

Item 11:

Proposed Amendment to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor

TEC, §21.041(b)(9), requires the SBEC to provide for continuing education requirements.

TEC, §21.044(a)(2), requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program.

TEC, §21.0462, as added by SB 798, 88th Texas Legislature, Regular Session, 2023, prohibits requiring candidates have experience as a classroom teacher.

TEC, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC and requires the commissioner of education to determine the satisfactory level of performance required for each certification examination and each core subject covered by the generalist certification examination.

TEC, §21.054, as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023, requires classroom teachers, principals, and school counselors to earn continuing professional education units in specific areas and directs the SBEC to propose rules relating to continuing professional education courses and programs for educators.

TEC, §22.0831(f), states 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.

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

EFFECTIVE DATE: If approved for filing as proposed in December 2023, and if adopted, subject to State Board of Education (SBOE) review, at the February 16, 2024 SBEC meeting, the proposed effective date of the proposal would be May 19, 2024 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: The SBEC last amended §239.20 effective December 21, 2017.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 239, Student Services Certifi0.002 .6 (e)10.5.6 (0.002i28.9 (C)2.6 (er)-t)-6.c 0 Tw (:)Tj Tw 11.63 0 Td(ee)10.5

Following is a description of the proposed amendment to 19 TAC Chapter 239, Subchapter A, §239.20, that would update the school counselor certificate issuance rule and implement the provisions of SB 798.

§239.20. Requirements for the Issuance of the School Counselor Certificate.

The proposed amendment to 19 TAC §239.20(4) would strike the text in its entirety and comply with provisions in SB 798 to remove the requirement of two creditable years of teaching experience as a classroom teacher as a condition for issuance of the school counselor certificate. Additional minor technical edits would be made to reflect the deletion of this requirement.

FISCAL IMPACT: Texas Education Agency (TEA) staff has determined that there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal an existing regulation as SB 798 requires the SBEC to remove two years of classroom teaching experience as a requirement for issuance of the standard school counselor certificate.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals affected by its applicability; and would not positively or adversely affect the

ATTACHMENT
Text of Proposed Amendment to 19 TAC
Chapter 239. Student Services Certificates
Subchapter A. School Counselor Certificate

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

To be eligible to receive the standard school counselor certificate, an applicant must meet the following requirements: