

The State Board for Educator Certification (SBEC) adopts an amendment to 19 Texas Administrative Code (TAC) §239.20, concerning requirements for the issuance of the standard school counselor certificate. The amendment is adopted without changes to the proposed text as published in the December 29, 2023 issue of the *Texas Register* (48 TexReg 8152) and will not be republished. The adopted amendment implements the statutory requirement of Senate Bill (SB) 798, 88th Texas Legislature, Regular Session, 2023, and updates the certificate issuance rules to remove the requirement that an individual must have two years of classroom teaching experience to receive a school counselor certificate.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, establish requirements for minimum admission, preparation, standards, certificate issuance, renewal, and transition and implementation dates for the school counselor certificate. These requirements ensure educators are qualified and professionally prepared to instruct the schoolchildren of Texas.

SB 798, 88th Texas Legislature, Regular Session, 2023, Requirements

SB 798, 88th Texas Legislature, Regular Session, 2023, took effect on September 1, 2023, and requires the SBEC to propose rules not later than January 1, 2024, to remove the requirement that a candidate for school counselor certification must have experience as a classroom teacher. The adopted amendment complies with the deadline given in legislation to initiate SBEC rulemaking.

Following is a description of the adopted amendment to 19 TAC Chapter 239, Subchapter A, §239.20, that updates the school counselor certificate issuance rule and implements the provisions of SB 798.

§239.20. Requirements for the Issuance of the School Counselor Certificate.

The adopted amendment to 19 TAC §239.20(4) strikes the text in its entirety and complies with provisions in SB 798 to remove the requirement of two creditable years of teaching experience as a classroom teacher as a condition for issuance of the school counselor certificate. Additional minor technical edits were made to reflect the deletion of this requirement.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began December 29, 2023, and ended January 29, 2024. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the February 16, 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: Many individuals, including the Texas School Counselor Association, Texas Counseling Association, and current and retired school counselors, opposed the removal of the two-year classroom teaching requirement for certification as a school counselor. Among the individuals, the prevalent suggested rule change to 19 TAC §239.20, Requirements for Issuance of the Standard School Counselor Certificate, was as follows:

(a) completed a minimum 48-hour master's degree in school counseling; or (b) completed a minimum 48-hour master's degree in counseling and: (1) has been licensed or certified as a school counselor in good standing in another state for at least two years immediately prior to application; (2) completes a mentorship under a certified school counselor for an entire school year; or (3) completes a graduate non-degreed program of study in school counseling that aligns with the Texas Model for Comprehensive School Counseling Programs and is approved by the State Board for Educator Certification.

Numerous individuals stated that their time as classroom teachers was crucial to their success as school counselors and that the proposal to eliminate the two-year classroom teaching requirement for the school counseling certificate would be detrimental to the success of school counselors. The individuals presented several points in support of this opinion, including that school counselors are often in classrooms delivering lessons to students and must be familiar with classroom management, the basics of how a classroom works, and how to plan and deliver effective, engaging, and age-appropriate instruction. Several individuals also stated that being a classroom teacher for at least two years gives school counselors the unique opportunity to understand the dynamics and issues that students and teachers face in a school setting and can, therefore, better serve their campus population. One individual suggested that the two-year teaching requirement should be increased to five years.

Response: The SBEC neither agrees nor disagrees. The SBEC was directed to begin the rulemaking process to implement this change in requirements to issue the school counselor certificate no later than January 1, 2024, to comply with SB 798, 88th Texas Legislature, Regular Session, 2023.

Comment: Several individuals shared dismay that the legislature removed the two-year classroom teaching qualification and recommended that the language in 19 TAC §239.20, Requirements for Issuance of the Standard School Counselor Certificate, be revised to include a mentorship requirement of one year for prospective school counseling certification candidates in order to ensure that school counselor certificate holders without classroom experience are adequately prepared to meet the demands of the position.

Response: The SBEC neither agrees nor disagrees. The SBEC was directed to begin the rulemaking process to implement this change in requirements to issue the school counselor certificate no later than January 1, 2024, to comply with SB 798, 88th Texas Legislature, Regular Session, 2023. Any additional feedback on these rules that is not contradictory to the intent of SB 798 could be considered in the future following completion of the current rulemaking process.

Comment: An individual commented in support of removing the two-year classroom teaching requirement from 19 TAC §239.20, Requirements for Issuance of the Standard School Counselor Certificate, but recommended that language be added to provide for additional training to provide counseling services to Kindergarten-Grade 12 students. The commenter requested the addition of the following language in lieu of the two-year classroom teaching requirement:

That to be a school counselor, the person: (a) completed a minimum 48-hour master's degree in school counseling; or (b) completed a minimum 48-hour master's degree in counseling and: (1) has been licensed or certified as a school counselor in good standing in another state for at least two years immediately prior to application; (2) completes a mentorship under a certified school counselor for an entire school year, completes a graduate non-degree program of study in school counseling that aligns with the Texas Model for Comprehensive School Counseling Programs and is approved by the State Board for Educator Certification.

Response: The SBEC neither agrees nor disagrees. The SBEC was directed to begin the rulemaking process to implement this change in requirements to issue the school counselor certificate no later than January 1, 2024, to comply with SB 798, 88th Texas Legislature, Regular Session, 2023. Any additional feedback on these rules that is not contradictory to the intent of SB 798 could be considered in the future following completion of the current rulemaking process.

Comment: An individual commented in support of removing the two-year teaching requirement for school counselors from 19 TAC §239.20, Requirements for Issuance of the Standard School Counselor Certificate, because it will create more opportunities for those seeking to work in schools.

Response: The SBEC neither agrees nor disagrees. The SBEC was directed to begin the rulemaking process to implement this change in requirements to issue the school counselor certificate no later than January 1, 2024, to comply with SB 798, 88th Texas Legislature, Regular Session, 2023.

Comment: An individual commented that they would like to see counselors (licensed professional counselors) have a pathway to add a school counseling certification through the licensing board or university programs.

Response: This comment is outside the scope of the required rulemaking to implement SB 798, 88th Texas Legislature, Regular Session, 2023.

The State Board of Education (SBOE) took no action on the review of the amendment to §239.20 at the April 12, 2024 SBOE meeting.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.031(a), which charges the State Board for Educator Certification (SBEC) with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.040(2), which

states that the SBEC shall, 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; TEC, §21.041(a), which authorizes the SBEC to adopt rules as necessary to implement its procedures; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which require the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for issuance and renewal of an educator certificate; TEC, §21.041(b)(5), which requires the SBEC to provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to §21.052; TEC, §21.041(b)(9), which requires the SBEC to provide for continuing education requirements; TEC, §21.044(a)(2), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.0462, as added by Senate Bill 798, 88th Texas Legislature, Regular Session, 2023, which prohibits requiring candidates have experience as a classroom teacher; TEC, §21.048(a), which requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC and requires the commissioner of education to determine the satisfactory level of performance required for each certification examination and each core subject covered by the generalist certification examination; TEC, §21.054, as amended by House Bill 2929, 88th Texas Legislature, Regular Session, 2023, which requires classroom teachers, principals, and school counselors to earn continuing professional education units in specific areas and directs the SBEC to propose rules relating to continuing professional education courses and programs for educators; and TEC, §22.0831(f), which states the board may propose rules to implement this section, including rules establishing: (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.031(a); 21.040(2); 21.041(a), (b)(1)-(5), and (9); 21.044(a)(2); 21.0462, as added by Senate Bill 798, 88th Texas Legislature, Regular Session, 2023; 21.048(a); 21.054, as amended by House Bill 2929, 88th Texas Legislature, Regular Session, 2023; and 22.0831(f).

<rule>

§239.20. Requirements for the Issuance of the Standard School Counselor Certificate.

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

- (1) successfully complete a school counselor preparation program that meets the requirements of §239.10 of this title (relating to Preparation Program Requirements) and §239.15 of this title (relating to Standards Required for the School Counselor Certificate);
- (2) successfully complete the examination based on the standards identified in §239.15 of this title; and
- (3) hold, at a minimum, a 48-hour master's degree in counseling 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.