

Item 6:

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

DISCUSSION AND ACTION

SUMMARY: Texas Government Code (TGC), §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 231, Requirements for Public School Personnel Assignments. The rules being reviewed provide requirements relating to the criteria for school districts to make personnel assignments based on the correlating certification requirements.

STATUTORY AUTHORITY: Statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 231 is the Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1)-(2), and 21.0486.

PREVIOUS BOARD ACTION: At the February 12, 2021 meeting, the SBEC voted to publish the proposed rule review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, in the *Texas Register*.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, establish requirements for school districts to make personnel assignments based on the correlating certification requirements.

Due to the volume of the rule text for 19 TAC Chapter 231, the rules currently in effect are available on the Texas Education Agency (TEA) website at <http://ritter.tea.state.tx.us/sbecrules/tac/chapter231/index.html>

If authorized by the SBEC, the notice of adopted review stating the reasons for adoption continue to exist will be filed with the *Texas Register* following the April 2021 SBEC meeting.

ANTICIPATED REVISIONS TO RULES: No changes to rules in 19 TAC Chapter 231 are anticipated at this time, not precluding any amendments that may be proposed at the same time or at a different time through a separate rulemaking process.

PUBLIC COMMENTS: The TEA filed the notice of proposed review of 19 TAC Chapter 231 with the *Texas Register* following the February 2021 SBEC meeting. The public comment period on the proposed rule review began March 12, 2021, and ended April 12, 2021. Any comments received will be provided to the SBEC under separate cover prior to the April 30, 2021 meeting. The SBEC will take registered oral and written comments on this item at the April 30, 2021 meeting in accordance with the SBEC board operating policies and procedures.

INTERIM ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Adopt the review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments.

Staff Member Responsible:

Marilyn Cook, Director, Educator Certification

Attachment:

Statutory Citations

ATTACHMENT**Statutory Citations Relating to Review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

19 TAC Chapter 231, Requirements for Public School Personnel Assignments**Texas Education Code, §21.003, Certification Required (excerpt):**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

Texas Education Code, §21.031, Purpose (excerpt):

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

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

- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;

- (2) specify the classes of educator certificates to be issued, including emergency certificates;

Texas Education Code, §21.0486, Technology Applications Certification:

A person who holds a technology applications certificate issued under this subchapter may, in addition to teaching technology applications courses as authorized under the certificate, teach courses in:

- (1) principles of arts, audio/video technology, and communications; and
- (2) principles of information technology.