

## Item 6: Approval of 2023–2026 Rule Review Plan for State Board for Educator Certification Rules

### DISCUSSION AND ACTION

**SUMMARY:** This item provides an opportunity for the State Board for Educator Certification (SBEC) to approve the proposed 2023-2026 four-year rule review plan for SBEC rules. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBEC rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reasons for initially adopting or readopting the rules continue to exist.

**STATUTORY AUTHORITY:** TGC, §2001.039.

TGC, §2001.039, requires a state agency to review and consider for re adoption each of its rules.

**PREVIOUS BOARD ACTION:** The SBEC approved the 2019-2022 rule review plan in October 2018.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Senate Bill (SB) 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reasons for adopting or readopting the rules continue to exist.

The proposed 2023-2026 SBEC Rule Review Plan, shown in the attachment, repeats the cycle of review that was conducted during the 2019-2022 SBEC rule review plan. Whenever necessary, proposed rule changes (amendments or revisions) will be brought to the board for consideration concurrently with the required review of the rules.

#### Rule Review Procedures

In accordance with *Texas Register* rules, the following procedures will be used to implement the 2023-2026 rule review plan.

If no amendments are proposed to a rule under review, there will be no proposal presented to the SBEC for amending the rule. If amendments are proposed, only those sections with amendments will be brought back for adoption subject to State Board of Education review. 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 Repealed rules are not subject to rule review.

*Texas Register* rules specify the following two-step review process to implement the rule review requirement found in the TGC, §2001.039:

1. a Notice of Proposed Review (Intention to Review) requesting comments on whether reasons for adopting or readopting the rules continue to exist is published in the *Texas Register*; and

2. a Notice of Adopted Review (Readoption) summarizing the public comments received in response to the notice of proposed review and providing a 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*.

As with proposed rule actions, the public comment period for a proposed review would last 30 days and include registered oral and written comments on the proposed review provided at an SBEC meeting.

Once approved, the 2023-2026 SBEC Rule Review Plan will be published as an information only item in each SBEC agenda. Any necessary modifications to the plan will be included as part of the information item.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:**

Approve the proposed 2023-2026 Rule Review Plan for State Board for Educator Certification Rules.

**Staff Members Responsible:**

Christie Pogue, Director, SBEC Policy Development and Support  
Cristina De La Fuente-Valadez, Director, Rulemaking  
Lynette Smith, Program Specialist, Rulemaking

**Attachment:**

2023–2026 Rule Review Plan for State Board for Educator Certification Rules

**ATTACHMENT**

**2023–2026 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 rules. The rule review is designed to ensure that the reasons for adopting or readopting the rule continue to exist. The plan only includes rules in effect at the time the plan is adopted.*

Review Period: 2023			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases</b>	<i>Subchapter A. General Provisions</i>	Educator Investigations	February 2023
	<i>Subchapter B. Enforcement Actions and Guidelines</i>		
	<i>Subchapter C. Prehearing Matters</i>		
	<i>Subchapter D. Hearing Procedures</i>		
	<i>Subchapter E. Post-Hearing Matters</i>		
<b>Chapter 233. Categories of Classroom Teaching Certificates</b>		Educator Certification	April 2023
<b>Chapter 244. Certificate of Completion of Training for Appraisers</b>		Educator Preparation	April 2023
<b>Chapter 230. Professional Educator Preparation and Certification</b>	<i>Subchapter A. General Provisions</i>	Educator Certification	October 2023
	<i>Subchapter B. General Certification Requirements</i>		
	<i>Subchapter C. Assessment of Educators</i>		
	<i>Subchapter D. Types and Classes of Certificates Issued</i>		
	<i>Subchapter E. Educational Aide Certificate</i>		
	<i>Subchapter F. Permits</i>		
	<i>Subchapter G. Certificate Issuance Procedures</i>		
	<i>Subchapter H. Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States</i>		
<b>Chapter 232. General Certification Provisions</b>	<i>Subchapter A. Certificate Renewal and Continuing Professional Education Requirements</i>	Educator Certification	October 2023
	<i>Subchapter B. National Criminal History Record Information Review of Active Certificate Holders</i>	Educator Investigations	

Continued - Review Period: 2023			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 239. Student Services Certificates</b>	<i>Subchapter A. School Counselor Certificate</i>	Educator Certification	December 2023
	<i>Subchapter B. School Librarian Certificate</i>		
	<i>Subchapter C. Educational Diagnostician Certificate</i>		
	<i>Subchapter D. Reading Specialist Certificate</i>		
	<i>Subchapter E. Legacy Master Teacher Certificate</i>		
Review Period: 2024			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 234. Military Service Members, Military Spouses, and Military Veterans</b>		Educator Certification	July 2024
<b>Chapter 231. Requirements for Public School Personnel Assignments</b>	<i>Subchapter A. Criteria for Assignment of Public School Personnel</i>	Educator Certification	October 2024
	<i>Subchapter B. Prekindergarten–Grade 6 Assignments</i>		
	<i>Subchapter C. Grades 6–8 Assignments</i>		
	<i>Subchapter D. Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments</i>		
	<i>Subchapter E. Grades 9–12 Assignments</i>		
	<i>Subchapter F. Special Education-Related Services Personnel Assignments</i>		
	<i>Subchapter G. Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments</i>		
<b>Chapter 245. Certification of Educators from Other Countries</b>		Educator Certification	October 2024

Review Period: 2025			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 227. Provisions for Educator Preparation Candidates</b>	<i>Subchapter A. Admission to Educator Preparation Programs</i>	Educator Preparation	April 2025
	<i>Subchapter B. Preliminary Evaluation of Certification Eligibility</i>	Educator Investigations	
<b>Chapter 228. Requirements for Educator Preparation Programs</b>		Educator Preparation	April 2025
<b>Chapter 229. Accountability System for Educator Preparation Programs</b>		Educator Preparation	December 2025
<b>Chapter 247. Educators' Code of Ethics</b>		Educator Investigations	December 2025
<b>Chapter 250. Administration</b>	<i>Subchapter A. Purchasing</i>	Administration	December 2025
	<i>Subchapter B. Rulemaking Procedures</i>		

Review Period: 2026			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 235. Classroom Teacher Certification Standards</b>	<i>Subchapter A. General Provisions</i>	Educator Certification	February 2026
	<i>Subchapter B. Elementary School Certificate Standards</i>		
	<i>Subchapter C. Middle School Certificate Standards</i>		
	<i>Subchapter D. Secondary School Certificate Standards</i>		
	<i>Subchapter E. Science of Teaching Reading Standards</i>		
	<i>Subchapter F. Supplemental Certificate Standards</i>		
	<i>Subchapter G. Special Education Certificate Standards</i>		
<b>Chapter 241. Certification as Principal</b>	<i>Subchapter A. Principal as Instructional Leader Certificate and Endorsement</i>	Educator Certification	February 2026
	<i>Subchapter B. Principal Certificate</i>		
<b>Chapter 242. Superintendent Certificate</b>		Educator Certification	February 2026