

## Item 8:

# **Proposed Repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments**

### DISCUSSION AND ACTION

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose the repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments. The proposed repeal would be necessary as a result of House Bill (HB) 200, 81st Texas Legislature, 2009, which repealed the statutory authority for the principal assessment.

**STATUTORY AUTHORITY:** The statutory authority for the repeal of 19 TAC §241.35 is the Texas Education Code (TEC), §21.054, as amended by HB 200, 81st Texas Legislature, 2009.

**EFFECTIVE DATE:** If approved for filing as proposed in February 2010, the proposed effective date of the proposed repeal of 19 TAC §241.35 would be June 27, 2010 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and State Board of Education meeting schedules.

**PREVIOUS BOARD ACTION:** The SBEC adopted 19 TAC §241.35 to be effective March 14, 1999, and amended it to be effective September 2, 1999. The SBEC adopted the review of 19 TAC Chapter 241 and proposed an amendment to §241.35 as part of the proposed revisions to 19 TAC Chapter 241 in April 2009. However, the statutory authority for 19 TAC §241.35 no longer exists due to action taken by the Texas Legislature in 2009. As a result, the proposed amendment to §241.35 automatically expired on November 2, 2009, due to lack of statutory authority.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** Section 241.35 establishes guidelines for the principal assessment process and the approval of individual assessments currently required.

The SBEC took action at its August 2009 meeting to approve revisions to 19 TAC Chapter 241 for adoption, subject to SBOE review. The revisions included the repeal of 19 TAC §241.35. However, to comply with *Texas Register* filing requirements, the repeal of §241.35 must be handled through a separate rulemaking process. This item presents for filing as proposed the proposed repeal of §241.35. Text of the proposed repeal of 19 TAC §241.35 is shown in Attachment II.

**FISCAL IMPACT:** The TEA staff has determined that there are no additional costs to persons or entities required to comply with the proposed repeal. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

**PUBLIC AND STUDENT BENEFIT:** The proposed repeal reflects statutory changes and removes obsolete provisions from rule.

**PROCEDURAL AND REPORTING IMPLICATIONS:** The TEA staff have determined that there are no procedural and reporting implications to school districts and educators.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** The TEA staff have determined that there are no locally maintained paperwork requirements to school districts and educators.

**PUBLIC COMMENTS:** The official public comment period will begin once the rule action has been published as proposed in the *Texas Register*.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** None.

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

Approve the proposed repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments, for filing as proposed with the *Texas Register*.

Respectfully submitted,

Jerel Booker  
Associate Commissioner  
Educator Quality and Standards

**Staff Member Responsible:** Karen Loonam, Ed.D., Deputy Associate Commissioner  
Educator Certification and Standards

**Attachments:** I. Statutory Citation  
II. Text of Proposed Repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments

## ATTACHMENT I

**Statutory Citations Relating to Proposed Repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments**

**Texas Education Code, §21.054, Continuing Education, as amended by House Bill 200, 81st Texas Legislature, 2009:**

- ~~[(a)]~~ The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.
- ~~[(b)]~~ Continuing education for principals must be based on an individual assessment of the knowledge, skills, and proficiencies necessary to perform successfully as a principal, as identified in Section 21.046. An individualized professional growth plan shall be developed as a result of the assessment and shall be used exclusively for professional growth purposes. The assessment results and the growth plan may only be released with the approval of the principal assessed. Except as provided by Section 21.059, each certified principal shall participate in the assessment process and professional growth activities at least once every five years.]

ATTACHMENT II  
Text of Proposed Repeal of 19 TAC

**Chapter 241. Principal Certificate**

**§241.35. Assessment Process Definition and Approval of Individual Assessments.**

- ~~[(a) — The individual assessment process determines primarily through a series of job like activities the presence of knowledge and skills directly related to the standards identified in §241.15 of this title (relating to Standards for the Principal Certificate). The assessment process will include a structured self assessment and may also include other job related activities as appropriate. Job related activities must also determine the presence of skills related to the standards identified in §241.15 of this title. The assessment must be conducted and completed within a 30 day time period.]~~
- ~~[(b) — The executive director shall implement procedures to approve the individual assessments that may be used to satisfy §241.30(d) of this title (relating to Requirements to Renew the Standards Principal Certificate). The executive director shall adopt procedures to receive and investigate complaints that allege noncompliance with this section, including available sanctions against the assessment provider if the investigation determines noncompliance has occurred.]~~
- ~~[(c) — Upon completion, the assessment provider must report to SBEC the individuals who have completed an approved assessment.]~~
- ~~[(d) — The following characterize an appropriate assessment and must be included in the approval criteria adopted by the executive director:]~~
- ~~[(1) — performance is analyzed solely on the presence of defined skills embedded in the assessment activities;]~~
- ~~[(2) — standards of performance on defined skills are measured in a consistent manner;]~~
- ~~[(3) — a minimum of two assessors integrate their analyses of data for the individual being assessed;]~~
- ~~[(4) — assessors are chosen by the assessment provider and must successfully demonstrate both a strong familiarity with the principalship and leadership skills and are in no way involved in evaluation activities or employment decisions affecting the principal being assessed;]~~
- ~~[(5) — assessors are trained by the assessment provider and must successfully demonstrate acceptable performance for the following assessor duties:]~~
- ~~[(A) — assessment process procedures;]~~
- ~~[(B) — analysis of performance of individuals being assessed in job like activities;]~~
- ~~[(C) — integration of data from job like and job related activities; and]~~
- ~~[(D) — development of detailed feedback related to the standards identified in §241.15 of this title.]~~
- ~~[(6) — structured feedback provides detailed results for each of the standards assessed, compares the results with the self assessment required under this section, and includes a series of recommendations identifying specific professional development activities that should be considered in the development of the professional growth plan required under §241.30(d) of this title; and]~~
- ~~[(7) — documentation verifies that the assessment process has been field tested for appropriate content and design.]~~