

Item 8:

Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers

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 Texas Administrative Code (TAC) Chapter 244, Certificate of Completion of Training for Appraisers. The rules being reviewed provide requirements for ensuring the certification of appraisers performing appraisals of teachers, administrators, and counselors employed in Texas public schools.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 244 is the Texas Education Code, §21.041(b)(10).

PREVIOUS BOARD ACTION: The SBEC last adopted the review of 19 TAC Chapter 244 in August 2015, finding that the reasons for initially adopting the rules continue to exist.

At the April 26, 2019 meeting, the SBEC voted to publish the proposed rule review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, in the *Texas Register*.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 244 establish general provisions, conditions for issuing a certificate of completion of training for appraisers of teachers, training for appraisers in districts using locally-developed teacher appraisal systems, and the certification of appraisers of administrators or counselors. The rules currently in effect in 19 TAC Chapter 244 are shown in Attachment II.

If authorized by the SBEC, the notice of adopted review stating that the reasons for adoption continue to exist will be filed with the *Texas Register* following the July 2019 SBEC meeting.

ANTICIPATED REVISIONS TO RULES: No changes to rules in 19 TAC Chapter 244 are anticipated at this time, not precluding any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

PUBLIC COMMENTS: The Texas Education Agency filed the notice of proposed review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, with the *Texas Register* following the April 2019 SBEC meeting. The public comment period on the proposed rule review began May 31, 2019, and ended July 1, 2019. Any public comments received will be provided to the SBEC under separate cover prior to the July 26, 2019 meeting. The SBEC will take registered oral and written comments on this item at the July 26, 2019 meeting in accordance with the SBEC board operating policies and procedures.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Adopt the review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality
Christie Pogue, Director, EPP Accreditation and Policy Development

Attachments:

- I. Statutory Citations
- II. Text of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers

ATTACHMENT I**Statutory Citations Relating to Review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers****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 244, Certificate of Completion of Training for Appraisers**Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (b) The board shall propose rules that:
 - (10) provide for certification of persons performing appraisals under Subchapter H.

ATTACHMENT II
Text of 19 TAC

Chapter 244. Certificate of Completion of Training for Appraisers

Statutory Authority: The provisions of this Chapter 244 issued under the Texas Education Code, §21.041(b)(10), unless otherwise noted.

§244.1. General Provisions.

As authorized by the Texas Education Code (TEC), Chapter 21, Subchapter H, the commissioner of education rules for a recommended teacher appraisal system; for a recommended principal appraisal system; and for a recommended administrator appraisal process for administrators other than principals are codified in Chapter 150 of this title (relating to Commissioner's Rules Concerning Educator Appraisal). Other appraisal systems may be locally developed and adopted by a school district according to the TEC, Chapter 21, Subchapter H, and Chapter 150 of this title.

Source: The provisions of this §244.1 adopted to be effective March 1, 1998, 23 TexReg 1022; amended to be effective October 28, 2010, 35 TexReg 9507; amended to be effective July 1, 2016, 40 TexReg 9291.

§244.2. Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process.

- (a) The State Board for Educator Certification hereby adopts the appraiser qualifications, required appraiser training, and criteria for acceptable appraiser performance under the recommended teacher appraisal system and the recommended principal appraisal system, as established by the commissioner of education in Chapter 150 of this title (relating to Commissioner's Rules Concerning Educator Appraisal).
- (b) Training of appraisers shall be provided in accordance with the rules established by the commissioner of education in Chapter 150 of this title. The providers of such training are responsible for verifying completion of the training. The regional education service center designated by the commissioner to serve as the appraiser certification provider for the state is responsible for maintaining documentation and for issuing certification to individuals who have completed training to appraise teachers or principals.
- (c) A school district using the commissioner-recommended appraisal process for administrators other than principals shall comply with §150.1022(c) of this title (relating to Commissioner-Recommended Administrator Appraisal Process: Procedures) and §244.3 of this title (relating to Training for Appraisers of Educators in School Districts Using Locally-Developed Educator Appraisal Systems).

Source: The provisions of this §244.2 adopted to be effective March 1, 1998, 23 TexReg 1022; amended to be effective October 28, 2010, 35 TexReg 9507; amended to be effective July 1, 2016, 40 TexReg 9291.

§244.3. Training for Appraisers of Educators in School Districts Using Locally-Developed Educator Appraisal Systems.

A school district that locally develops and adopts its own educator appraisal system should have a clearly defined set of procedures for training appraisers. The school district should identify the qualities appraisers must demonstrate and include appropriate proficiency checks to evaluate the performance of all educators performing appraisals under the district's locally adopted appraisal systems. The school district shall be responsible for documenting that appraisers have met training criteria established by the district.

Source: The provisions of this §244.3 adopted to be effective March 1, 1998, 23 TexReg 1022; amended to be effective October 28, 2010, 35 TexReg 9507.