

Item 7:
Adoption of Review of 19 TAC Chapter 231, Assignment of Public School Personnel

DISCUSSION AND ACTION

SUMMARY: Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 TAC Chapter 231, Assignment of Public School Personnel. The rule being reviewed provides guidance to school districts with regard to the certificates required for specific assignments of public school educators.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 231 is the Texas Education Code (TEC), §21.031(a) and §21.041(b)(1) and (2).

PREVIOUS BOARD ACTION: Section 231.1 was adopted to be effective June 21, 2009, and amended to be effective August 19, 2010. The review of 19 TAC Chapter 231, Assignment of Public School Personnel, was presented to the SBEC for discussion in October 2011.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rule in 19 TAC Chapter 231, Assignment of Public School Personnel, specifies the criteria for assignment of public school personnel and includes a figure that shows a list of assignments with corresponding certificates for each assignment.

Revisions are anticipated to the SBEC rules in 19 TAC Chapter 231 to incorporate any changes that may result from the rule review process. Texas Education Agency staff anticipates presenting for discussion proposed revisions at the June 2012 SBEC meeting following a stakeholder meeting.

To reduce the volume of the agenda and cost of printing, the text of 19 TAC Chapter 231 is not presented in this agenda. A copy of the text of Chapter 231 will be available at the meeting. The text can also be viewed on the Secretary of State website at <http://www.sos.state.tx.us/tac/index.shtml> by selecting the "View the current *Texas Administrative Code*" link.

RULE REVIEW: The notice of proposed review of 19 TAC Chapter 231, Assignment of Public School Personnel, was filed with the *Texas Register* following the October 2011 SBEC meeting. If authorized by the SBEC, the notice of adopted review will be filed with the *Texas Register* following the February 2012 SBEC meeting. The notice of adopted review will state that the SBEC finds the reasons for adopting 19 TAC Chapter 231 continue to exist. Any public comments received during the review of 19 TAC Chapter 231 will also be filed.

The filing of the notice of adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: The review of 19 TAC Chapter 231 will result in the continuation of requirements relating to the assignment of public school personnel in Texas public schools.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: Following the October 2011 SBEC meeting, notice of the proposed review of 19 TAC Chapter 231 was filed with the *Texas Register* initiating the official public comment period for the review. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBEC during the February 2012 meeting.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

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

Adopt the review of 19 TAC Chapter 231, Assignment of Public School Personnel.

Respectfully submitted,

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Associate Commissioner
Educator Leadership and Quality

Staff Members Responsible: Janice Lopez, Ph.D., Director
Educator Certification and Standards

Andrew Allen, Assistant Counsel
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Attachment: Statutory Citations

ATTACHMENT

Statutory Citations Relating to Review of 19 TAC Chapter 231, Assignment of Public School Personnel**Rule Review****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.

19 TAC Chapter 231, Assignment of Public School Personnel**Texas Education Code, §21.031, Purpose (excerpt):**

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

Texas Education Code, §21.041, Rules; Fees (excerpts):

- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;