

**THE BYLAWS OF
THE TEXAS PROFESSIONAL EDUCATIONAL DIAGNOSTICIANS
BOARD OF REGISTRY**

SECTION 1. PURPOSE AND ASSUMPTIONS

These Bylaws are predicated upon the assumption that quality control for educational diagnosticians lies predominantly with the individual and with the profession. Registration is viewed as an endorsement from the professional body upon its own who qualify, necessitating continual growth, and encouraging higher and uniform standards from colleges and universities to enable their graduates to meet the requirements.

SECTION 2. DEFINITIONS

- (A) "Board" means the Texas Professional Educational Diagnosticians Board of Registry.
- (B) "Educational diagnostic service" means:
- (1) the diagnosis, assessment, measurement, or prediction of how a person's perception, motivation or cognition affects his or her learning abilities.
 - (2) the use of tests in making an intellectual, perceptual, psycho linguistic, gross motor, fine motor, or academic assessment of a person; or
 - (3) the evaluation of information about learning abilities of a person and the development, review, change or termination of the person's educational program.
- (C) "Registered Professional Educational Diagnostician" means a person who performs an educational diagnostic service and holds a current Certificate of Registration from the Board.
- (D) "Certificate" means a Certificate of Registration by the Board.
- (E) "Executive Session" means a closed meeting of the voting members of the Board.

SECTION 3. BOARD

The Texas Professional Educational Diagnosticians Board of Registry is created.

SECTION 4. MEMBERSHIP OF THE BOARD

- (A) The Board is composed of nine (9) members. The initial Board members shall be appointed by the Executive Board of the Texas Educational Diagnosticians' Association, hereafter designated TEDA. Thereafter, members shall be nominated by September 1 of even numbered years and in the following manner:
- (1) nominations for each designated position may be submitted by the Executive Board of TEDA;

(2) nominations for designated positions may be submitted by petition signed by no fewer than twenty (20) Registered Professional Educational Diagnosticians;

(3) in the event that fewer than two qualified nominations for each position to be filled are received by July 1 of even numbered years, the Board will provide the needed number of nominees.

(B) Members of the Board shall be elected by majority vote of the Registered Professional Educational Diagnosticians.

(C) Each member of the Board must be a citizen of the United States, a resident of the State of Texas; and, except for the public member and the faculty member described below, must be certified as a Registered Professional Diagnostician under these Bylaws.

(D) The members shall be elected so that:

(1) one member is engaged primarily in the administration of educational diagnostic services;

(2) one member is a faculty member of an educational institution that has a certification program approved by the State of Texas, or by the Board, for educational diagnosticians;

(3) at least four members are practicing Registered Professional Educational Diagnosticians; and

(4) one member is a representative of the public.

(E) In the event of a change in the employment status of a member of the Board which would result in the requirements of Section 4(D) not being fulfilled, that member shall remain on the Board for the full elected term, and to the degree caused by this change, Section 4(D) will be in abeyance until the subsequent election at which time the nominees will be so structured as to fulfill again as nearly as possible the requirements of Section 4(D).

(F) An appointee to the initial Board is not required to be certified as a Professional Educational Diagnostician under these Bylaws.

(G) The current president of TEDA, if not already a voting member of the Board, shall serve as an ex-officio, non-voting member of the Board.

SECTION 5. TERMS

(A) Except for the initial appointees, members of the Board hold office for staggered terms of six years with three members' terms expiring on December 31 of each even-numbered year. In making the initial appointments, the TEDA Executive Board shall appoint three members for terms expiring on January 31, 1983, three members for terms expiring on January 31, 1985, and three members for terms expiring on January 31, 1987.

(B) If a person serves for four years on the Board, that person is not eligible for a succeeding term or for a succeeding part of a term.

(C) Any vacancy in the membership of the Board occurring otherwise than by expiration of a term of office shall be temporarily filled by Board appointment, and permanently filled at the next regularly scheduled election for that position in the manner described in Section 4(A).

SECTION 6. OFFICERS/MEETING/QUORUM

(A) The Board annually shall elect a chairperson, a vice-chairperson, and such other officers and committee chairpersons from its membership as the Board deems appropriate.

(B) The Board shall meet at least twice each year. The Board may meet at other times as provided by Board rule, and the chairperson shall call a meeting if requested to do so by a majority of the membership of the Board.

(C) Four voting members of the Board constitute a quorum.

(D) Only those members in actual attendance may vote or be considered in determining a quorum.

(E) The Board will function in Executive Session in considering review, approval, or rejection of applications for registration, employment, or any other matter involving an individual's privacy.

(F) The chairperson or his/her designee may poll the Board and the Board may act by telephone or mail with 2/3 majority approval.

SECTION 7. EXPENSES

A member of the Board may receive a per diem compensation for service on the Board. Each member is entitled to reimbursement for actual and necessary expenses, except lost salary, incurred in performing the duties of the Board.

SECTION 8. EXECUTIVE DIRECTOR/STAFF

(A) The Board may employ an Executive Director who performs administrative duties as directed by the Board.

(B) The Board or the Executive Director, with the approval of the Board, may employ staff members or retain consultants as necessary.

SECTION 9. PROHIBITED ACTS

A person may not hold himself or herself out as a Registered Professional Educational Diagnostician unless the person has a current Certificate issued under these Bylaws.

SECTION 10. CERTIFICATE APPLICATION

An Applicant for a certificate must:

- (A) be at least 21 years of age;
- (B) complete a certification program acceptable to the Board in the field of educational diagnostic services at an educational institution approved by the Board, or the equivalent as determined acceptable by the Board;
- (C) have the minimum full-time teaching experience required by the certification board or agency of the State of Texas in a manner acceptable to the Board;
- (D) be certified by the State of Texas as an educational diagnostician, or the equivalent as determined by the Board;
- (E) have two years (at least eighteen months) of full-time experience acceptable to the Board as an educational diagnostician;
- (F) submit to the Board a completed application form prescribed by the Board and such other information as the Board may require;
- (G) comply with standards of conduct and competency adopted by the Board; and
- (H) pay to the Board an examination fee set by the Board.

SECTION 11. EXAMINATION

- (A) The Board shall conduct an examination of applicants for Certificates at least once each year at a time and place designated by the Board.
- (B) The Board shall prescribe the content of the examination to test the knowledge of each applicant about the principles and procedures of educational diagnostic services.
- (C) The Board shall determine standards for acceptable performance on the examination.
- (D) An applicant who fails the examination is entitled to be re-examined according to procedures specified in the Standing Rules, Appendix B, Section 10.

SECTION 12. CERTIFICATE OF REGISTRATION

- (A) The Board shall issue a Certificate to a person who complies with the Certificate application requirements under Section 10 of these Bylaws, and pays a registration fee set by the Board.
- (B) Until September 1, 1981, a person who complies with the Certificate application requirements under Section 10 of these Bylaws and pays to the Board the registration fee set by the Board, is entitled to a Certificate without taking an examination.

(C) The Board will set the expiration dates of Certificates and requirements for renewal.

SECTION 13. CERTIFICATE RENEWAL

(A) A person may apply to renew an unexpired Certificate by submitting to the Board, before the expiration date of the Certificate, a completed application form prescribed by the Board and a renewal fee set by the Board.

(B) A person may apply to renew an expired Certificate that has been expired for less than three years by submitting to the Board a completed application form prescribed by the Board and a late renewal fee set by the Board.

(C) A person whose Certificate has been expired for three or more years may not renew the Certificate. The person may obtain a new Certificate by complying with the requirements and procedures for obtaining an original Certificate.

SECTION 14. INACTIVE CERTIFICATE OF REGISTRATION

(A) The Board shall declare a Certificate inactive if requested to do so by the holder. Upon the surrender of the Certificate, the holder is entitled to a refund of any registration fees paid by him or her prorated from the date of inactivation.

(B) After a Certificate is declared inactive, the Certificate holder may not hold himself or herself out to be a Registered Professional Educational Diagnostician and is not required to pay a renewal fee for the inactive Certificate.

(C) The Board shall reactivate a Certificate within three years of the date of the Certificate if the holder pays a reactivation fee set by the Board and meets the Board's competency requirements applicable to other Registered Professional Educational Diagnosticians.

SECTION 15. DENIAL, SUSPENSION, AND REVOCATION OF A CERTIFICATE OF REGISTRATION

(A) The Board may deny, suspend, or revoke a Certificate after notice and an opportunity for a hearing are given to the applicant for or holder of the Certificate. Upon suspension or revocation of a Certificate, the holder shall surrender the Certificate to the Board.

(B) The Board shall adopt rules establishing the grounds for denial, suspension, or revocation of a Certificate.

(C) The Board shall adopt rules for appeal of its decisions.

SECTION 16. RULES AND FORMS

The Board shall adopt rules and prescribe forms necessary to carry out these Bylaws.

SECTION 17. FEES

The Board shall set the fees required by these Bylaws so that the funds derived from the payment of the fees are sufficient for the administration of these Bylaws and so that unnecessary surplus funds are not accumulated.

SECTION 18. STANDARDS OF CONDUCT

The Board shall adopt standards of conduct for applicants for and holders of Certificates.

SECTION 19. STANDARDS OF COMPETENCY

The Board shall adopt standards of competency and professional growth for applicants and holders of Certificates.

SECTION 20. ADVISORY COMMITTEES

The Board may appoint advisory committees to assist the Board in administering its duties under these Bylaws.

SECTION 21. ANNUAL REPORT

Not later than ninety (90) days after the end of each Board fiscal year, the Board shall make public a report of the activities of the Board during the preceding fiscal year.

SECTION 22. ROSTER OF REGISTERED PERSONS

The Board shall prepare each year a roster of Registered Professional Educational Diagnosticians. The roster is public information.

SECTION 23. DISPLAY OF CERTIFICATE OF REGISTRATION

A Registered Professional Educational Diagnostician shall display the Certificate in an appropriate manner at his or her principal place of business.

SECTION 24. CURRENT ADDRESS OF REGISTERED PERSON

A Registered Professional Educational Diagnostician shall keep the Board informed of his or her current principal business and home address.

SECTION 25. AMENDMENTS OF THESE BYLAWS

Proposals for amendments shall be submitted to the Board by way of a written petition signed by a majority of the members of the Board or by way of a written petition signed by one-sixth of the currently Registered Professional Educational Diagnosticians. The Board shall, within six months of receipt of written petition, cause to be disseminated to all Registered Professional Diagnosticians, the proposed amendment or amendments. The Board shall designate the manner and the limit of response time. The amendment or amendments shall become effective upon a two-thirds majority vote of those Registered Professional Educational Diagnosticians voting within the designated time.

SECTION 26. DISSOLUTION

In the event of the dissolution of this organization, the Board, after discharging all liabilities of the organization, shall donate the remaining assets to one or more non-profit, tax-exempt organizations organized and operated exclusively for charitable or educational purposes as shall be determined by the Board.