

## Item 6:

# Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments

### 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. The SBEC last adopted the review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, in February 2012. In 2013, the assignment chart in Chapter 231 was reorganized effective August 2013. This item presents for SBEC approval the review of Chapter 231. The rules being reviewed provide requirements relating to the criteria for school districts to make personnel assignments based on the correlating certification requirements.

**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)-(2).

**PREVIOUS BOARD ACTION:** The SBEC last adopted the review of 19 TAC Chapter 231 in February 2012 finding that the reasons for initially adopting the rules continue to exist. The SBEC adopted the repeal of and new 19 TAC Chapter 231 effective August 15, 2013.

**FUTURE ACTION EXPECTED:** The review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, is scheduled to be presented to the SBEC for adoption at the June 2017 meeting. Any rule changes resulting from the rule review process will be presented to the SBEC for consideration at a future meeting.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** The SBEC rules in 19 TAC Chapter 231 are organized as follows: Subchapter A, Criteria for Assignment of Public School Personnel; Subchapter B, Prekindergarten-Grade 6 Assignments; Subchapter C, Grades 6-8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments; Subchapter E, Grades 9-12 Assignments, Subchapter F, Special Education-Related Services Personnel Assignments, Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments, and Subchapter H, Assignments for Teachers Certified Before 1966. These subchapters identify appropriate certificates and other requirements for placement of individuals into classroom and/or campus assignments.

The rules currently in effect in 19 TAC Chapter 231, which reflect a comprehensive reorganization of the assignment chart adopted by the SBEC in 2013, are available on the Texas Education Agency (TEA) website at <http://ritter.tea.state.tx.us/sbecrules/tac/chapter231/index.html>

**ANTICIPATED REVISIONS TO RULES:** It is anticipated that Texas Education Agency (TEA) staff will present proposed changes to 19 TAC Chapter 231 for discussion and action at a future

meeting to clarify the rules and incorporate current SBEC policy and procedures. The TEA staff will be collecting stakeholder feedback prior to presenting proposed rule changes to the SBEC.

**RULE REVIEW:** The notice of proposed review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, will be filed with the *Texas Register* following the March 2017 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 231 continue to exist. The public comment period will begin March 31, 2017, with the publication of the notice of proposed review of 19 TAC Chapter 231 in the *Texas Register*.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** The review of 19 TAC Chapter 231 will result in clear guidance for districts on appropriate credentials for placement of individuals into classroom, administrative, and support assignments.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** The public comment period on the proposed rule review begins March 31, 2017, and ends May 1, 2017. The SBEC will take registered oral and written comments on this item at the June 9, 2017 meeting in accordance with the SBEC board operating policies and procedures.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** None.

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

Approve the proposed review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, to be published as proposed in the *Texas Register*.

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

**Attachments:** I. Statutory Citations

**ATTACHMENT I****Statutory Citations Relating to Review of 19 TAC Chapter 231,  
Requirements for Public School Personnel Assignments****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, Requirements for Public School Personnel Assignments****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 (excerpt):**

- (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;