

## Item 7:

# Adoption of Review of 19 TAC Chapter 239, Student Services Certificates

### 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 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 TGC, §2001.039. The statutory authority for 19 TAC Chapter 239 is the Texas Education Code (TEC), §§21.031(a); 21.040(2); 21.041(a), (b)(1)–(5), and (9); 21.044; 21.048(a); 21.054, and 22.0831(f), for Subchapter A; 21.040(2); 21.041(b)(2)–(4); 21.044; 21.048(a); and 21.054, 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; and 21.031(a); 21.041(b)(1)–(4); and 21.064(a), for Subchapter E.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** At the July 21, 2023 meeting, the SBEC voted to publish the 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; Subchapter D, Reading Specialist Certificate; and Subchapter E, Legacy Master Teacher 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 rule text of 19 TAC Chapter 239 is viewable on the Texas Education Agency's (TEA) website at: <https://tea.texas.gov/about-tea/laws-and-rules/sbec-rules-tac/sbec-tac-currently-in-effect/19-tac-chapter-239>.

**ANTICIPATED REVISIONS TO RULES:** It is anticipated that 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, incorporate SBEC policy and procedures, and implement legislation, as applicable.

**PUBLIC COMMENTS:** The TEA filed the notice of proposed review of 19 TAC Chapter 239 with the *Texas Register* following the July 2023 SBEC meeting. The public comment period on the proposed rule review began August 18, 2023, and ended September 18, 2023. Any comments

received will be provided to the SBEC under separate cover prior to the September 29, 2023 meeting. The SBEC will also take registered oral and written comments on this item during the September 29, 2023 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:**

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

**Staff Members Responsible:**

Jessica McLoughlin, Senior Director, Educator Quality

DeMarco Pitre, Director, Educator Standards and Test Development