Adopted Rule Reviews

State Board for Educator Certification

Title 19, Part 7

The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 239, Student Services Certificates, pursuant to the Texas Government Code (TGC), §2001.039. The SBEC proposed the review of 19 TAC Chapter 239 in the January 3, 2020 issue of the Texas Register (45 TexReg 161).

Relating to the review of 19 TAC Chapter 239, the SBEC finds that the reasons for the adoption continue to exist and readopt the rules. The following is a summary of the public comments received and the responses.

Comment: Eighty-two individuals commented in support of the need for the rules in Chapter 239 and for the current requirements and standards for the School Librarian certificate to ensure school librarians are qualified and professionally prepared.

Response: The SBEC agrees. The SBEC believes the reasons for initially adopting Chapter 239 continue to exist in certifying student services certificates and in the need to uphold the current requirements and standards for the School Librarian certificate.

Comment: Ten individuals requested updates to the current School Librarian certificate due to the changing nature of the librarian profession along with new state guidelines recently adopted by the Texas State Library and Archives Commission as well as the Texas Education Agency (TEA).

Response: The request is outside the scope of the proposed rule review of Chapter 239; however, the TEA staff will consider this feedback for future rulemaking under the jurisdiction of the SBEC.

Comment: Nine individuals commented in support of the need for the rules in Chapter 239 and for the current requirements and standards for the School Counselor certificate to ensure school counselors are qualified and professionally prepared.

Response: The SBEC agrees. The SBEC believes the reasons for initially adopting Chapter 239 continue to exist in certifying student services certificates and in the need to uphold the current requirements and standards for the School Counselor certificate.

Comment: The Association of Texas Professional Educators (ATPE) requested the SBEC to revise Chapter 239 to create replacement certificates for those expiring due to House Bill (HB) 3, 86th Texas Legislature, 2019. ATPE stated that the expiration of current Legacy Master Teacher certificates will leave some certificate holders unable to continue teaching in their current assignments unless they obtain additional certification as well as make it more difficult for school districts to find enough appropriately certified personnel to fulfill the assignments previously covered by master teacher certificates.

Response: The request is outside the scope of the proposed rule review of Chapter 239; however, the TEA staff will consider this feedback for future rulemaking under the jurisdiction of the SBEC.

Comment: One Texas administrator commented in opposition to the SBEC reviewing the Reading Specialist certificate in light of the expiration of the Master Reading Teacher certificate and not providing that same review for the Master Math and Master Science certificates. The commenter stated that with the Teacher Incentive Grant, the state has removed the master teacher certificates that would provide proficiency in the grant. The commenter stated that the perfect coordination of Master Reading, Master Math, and Master Science teacher certificates and data would complete a picture of an "Exemplary" teacher.

Response: The request is outside the scope of the proposed rule review of Chapter 239; however, the TEA staff will provide the comment to agency staff responsible for implementation of the Teacher Incentive Allotment, created as part of HB 3, 86th Texas Legislature, 2019.

Comment: Texas Woman's University (TWU) requested that SBEC uniformly increase educator preparation program (EPP) admission standards for all candidates seeking student services certificates to require that the candidate already hold a valid certificate and have the appropriate number of creditable years of teaching experience at admission. TWU also requested that the Reading Specialist certification standards be adopted in rule.

Response: The request is outside the scope of the proposed rule review of Chapter 239; however, the TEA staff will consider this feedback for future rulemaking under the jurisdiction of the SBEC. The SBEC also provides the following clarification. An EPP may choose to increase admission requirements above the minimum required by rule.

This concludes the review of 19 TAC Chapter 239.

TRD-202001202
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Filed: March 19, 2020

Texas Board of Nursing

Title 22, Part 11

In accordance with Government Code §2001.039, the Texas Board of Nursing (Board) filed a notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the follow-
ing chapter contained in Title 22, Part 11, of the Texas Administrative Code, pursuant to the 2019 rule review plan adopted by the Board at its July 2018 meeting. The notice appeared in the January 31, 2020, edition of the Texas Register (45 TexReg 775).

Chapter 220. Nurse Licensure Compact, §220.1
Chapter 223. Fees, §223.1 and §223.2
Chapter 224. Delegation of Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel for Clients with Acute Conditions or in Acute Care Environments, §§224.1 - 224.11

The Board did not receive comment on the above rules. The Board has completed its review and has determined that the reasons for originally adopting the above rules continue to exist. The rules were also reviewed to determine whether they were obsolete, whether they reflected current legal and policy considerations and current procedures and practices of the Board, and whether they were in compliance with Texas Government Code Chapter 2001 (Texas Administrative Procedure Act). The Board finds that the rules are not obsolete, reflect current legal and policy considerations, current procedures and practices of the Board, and that the rules are in compliance with the Texas Administrative Procedure Act.

The Board readopts the rules in Chapters 220, 223, 224, and 226 without changes, pursuant to the Texas Government Code §2001.039 and Texas Occupations Code §301.151, which authorizes the Board to adopt, enforce, and repeal rules consistent with its legislative authority under the Nursing Practice Act. This concludes the rule review of Chapter 220, 223, 224, and 226 under the 2019 rule review plan adopted by the Board.

TRD-202001188
John Vanderford
Assistant General Counsel
Texas Board of Nursing
Filed: March 18, 2020

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