

**Item 22:****Consideration of Petition for Adoption of Rule Change  
Concerning 19 TAC Chapter 239, Student Services  
Certificates, Subchapter B, School Librarian Certificate,  
§239.60, Requirements for the Issuance of the Standard  
School Librarian Certificate****DISCUSSION AND ACTION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a citizen petition on 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, §239.60, Requirements for the Issuance of the Standard School Librarian Certificate, filed pursuant to Texas Government Code, §2001.021. The petition requests an amendment to 19 TAC §239.60(4) that would allow the experience of teaching in a school setting for 15 hours a week or more, whether as an academic tutor or any other related experience to be considered comparable to the two creditable years of teaching experience as a classroom teacher. The SBEC must either deny the petition or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.

**STATUTORY AUTHORITY:** Texas Government Code, §2001.021, and Texas Education Code, §§21.040(4), 21.041(b)(2)-(4), 21.044, 21.048(a), and 21.054.

**EFFECTIVE DATE:** None.

**PREVIOUS BOARD ACTION:** Section 239.60 was adopted effective January 23, 2001, and amended effective December 23, 2009.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** Section 239.60, shown in Attachment II, establishes the requirements for the issuance of the standard School Librarian certificate. Currently, to obtain certification as a school librarian, an applicant must complete an approved educator preparation program, successfully complete the required examination, hold a minimum of a master's degree from an accredited institution of higher education, and have two creditable years of teaching experience as a classroom teacher.

A citizen has submitted to the SBEC a petition, shown in Attachment III, requesting that the SBEC allow persons going through an approved school librarian certification program that hold a master's in education to have the opportunity to obtain the school librarian certificate if they have the experience teaching in a school setting for 15 hours a week or more, whether as an academic tutor or any other related experience that can be documented as such. The petitioner also noted that persons going through an approved school librarian certification program should have the opportunity to obtain the certification if they are already hired as full-time librarians in a school district and are given an emergency permit by the district. The librarian teaching technology classes should have the time counted as instructional time/classroom teacher

needed for school librarian certification. The petitioner specifies amending 19 TAC §239.60(4) would accomplish this request.

In accordance with the Texas Government Code, §2001.021, the SBEC may deny the petition or direct the TEA staff to initiate rulemaking proceedings.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** None.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** None.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** Under SBEC rule 19 TAC §250.20, Petition for Adoption of Rules or Rule Changes, the TEA must respond to a rule petition within 60 days even if it is not possible for the SBEC to act upon it within 60 days, as was the case with this petition. As a result, TEA staff notified the petitioner that the petition would be considered at the August 2014 SBEC meeting.

**MOTIONS TO BE CONSIDERED:** The State Board for Educator Certification must either:

Deny the petition, stating its reasons for the denial; or

Initiate rulemaking and explore options to facilitate the process of becoming a certified school librarian.

Respectfully submitted,

Ryan Franklin  
Interim Associate Commissioner  
Educator Leadership and Quality

**Staff Members Responsible:** Marilyn Cook, Interim Director  
Educator Testing and Certification

Von Byer, Deputy General Counsel  
Legal Services

- Attachments:**
- I. Statutory Citations
  - II. Text of 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, §239.60, Requirements for the Issuance of the Standard School Librarian Certificate
  - III. Petition to Amend 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, §239.60, Requirements for the Issuance of the Standard School Librarian Certificate

## ATTACHMENT I

**Statutory Citations Relating to Consideration of Petition for Adoption of Rule Change Concerning 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, §239.60, Requirements for the Issuance of the Standard School Librarian Certificate****Texas Education Code, §21.040, General Powers and Duties of Board (excerpt):**

The board shall:

- (4) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;

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

- (b) The board shall propose rules that:
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (3) specify the period for which each class of educator certificate is valid;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;

**Texas Education Code, §21.044, Educator Preparation:**

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the curriculum for that degree, instruction in detection and education of students with dyslexia. This subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.
- (c) The instruction under Subsection (b) must:
  - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
    - (A) employed by institutions of higher education; and
    - (B) approved by the board; and
  - (2) include information on:
    - (A) characteristics of dyslexia;
    - (B) identification of dyslexia; and
    - (C) effective, multisensory strategies for teaching students with dyslexia.
- (c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in detection of students with mental or emotional disorders.
- (c-2) The instruction under Subsection (c-1) must:

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- (1) be developed by a panel of experts in the diagnosis and treatment of mental or emotional disorders who are appointed by the board; and
  - (2) include information on:
    - (A) characteristics of the most prevalent mental or emotional disorders among children;
    - (B) identification of mental or emotional disorders;
    - (C) effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports; and
    - (D) providing, in compliance with Section 38.010, notice and referral to a parent or guardian of a student with a mental or emotional disorder so that the parent or guardian may take appropriate action such as seeking mental health services.
- (d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section 28.027, at a secondary school, a person must:
- (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
  - (2) have at a minimum:
    - (A) an associate degree from an accredited institution of higher education; and
    - (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.
- (e) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1091] In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
- (1) an associate degree or more advanced degree from an accredited institution of higher education;
  - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
  - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (e) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1282] Each educator preparation program must provide information regarding:
- (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
  - (2) the effect of supply and demand forces on the educator workforce in this state;
  - (3) the performance over time of the educator preparation program;
  - (4) the importance of building strong classroom management skills; and

- (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).

**Texas Education Code, §21.048, Certification Examinations (excerpt):**

- (a) [2 Versions: As amended by Acts 2013, 83rd Leg., ch. 1282] The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The board shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the board shall require a satisfactory level of examination performance in each core subject covered by the examination.

**Texas Education Code, §21.054, Continuing Education:**

- (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 requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.
- (d) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 638] Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:
  - (1) collecting and analyzing information that will improve effectiveness in the classroom;
  - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (3) integrating technology into classroom instruction; and
  - (4) educating diverse student populations, including:
    - (A) students with disabilities, including mental health disorders;
    - (B) students who are educationally disadvantaged;
    - (C) students of limited English proficiency; and
    - (D) students at risk of dropping out of school.
- (d) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1306] The board shall adopt rules that allow an educator to fulfill up to 12 hours of continuing education by participating in a mental health first aid training program offered by a local mental health authority under Section 1001.203, Health and Safety Code. The number of hours of continuing education an educator may fulfill under this subsection may not exceed the number of hours the educator actually spends participating in a mental health first aid training program.

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- (e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:
- (1) effective and efficient management, including:
    - (A) collecting and analyzing information;
    - (B) making decisions and managing time; and
    - (C) supervising student discipline and managing behavior;
  - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (3) integrating technology into campus curriculum and instruction; and
  - (4) educating diverse student populations, including:
    - (A) students with disabilities, including mental health disorders;
    - (B) students who are educationally disadvantaged;
    - (C) students of limited English proficiency; and
    - (D) students at risk of dropping out of school.
- (f) Continuing education requirements for a counselor must provide that not more than 25 percent of training required every five years include instruction regarding:
- (1) assisting students in developing high school graduation plans;
  - (2) implementing dropout prevention strategies; and
  - (3) informing students concerning:
    - (A) college admissions, including college financial aid resources and application procedures; and

**Texas Government Code, §2001.021, Petition for Adoption of Rules:**

- (a) An interested person by petition to a state agency may request the adoption of a rule.
- (b) A state agency by rule shall prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition.
- (c) Not later than the 60th day after the date of submission of a petition under this section, a state agency shall:
  - (1) deny the petition in writing, stating its reasons for the denial; or
  - (2) initiate a rulemaking proceeding under this subchapter.

**19 TAC §250.20, Petition for Adoption of Rules or Rule Changes.**

- (a) Any interested person may petition for the adoption, amendment, or repeal of a rule of the State Board for Educator Certification (SBEC) by filing a petition on a form provided in this subsection. The petition shall be signed and submitted to the Texas Education Agency (TEA). The TEA shall evaluate the merits of the proposal to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.
- Figure: 19 TAC §250.20(a)
- (b) In accordance with the Texas Government Code, §2001.021, the TEA must respond to the petitioner within 60 calendar days of receipt of the petition.
- (1) Where possible, the recommendation concerning the petition shall be placed on the SBEC agenda, and the SBEC shall act on the petition within the 60-calendar-day time limit.
- (2) Where the time required to review the petition or the scheduling of SBEC meetings will not permit the SBEC to act on the petition within the required 60 calendar days, the TEA shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBEC meeting at which the recommendation will be presented to the SBEC for action.
- (c) The SBEC will review the petition and the recommendation and will either direct the TEA to begin the rulemaking process or deny the petition, giving reasons for the denial. The TEA will notify the petitioner of the SBEC's action related to the petition.
- (d) Without limitation to the reasons for denial in this subsection, the SBEC may deny a petition on the following grounds:
- (1) the SBEC does not have jurisdiction or authority to propose or to adopt the petitioned rule;
- (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBEC, or other law;
- (3) the SBEC determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding; or
- (4) the petitioner is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing a petition:
- (A) before the fourth anniversary of the SBEC's having previously considered and rejected a similar rule on the same subject matter; or
- (B) to amend a rule proposed or adopted by the SBEC that has not yet become effective.
- (e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.

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**ATTACHMENT II**  
**Text of 19 TAC****Chapter 239. Student Services Certificates****Subchapter B. School Librarian Certificate**

*Statutory Authority: The provisions of this Subchapter B issued under the Texas Education Code, §§21.040(4), 21.041(b)(2)-(4), 21.044, 21.048(a), and 21.054, unless otherwise noted.*

**§239.60. Requirements for the Issuance of the Standard School Librarian Certificate.**

To be eligible to receive the standard School Librarian Certificate, a candidate must:

- (1) successfully complete a school librarian preparation program that meets the requirements of §239.50 of this title (relating to Preparation Program Requirements) and §239.55 of this title (relating to Standards Required for the School Librarian Certificate);
- (2) successfully complete the examination based on the standards identified in §239.55 of this title;
- (3) hold, at a minimum, a master's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and
- (4) have two creditable years of teaching experience as a classroom teacher, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the Texas Education Code, §5.001(2).

*Source: The provisions of this §239.60 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201.*

## ATTACHMENT III

Figure: 19 TAC §250.20(a)

**STATE BOARD FOR EDUCATOR CERTIFICATION****Petition for Adoption of a Rule**

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Office of Educator Certification and Standards Texas Education Agency, 1701 North Congress Avenue,  
Austin, Texas 78701-1494

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**Name:** Vanessa D. Corral

**Affiliation/Organization (if applicable):** Canutillo-ISD

**Address:** 740 Country Club El Paso TX 79932

**Telephone:** 915-841-5947

**Date:** 4/23/2014

**Proposed rule text (indicate words to be added or deleted from the current text):**

- 1. Persons going through an approved school librarian certification program that hold a Master's in Education should have the opportunity to obtain the librarian certification if they have the experience in teaching in a school setting for 15 hours a week or more; whether as an academic tutor or any other related experience that can be documented as such.*
- 2. Persons going through an approved school librarian certification program should have the opportunity to obtain the certification if they are already hired as full-time librarians in a school district and are given an emergency permit by the district. The librarian teaching technology classes should have the time counted as instructional time / "classroom teacher" needed for school librarian certification.*

**Statutory authority for the proposed rule action:**

Title 19 Part 7 Chapter 239 Subchapter B Rule 239.60

TEC 5.001(2)

TEC Chapter 21 Subchapter B Sec. 21.051 (b)

**Why is this rule action necessary or desirable?  
(If more space is required, attach additional sheets.)**

Adopting these rules will give the opportunity to highly qualified individuals to become certified school librarians. It will fill the high demand for school librarians.

On a personal note, I was admitted and have completed a program with TWU to be certified as a school librarian; however, I have been faced with the impediment of not being able to obtain my certification without being considered "classroom teacher". I hold a Master's degree in education. My teaching experience comes from being an academic tutor. I planned lessons, managed classrooms and tested students to document their progress.

On a closing note, adopting the rules will help those who have that desire to become school librarians but have been turned away because of similar situations. Do not let this become an obstacle to keep highly qualified individuals from pursuing a career in school services.

Vanessa D. Corral, M.ED

Petitioner's Signature