Preparation and Certification</b>	<i>Subchapter A. General Provisions</i>	Educator Certification	<u>October 2015</u> <u>[March 2016]</u>
	<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>		
<b>Chapter 232. General Certification Provisions</b>	<i>Subchapter A. Certificate Renewal and Continuing Professional Education Requirements</i>	Educator Certification	<u>October 2015</u> <u>[March 2016]</u>
	<i>Subchapter B. National Criminal History Record Information Review of Active Certificate Holders</i>	Educator Investigations	

Review Period: 2017			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 231. Requirements for Public School Personnel Assignments</b>	<i>Subchapter A. Criteria for Assignment of Public School Personnel</i>	Educator Certification	March 2017
	<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>		
<b>Chapter 239. Student Services Certificates</b>	<i>Subchapter A. School Counselor Certificate</i>	Educator Certification	March 2017
	<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>		
<b>Chapter 245. Certification of Educators from Other Countries</b>		Educator Certification	March 2017

Review Period: 2018			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 227. Provisions for Educator Preparation Candidates</b>	<i>Subchapter A. Admission to Educator Preparation Programs</i>	Educator Preparation	January 2018
	<i>Subchapter B. Preliminary Evaluation of Certification Eligibility</i>	Educator Investigations	
<b>Chapter 228. Requirements for Educator Preparation Programs</b>		Educator Preparation	January 2018

<b>Review Period: 2018 (cont.)</b>			
<b>Chapter 229. Accountability System for Educator Preparation Programs</b>		Educator Preparation	January 2018
<b>Chapter 247. Educators' Code of Ethics</b>		Educator Investigations	January 2018
<b>Chapter 250. Administration</b>	<i>Subchapter A. Purchasing</i>	Administration	January 2018
	<i>Subchapter B. Rulemaking Procedures</i>		
<b>Chapter 241. Principal Certificate</b>		Educator Certification	August 2018
<b>Chapter 242. Superintendent Certificate</b>		Educator Certification	August 2018