

## Item 6:

# Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 239, Student Services Certificates

### 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 review of 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates. The rules under review set out SBEC's authority and the procedures specify the requirements relating to the school counselor certificate, school librarian certificate, educational diagnostician certificate, and reading specialist certificate. These requirements ensure educators are qualified and professionally prepared to instruct the schoolchildren of Texas.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 239 is the Texas Education Code (TEC), §§21.031(a); 21.040(2), as amended by Senate Bill (SB)1376, 86th Texas Legislature, 2019; 21.041(a) and (b)(1)–(5) and (9); 21.044, as amended by House Bill (HB) 18, 86th Texas Legislature, 2019; 21.048(a), as amended by HB 3, 86th Texas Legislature, 2019; 21.054, as amended by SB 11 and HBs 18, 403, and 2424, 86th Texas Legislature, 2019; and 22.0831(f), for Subchapter A; 21.040(2), as amended by SB 1376, 86th Texas Legislature, 2019; 21.041(b)(2)–(4); 21.044, as amended by HB 18, 86th Texas Legislature, 2019; 21.048(a), as amended by HB 3, 86th Texas Legislature, 2019; and 21.054, as amended by SB 11 and HBs 18, 403, and 2424, 86th Texas Legislature, 2019, for Subchapter B; 21.031(a) and 21.041(a) and (b)(1)–(4), for Subchapter C; and 21.031(a) and 21.041(b)(1)–(4), for Subchapter D.

**PREVIOUS BOARD ACTION:** The SBEC last adopted the review of 19 TAC Chapter 239, Student Services Certificates, in June 2016, finding that the reasons for initially adopting the rules continue to exist.

At the December 6, 2019 meeting, the SBEC voted to publish the proposed rule review of 19 TAC Chapter 239, Student Services Certificates, in the *Texas Register*.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 239 are organized as follows: Subchapter A, School Counselor Certificate; Subchapter B, School Librarian Certificate; Subchapter C, Educational Diagnostician Certificate; and Subchapter D, Reading Specialist Certificate. These subchapters establish requirements for minimum admission, preparation, standards, certificate issuance, renewal, and transition and implementation dates for the school counselor, school librarian, educational diagnostician, and reading specialist certificates.

The rules currently in effect in 19 TAC Chapter 239 are shown in Attachment II.

**ANTICIPATED REVISIONS TO RULES:** It is anticipated that Texas Education Agency (TEA) staff will present proposed changes to 19 TAC Chapter 239 for discussion and action at a future

SBEC meeting to incorporate changes that resulted from the rule review, clarify the rules, and incorporate SBEC policy and procedures.

**PUBLIC COMMENTS:** The TEA filed the notice of proposed review of 19 TAC Chapter 239 with the *Texas Register* following the December 2019 SBEC meeting. The public comment period on the proposed rule review began January 3, 2020, and ended February 3, 2020. Any comments received will be provided to the SBEC under separate cover prior to the February 21, 2020 meeting. The SBEC will take registered oral and written comments on this item at the February 21, 2020 meeting in accordance with the SBEC operating policies and procedures.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:**

Adopt the proposed review of 19 TAC Chapter 239, Student Services Certificates.

**Staff Member Responsible:**

Marilyn Cook, Director, Educator Certification

**Attachments:**

- I. Statutory Citations
- II. Text of 19 TAC Chapter 239, Student Services Certificates

**ATTACHMENT I****Statutory Citations Relating to Review of 19 TAC Chapter 239, Student Services Certificates****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 239, Student Services Certificates****Texas Education Code, §21.031, Purpose:**

- (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, §21.040, General Powers and Duties of Board, as amended by Senate Bill 1376, 86th Texas Legislature, 2019 (excerpt):**

The board shall:

- (2) 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 (excerpts):**

- (a) The board may adopt rules as necessary for its own procedures.
- (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;
- (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;
- (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
- (9) provide for continuing education requirements; and

**Texas Education Code, §21.044, Educator Preparation, as amended by House Bill 18, 86th Texas Legislature, 2019:**

- (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 training required to obtain that certificate, instruction in detection and education of students with dyslexia.
- (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 regarding mental health, substance abuse, and youth suicide. The instruction required must:
  - (1) be provided through:
    - (A) a program selected from the list of recommended best practice-based programs and research-based practices established under Section 38.351; or
    - (B) a course offered by any accredited public or private postsecondary educational institution as part of a degree program; and

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- (2) include effective strategies, including de-escalation techniques and positive behavioral interventions and supports, for teaching and intervening with students with mental health conditions or who engage in substance abuse.
- (c-2) 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 digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
- (1) be aligned with the International Society for Technology in Education's standards for teachers;
  - (2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and
  - (3) include resources to address any deficiencies identified by the digital literacy evaluation.
- (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) 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.
- (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).
- (f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.

- (g) 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; and
  - (6) appropriate relationships, boundaries, and communications between educators and students.

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

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.

**Texas Education Code, §21.054, Continuing Education, as amended by SB 11 and HBs 18, 403, and 2424, 86th Texas Legislature, 2019:**

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements educators' continuing education requirements, including opportunities for educators to receive micro-credentials in fields of study related to the educator's certification class as provided by Subsection (i).
- (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) Continuing education requirements for a classroom teacher must provide that at least ~~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) digital learning, digital teaching, and integrating technology into classroom instruction;
  - (4) educating diverse student populations, including:
    - (A) students who are eligible to participate in special education programs under Subchapter A, Chapter 29 ~~[with disabilities, including mental health disorders];~~

- (B) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
    - (C) students with mental health conditions or who engage in substance abuse;
    - (D) students with intellectual or developmental disabilities;
    - (E) who are educationally disadvantaged;
    - (F) ~~(C)~~ students of limited English proficiency; and
    - (G) ~~(D)~~ students at risk of dropping out of school.
  - (5) understanding appropriate relationships, boundaries, and communications between educators and students; and [-]
  - (6) ~~(d-2)~~ [Continuing education requirements for a classroom teacher may include instruction regarding] how mental health conditions, including grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
- (d-1) The instruction required under Subsection (d) may include two or more listed topics together.
- (d-2) The instruction required under Subsection (d)(6) must:
- (1) comply with the training required by Section 38.036(c)(1); and
  - (2) be approved by the commissioner.
- (e) Continuing education requirements for a principal must provide that at least [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) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
  - (4) effective implementation of a comprehensive school counseling program under Section 33.005;
  - (5) mental health programs addressing a mental health condition;
  - (6) educating diverse student populations, including:
    - (A) students who are eligible to participate in special education programs under Subchapter A, Chapter 29 [with disabilities, including mental health disorders];
    - (B) students with intellectual or developmental disabilities;

- ~~(C)~~ students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
  - ~~(D)~~ students with mental health conditions or who engage in substance abuse;
  - ~~(E)~~ students who are educationally disadvantaged;
  - ~~(F)~~ ~~(G)~~ students of limited English proficiency; and
  - ~~(G)~~ ~~(D)~~ students at risk of dropping out of school; ~~and~~
  - ~~(7)~~ ~~(5)~~ preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code; ~~and~~
  - ~~(8)~~ ~~(e-2)~~ [Continuing education requirements for a principal may include instruction regarding] how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
- (e-2) The instruction required under Subsection (e)(8) must be:
- (1) based on relevant best practice-based programs and research-based practices; and
  - (2) approved by the commissioner, in consultation with the Health and Human Services Commission.
- (f) Continuing education requirements for a counselor must provide that at least ~~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
    - (B) career opportunities.
  - (4) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
  - (5) effective implementation of a comprehensive school counseling program under Section 33.005.
- (g) The board shall adopt rules that allow an educator to fulfill ~~[up to 12 hours of]~~ continuing education requirements by participating in an evidence-based [a] mental health first aid training program or an evidence-based grief-informed and trauma-informed care program [offered by a local mental health authority under Section 1001.203, Health and Safety Code]. The rules adopted under this subsection must allow an educator to complete a program described by this subsection and receive credit toward continuing education requirements for twice the number of hours of instruction provided under that program, not to exceed 16 hours. The program must be offered through a classroom instruction format that requires in-person attendance. [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.]~~

- (h) Continuing education requirements for a superintendent must include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. For purposes of this subsection, "other maltreatment" has the meaning assigned by Section 42.002, Human Resources Code.
- (i) The board shall propose rules establishing a program to issue micro-credentials in fields of study related to an educator's certification class. The agency shall approve continuing education providers to offer micro-credential courses. A micro-credential received by an educator shall be recorded on the agency's Educator Certification Online System (ECOS) and included as part of the educator's public certification records.

**Texas Education Code, §22.0831, National Criminal History Record Information Review of Certified Educators (excerpts):**

- (f) The board may propose rules to implement this section, including rules establishing:
- (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
  - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

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

*Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §§21.031(a), 21.040(4), 21.041(a) and (b)(1)–(5) and (9), 21.044, 21.048(a), 21.054, and 22.0831(f), unless otherwise noted.*

**§239.1. General Provisions.**

- (a) Because the school counselor plays a critical role in campus effectiveness and student achievement, the rules adopted by the State Board for Educator Certification in this subchapter ensure that each candidate for the School Counselor Certificate is of the highest caliber and possesses the knowledge, skills, and credentials necessary to improve the performance of the diverse student population of this state.
- (b) An individual serving as a school counselor is expected to actively participate in counseling-related professional development activities to continually update his or her knowledge, skills, and credentials. Currency in best practices and research related to developing a quality, comprehensive school counseling program, which includes both campus leadership and student learning, is essential for all students.
- (c) The holder of the School Counselor Certificate issued under the provisions of this subchapter is certified to provide counseling services to all students in Prekindergarten–Grade 12.

*Source: The provisions of this §239.1 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective July 13, 2004, 29 TexReg 6644; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

**§239.5. Minimum Requirements for Admission to a School Counselor Preparation Program.**

- (a) Prior to admission to an educator preparation program leading to the School Counselor Certificate, an individual must:
  - (1) hold a baccalaureate 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
  - (2) meet the requirements for admission to an educator preparation program under Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates).
- (b) An educator preparation program may adopt requirements for admission in addition to those required in subsection (a) of this section.

*Source: The provisions of this §239.5 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201.*

**§239.10. Preparation Program Requirements.**

- (a) Structured, field-based training must be focused on actual school-based experiences with each of the standards identified in §239.15 of this title (relating to Standards Required for the School Counselor Certificate) to include experiences with diverse types of students and grade levels.
- (b) An educator preparation program must develop and implement specific criteria and procedures that allow a candidate to substitute related professional counselor training directly related to the standards identified in §239.15 of this title for part of the preparation coursework or other program requirements.
- (c) An educator preparation program for the school counselor certificate must prepare students to understand and implement *The Texas Model for Comprehensive School Counseling Programs* (Texas Education Code, Chapter 33, Subchapter A).

*Source: The provisions of this §239.10 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

**§239.15. Standards Required for the School Counselor Certificate.**

- (a) School Counselor Certificate Standards. The knowledge and skills identified in this section must be used by an educator preparation program in the development of curricula and coursework and by the State Board for Educator Certification as the basis for developing the examination required to obtain the School Counselor Certificate. The standards also serve as the foundation for the professional growth plan and continuing professional education activities required by §239.25 of this title (relating to Requirements to Renew the Standard School Counselor Certificate).
- (b) Standard I. Learner-Centered Knowledge: The certified school counselor has a broad knowledge base. The certified school counselor must know and understand:
- (1) the history and philosophy of counseling;
  - (2) counseling and consultation theories and practices;
  - (3) career development theories and practices;
  - (4) the roles and responsibilities of a comprehensive school counseling program that emphasizes college and career readiness and postsecondary options for all students, including college admissions, college financial aid resources, application procedures, and workforce and career opportunities;
  - (5) assessment principles and procedures, including the appropriate use of tests, test interpretation, and test results;
  - (6) changing societal trends, including demographic, economic, and technological tendencies, and their relevance to school counseling;
  - (7) environmental, social, and cultural factors that affect learners' development and the relevance of those factors to educational, career, personal, and social development, along with comprehensive school counseling programs;
  - (8) learners' developmental characteristics and needs and their relevance to educational and career choices;
  - (9) legal and ethical standards, practices, and issues and the importance of commitment to and implementation of ethical principles;
  - (10) the characteristics and educational needs of special populations;
  - (11) techniques and behavioral interventions to assist teachers with classroom management;
  - (12) the integration of a school counseling program, the Texas College and Career Readiness Standards, and academic curricula;
  - (13) the roles and responsibilities of a comprehensive school counseling program that is responsive to all students;
  - (14) counseling-related research techniques and practices;
  - (15) developing and teaching best practices on leadership skills;
  - (16) how cultural factors and group membership impact individual students;
  - (17) the comprehensive school counseling program model;
  - (18) how to utilize various forms of technology and how inappropriate use could be professionally and personally harmful; and
  - (19) an understanding of systems, including family dynamics and school environments.

- (c) Standard II. Learner-Centered Skills: The certified school counselor applies the knowledge base to promote the educational, personal, social, and career development of the learner as outlined in *The Texas Model for Comprehensive School Counseling Programs*. The certified school counselor must:
- (1) develop processes and procedures for planning, designing, implementing, and evaluating *The Texas Model for Comprehensive School Counseling Programs*;
  - (2) provide a proactive, comprehensive, developmental school counseling program based on the needs of students, as set forth in *The Texas Model for Comprehensive School Counseling Programs*;
  - (3) counsel individuals and small groups using appropriate counseling theories and techniques in response to students' needs;
  - (4) consult with parents/guardians, teachers, administrators, and other individuals as appropriate to enhance his or her work with students;
  - (5) coordinate resources, referrals, and follow-up procedures for students within the school and community;
  - (6) demonstrate proficiency in teaching small and large groups by actively engaging students in the learning process;
  - (7) participate in the selection, use, and interpretation of assessments and assessment results;
  - (8) use multiple sets of information and data to make decisions about students, programs, and services;
  - (9) use counseling-related research techniques and evidence-based practices to address student needs;
  - (10) advocate for a comprehensive school counseling program that is responsive to all students;
  - (11) facilitate learners' ability to achieve their potential by helping them set and attain challenging educational, career, personal, and social goals based on various types of information;
  - (12) maintain proficiency in counseling and campus-related technology; and
  - (13) use varied sources of information, resources, and practices to counsel students about postsecondary opportunities and college and career readiness.
- (d) Standard III. Learner-Centered Process: The certified school counselor participates in the development, monitoring, revision, and evaluation of a campus based on *The Texas Model for Comprehensive School Counseling Programs* that promotes learners' knowledge, skills, motivation, and personal growth. The certified school counselor must:
- (1) collaborate with others in the school and community to implement a guidance curriculum that promotes learners' development in all domains, including cognitive, social, and emotional areas;
  - (2) facilitate learners' ability to achieve their potential by helping them set and attain challenging educational, career, personal, and social goals based on various types of information;
  - (3) use both preventive and intervening strategies to address the concerns of learners and to help them clarify problems and situations, set goals, explore options, and implement change;
  - (4) implement effective referral procedures to facilitate the use of special programs and services;
  - (5) act as a consultant to help learners achieve success inside and outside of school;
  - (6) advocate for a comprehensive school counseling program and recognize the required time commitment to fully apply the program implementation cycle;
  - (7) create a program mission, goal, and services in alignment with the school mission and campus improvement plan;
  - (8) create and disseminate literature or newsletters to all stakeholders that describe the comprehensive school counseling program and reduce negative stigmas associated with receiving counseling services in a school-based program;

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- (9) establish an advisory council or board with membership of all stakeholders (student, parent, teacher, administrator, community member, other personnel, and support specialists);
  - (10) increase public relations and awareness through community outreach, such as fundraising, grant writing, donations, volunteerism, local businesses, and use of public or guest speakers;
  - (11) provide school-wide professional development and parent workshops throughout the school year;
  - (12) support participation in fair-share responsibilities versus non-counseling related duties;
  - (13) know district, state, and federal initiatives that are to be reflected in a comprehensive school counseling program; and
  - (14) develop practices to promote learners' knowledge about college and career readiness processes necessary to pursue postsecondary opportunities.
- (e) Standard IV. Learner-Centered Equity and Excellence for All Learners: The certified school counselor promotes academic success for all learners by acknowledging, respecting, and responding to diversity while building on similarities that bond all people. The certified school counselor must:
- (1) understand learner differences, including those related to cultural background, gender, race, ethnicity, socio-economic levels, academic ability, and learning styles, and know ways to create and maintain a positive school environment that is responsive to all learners;
  - (2) advocate for a school environment in which diversity is acknowledged and respected, resulting in positive interactions across all cultures, genders, ethnicities, and learning styles;
  - (3) facilitate learning and achievement for all students to ensure services that cover an array of exceptionalities, including special populations, by promoting a cooperative, inclusive, purposeful learning environment;
  - (4) take a positive, strength-based approach that builds on commonalities versus differences in all learners;
  - (5) understand how environment and behavior may impact or influence individual learners;
  - (6) ensure equitable access to programs and services for all students;
  - (7) understand how family values, group membership, and culture intersect;
  - (8) acknowledge learners' gifts, strengths, and extracurricular talents when considering programs and services;
  - (9) increase students' awareness and include their voices regarding educational and individualized plans; and
  - (10) ensure equitable access and exposure to postsecondary opportunities and college and career readiness information and resources for students and parents/guardians.
- (f) Standard V. Learner-Centered Communications: The certified school counselor, an advocate for all students and the school, demonstrates effective professional and interpersonal communication skills. The certified school counselor must:
- (1) demonstrate effective communication through oral, written, and nonverbal expression;
  - (2) use knowledge of group dynamics and productive group interaction;
  - (3) support responsive interventions by effectively communicating with parents/guardians, teachers, administrators, and community members;
  - (4) facilitate learners' access to community resources;
  - (5) develop and implement strategies for effective internal and external communications;
  - (6) facilitate parent/guardian involvement in their children's education;

- (7) develop partnerships with parents/guardians, businesses, and other groups in the community to facilitate learning;
  - (8) work effectively as a team member to promote positive change for individuals, groups, and the school community;
  - (9) take a positive, strength-based approach that verbalizes commonalities versus differences in all learners;
  - (10) effectively communicate his or her role and responsibility and counselor identity to all stakeholders to reduce confusion about the duties of a school counselor;
  - (11) adhere to best practices connected to ethical and legal considerations around appropriate use of technology and email, documentation, record keeping, privileged communication, and informed consent process; and
  - (12) facilitate access to and use of school and community information and resources related to postsecondary opportunities and college and career readiness by learners, parents/guardians, teachers, administrators, and community members.
- (g) Standard VI. Learner-Centered Professional Development: The certified school counselor continues professional development, demonstrating a commitment to learn, to improve the profession, and to model professional ethics and personal integrity. The certified school counselor must:
- (1) use reflection, self-assessment, and interactions with colleagues to promote personal professional development;
  - (2) use counseling-related research techniques and practices as well as technology and other resources to facilitate continued professional growth;
  - (3) strive toward the highest level of professionalism by adhering to and modeling professional, ethical, and legal standards;
  - (4) apply research-based practice to improve the school guidance and counseling program;
  - (5) engage in ongoing professional development to improve the school guidance and counseling program; and
  - (6) engage in continued professional development experiences to learn and apply concepts, skills, and practices related to increasing college and career readiness and promoting postsecondary opportunities and preparation for all learners.

*Source: The provisions of this §239.15 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

#### **§239.20. Requirements for the Issuance of the Standard School Counselor Certificate.**

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

- (1) successfully complete a school counselor preparation program that meets the requirements of §239.10 of this title (relating to Preparation Program Requirements) and §239.15 of this title (relating to Standards Required for the School Counselor Certificate);
- (2) successfully complete the examination based on the standards identified in §239.15 of this title;
- (3) hold, at a minimum, a 48-hour master's degree in counseling 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 §239.20 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

**§239.25. Requirements to Renew the Standard School Counselor Certificate.**

- (a) An individual issued the standard School Counselor Certificate on or after September 1, 2000, is subject to Chapter 232, Subchapter A, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements) and must satisfy the most current requirements for renewal.
- (b) An individual who holds a valid Texas counselor certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.3 of this title (relating to Voluntary Renewal of Current Texas Educators).

*Source: The provisions of this §239.25 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

**§239.30. Implementation Date.**

The provisions of this subchapter apply to an applicant who is admitted to an educator preparation program for the School Counselor Certificate on or after September 1, 2019.

*Source: The provisions of this §239.30 adopted to be effective December 21, 2017, 42 TexReg 7144.*

**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.*

**§239.40. General Provisions.**

- (a) Because the school librarian plays a critical role in campus effectiveness and student achievement, the rules adopted by the State Board for Educator Certification in this subchapter ensure that each candidate for the School Librarian Certificate is of the highest caliber and possesses the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) An individual serving as a school librarian is expected to actively participate in professional development activities to continually update his or her knowledge and skills. Currency in best practices and research as related to both campus leadership and student learning is essential.
- (c) The holder of the School Librarian Certificate issued under the provisions of this subchapter may serve as a librarian in Prekindergarten–Grade 12.

*Source: The provisions of this §239.40 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective July 13, 2004, 29 TexReg 6645; amended to be effective December 23, 2009, 34 TexReg 9201.*

**§239.45. Minimum Requirements for Admission to a School Librarian Preparation Program.**

- (a) Prior to admission to an educator preparation program leading to the School Librarian Certificate, an individual must:
  - (1) hold a baccalaureate 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
  - (2) meet the requirements for admission to an educator preparation program under Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates).
- (b) An educator preparation program may adopt requirements for admission in addition to those required under subsection (a) of this section.

*Source: The provisions of this §239.45 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201.*

**§239.50. Preparation Program Requirements.**

- (a) Structured, field-based training must be focused on actual experiences with each of the standards identified in §239.55 of this title (relating to Standards Required for the School Librarian Certificate) to include actual library experiences with diverse types of students, grade levels, and campuses.
- (b) An educator preparation program must develop and implement specific criteria and procedures that allow a candidate to substitute related experience and/or professional training directly related to the standards identified in §239.55 of this title for part of the preparation coursework or other program requirements.

*Source: The provisions of this §239.50 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201.*

**§239.55. Standards Required for the School Librarian Certificate.**

- (a) School Librarian Certificate Standards. The knowledge and skills identified in this section must be used by an educator preparation program in the development of curricula and coursework and by the State Board for Educator Certification as the basis for developing the examination required to obtain the School Librarian Certificate. The standards also serve as the foundation for the professional growth plan and continuing professional education activities required by §239.65 of this title (relating to Requirements to Renew the Standard School Librarian Certificate).
- (b) Standard I. Learner-Centered Teaching and Learning: The certified school librarian is an educational leader who promotes the integration of curriculum, resources, and teaching strategies to ensure the success of all students as the effective creators and users of ideas and information, enabling them to become lifelong learners. Accordingly, the certified school librarian must be able to do the following activities with understanding and valuation of their importance:
  - (1) participate as an educational leader, an equal partner, and a change agent in the curriculum development process at both the school campus and school district levels;
  - (2) participate in curriculum design and integrated planning of a shared school campus vision that focuses on reading, teaching, and learning;
  - (3) model and promote collaborative planning, cooperative teaching, and direct instruction as determined by learners' needs and state curriculum standards;
  - (4) direct and encourage students in the ethical use of resources to locate, gather, select, synthesize, and evaluate relevant information;
  - (5) work collaboratively with faculty to provide students with opportunities to assume responsibility for planning and engaging in independent learning;
  - (6) adapt teaching strategies to accommodate the diverse learning needs of the student population;
  - (7) provide and promote ongoing staff development for the learning community, particularly in the areas of integration of information technology, information literacy, and literature appreciation;
  - (8) provide and promote ongoing learning opportunities for students, particularly in the areas of integration of information technology and information literacy;
  - (9) direct and encourage students to read a variety of fiction and nonfiction resources for personal and informational needs;
  - (10) understand and evaluate national, state, and local reading initiatives;
  - (11) create a learning environment in which the diversity of groups and the uniqueness of individuals are recognized and appreciated; and
  - (12) provide instructional access to library resources and facilities through open, flexible scheduling for classes, small groups, and individuals.
- (c) Standard II. Learner-Centered Library Program Leadership and Management: The certified school librarian is an educational leader who promotes the success of all students by acquiring, organizing, and managing

information for use in a creative and exemplary library program. Accordingly, the certified school librarian is a leader and manager who must be able to do the following activities with understanding and valuation of their importance:

- (1) advocate for the development of an exemplary library media program that encourages a vision of excellence for all learners;
  - (2) synthesize information from a variety of sources for effective decision making to develop and maintain an exemplary library program;
  - (3) design policies and procedures that comply with local, state, and federal laws and policies while supporting sound decisions relating to school and library instruction and programs;
  - (4) establish partnerships within the learning community to support school district and school campus goals through exemplary library programs;
  - (5) demonstrate effective leadership strategies while working within school campus and school district administrative structures to promote achievement of library program goals;
  - (6) employ effective interpersonal communication skills;
  - (7) implement effective strategies and techniques to systematically perform library management operations such as budgeting; purchasing; scheduling; managing and maintaining facilities and resources; supervising adults and children; reporting; grant writing; and overseeing circulation and inventory;
  - (8) collaborate with faculty to ensure that the process of evaluating and selecting library resources provides curriculum-related and leisure reading materials;
  - (9) design and implement acceptable use policies for current and emerging technologies;
  - (10) use effective planning, time management, and organization of work to maximize attainment of district and campus goals through exemplary library programs; and
  - (11) monitor, assess, and employ existing and emerging technologies for management applications.
- (d) Standard III. Learner-Centered Technology and Information Access: The certified school librarian is an educational leader who promotes the success of all students by facilitating the use and integration of technology, telecommunications, and information systems to enrich the curriculum and enhance learning. Accordingly, the certified school librarian must be able to do the following activities with understanding and valuation of their importance:
- (1) provide a balanced, carefully selected, and systematically organized collection of library resources that are sufficient to meet students' needs and are continuously monitored to be current and relevant in each subject area;
  - (2) model and promote the highest standard of conduct, ethics, and integrity in the use of the Internet and other print and electronic resources;
  - (3) employ existing and emerging technologies to access, evaluate, and disseminate information for possible application to instructional programs;
  - (4) promote interlibrary loan policy to facilitate information access beyond the campus;
  - (5) model information problem-solving processes in providing instruction about reference and research techniques; and
  - (6) participate in state and national technology initiatives.
- (e) Standard IV. Learner-Centered Library Environment: The school librarian is an educational leader who promotes the success of all students by establishing a climate in the library that enables and encourages all members of the learning community to explore and meet their information needs. Accordingly, the certified school librarian must be able to do the following activities with understanding and valuation of their importance:

- (1) understand the principles of exemplary library design as defined by state and federal guidelines for a simultaneous-use facility for individuals, small groups, and classes;
  - (2) develop and maintain a flexible, functional, and barrier-free library facility that conforms to national and state library standards;
  - (3) provide a safe, secure environment that is age appropriate;
  - (4) maximize available space to permit displays of student-, faculty- and community-produced materials and collections; and
  - (5) promote access to resources and information during and beyond the instructional day and school year.
- (f) Standard V. Learner-Centered Connections to the Community: The school librarian is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and fostering the use of community resources. Accordingly, the certified school librarian must be able to do the following activities with understanding and valuation of their importance:
- (1) promote awareness of and responsiveness to learning differences and other types of diversity in the learning community;
  - (2) exhibit effective communication through oral, written, electronic, and nonverbal expression;
  - (3) implement strategies for effective internal and external communications;
  - (4) establish partnerships with businesses, learning institutions, global communities, and other libraries and entities to strengthen programs and support school campus goals;
  - (5) develop library programs that offer families opportunities to participate in school activities and in their children's education;
  - (6) advocate access to resources and information during and beyond the instructional day and school year; and
  - (7) develop and implement a comprehensive program of community relations that uses strategies to effectively involve and inform multiple constituencies, including the news media.
- (g) Standard VI. Learner-Centered Information Science and Librarianship: As an educational leader, the certified school librarian uses his or her unique knowledge base, drawing from both education and library science, to promote the success of all students and to provide experiences that help learners locate, evaluate, and use information to solve problems while becoming lifelong readers and learners. Accordingly, the certified school librarian must be able to do the following activities with understanding and valuation of their importance:
- (1) understand the role of all types of libraries and information agencies in an integrated learning environment;
  - (2) understand the role of the school library media program as a central element in the intellectual life of the school;
  - (3) know theories, principles, and skills related to the selection, acquisition, organization, storage, retrieval, use, and evaluation of information;
  - (4) implement standard library procedures for classifying, cataloging, and processing various resources that facilitate computerization and resource sharing;
  - (5) evaluate and select existing and emergent technologies in support of the library program;
  - (6) communicate effectively to patrons to determine their information needs;
  - (7) demonstrate an understanding of bibliographic and retrieval techniques needed to organize and use information sources;
  - (8) use knowledge of literature and information resources to help students select materials;

- (9) understand and model principles of intellectual freedom, information access, privacy, and proprietary rights;
- (10) design and use statistical reports to support an exemplary library program;
- (11) use varied reading materials, programs, and motivational strategies to guide the development of independent readers;
- (12) engage in continual self-evaluation and self-directed learning for professional growth;
- (13) maintain an active interest in and contribute to appropriate local, state, regional, and national professional associations and publications;
- (14) demonstrate ethical behavior in all professional contexts; and
- (15) work collaboratively with other information professionals in support of the library program and the profession.

*Source: The provisions of this §239.55 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201.*

#### **§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.*

#### **§239.65. Requirements to Renew the Standard School Librarian Certificate.**

- (a) An individual issued a standard librarian certificate from September 1, 1999, to August 31, 2000, is subject to Chapter 232, Subchapter B, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements), except that only 150 clock-hours of continuing professional education must be completed during the first five-year renewal period. During subsequent renewal periods, the holder of such an active standard librarian certificate must satisfy the most current requirements for renewal.
- (b) An individual issued the standard School Librarian Certificate on or after September 1, 2000, is subject to Chapter 232, Subchapter B, of this title.
- (c) An individual who holds a valid Texas school librarian certificate or endorsement issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.810 of this title (relating to Voluntary Renewal of Current Texas Educators).

*Source: The provisions of this §239.65 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective December 23, 2009, 34 TexReg 9201.*

**§239.70. Transition and Implementation Dates.**

- (a) Section 239.60 of this title (relating to Requirements for the Issuance of the Standard School Librarian Certificate) shall be implemented on September 1, 2002, and shall supersede all conflicting provisions in this title on September 1, 2003. All other sections of this subchapter shall take effect pursuant to the Texas Government Code, §2001.036.
- (b) Not later than September 1, 2003, the following provisions shall no longer apply to the School Librarian Certificate:
  - (1) Section 245.5(a)(2) of this title (relating to Requirements for Issuance of a Texas Certificate Based on Certification from Another Country), as it existed on May 5, 2000; and
  - (2) the "teaching practicum" requirement in §245.10(a)(2)(B) of this title (relating to Application Procedures) as it existed on May 5, 2000.

*Source: The provisions of this §239.70 adopted to be effective January 23, 2001, 26 TexReg 761; amended to be effective June 9, 2002, 27 TexReg 4701; amended to be effective December 23, 2009, 34 TexReg 9201.*

**Subchapter C. Educational Diagnostician Certificate**

*Statutory Authority: The provisions of this Subchapter C issued under the Texas Education Code, §21.031(a) and §21.041(a) and (b)(1)–(4), unless otherwise noted.*

**§239.80. General Provisions.**

- (a) Because the educational diagnostician plays a critical role in campus effectiveness and student achievement, the rules adopted by the State Board for Educator Certification in this subchapter ensure that each candidate for the Educational Diagnostician Certificate is of the highest caliber and possesses the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) An individual serving as an educational diagnostician is expected to actively participate in professional development activities to continually update his or her knowledge and skills. Currency in best practices and research as related to both assessment and student learning is essential.
- (c) The holder of the Educational Diagnostician Certificate issued under the provisions of this subchapter may serve as an educational diagnostician, including providing educational assessment and evaluation, as required by the Individuals with Disabilities Education Act (IDEA) or other applicable law, for students from birth through adulthood.

*Source: The provisions of this §239.80 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective July 13, 2004, 29 TexReg 6645; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

**§239.81. Minimum Requirements for Admission to an Educational Diagnostician Preparation Program.**

- (a) Prior to admission to an educator preparation program leading to the Educational Diagnostician Certificate, an individual must:
  - (1) hold a baccalaureate 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;
  - (2) hold a valid classroom teaching certificate; and
  - (3) meet the requirements for admission to an educator preparation program under Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates).
- (b) An educator preparation program may adopt requirements for admission in addition to those required in subsection (a) of this section.

*Source: The provisions of this §239.81 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201.*

**§239.82. Preparation Program Requirements.**

- (a) Structured, field-based training must be focused on actual experiences with each of the standards identified in §239.83 of this title (relating to Standards Required for the Educational Diagnostician Certificate) to include experiences with diverse types of students, grade levels, and campuses.
- (b) An educator preparation program may develop and implement specific criteria and procedures that allow a candidate to substitute related professional educational diagnostician training and/or experience directly related to the standards identified in §239.83 of this title for part of the preparation coursework or other program requirements.

*Source: The provisions of this §239.82 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

**§239.83. Standards Required for the Educational Diagnostician Certificate.**

- (a) Educational Diagnostician Certificate Standards. The knowledge and skills identified in this section must be used by an educator preparation program in the development of curricula and coursework and by the State Board for Educator Certification as the basis for developing the examination required to obtain the standard Educational Diagnostician Certificate. The standards also serve as the foundation for the professional growth plan and continuing professional education activities required by §239.85 of this title (relating to Requirements to Renew the Standard Educational Diagnostician Certificate).
- (b) Standard I. The educational diagnostician understands and applies knowledge of the purpose, philosophy, and legal foundations of evaluation and special education.
  - (1) The educational diagnostician knows and understands:
    - (A) state and federal regulations relevant to the role of the educational diagnostician;
    - (B) laws and legal issues related to the assessment and evaluation of individuals with educational needs;
    - (C) models, theories, and philosophies that provide the basis for special education evaluations;
    - (D) issues, assurances, and due process rights related to evaluation, eligibility, and placement in the least restrictive environment within a continuum of services; and
    - (E) rights and responsibilities of parents/guardians, schools, students, and teachers and other professionals in relation to individual learning needs.
  - (2) The educational diagnostician is able to:
    - (A) articulate the purpose of evaluation procedures and their relationship to educational programming; and
    - (B) conduct evaluations and other professional activities consistent with the requirements of laws, rules and regulations, and local district policies and procedures.
- (c) Standard II. The educational diagnostician understands and applies knowledge of ethical and professional practices, roles, and responsibilities.
  - (1) The educational diagnostician knows and understands:
    - (A) ethical practices regarding procedural safeguards (e.g., confidentiality issues, informed consent) for individuals with disabilities;
    - (B) ethical practices related to assessment and evaluation;
    - (C) qualifications necessary to administer and interpret various instruments and procedures; and
    - (D) organizations and publications relevant to the field of educational diagnosis.
  - (2) The educational diagnostician is able to:

- (A) demonstrate commitment to developing quality educational opportunities appropriate for individuals with disabilities;
  - (B) demonstrate positive regard for the culture, gender, and personal beliefs of individual students;
  - (C) promote and maintain a high level of competence and integrity in the practice of the profession;
  - (D) exercise objective professional judgment in the practice of the profession;
  - (E) engage in professional activities that benefit individuals with exceptional learning needs, their families, and/or colleagues;
  - (F) comply with local, state, and federal monitoring and evaluation requirements;
  - (G) use copyrighted educational materials in an ethical manner; and
  - (H) participate in the activities of professional organizations in the field of educational diagnosis.
- (d) Standard III. The educational diagnostician develops collaborative relationships with families, educators, the school, the community, outside agencies, and related service personnel.
- (1) The educational diagnostician knows and understands:
    - (A) strategies for promoting effective communication and collaboration with others, including parents/guardians and school and community personnel, in a culturally responsive manner;
    - (B) concerns of parents/guardians of individuals with exceptional learning needs and appropriate strategies to help parents/guardians address these concerns;
    - (C) strategies for developing educational programs for individuals through collaboration with team members;
    - (D) roles of individuals with disabilities, parents/caregivers, teachers, and other school and community personnel in planning educational programs for individuals; and
    - (E) family systems and the role of families in supporting student development and educational progress.
  - (2) The educational diagnostician is able to:
    - (A) use collaborative strategies in working with individuals with disabilities, parents/caregivers, and school and community personnel in various learning environments;
    - (B) communicate and consult effectively with individuals, parents/guardians, teachers, and other school and community personnel;
    - (C) foster respectful and beneficial relationships between families and education professionals;
    - (D) encourage and assist individuals with disabilities and their families to become active participants in the educational team;
    - (E) plan and conduct collaborative conferences with individuals who have exceptional learning needs and their families or primary caregivers;
    - (F) collaborate with classroom teachers and other school and community personnel in including individuals with exceptional learning needs in various learning environments;
    - (G) communicate with classroom teachers, administrators, and other school personnel about characteristics and needs of individuals with disabilities;

- (H) use appropriate communication skills to report and interpret assessment and evaluation results;
  - (I) provide assistance to others who collect informal and observational data;
  - (J) effectively communicate to parents/guardians and professionals the purposes, methods, findings, and implications of assessments; and
  - (K) keep accurate and detailed records of assessments, evaluations, and related proceedings (e.g., admission, review, and dismissal/individualized education program (ARD/IEP) meetings, parent/guardian communications and notifications).
- (e) Standard IV. The educational diagnostician understands and applies knowledge of student assessment and evaluation, program planning, and instructional decision making.
- (1) The educational diagnostician knows and understands:
    - (A) the characteristics, needs, and rights of individual students in relation to assessment and evaluation for placement in the least restrictive environment within a continuum of services;
    - (B) the relationship between evaluation and placement decisions; and
    - (C) the role of team members, including the student when appropriate, in planning an individualized program.
  - (2) The educational diagnostician is able to:
    - (A) use assessment and evaluation information to plan individualized programs, establish measurable annual goals and objectives, and make instructional decisions that result in appropriate services for individuals with disabilities, including those from culturally and/or linguistically diverse backgrounds;
    - (B) interpret and use assessment and evaluation data for targeted instruction and ongoing review; and
    - (C) assist in identifying realistic expectations for educationally relevant behavior (e.g., vocational, functional, academic, social) in various settings.
- (f) Standard V. The educational diagnostician knows eligibility criteria and procedures for identifying students with disabilities and determining the presence of an educational need.
- (1) The educational diagnostician knows and understands:
    - (A) characteristics of individuals with disabilities, including those with different levels of severity and with multiple disabilities;
    - (B) educational implications of various disabilities; and
    - (C) the variation in ability exhibited by individuals with particular types of disabilities.
  - (2) The educational diagnostician is able to:
    - (A) access information on the cognitive, communicative, physical, social, and emotional characteristics of individuals with disabilities and the assistive technology needs of those students;
    - (B) gather background information regarding the academic, medical, and family history of individuals with disabilities; and
    - (C) use various types of assessment and evaluation procedures appropriately to identify students with disabilities and to determine the presence of an educational need.
- (g) Standard VI. The educational diagnostician selects, administers, and interprets appropriate formal and informal assessments and evaluations.
- (1) The educational diagnostician knows and understands:

- (A) basic terminology used in assessment and evaluation;
  - (B) standards for test reliability;
  - (C) standards for test validity;
  - (D) procedures used in standardizing assessment instruments;
  - (E) possible sources of test error;
  - (F) the meaning and use of basic statistical concepts used in assessment and evaluation (e.g., standard error of measurement, mean, standard deviation);
  - (G) uses and limitations of each type of assessment instrument;
  - (H) uses and limitations of various types of assessment data;
  - (I) procedures for screening, prereferral, including RTI (e.g., response to intervention/multi-tiered support), referral, and eligibility;
  - (J) the appropriate application and interpretation of derived scores (e.g., standard scores, percentile ranks, age and grade equivalents, stanines);
  - (K) the necessity of monitoring the progress of individuals with disabilities;
  - (L) methods of academic and nonacademic (e.g., vocational, transition, developmental, assistive technology) assessment and evaluation; and
  - (M) methods of motor skills assessment.
- (2) The educational diagnostician is able to:
- (A) collaborate with families and other professionals in the assessment and evaluation of individuals with disabilities;
  - (B) select and use assessment and evaluation materials based on technical quality and individual student needs;
  - (C) score assessment and evaluation instruments accurately;
  - (D) create and maintain assessment reports;
  - (E) select or modify assessment procedures to ensure nonbiased results;
  - (F) use a variety of observation techniques;
  - (G) assess and interpret information using formal/informal instruments and procedures in the areas of cognitive/adaptive behavior and academic skills;
  - (H) determine the need for further assessment in the areas of language skills, physical skills, social/emotional behavior, and assistive technology;
  - (I) determine a student's needs in various curricular areas and make intervention, instructional, and transition planning recommendations based on assessment and evaluation results;
  - (J) make recommendations based on assessment and evaluation results;
  - (K) prepare assessment reports; and
  - (L) use performance data and information from teachers, other professionals, individuals with disabilities, and parents/guardians to make or suggest appropriate modifications and/or accommodations within learning environments.
- (h) Standard VII. The educational diagnostician understands and applies knowledge of ethnic, linguistic, cultural, and socioeconomic diversity and the significance of student diversity for evaluation, planning, and instruction.
- (1) The educational diagnostician knows and understands:

- (A) issues related to definition and identification procedures for individuals with disabilities, including individuals from culturally and/or linguistically diverse backgrounds;
  - (B) characteristics and effects of the cultural and environmental backgrounds of students and their families, including cultural and linguistic diversity, socioeconomic diversity, abuse/neglect, and substance abuse;
  - (C) issues related to the representation in special education of populations that are culturally and linguistically diverse;
  - (D) ways in which native language and diversity may affect evaluation; and
  - (E) strategies that are responsive to the diverse backgrounds and particular disabilities of individuals in relation to evaluation, programming, and placement.
- (2) The educational diagnostician is able to:
- (A) apply knowledge of cultural and linguistic factors to make appropriate evaluation decisions and instructional recommendations for individuals with disabilities; and
  - (B) recognize how student diversity and particular disabilities may affect evaluation, programming, and placement and use procedures that ensure nonbiased results.
- (i) Standard VIII. The educational diagnostician knows and demonstrates skills necessary for scheduling, time management, and organization.
- (1) The educational diagnostician knows and understands:
- (A) time-management strategies and systems appropriate for various educational situations and environments;
  - (B) legal and regulatory timelines, schedules, deadlines, and reporting requirements; and
  - (C) methods for organizing, maintaining, accessing, and storing records and information.
- (2) The educational diagnostician is able to:
- (A) select, adapt, or design forms to facilitate planning, scheduling, and time management;
  - (B) maintain eligibility folders; and
  - (C) use technology appropriately to organize information and schedules.
- (j) Standard IX. The educational diagnostician addresses students' behavioral and social interaction skills through appropriate assessment, evaluation, planning, and instructional strategies.
- (1) The educational diagnostician knows and understands:
- (A) requirements and procedures for functional behavioral assessment, manifestation determination review, and behavioral intervention plans that incorporate positive behavioral supports and interventions;
  - (B) applicable laws, rules and regulations, and procedural safeguards regarding the planning and implementation of behavioral intervention plans for individuals with disabilities;
  - (C) ethical considerations inherent in behavior interventions;
  - (D) teacher attitudes and behaviors that influence the behavior of individuals with disabilities;
  - (E) social skills needed for school, home, community, and work environments;
  - (F) strategies for crisis prevention, intervention, and management;
  - (G) strategies for preparing individuals to live productively in a multiclass, multiethnic, multicultural, and multinational world; and

- (H) key concepts in behavior intervention (e.g., least intrusive accommodations/modifications within the learning environment, reasonable expectations for social behavior, social skills curricula, cognitive behavioral strategies).
- (2) The educational diagnostician is able to:
  - (A) conduct functional behavioral assessments;
  - (B) assist in the development of behavioral intervention plans; and
  - (C) participate in manifestation determination review.
- (k) Standard X. The educational diagnostician knows and understands appropriate curricula and instructional strategies for individuals with disabilities.
  - (1) The educational diagnostician knows and understands:
    - (A) instructional strategies, technology tools and applications, and curriculum materials for students with disabilities within the continuum of services;
    - (B) varied learning styles of individuals with disabilities;
    - (C) curricula for the development of motor, cognitive, academic, social, language, affective, career, and functional skills for individuals with disabilities;
    - (D) techniques for accommodating and/or modifying instructional methods and materials for individuals with disabilities;
    - (E) functional skills instruction relevant to transitioning across environments (e.g., preschool to elementary school, school to work);
    - (F) supports needed for integration into various program placements; and
    - (G) individualized assessment strategies for instruction (e.g., authentic assessment, contextual assessment, curriculum-based assessment).
  - (2) The educational diagnostician is able to:
    - (A) interpret and use assessment and evaluation data for instructional planning; and
    - (B) use assessment and evaluation, planning, and management procedures that are appropriate in relation to student needs and the instructional environment.

*Source: The provisions of this §239.83 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

#### **§239.84. Requirements for the Issuance of the Standard Educational Diagnostician Certificate.**

To be eligible to receive the standard Educational Diagnostician Certificate, a candidate must:

- (1) successfully complete an educational diagnostician preparation program that meets the requirements of §239.82 of this title (relating to Preparation Program Requirements) and §239.83 of this title (relating to Standards Required for the Educational Diagnostician Certificate);
- (2) successfully complete the examination based on the standards identified in §239.83 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;
- (4) hold a valid classroom teaching certificate; and
- (5) have three 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 §239.84 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

#### **§239.85. Requirements to Renew the Standard Educational Diagnostician Certificate.**

- (a) An individual issued the standard Educational Diagnostician Certificate under this title is subject to Chapter 232, Subchapter A, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements).
- (b) An individual who holds a valid Texas educational diagnostician certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.3 of this title (relating to Voluntary Renewal of Current Texas Educators).

*Source: The provisions of this §239.85 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

#### **§239.86. Implementation Date.**

The provisions of this subchapter apply to an applicant who is admitted to an educator preparation program for the Educational Diagnostician Certificate on or after September 1, 2018.

*Source: The provisions of this §239.86 adopted to be effective December 21, 2017, 42 TexReg 7144.*

### **Subchapter C. Educational Diagnostician Certificate**

*Statutory Authority: The provisions of this Subchapter C issued under the Texas Education Code, §21.031(a) and §21.041(a) and (b)(1)–(4), unless otherwise noted.*

#### **§239.80. General Provisions.**

- (a) Because the educational diagnostician plays a critical role in campus effectiveness and student achievement, the rules adopted by the State Board for Educator Certification in this subchapter ensure that each candidate for the Educational Diagnostician Certificate is of the highest caliber and possesses the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) An individual serving as an educational diagnostician is expected to actively participate in professional development activities to continually update his or her knowledge and skills. Currency in best practices and research as related to both assessment and student learning is essential.
- (c) The holder of the Educational Diagnostician Certificate issued under the provisions of this subchapter may serve as an educational diagnostician, including providing educational assessment and evaluation, as required by the Individuals with Disabilities Education Act (IDEA) or other applicable law, for students from birth through adulthood.

*Source: The provisions of this §239.80 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective July 13, 2004, 29 TexReg 6645; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

#### **§239.81. Minimum Requirements for Admission to an Educational Diagnostician Preparation Program.**

- (a) Prior to admission to an educator preparation program leading to the Educational Diagnostician Certificate, an individual must:
  - (1) hold a baccalaureate 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;
  - (2) hold a valid classroom teaching certificate; and
  - (3) meet the requirements for admission to an educator preparation program under Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates).

- (b) An educator preparation program may adopt requirements for admission in addition to those required in subsection (a) of this section.

*Source: The provisions of this §239.81 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201.*

### **§239.82. Preparation Program Requirements.**

- (a) Structured, field-based training must be focused on actual experiences with each of the standards identified in §239.83 of this title (relating to Standards Required for the Educational Diagnostician Certificate) to include experiences with diverse types of students, grade levels, and campuses.
- (b) An educator preparation program may develop and implement specific criteria and procedures that allow a candidate to substitute related professional educational diagnostician training and/or experience directly related to the standards identified in §239.83 of this title for part of the preparation coursework or other program requirements.

*Source: The provisions of this §239.82 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

### **§239.83. Standards Required for the Educational Diagnostician Certificate.**

- (a) Educational Diagnostician Certificate Standards. The knowledge and skills identified in this section must be used by an educator preparation program in the development of curricula and coursework and by the State Board for Educator Certification as the basis for developing the examination required to obtain the standard Educational Diagnostician Certificate. The standards also serve as the foundation for the professional growth plan and continuing professional education activities required by §239.85 of this title (relating to Requirements to Renew the Standard Educational Diagnostician Certificate).
- (b) Standard I. The educational diagnostician understands and applies knowledge of the purpose, philosophy, and legal foundations of evaluation and special education.
- (1) The educational diagnostician knows and understands:
- (A) state and federal regulations relevant to the role of the educational diagnostician;
  - (B) laws and legal issues related to the assessment and evaluation of individuals with educational needs;
  - (C) models, theories, and philosophies that provide the basis for special education evaluations;
  - (D) issues, assurances, and due process rights related to evaluation, eligibility, and placement in the least restrictive environment within a continuum of services; and
  - (E) rights and responsibilities of parents/guardians, schools, students, and teachers and other professionals in relation to individual learning needs.
- (2) The educational diagnostician is able to:
- (A) articulate the purpose of evaluation procedures and their relationship to educational programming; and
  - (B) conduct evaluations and other professional activities consistent with the requirements of laws, rules and regulations, and local district policies and procedures.
- (c) Standard II. The educational diagnostician understands and applies knowledge of ethical and professional practices, roles, and responsibilities.
- (1) The educational diagnostician knows and understands:
- (A) ethical practices regarding procedural safeguards (e.g., confidentiality issues, informed consent) for individuals with disabilities;
  - (B) ethical practices related to assessment and evaluation;

- (C) qualifications necessary to administer and interpret various instruments and procedures; and
  - (D) organizations and publications relevant to the field of educational diagnosis.
- (2) The educational diagnostician is able to:
- (A) demonstrate commitment to developing quality educational opportunities appropriate for individuals with disabilities;
  - (B) demonstrate positive regard for the culture, gender, and personal beliefs of individual students;
  - (C) promote and maintain a high level of competence and integrity in the practice of the profession;
  - (D) exercise objective professional judgment in the practice of the profession;
  - (E) engage in professional activities that benefit individuals with exceptional learning needs, their families, and/or colleagues;
  - (F) comply with local, state, and federal monitoring and evaluation requirements;
  - (G) use copyrighted educational materials in an ethical manner; and
  - (H) participate in the activities of professional organizations in the field of educational diagnosis.
- (d) Standard III. The educational diagnostician develops collaborative relationships with families, educators, the school, the community, outside agencies, and related service personnel.
- (1) The educational diagnostician knows and understands:
- (A) strategies for promoting effective communication and collaboration with others, including parents/guardians and school and community personnel, in a culturally responsive manner;
  - (B) concerns of parents/guardians of individuals with exceptional learning needs and appropriate strategies to help parents/guardians address these concerns;
  - (C) strategies for developing educational programs for individuals through collaboration with team members;
  - (D) roles of individuals with disabilities, parents/caregivers, teachers, and other school and community personnel in planning educational programs for individuals; and
  - (E) family systems and the role of families in supporting student development and educational progress.
- (2) The educational diagnostician is able to:
- (A) use collaborative strategies in working with individuals with disabilities, parents/caregivers, and school and community personnel in various learning environments;
  - (B) communicate and consult effectively with individuals, parents/guardians, teachers, and other school and community personnel;
  - (C) foster respectful and beneficial relationships between families and education professionals;
  - (D) encourage and assist individuals with disabilities and their families to become active participants in the educational team;
  - (E) plan and conduct collaborative conferences with individuals who have exceptional learning needs and their families or primary caregivers;

- (F) collaborate with classroom teachers and other school and community personnel in including individuals with exceptional learning needs in various learning environments;
  - (G) communicate with classroom teachers, administrators, and other school personnel about characteristics and needs of individuals with disabilities;
  - (H) use appropriate communication skills to report and interpret assessment and evaluation results;
  - (I) provide assistance to others who collect informal and observational data;
  - (J) effectively communicate to parents/guardians and professionals the purposes, methods, findings, and implications of assessments; and
  - (K) keep accurate and detailed records of assessments, evaluations, and related proceedings (e.g., admission, review, and dismissal/individualized education program (ARD/IEP) meetings, parent/guardian communications and notifications).
- (e) Standard IV. The educational diagnostician understands and applies knowledge of student assessment and evaluation, program planning, and instructional decision making.
- (1) The educational diagnostician knows and understands:
    - (A) the characteristics, needs, and rights of individual students in relation to assessment and evaluation for placement in the least restrictive environment within a continuum of services;
    - (B) the relationship between evaluation and placement decisions; and
    - (C) the role of team members, including the student when appropriate, in planning an individualized program.
  - (2) The educational diagnostician is able to:
    - (A) use assessment and evaluation information to plan individualized programs, establish measurable annual goals and objectives, and make instructional decisions that result in appropriate services for individuals with disabilities, including those from culturally and/or linguistically diverse backgrounds;
    - (B) interpret and use assessment and evaluation data for targeted instruction and ongoing review; and
    - (C) assist in identifying realistic expectations for educationally relevant behavior (e.g., vocational, functional, academic, social) in various settings.
- (f) Standard V. The educational diagnostician knows eligibility criteria and procedures for identifying students with disabilities and determining the presence of an educational need.
- (1) The educational diagnostician knows and understands:
    - (A) characteristics of individuals with disabilities, including those with different levels of severity and with multiple disabilities;
    - (B) educational implications of various disabilities; and
    - (C) the variation in ability exhibited by individuals with particular types of disabilities.
  - (2) The educational diagnostician is able to:
    - (A) access information on the cognitive, communicative, physical, social, and emotional characteristics of individuals with disabilities and the assistive technology needs of those students;
    - (B) gather background information regarding the academic, medical, and family history of individuals with disabilities; and

- (C) use various types of assessment and evaluation procedures appropriately to identify students with disabilities and to determine the presence of an educational need.
- (g) Standard VI. The educational diagnostician selects, administers, and interprets appropriate formal and informal assessments and evaluations.
- (1) The educational diagnostician knows and understands:
    - (A) basic terminology used in assessment and evaluation;
    - (B) standards for test reliability;
    - (C) standards for test validity;
    - (D) procedures used in standardizing assessment instruments;
    - (E) possible sources of test error;
    - (F) the meaning and use of basic statistical concepts used in assessment and evaluation (e.g., standard error of measurement, mean, standard deviation);
    - (G) uses and limitations of each type of assessment instrument;
    - (H) uses and limitations of various types of assessment data;
    - (I) procedures for screening, prereferral, including RTI (e.g., response to intervention/multi-tiered support), referral, and eligibility;
    - (J) the appropriate application and interpretation of derived scores (e.g., standard scores, percentile ranks, age and grade equivalents, stanines);
    - (K) the necessity of monitoring the progress of individuals with disabilities;
    - (L) methods of academic and nonacademic (e.g., vocational, transition, developmental, assistive technology) assessment and evaluation; and
    - (M) methods of motor skills assessment.
  - (2) The educational diagnostician is able to:
    - (A) collaborate with families and other professionals in the assessment and evaluation of individuals with disabilities;
    - (B) select and use assessment and evaluation materials based on technical quality and individual student needs;
    - (C) score assessment and evaluation instruments accurately;
    - (D) create and maintain assessment reports;
    - (E) select or modify assessment procedures to ensure nonbiased results;
    - (F) use a variety of observation techniques;
    - (G) assess and interpret information using formal/informal instruments and procedures in the areas of cognitive/adaptive behavior and academic skills;
    - (H) determine the need for further assessment in the areas of language skills, physical skills, social/emotional behavior, and assistive technology;
    - (I) determine a student's needs in various curricular areas and make intervention, instructional, and transition planning recommendations based on assessment and evaluation results;
    - (J) make recommendations based on assessment and evaluation results;
    - (K) prepare assessment reports; and

- (L) use performance data and information from teachers, other professionals, individuals with disabilities, and parents/guardians to make or suggest appropriate modifications and/or accommodations within learning environments.
- (h) Standard VII. The educational diagnostician understands and applies knowledge of ethnic, linguistic, cultural, and socioeconomic diversity and the significance of student diversity for evaluation, planning, and instruction.
- (1) The educational diagnostician knows and understands:
    - (A) issues related to definition and identification procedures for individuals with disabilities, including individuals from culturally and/or linguistically diverse backgrounds;
    - (B) characteristics and effects of the cultural and environmental backgrounds of students and their families, including cultural and linguistic diversity, socioeconomic diversity, abuse/neglect, and substance abuse;
    - (C) issues related to the representation in special education of populations that are culturally and linguistically diverse;
    - (D) ways in which native language and diversity may affect evaluation; and
    - (E) strategies that are responsive to the diverse backgrounds and particular disabilities of individuals in relation to evaluation, programming, and placement.
  - (2) The educational diagnostician is able to:
    - (A) apply knowledge of cultural and linguistic factors to make appropriate evaluation decisions and instructional recommendations for individuals with disabilities; and
    - (B) recognize how student diversity and particular disabilities may affect evaluation, programming, and placement and use procedures that ensure nonbiased results.
- (i) Standard VIII. The educational diagnostician knows and demonstrates skills necessary for scheduling, time management, and organization.
- (1) The educational diagnostician knows and understands:
    - (A) time-management strategies and systems appropriate for various educational situations and environments;
    - (B) legal and regulatory timelines, schedules, deadlines, and reporting requirements; and
    - (C) methods for organizing, maintaining, accessing, and storing records and information.
  - (2) The educational diagnostician is able to:
    - (A) select, adapt, or design forms to facilitate planning, scheduling, and time management;
    - (B) maintain eligibility folders; and
    - (C) use technology appropriately to organize information and schedules.
- (j) Standard IX. The educational diagnostician addresses students' behavioral and social interaction skills through appropriate assessment, evaluation, planning, and instructional strategies.
- (1) The educational diagnostician knows and understands:
    - (A) requirements and procedures for functional behavioral assessment, manifestation determination review, and behavioral intervention plans that incorporate positive behavioral supports and interventions;
    - (B) applicable laws, rules and regulations, and procedural safeguards regarding the planning and implementation of behavioral intervention plans for individuals with disabilities;
    - (C) ethical considerations inherent in behavior interventions;
    - (D) teacher attitudes and behaviors that influence the behavior of individuals with disabilities;

- (E) social skills needed for school, home, community, and work environments;
  - (F) strategies for crisis prevention, intervention, and management;
  - (G) strategies for preparing individuals to live productively in a multiclass, multiethnic, multicultural, and multinational world; and
  - (H) key concepts in behavior intervention (e.g., least intrusive accommodations/modifications within the learning environment, reasonable expectations for social behavior, social skills curricula, cognitive behavioral strategies).
- (2) The educational diagnostician is able to:
- (A) conduct functional behavioral assessments;
  - (B) assist in the development of behavioral intervention plans; and
  - (C) participate in manifestation determination review.
- (k) Standard X. The educational diagnostician knows and understands appropriate curricula and instructional strategies for individuals with disabilities.
- (1) The educational diagnostician knows and understands:
- (A) instructional strategies, technology tools and applications, and curriculum materials for students with disabilities within the continuum of services;
  - (B) varied learning styles of individuals with disabilities;
  - (C) curricula for the development of motor, cognitive, academic, social, language, affective, career, and functional skills for individuals with disabilities;
  - (D) techniques for accommodating and/or modifying instructional methods and materials for individuals with disabilities;
  - (E) functional skills instruction relevant to transitioning across environments (e.g., preschool to elementary school, school to work);
  - (F) supports needed for integration into various program placements; and
  - (G) individualized assessment strategies for instruction (e.g., authentic assessment, contextual assessment, curriculum-based assessment).
- (2) The educational diagnostician is able to:
- (A) interpret and use assessment and evaluation data for instructional planning; and
  - (B) use assessment and evaluation, planning, and management procedures that are appropriate in relation to student needs and the instructional environment.

*Source: The provisions of this §239.83 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

#### **§239.84. Requirements for the Issuance of the Standard Educational Diagnostician Certificate.**

To be eligible to receive the standard Educational Diagnostician Certificate, a candidate must:

- (1) successfully complete an educational diagnostician preparation program that meets the requirements of §239.82 of this title (relating to Preparation Program Requirements) and §239.83 of this title (relating to Standards Required for the Educational Diagnostician Certificate);
- (2) successfully complete the examination based on the standards identified in §239.83 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;
- (4) hold a valid classroom teaching certificate; and

- (5) have three 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 §239.84 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

#### **§239.85. Requirements to Renew the Standard Educational Diagnostician Certificate.**

- (a) An individual issued the standard Educational Diagnostician Certificate under this title is subject to Chapter 232, Subchapter A, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements).
- (b) An individual who holds a valid Texas educational diagnostician certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.3 of this title (relating to Voluntary Renewal of Current Texas Educators).

*Source: The provisions of this §239.85 adopted to be effective April 28, 2002, 27 TexReg 3351; amended to be effective December 23, 2009, 34 TexReg 9201; amended to be effective December 21, 2017, 42 TexReg 7144.*

#### **§239.86. Implementation Date.**

The provisions of this subchapter apply to an applicant who is admitted to an educator preparation program for the Educational Diagnostician Certificate on or after September 1, 2018.

*Source: The provisions of this §239.86 adopted to be effective December 21, 2017, 42 TexReg 7144.*

### **Subchapter D. Reading Specialist Certificate**

*Statutory Authority: The provisions of this Subchapter D issued under the Texas Education Code, §21.031(a) and §21.041(b)(1)–(4), unless otherwise noted.*

#### **§239.90. General Provisions.**

- (a) Because the reading specialist plays a critical role in campus effectiveness and student achievement, the rules adopted by the State Board for Educator Certification in this subchapter ensure that each candidate for the Reading Specialist Certificate is of the highest caliber and possesses the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) An individual serving as a reading specialist is expected to actively participate in professional development activities to continually update his or her knowledge and skills. Currency in best practices and research as related to both campus leadership and student learning is essential.
- (c) The holder of the Reading Specialist Certificate issued under the provisions of this subchapter may teach reading to students in Prekindergarten–Grade 12.

*Source: The provisions of this §239.90 adopted to be effective February 6, 2003, 28 TexReg 936; amended to be effective July 13, 2004, 29 TexReg 6645; amended to be effective December 23, 2009, 34 TexReg 9201.*

#### **§239.91. Minimum Requirements for Admission to a Reading Specialist Preparation Program.**

- (a) Prior to admission to an educator preparation program leading to the standard Reading Specialist Certificate, an individual must:
- (1) hold a baccalaureate 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
  - (2) meet the requirements for admission to an educator preparation program under Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates).

- (b) An educator preparation program may adopt requirements for admission in addition to those required in subsection (a) of this section.

*Source: The provisions of this §239.91 adopted to be effective February 6, 2003, 28 TexReg 936; amended to be effective December 23, 2009, 34 TexReg 9201.*

#### **§239.92. Preparation Program Requirements.**

- (a) Structured, field-based training must be focused on actual experiences with each of the standards identified in the State Board for Educator Certification-approved reading specialist standards to include experiences with diverse types of students, grade levels, and campuses.
- (b) An educator preparation program must develop and implement specific criteria and procedures that allow a candidate to substitute related professional reading specialist training and/or experience directly related to the standards identified in subsection (a) of this section for part of the preparation coursework or other program requirements.

*Source: The provisions of this §239.92 adopted to be effective February 6, 2003, 28 TexReg 936; amended to be effective December 23, 2009, 34 TexReg 9201.*

#### **§239.93. Requirements for the Issuance of the Reading Specialist Certificate.**

To be eligible to receive the standard Reading Specialist Certificate, a candidate must:

- (1) successfully complete a reading specialist preparation program that meets the requirements of §239.92 of this title (relating to Preparation Program Requirements);
- (2) successfully complete the examination based on the standards identified in §239.92 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 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 §239.93 adopted to be effective February 6, 2003, 28 TexReg 936; amended to be effective December 23, 2009, 34 TexReg 9201.*

#### **§239.94. Requirements to Renew the Standard Reading Specialist Certificate.**

- (a) An individual issued the standard Reading Specialist Certificate under this title is subject to Chapter 232, Subchapter B, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements).
- (b) An individual who holds a valid Texas reading specialist certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.810 of this title (relating to Voluntary Renewal of Current Texas Educators).

*Source: The provisions of this §239.94 adopted to be effective February 6, 2003, 28 TexReg 936; amended to be effective December 23, 2009, 34 TexReg 9201.*

#### **§239.95. Transition and Implementation Dates.**

Section 239.93 of this title (relating to Requirements for the Issuance of the Reading Specialist Certificate) shall be implemented on September 1, 2003, and shall supersede all conflicting provisions in this title on September 1, 2004. All other sections of this subchapter shall take effect pursuant to the Texas Government Code, §2001.036.

*Source: The provisions of this §239.95 adopted to be effective February 6, 2003, 28 TexReg 936; amended to be effective December 23, 2009, 34 TexReg 9201.*