Item 6:

Consideration and Opportunity for Approval of Changes to 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

DISCUSSION AND ACTION

SUMMARY: The State Board for Educator Certification (SBEC) will have an opportunity to discuss and approve changes to the 2011-2014 Rule Review Plan for SBEC Rules that would modify the begin review dates of SBEC rules based on the approved SBEC meeting dates for 2013. Texas Government Code, §2001.039, requires the rule review of 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.

STATUTORY AUTHORITY: Texas Government Code, §2001.039.

PREVIOUS BOARD ACTION: The SBEC approved the 2011-2014 Rule Review Plan for SBEC Rules at the October 2010 SBEC meeting.

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."

In October 2010, the SBEC approved the 2011-2014 Rule Review Plan for SBEC Rules. The four-year rule review plan has been included as an information item in each SBEC agenda since its approval, and 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*.

Revisions to Rule Review Plan. At the August 2012 meeting, the SBEC approved meeting dates for 2013. Because the months of the SBEC meetings changed for 2013, the begin review dates for rules scheduled for 2013 have to be adjusted to align with the months of the meetings. Therefore, the 2011-2014 Rule Review Plan for SBEC Rules has been revised to change the begin dates for the review of rules relating to student services certificates, certificate of completion of training for appraisers, and certification of educators from other countries. The modification to the plan shown in Attachment II includes the following.

- The date to begin the review of 19 TAC Chapter 239, Student Services Certificates; 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers; and 19 TAC Chapter 245, Certification of Educators from Other Countries, would be changed from June 2013 to May 2013.

The revised rule review plan approved by the SBEC will be filed with the *Texas Register* to reflect the new dates for review of these rules. The revised plan will also be posted on the Texas Education Agency (TEA) website.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: The rule review process ensures that SBEC rules remain current and valid and that the reasons for adopting or readopting the rules continue to exist. This process also provides an opportunity for the public to comment on the SBEC rules under review.

PROCEDURAL AND REPORTING IMPLICATIONS: Once approved by the SBEC and filed with the *Texas Register*, the rule review plan for SBEC rules will continue to appear on an ongoing basis as an information item in each SBEC agenda. Any necessary modifications to the plan will be presented for approval prior to filing with the *Texas Register*.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: None.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: The current 2011-2014 Rule Review Plan for SBEC Rules, including the procedures for the rule review of SBEC rules, is presented as a separate information item in this agenda.

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

> Approve the proposed changes to the 2011-2014 Rule Review Plan for State Board for Educator Certification Rules.

Respectfully submitted,

Lizzette C. González Reynolds
Chief Deputy Commissioner

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

Attachments:
I. Statutory Citation
II. Proposed 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

ATTACHMENT I

Statutory Citation Relating to Approval of Changes to 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

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.

ATTACHMENT II

Proposed 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	May [~~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	May [~~June~~] 2013
Chapter 245. Certification of Educators from Other Countries		Educator Certification	May [~~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		