Text of Adopted Revisions to 19 TAC

Chapter 232. General Certification Provisions

Subchapter A. Certificate Renewal and Continuing Professional Education Requirements

§232.7. Requirements for Certificate Renewal.

(a) The Texas Education Agency (TEA) staff shall develop procedures to:

(1) notify educators at least six months prior to the expiration of the renewal period to the email address as specified in §230.91 of this title (relating to Procedures in General);

[~~(2) consider requests for hardship when circumstances beyond the control of the educator such as catastrophic illness of the educator or an immediate family member or military service of the educator prevented completion of the renewal requirements. If a hardship exemption is granted, the educator will be given a designated amount of time to complete the required number of continuing professional education clock hours, apply, and pay the appropriate fee. The granting or denial of a request for extension of a renewal deadline shall be solely within the discretion of TEA staff and shall not be subject to appeal;~~]

(2) [~~(3)~~] confirm compliance with all renewal requirements pursuant to this subchapter;

(3) [~~(4)~~] notify educators who are not renewed due to noncompliance with this section; and

(4) [~~(5)~~] verify that educators applying for reactivation of certificate(s) under §232.9 of this title (relating to Inactive Status and Late Renewal) are in compliance with subsection (c)(2)-(6) [~~(b)(2)-(6)~~] of this section.

(b) The TEA staff shall administratively approve each hardship exemption request that meets the criteria specified in paragraphs (1)-(3) of this subsection.

(1) A hardship exemption must be due to one of the following circumstances that prevented the educator's completion of renewal requirements:

(A) catastrophic illness or injury of the educator;

(B) catastrophic illness or injury of an immediate family member; or

(C) military service of the educator.

(2) The request for a hardship exemption must include documentation from a licensed physician or verified military records.

(3) The request for the amount of time allowed for renewal is equal to:

(A) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the educator's catastrophic illness or injury; or

(B) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the catastrophic illness or injury of an immediate family member; or

(C) two years of additional time for a military service member, in accordance with the Texas Occupations Code, §55.003.

(4) If a hardship exemption request is approved, the educator must pay the appropriate renewal fee, pursuant to §232.25 of this title (relating to Fees Payable Upon Certificate Renewal or Reactivation).

(c) [~~(b)~~] To be eligible for renewal, an educator must:

(1) satisfy continuing professional education requirements, pursuant to §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours);

(2) hold a valid standard certificate that is not currently suspended and has not been surrendered in lieu of revocation or revoked by lawful authority;

(3) not be a respondent in a disciplinary proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);

(4) successfully resolve any reported criminal history, as defined by §249.3 of this title (relating to Definitions);

(5) not be in default on a guaranteed student loan reported by the Texas Guaranteed Student Loan Corporation or a judgment debt for a student loan owed to the Texas Higher Education Coordinating Board, unless repayment arrangements have been made;

(6) not be in arrears of child support, pursuant to the Texas Family Code, Chapter 232;

(7) pay the renewal fee, pursuant to §232.25 of this title [~~(relating to Fees Payable Upon Certificate Renewal or Reactivation)~~] , which shall be a single fee regardless of the number of certificates being renewed; and

(8) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the TEC, §22.0831.

[~~(c) When renewing career and technical education certifications that require licensure, certification, or registration by a state or nationally recognized accrediting agency as a professional practitioner in one or more approved occupations for which instruction is offered, licensure, certification, or registration shall be current and in good standing.~~]

(d) [~~(c)~~] [~~(d)~~] The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.

[~~(d)~~] [~~(e)~~] [~~The State Board for Educator Certification shall stay the renewal of an educator's certificate(s) who fails to comply with subsection (b)(3) of this section, pending resolution of the disciplinary action. A certificate that is not suspended, surrendered in lieu of revocation, or revoked shall be renewed upon the final resolution of the disciplinary action provided that all other requirements have been satisfied. The renewal of a suspended certificate shall be stayed until the certificate has been reinstated. Payment of a late fee shall not be required if the late renewal is solely due to the pendency of a disciplinary action or to a suspension.~~]

§232.9. Inactive Status and Late Renewal.

(a) The certificate(s) of an educator holding a valid standard certificate who does not satisfy the requirements of this subchapter shall be placed on inactive status, subject to the requirements of the Texas Education Code, §21.0031(f). Texas Education Agency (TEA) staff shall notify a person by email of the reason(s) for denying the renewal and the actions or conditions required for removal from inactive status. At any time, the educator may apply [~~under procedures adopted by the Texas Education Agency (TEA) staff~~] to have his or her certificate(s) reactivated and submit the reactivation fee. The TEA staff shall administratively approve reactivation [~~Reactivation~~] of the educator's certificate(s) [~~is~~] subject to verification [~~by the State Board for Educator Certification (SBEC)~~] that the educator is in compliance with §232.7 of this title (relating to Requirements for Certificate Renewal). The renewal date of a reactivated certificate(s) shall be five years after the last day of the certificate holder's next birth month.

[~~(b) Under procedures approved by the SBEC, the TEA staff shall notify a person by email of the reason(s) for denying the renewal and the actions or conditions required for removal from inactive status.~~]

(b) [~~(c)~~] A person who satisfies all requirements for renewal after the renewal date of a certificate shall pay a late renewal fee in addition to the standard renewal fee. A person whose certificate has become inactive because of failure to renew shall also pay a reactivation fee. The amount of these fees shall be as provided in §230.101 of this title (relating to Schedule of Fees for Certification Services).

(c) [~~(d)~~] If a person does not satisfy the required continuing professional education (CPE) hours at the expiration of the renewal period, the person may have the certificate(s) removed from inactive status and reactivated by verifying through an affidavit [~~in a manner determined by the TEA staff~~] whether he or she is in

compliance with renewal requirements, including CPE hours, [~~filing with the SBEC, on a form developed by the TEA staff, evidence of completion of the required CPE hours~~] and paying any applicable fee(s).

(d) [~~(c)~~] The TEA staff shall be responsible for auditing compliance with renewal requirements. The TEA audit procedures shall be based on available resources and may include random audits. The TEA staff shall contact an educator selected for an audit of his or her renewal requirements and provide the educator with information needed to submit the documentation that supports certificate renewal. The TEA staff at any time may review the documentation required for renewal under this subchapter, which may include the documentation described in §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) and §232.21 of this title (relating to Provider Registration Requirements).

[~~(f) If it is determined that a person falsified any information submitted on the affidavit, the person could be subject to criminal liability and educator certification sanction.~~]

§232.11. Number and Content of Required Continuing Professional Education Hours.

(a) The appropriate number of clock-hours of continuing professional education (CPE), as specified in §232.13 of this title (relating to Number of Required Continuing Professional Education Hours by Classes of Certificates), must be completed during each five-year renewal period.

(b) One semester credit hour earned at an accredited institution of higher education is equivalent to 15 CPE clock-hours.

(c) At least 80% of the CPE activities shall [~~should~~] be directly related to the certificate(s) being renewed and focus on the standards required for the initial issuance of the certificate(s), including:

(1) content area knowledge and skills;

(2) professional ethics and standards of conduct;

(3) professional development, which should encompass topics such as the following:

(A) district and campus priorities and objectives;

(B) child development, including research on how children learn;

(C) classroom management;

(D) applicable federal and state laws;

(E) diversity and special needs of student populations;

(F) increasing and maintaining parental involvement;

(G) integration of technology into educational practices;

(H) ensuring that students read on or above grade level;

(I) diagnosing and removing obstacles to student achievement; and

(J) instructional practices.

(4) Not more than 25% of the CPE activities for a classroom teacher shall include instruction regarding:

(A) collecting and analyzing information that will improve effectiveness in the classroom;

(B) recognizing early warning indicators that a student may be at risk of dropping out of school;

(C) integrating technology into classroom instruction; and

(D) educating diverse student populations, including:

(i) students with disabilities, including mental health disorders;

(ii) students who are educationally disadvantaged;

(iii) students of limited English proficiency; and

(iv) students at risk of dropping out of school.

(5) Not more than 25% of the CPE activities for a principal shall include instruction regarding:

(A) effective and efficient management, including:

(i) collecting and analyzing information;

(ii) making decisions and managing time; and

(iii) supervising student discipline and managing behavior;

(B) recognizing early warning indicators that a student may be at risk of dropping out of school;

(C) integrating technology into campus curriculum and instruction; and

(D) educating diverse student populations, including:

(i) students with disabilities, including mental health disorders;

(ii) students who are educationally disadvantaged;

(iii) students of limited English proficiency; and

(iv) students at risk of dropping out of school.

(6) Not more than 25% of the CPE activities for a school counselor shall include instruction regarding:

(A) assisting students in developing high school graduation plans;

(B) implementing dropout prevention strategies; and

(C) informing students concerning:

(i) college admissions, including college financial aid resources and application procedures; and

(ii) career opportunities.

(d) Educators are encouraged to identify CPE activities based on results of his or her annual appraisal required under the Texas Education Code, Chapter 21, Subchapter H.

(e) The required CPE for educators who teach students with dyslexia must include training regarding new research and practices in educating students with dyslexia. The required training may be satisfied through an online course approved by Texas Education Agency staff.

(f) An educator eligible to renew multiple classes of certificates issued during the same renewal period may satisfy the requirements specified in §232.13 of this title for any class of certificate issued for less than the full five-year period by completing a prorated number of the required CPE clock-hours. Educators must complete a minimum of one-fifth of the additional CPE clock-hours for each full calendar year that the additional class of certificate is valid.

(g) An educator may fulfill up to 12 clock-hours of required CPE activities by participating in a mental health first aid training program offered by a local mental health authority under the Texas Health and Safety Code, §1001.203. The number of clock-hours of CPE an educator may fulfill under this subsection may not exceed the number of clock-hours the educator actually spends participating in a mental health first aid training program.

(h) An educator may receive credit toward [~~towards~~] CPE requirements for completion of an instructional course on the use of an automated external defibrillator (AED) that meets the guidelines for AED training approved under Texas Health and Safety Code, §779.002, in accordance with the Texas Education Code (TEC), §21.0541.

(i) An educator may receive credit toward [~~towards~~] CPE requirements for completion of suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451.

§232.13. Number of Required Continuing Professional Education Hours by Classes of Certificates.

(a) Holders of the Standard Superintendent Certificate shall complete 200 clock-hours of continuing professional education (CPE) every five years. Specific requirements are contained in §242.30 of this title (relating to Requirements to Renew the Standard Superintendent Certificate).

(b) Holders of the Standard Principal Certificate shall complete 200 clock-hours of CPE every five years. Specific requirements are contained in §241.30 of this title (relating to Requirements to Renew the Standard Principal Certificate).

(c) Holders of the Standard School Counselor Certificate shall complete 200 clock-hours of CPE [~~training as specified in §239.25(a) of this title (relating to Requirements to Renew the Standard School Counselor Certificate)~~] every five years. Specific requirements are contained in §239.25 of this title (relating to Requirements to Renew the Standard School Counselor Certificate).

(d) Holders of the Standard School Librarian Certificate and Learning Resources Specialist Certificate shall complete 200 clock-hours of CPE [~~training as specified in §239.65(a) of this title (relating to Requirements to Renew the Standard School Librarian Certificate)~~] every five years. Specific requirements are contained in §239.65 of this title (relating to Requirements to Renew the Standard School Librarian Certificate).

(e) Holders of the Standard Educational Diagnostician Certificate shall complete 200 clock-hours of CPE every five years.

(f) Holders of the Standard Reading Specialist Certificate shall complete 200 clock-hours of CPE every five years.

(g) Holders of the Standard Master Teacher Certificate shall complete 200 clock-hours of CPE every five years.

(h) Holders of the Standard Classroom Teacher Certificate shall complete 150 clock-hours of CPE every five years. Specific requirements are contained in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours).

(i) Holders of the Standard Educational Aide Certificate are exempt from the provisions of §232.11 of this title.

(j) Holders of professional certificates issued prior to September 1, 1999, who opt into the Standard Certificate pursuant to §232.3 of this title (relating to Voluntary Renewal of Current Texas Educators) shall complete 200 clock-hours of CPE every five years.

(k) Holders of provisional certificates issued prior to September 1, 1999, who opt into the Standard Certificate pursuant to §232.3 of this title shall complete 150 clock-hours of CPE every five years.

(l) An educator holding multiple classes of certificates shall complete the higher number of required CPE clock-hours in the held classes during each five-year renewal period unless otherwise specified in applicable State Board for Educator Certification rules codified in the Texas Administrative Code, Title 19, Part 7.

(m) Holders of a Standard Certificate in other professional areas must complete 200 clock-hours of CPE every five years.

§232.15. Types of Acceptable Continuing Professional Education Activities.

(a) The following are acceptable types of continuing professional education (CPE) activities:

(1) participating in institutes, workshops, seminars, conferences, interactive distance learning, video conferencing, online activities, and in-service or staff development activities given by an approved provider or sponsor, pursuant to §232.21 of this title (relating to Provider Registration Requirements), in content area knowledge and skills related to the certificate(s) being renewed [~~which are related to or enhance the professional knowledge and skills of the educator~~] . Staff

development activities completed through accredited public and private schools in other states, United States territories, and countries other than the United States may be accepted;

(2) completing undergraduate courses in content area knowledge and skills related to the certificate(s) being renewed, graduate courses, or training programs that are taken through an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board or as outlined in §230.1 of this title (relating to Definitions);

(3) participating in an independent study in content area knowledge and skills related to the certificate(s) being renewed , not to exceed 20% of the required clock-hours, which may include:

(A) self-study of relevant professional materials (e.g., books, journals, periodicals, video and audio tapes, computer software, interactive distance learning, video conferencing, or online activities);

(B) developing curriculum; or

(C) authoring a published work;

(4) developing, teaching, or presenting a CPE activity described in this subsection or subsection (b) of this section, not to exceed 10% of the required clock-hours; and

(5) providing professional guidance as a mentor to another educator, not to exceed 30% of the required clock-hours.

(b) Completion of each CPE activity should be evidenced by documentation (e.g., transcripts, certificates of completion, or attendance logs).

§232.17. Pre-Approved Professional Education Provider or Sponsor.

(a) The following may provide and/or sponsor continuing professional education (CPE) activities and must comply with the provisions of §232.21 of this title (relating to Provider Registration Requirements). Pre-approved providers include:

(1) State Board for Educator Certification;

(2) Texas Education Agency;

(3) accredited institutions of higher education that at the time were accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(4) regional education service centers;

(5) Texas public school districts and open-enrollment charter schools . To be creditable toward CPE requirements, school district in-service and/or staff development activities must be developed, approved, and conducted in accordance with the Texas Education Code, §21.451;

(6) private schools, as defined in §230.1 of this title (relating to Definitions); and

(7) professional membership associations or non-profits that have offered professional development in Texas for at least five years and have tax-exempt status under 26 United States Code, §501(c)(3)-(6), or a state association affiliated with a national association with tax-exempt status.

(b) If private companies, entities, and individuals provide CPE activities on behalf of a pre-approved provider, the pre-approved provider is responsible for ensuring compliance with quality and documentation requirements of §232.21 of this title.

§232.19. Approval of Private Companies, Private Entities, and Individuals.

Private companies, private entities, and individuals who wish to provide continuing professional education (CPE) for Texas educators on their own behalf [~~and administrators~~] must register with the State Board for Educator Certification and be approved under §232.21 of this title (relating to Provider Registration Requirements).

(1) The Texas Education Agency staff shall develop procedures to approve as providers and/or sponsors any other person, agency, or entity seeking to offer CPE activities pursuant to the requirements of this subchapter.

(2) It is the responsibility of the educator to verify the approval status of any CPE provider prior to completion of the CPE activities.

§232.21. Provider Registration Requirements.

(a) Procedures adopted by the Texas Education Agency (TEA) staff require all pre-approved and all other continuing professional education (CPE) providers or sponsors to register with the State Board for Educator Certification (SBEC) by submitting the relevant sections of the provider registration form designated by the TEA staff in order to accomplish any or all of the following, as applicable:

(1) notify the TEA staff of the intent to offer CPE activities;

(2) affirm compliance with all applicable statutes and rules;

(3) prohibit discrimination in the provision of CPE activities to any certified educator;

(4) document that each CPE activity:

(A) complies with applicable SBEC rules codified in the Texas Administrative Code, Title 19, Part 7;

(B) contributes to the advancement of professional knowledge and skills identified by standards adopted by the SBEC for each certificate;

(C) is developed and presented by persons who are appropriately knowledgeable in the subject matter of the training being offered; and

(D) specifies the content under §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and number of creditable CPE clock-hours; and

(5) on a biennial or more frequent basis, conduct a comprehensive, in-depth self-study to assess the CPE needs and priorities of educators served by the provider as well as the quality of the CPE activities offered.

(b) At the conclusion of each activity offered for CPE credit, the provider or sponsor must provide to each educator in attendance written documentation listing, at a minimum, the provider's name and provider number, the educator's name, the date and content of the activity, and the number of clock-hours that count toward satisfying CPE requirements.

(c) All providers are required to maintain a record [~~list~~] of CPE activities [~~provided~~] that includes a list of attendees, the date and content of the activity, and the number of clock-hours that count toward satisfying CPE requirements. Providers shall retain a record of CPE activity for a period of seven years after the activity is completed.

(d) A [~~The failure of the TEA staff to approve a~~] provider or sponsor that is not granted approval or has its approval withdrawn by the TEA staff is [~~does~~] not entitled [~~entitle that provider or sponsor~~] to a contested-case hearing before the SBEC or a person designated by the SBEC to conduct contested-case hearings.

(e) The TEA staff shall [~~develop procedures to receive and~~] investigate complaints against a provider or sponsor alleging noncompliance with this section. If the investigation determines that the provider or sponsor is operating in violation of any applicable provision under this chapter [~~of state law or rule~~] , the TEA staff may withdraw the approval granted under this section to the provider or sponsor until the provider or sponsor can demonstrate compliance .

(f) The TEA staff at any time may review the documentation required for provider registration under this section. If a review [~~TEA staff~~] determines that the provider or sponsor is operating in violation of any applicable provision under this chapter [~~of state law or rule~~] , the TEA staff may withdraw the approval

granted under this section to the provider or sponsor until the provider or sponsor can demonstrate compliance .

(g) Before withdrawing approval under subsection (e) or (f) of this section, TEA staff will notify the provider or sponsor in writing that an alleged violation has occurred, provide a summary of the allegation, and request that the provider or sponsor respond to the allegation.

(1) A provider or sponsor shall:

(A) cooperate fully with any TEA investigation or review; and

(B) respond within 21 business days of receipt of requests for information regarding the allegation and other requests for information from the TEA, except where:

(i) TEA staff imposes a different response date; or

(ii) the provider or sponsor is unable to meet the initial response date and requests and receives a different response date from TEA staff.

(2) TEA staff may request further information from the provider or sponsor.

(3) If a provider or sponsor fails to comply with paragraph (1)(B) of this subsection, the TEA may deem admitted the violation of rules under this chapter.

(4) Upon completion of an investigation or review, TEA staff will notify the provider or sponsor in writing of the findings.

(A) If TEA staff finds that a violation occurred, the notice will specify each rule that was violated and that the approval granted under this section has been withdrawn until the provider or sponsor can demonstrate compliance.

(B) If TEA staff finds that no violation has occurred, the notice will specify that no rule was violated.

§232.23. Verification of Renewal Requirements.

(a) Written documentation of completion of all activities applied toward continuing professional education (CPE) requirements shall be maintained by each educator.

(b) By the date renewal is required, the educator shall verify through an affidavit in a manner determined by the Texas Education Agency (TEA) staff whether he or she is in compliance with renewal requirements, including CPE. [~~If it is determined that an educator falsified any information submitted on the affidavit, the educator could be subject to criminal liability and educator certification sanction.~~]

(c) The TEA staff shall be responsible for auditing compliance with renewal requirements. The TEA audit procedures shall be based on available resources and may include random audits. The TEA staff shall contact an educator selected for an audit of his or her renewal requirements and provide the educator with information needed to submit the documentation that supports certificate renewal. The TEA staff at any time may review the documentation required for renewal under this subchapter, which may include the documentation described in §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) and §232.21 of this title (relating to Provider Registration Requirements).

[~~(d) If it is determined that an educator falsified any information submitted on the affidavit, the educator could be subject to criminal liability and educator certification sanction.~~]

[~~(e) The TEA staff at any time may review the documentation required for renewal under this subchapter.~~]

[~~§232.27. Renewal and Continuing Education Requirements for Military Service Members.~~]

[~~(a) In the event of conflict with any other State Board for Educator Certification rule codified in the Texas Administrative Code, Title 19, Part 7; policy; or procedure, this section and the Texas Occupations Code, Chapter 55, as amended, shall apply to renewal and continuing education requirements for a military service member.~~]

[~~(b) A military service member shall be exempted from any fee or penalty for failing to timely renew his or her Texas educator certificate if the delay occurred because the educator was on active duty in the United States armed forces serving outside the state of Texas.~~]

[~~(c) A military service member is entitled to an extension of time that is equal to the time the educator spends on active duty to complete all continuing education requirements and any other requirements relating to the renewal of his or her Texas educator certificate.~~]