

Item 19:

2019–2022 Updated Rule Review Plan for State Board for Educator Certification Rules

INFORMATION ONLY

SUMMARY: This item outlines the updated rule review plan for State Board for Educator Certification (SBEC) rules during the period of 2019 through 2022. Texas Government Code (TGC), §2001.039, requires a rule review of existing state agency rules, including SBEC rules. The rule review requirement is designed to ensure the reasons for initially adopting a rule continue to exist. The updated review plan reflects the acceleration of the review of 19 TAC Chapter 239, Student Services Certificates, and the correct SBEC 2020 meeting dates.

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill (SB) 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure the reasons for adopting or readopting the rule continue to exist.

The 2019–2022 Rule Review Plan for SBEC Rules was approved by the SBEC at the October 2018 meeting. The plan appears on an ongoing basis in each SBEC agenda. Any necessary modifications to the plan will be published as part of this item. Whenever necessary, proposed rule changes (amendments or revisions) will be brought to the board for consideration concurrently with the required review of the rules.

For the 2019 review period, the rule review of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, was accelerated to begin in February 2019 and the rule reviews of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, and 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, were accelerated to begin in April 2019 due to the 2019 SBEC meeting schedule. For the 2020 review period, the rule review of 19 TAC Chapter 239, Student Services Certificates, was accelerated to begin in December 2019 to coordinate stakeholder input with any necessary changes resulting from the 86th Texas Legislature, 2019. In addition, the rule review of 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, was accelerated to begin in July 2020 due to the 2020 SBEC meeting schedule. These updates to the 2019–2022 Rule Review Plan for SBEC Rules are shown in the attached.

Rule Review Procedures. *Texas Register* rules specify the following two-step review process to implement the rule review requirement found in the TGC, §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 an SBEC meeting.

Staff Members Responsible:

Christie Pogue, Director, EPP Accreditation and Policy Development

Cristina De La Fuente-Valadez, Director, Rulemaking

Lynette Smith, Program Specialist, Rulemaking

Attachment:

2019–2022 Rule Review Plan for State Board for Educator Certification Rules

ATTACHMENT**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	February 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	April 2019
Chapter 244. Certificate of Completion of Training for Appraisers		Educator Preparation	April 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	<u>December 2019</u> <u>[March 2020]</u>
	<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	<u>July [August] 2020</u>

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 2022
	<i>Subchapter B. Principal Certificate</i>		
Chapter 242. Superintendent Certificate		Educator Certification	August 2022