Item 23:

2007-2010 Rule Review Plan for State Board for Educator Certification Rules

INFORMATION ONLY

SUMMARY: This item outlines the rule review plan for State Board for Educator Certification (SBEC) rules during the period of 2007 through 2010. Texas Government Code, §2001.039, requires a rule review of existing state agency rules, including SBEC rules. The rule review requirement is designed to ensure that the reason for initially adopting a rule continues to exist.

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 reason for adopting or readopting the rule continues to exist."

The 2007-2010 Rule Review Plan for SBEC Rules reflected in Attachment I is organized into four clusters. In 2007, rules concerning investigations and specific educator credentialing areas were reviewed. Rules relating to educator standards and professional educator preparation and certification were reviewed in 2008. In 2009, rules for other educator credentialing areas such as student services certificates and administrator certificates, in addition to rules relating to an accountability system for educator preparation will be reviewed, while rules concerning educators' code of ethics and general agency administration will be reviewed in 2010, the final year of this rule review cycle. Unless affected by future legislation, the SBEC rule review process will continue every four years.

The 2007-2010 Rule Review Plan for SBEC Rules was approved in November 2006 and revised by the SBEC at the January and July 2008 meetings and the February 2009 meeting and appears on an ongoing basis in the information pages of each SBEC agenda. Any necessary modifications to the plan will appear as an action item in the SBEC agenda for approval by the SBEC prior to filing with the *Texas Register*.

Rule Review Procedures. *Texas Register* rules 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 the reason for adopting or readopting the rules continue to exist is published in the *Texas Register* (see example in Attachment II); and

2. a Notice of Adopted Review (Readoption) summarizing the public comments received in response to the notice of proposed review and providing an agency 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* (see example in Attachment II).

The rule review process for SBEC rules is illustrated in this item using three examples. These examples illustrate the following points: (1) If no amendments are proposed to a rule under review, there will be no proposal presented to the SBEC for amending the rule; and (2) If

amendments are proposed, only those sections with amendments will be brought back for adoption subject to State Board of Education (SBOE) review (see SBEC rulemaking process in Attachment III). 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.

Example 1. Rule Review with No Changes

February SBEC Meeting	Full Board (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies that no changes are being recommended.
	Texas Register	After the SBEC meeting, staff files Notice of Proposed Review (see Attachment II).
April SBEC Meeting	Full Board (adopt review)	Action item that presents comments received from Notice of Proposed Review and provides the SBEC the opportunity to propose any amendments to the rule. SBEC authorizes filing of a Notice of Adopted Review, noting that no changes are being proposed to the rules as a result of the review.
	Texas Register	After the SBEC meeting, staff files Notice of Adopted Review that states the rule will continue to exist and no changes are being proposed (see Attachment II).
END OF REVIEW PROCESS (no item at June SBEC Meeting)		

Example 2. Rule Review with Changes

February SBEC Meeting	Full Board (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies the changes being recommended.
	Texas Register	After the SBEC meeting, staff files Notice of Proposed Review (see Attachment II).
April SBEC Meeting	Full Board (adopt review) (proposed action on amendments)	Separate action items that present comments received from notice of proposed review and provide the SBEC the opportunity to propose amendments. SBEC authorizes filing of a Notice of Adopted Review and approves filing of proposed amendments.
	Texas Register	After the SBEC meeting, staff files proposed amendments and a Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBEC Meeting	Full Board (adopted action subject to State Board of Education (SBOE) review on amendments)	Action item that presents the proposed amendments for adoption, subject to SBOE review. (NOTE: Additional amendments to sections not filed as proposed will require a separate amendment process for those sections.)
September SBOE Meeting	SBOE Committee and Full SBOE (review of SBEC adopted-not yet filed amendments)	Action item that presents SBEC-adopted rule (not yet filed as adopted) for review by the SBOE. The SBOE takes no action to reject the SBEC adopted-not yet filed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
August	Effective Date of SBEC Adopted Amendments	
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule

February SBEC Meeting	Full Board (proposed action on repeal)	Action item that proposes repeal of rule. SBEC authorizes filing of proposed repeal.
	Texas Register	After the SBEC meeting, staff files proposed repeal (no Notice of Proposed Review required for repeals).
April SBEC Meeting	Full Board (adopted action on repeal subject to SBOE review)	Action item that adopts repeal of rule. SBEC authorizes filing of adopted repeal, subject to SBOE review.
May SBOE Meeting	SBOE Committee and Full SBOE (review of SBEC adopted-not yet filed repeal)	Action item that presents SBEC-adopted rule (not yet filed as adopted) for review by the SBOE. The SBOE takes no action to reject the SBEC adopted-not yet filed repeal.
	Texas Register	After the SBOE meeting, staff files adopted repeal (no Notice of Adopted Review required for repeals).
June	Effective Date of Repeal	
END OF REPEAL PROCESS		

PUBLIC COMMENTS: None.

OTHER COMMENTS AND RELATED ISSUES: None.

Respectfully submitted,

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Attachments:
I. 2007-2010 Rule Review Plan for State Board for Educator Certification Rules
II. Sample Notices of Proposed and Adopted Review
III. State Board for Educator Certification Rulemaking Process

ATTACHMENT I

2007-2010 Rule Review Plan for State Board for Educator Certification Rules

(revised February 2009)

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 reason for adopting or readopting the rule continues to exist." It only includes rules currently in effect at the time the plan is adopted.

Review Period: 2007			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases Including Enforcement of the Educator's Code of Ethics	*Subchapter A. General Provisions*	Investigations	January 2007
	Subchapter B. Enforcement Actions and Guidelines		
	Subchapter C. Prehearing Matters		
	Subchapter D. Hearing Procedures		
	Subchapter E. Posthearing Matters		
	Subchapter F. Enforcement of the Educator's Code of Ethics		
Chapter 232. General Certification Provisions	*Subchapter A. Types and Classes of Certificates Issued*	Educator Credentialing	July 2007
	Subchapter B. Certificate Renewal and Continuing Professional Education Requirements		
Chapter 233. Categories of Classroom Teaching Certificates		Educator Credentialing	July 2007

Review Period: 2008			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 227. Provisions for Educator Preparation Students	*Subchapter A. Admission to an Educator Preparation Program*	Educator Standards	March 2008
	Subchapter B. Teach for Texas Pilot Program		
Chapter 228. Requirements for Educator Preparation Programs		Educator Standards	March 2008

Review Period: 2008 (cont.)			
Chapter 230. Professional Educator Preparation and Certification	*Subchapter A. Assessment of Educators*	Educator Standards	October 2008
	Subchapter E. Centers for Professional Development of Teachers		
	Subchapter G. Certification Requirement for Classroom Teachers	Educator Credentialing	October 2008
	Subchapter J. Certification Requirements for Educators Other Than Classroom Teachers and Educational Aides		
	Subchapter M. Certification of Educators in General		
	Subchapter N. Certificate Issuance Procedures		
	Subchapter O. Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States		
	Subchapter P. Requirements for Standard Certificates and Specialized Assignments or Programs		
	Subchapter Q. Permits		
	Subchapter S. Educational Aide Certificate		
	Subchapter U. Assignment of Public School Personnel		
	Subchapter V. Continuing Education	Educator Standards	October 2008
	Subchapter Y. Definitions		

Review Period: 2009			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 229. Accountability System for Educator Preparation		Educator Standards	February 2009
Chapter 241. Principal Certificate		Educator Credentialing	February 2009
Chapter 242. Superintendent Certificate		Educator Credentialing	February 2009
Chapter 239. Student Services Certificates	*Subchapter A. School Counselor Certificate*	Educator Credentialing	June 2009
	Subchapter B. School Librarian Certificate		
	Subchapter C. Educational Diagnostician Certificate		
	Subchapter D. Reading Specialist Certificate		
	Subchapter E. Master Teacher Certificate		
Chapter 240. American Sign Language Certificate		Educator Credentialing	June 2009
Chapter 245. Certification of Educators from Other Countries		Educator Credentialing	August 2009
Chapter 244. Certificate of Completion of Training for Appraisers		Educator Standards	October 2009

Review Period: 2010			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 247. Educators' Code of Ethics		Investigations	January/February 2010
Chapter 250. Agency Administration	*Subchapter A. Purchasing*	Administration	January/February 2010
	Subchapter B. Rulemaking Procedures		
	Subchapter C. Training and Education for Employees		
	Subchapter D. Negotiation and Mediation Procedures Relating to Certain Contract Disputes		

SAMPLES

ATTACHMENT II

Notice of Proposed Review
(Intention to review)

The State Board for Educator Certification (SBEC) proposes the review of Title 19, Texas Administrative Code (TAC), Chapter 233, Categories of Classroom Teaching Certificates, pursuant to the Texas Government Code, §2001.039.

As required by the Texas Government Code, §2001.039, the SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 233 continue to exist. The comment period begins August 17, 2007, and ends following receipt of public comments on the rule review of 19 TAC Chapter 233 at the next regularly scheduled SBEC meeting to be held on November 2, 2007.

Comments or questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Policy Coordination Division, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 475-1497. Comments may also be submitted electronically to sbecrules@tea.state.tx.us or faxed to (512) 463-0028. Comments should be identified as "SBEC Rule Review."

Notice of Adopted Review (with no changes to rule)
(Readoption)

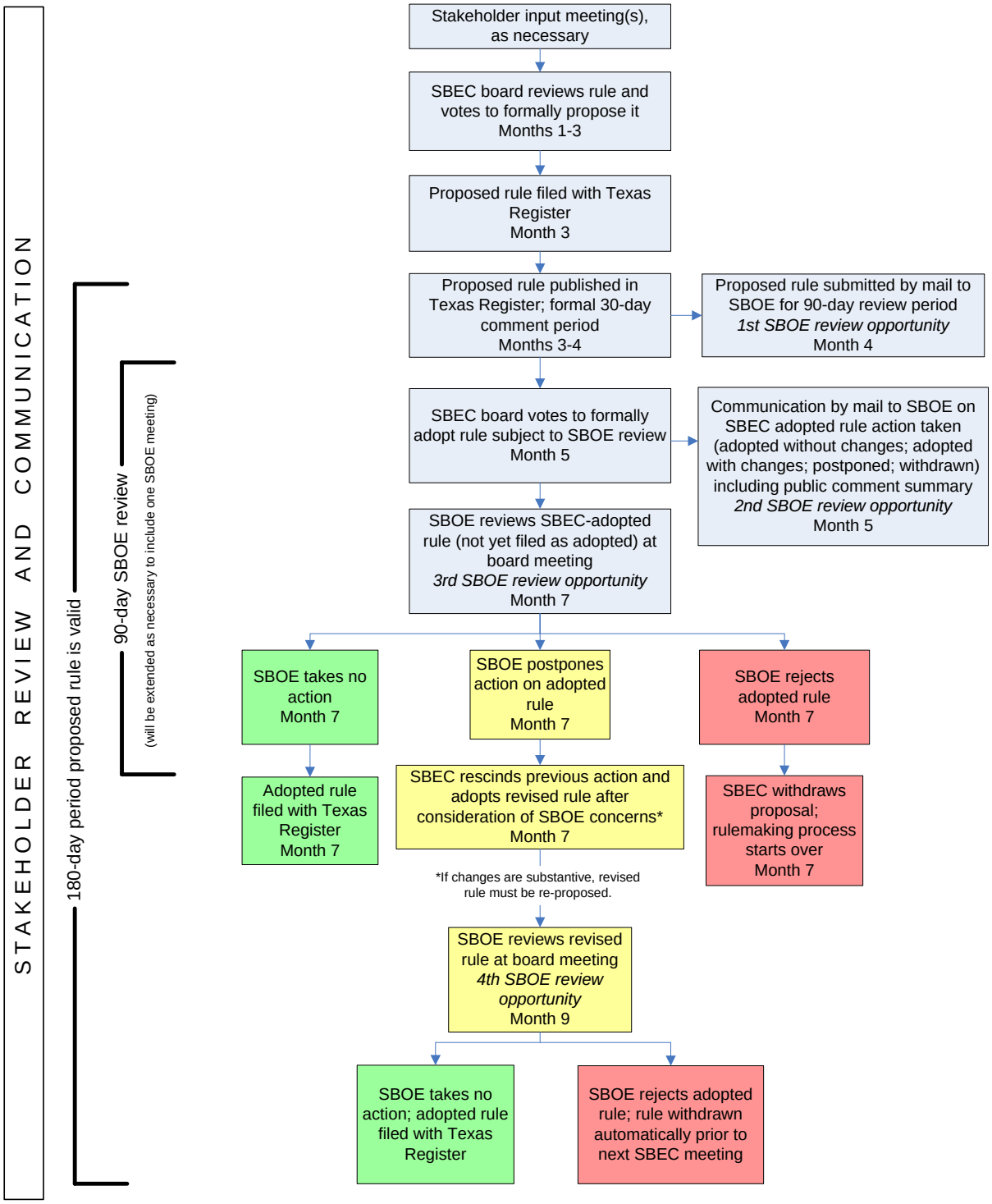
The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 233, Categories of Classroom Teaching Certificates, pursuant to the Texas Government Code, §2001.039. The SBEC proposed the review of 19 TAC Chapter 233 in the August 17, 2007, issue of the *Texas Register* (32 TexReg 601).

Relating to the review of 19 TAC Chapter 233, the SBEC finds that the reasons for adoption continue to exist and readopts the rules. The SBEC received no comments related to the rule review of 19 TAC Chapter 233. No changes are being proposed to the rules as a result of the review. This concludes the review of 19 TAC Chapter 233.

Notice of Adopted Review (with changes to rule)
(Readoption with changes)

The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 233, Categories of Classroom Teaching Certificates, pursuant to the Texas Government Code, §2001.039. The SBEC proposed the review of 19 TAC Chapter 233 in the August 17, 2007, issue of the *Texas Register* (32 TexReg 601).

Relating to the review of 19 TAC Chapter 233, the SBEC finds that the reasons for adoption continue to exist and proposes to readopt the rules with changes to update the rules to reflect current law and clarify the appropriate certification for specific assignment eligibility for the holders of the Early Childhood-Grade 4, Early Childhood-Grade 6, Grades 4-8, Grades 8-12, and Early Childhood-Grade 12 certificates. The SBEC is proposing amendments to §§233.1-233.9 and 233.11-233.14, which may be found in the Proposed Rules section of this issue. The SBEC is not proposing an amendment to §233.10. The SBEC received no comments related to the rule review of 19 TAC Chapter 233. This concludes the review of 19 TAC Chapter 233.

ATTACHMENT III

State Board for Educator Certification Rulemaking Process