Item 18:

2011-2014 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 2011 through 2014. 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 reasons for initially adopting a rule continue 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 reasons for adopting or readopting the rule continue to exist."

The 2011-2014 Rule Review Plan for SBEC Rules reflected in Attachment I is organized into four clusters. Rules concerning investigations and educator certification were reviewed in 2011. In 2012, rules relating to educator preparation programs, including the accountability system for educator preparation programs, and principal and superintendent certification will be reviewed. Rules relating to student services certificates, training for appraisers, and certification of educators from other countries will be reviewed in 2013, while rules concerning educators' code of ethics and general administration will be reviewed in 2014, the final year of this rule review cycle. Unless affected by future legislation, the SBEC rule review process will continue every four years.

The 2011-2014 Rule Review Plan for SBEC Rules was approved at the October 2010 SBEC 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 reasons 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 examples 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

June 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).
August 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. The SBEC authorizes filing of a Notice of Adopted Review, noting that no changes are being proposed to the rule 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 October SBEC Meeting)		

Example 2. Rule Review with Changes

June 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).
August 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. The 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		
October 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.)
November 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.
December	Effective Date of SBEC Adopted Amendments	
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule

August SBEC Meeting	Full Board (proposed action on repeal)	Action item that proposes repeal of rule. The SBEC authorizes filing of proposed repeal.
	Texas Register	After the SBEC meeting, staff files proposed repeal (no Notice of Proposed Review required for repeals).
October SBEC Meeting	Full Board (adopted action on repeal subject to SBOE review)	Action item that adopts repeal of rule. The SBEC authorizes filing of adopted repeal, subject to SBOE review.
November 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).
December	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. 2011-2014 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

2011-2014 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 rules continue to exist. The plan only includes rules in effect at the time the plan is adopted.

Review Period: 2011			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases	*Subchapter A. General Provisions*	Investigations	April 2011
	Subchapter B. Enforcement Actions and Guidelines		
	Subchapter C. Prehearing Matters		
	Subchapter D. Hearing Procedures		
	Subchapter E. Posthearing Matters		
Chapter 230. Professional Educator Preparation and Certification	*Subchapter A. Definitions*	Educator Certification	June 2011
	Subchapter B. Assessment of Educators		
	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 V. Induction Training for Beginning Teachers	Educator Standards	June 2011

Review Period: 2011 (cont.)			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 232. General Certification Provisions	*Subchapter A. Types and Classes of Certificates Issued*	Educator Certification	June 2011
	Subchapter B. Certificate Renewal and Continuing Professional Education Requirements		
	Subchapter C. National Criminal History Record Information Review of Active Certificate Holders	Investigations	June 2011
Chapter 233. Categories of Classroom Teaching Certificates		Educator Certification	June 2011
Chapter 231. Assignment of Public School Personnel		Educator Certification	October 2011

Review Period: 2012			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 227. Provisions for Educator Preparation Candidates	*Subchapter A. Admission to Educator Preparation Programs*	Educator Standards	February 2012
	Subchapter B. Preliminary Evaluation of Certification Eligibility	Investigations	
Chapter 228. Requirements for Educator Preparation Programs		Educator Standards	February 2012
Chapter 229. Accountability System for Educator Preparation Programs		Educator Standards	June 2012
Chapter 241. Principal Certificate		Educator Certification	October 2012
Chapter 242. Superintendent Certificate		Educator Certification	October 2012

Review Period: 2013			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 239. Student Services Certificates	*Subchapter A. School Counselor Certificate*	Educator Certification	June 2013
	Subchapter B. School Librarian Certificate		
	Subchapter C. Educational Diagnostician Certificate		
	Subchapter D. Reading Specialist Certificate		
	Subchapter E. Master Teacher Certificate		
Chapter 244. Certificate of Completion of Training for Appraisers		Educator Standards	June 2013
Chapter 245. Certification of Educators from Other Countries		Educator Certification	June 2013

Review Period: 2014			
Chapter Title	**Subchapter Title**	**Topic**	**Begin Review**
Chapter 247. Educators' Code of Ethics		Investigations	February 2014
Chapter 250. Administration	Subchapter A. Purchasing	Administration	February 2014
	Subchapter B. Rulemaking Procedures		

ATTACHMENT II

SAMPLES

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, Rulemaking, 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) 463-5337. Comments should be identified as "SBEC Rule Review."

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

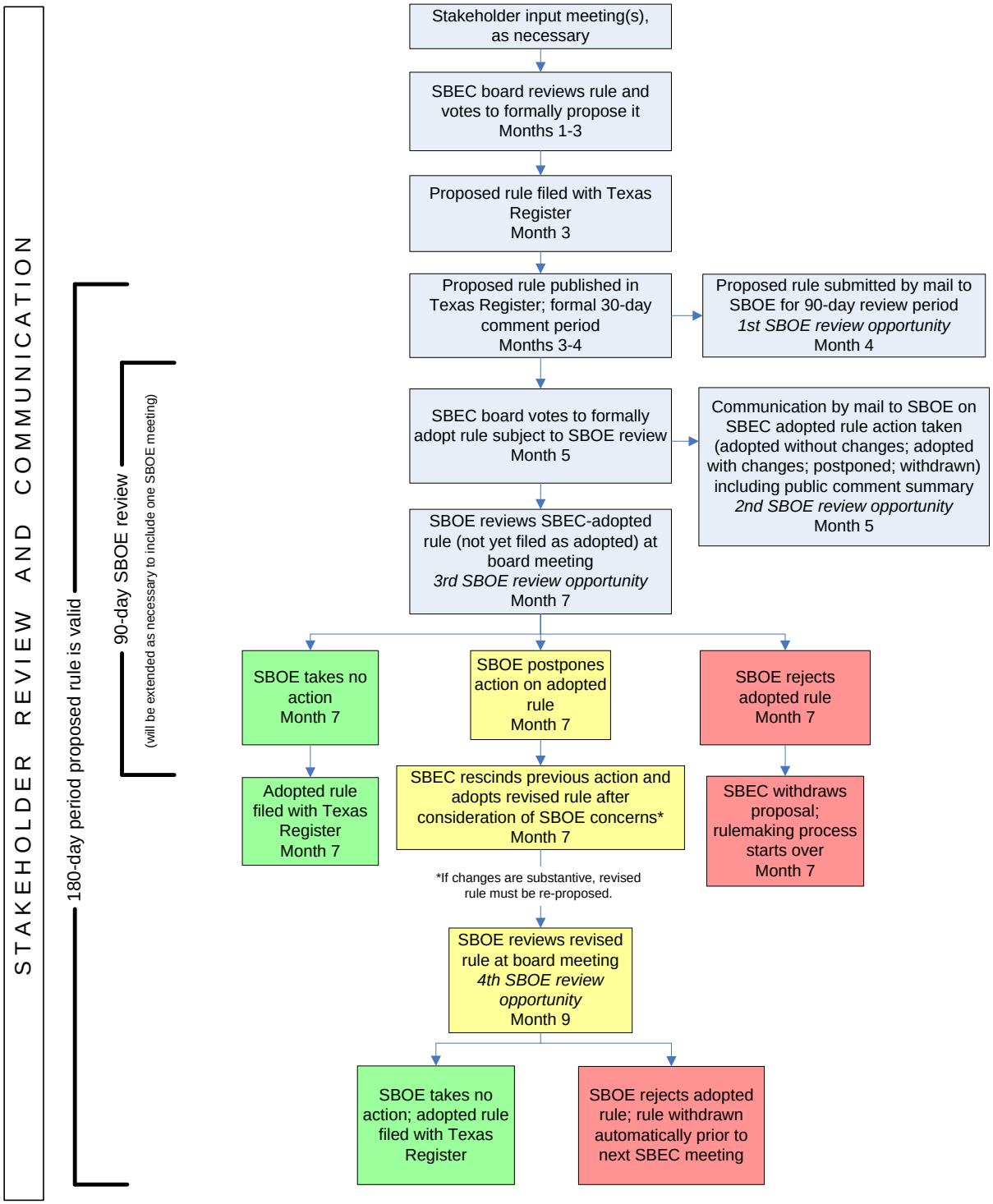
The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 233, Categories of Classroom Teaching Certificates, pursuant to the Texas Government Code, §2001.039. The SBEC proposed the review of 19 TAC Chapter 233 in the August 17, 2007, issue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