

Item 11:

COVER PAGE

Type of Agenda Rule Item:

- ☐ **Discussion Only:** TEA staff will present rule items with an update, potential future rule changes, and/or seek SBEC direction on potential rule changes. TEA staff will draft rule changes from the board's discussion on the item and start preparing rule text for proposal to the board.
- ✓ **Proposal:** First SBEC reading (vote). SBEC members will give input on proposed rule text and will approve rule changes that will go out for public comment as a proposed rule with the *Texas Register*. Important to make substantive changes now because only non-substantive changes can be made at adoption.
- ☐ **Adoption:** Second and final SBEC reading (vote). Only non-substantive changes are permissible at adoption phase. If approved will go to SBOE for review and filed as an SBEC rule with *Texas Register* if SBOE takes no action.

Summary:

This item is an amendment proposal to 19 TAC Chapter 232, which covers all the requirements for certificate renewal and continuing professional education (CPE). The proposed amendment is a result of the 85th Legislative Session to add several topics to the CPE requirements for teachers and principals.

Statutory Authority:

All of the relevant statutes pertaining to this chapter are listed for you on the agenda title page and the entire statutory language is on Attachment I. This is always helpful in referencing the law the TEA staff was working under when preparing this item.

TEA Staff Recommendation:

To approve the proposed amendment as presented.

Relevant SBEC Core Principles:

- *We believe well-prepared educators are essential.*
- *We believe high certification standards measured by rigorous and reliable assessments are essential.*
- *We believe student success is primary, and we must ensure the safety and welfare of Texas school children.*
- *We believe stakeholder input is essential, and we are accountable to all Texas stakeholders.*
- *We believe we must continually improve our policies and processes in response to changing needs.*

Item 11:
**Consider and Take Appropriate Action on Proposed
Amendment to 19 TAC Chapter 232, General Certification
Provisions, Subchapter A, Certificate Renewal and
Continuing Professional Education Requirements, §232.11,
Number and Content of Required Continuing Professional
Education Hours**

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose an amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours. The proposed amendment would implement changes resulting from the 85th Texas Legislature, Regular Session, 2017, and would add several topics to the continuing professional education (CPE) requirements for all educators, including classroom teachers and principals.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 232, Subchapter A, is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1), (4), and (9); 21.0543, as added by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017; and 21.054, as amended by SB 7, SB 179, and SB 1839, 85th Texas Legislature, Regular Session, 2017.

TEC, §21.003(a), states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B.

TEC, §21.0031(f), clarifies and places certain limits on provisions authorizing termination of an educator's contract for failure to maintain a valid certificate.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

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

TEC, §21.0543, as added by SB 1839, 85th Texas Legislature, Regular Session, 2017, requires the SBEC to propose rules that provide for CPE credit related to digital technology instruction.

TEC, §21.054, as amended by SB 7, SB 179, and SB 1839, 85th Texas Legislature, Regular Session, 2017, requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

EFFECTIVE DATE: If approved for filing as proposed in August 2017 and if adopted, subject to State Board of Education (SBOE) review, at the October 2017 SBEC meeting, the proposed effective date of the proposed amendment to 19 TAC §232.11 would be December 17, 2017 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

BACKGROUND INFORMATION AND JUSTIFICATION: 19 TAC Chapter 232, General Certification Provisions, establishes the renewal requirements relating to types and classes of certificates issued, CPE hours to be completed, and the national criminal history record information review. Classroom teachers are required to participate in 150 hours of CPE activities every five years to maintain their standard certificates. Principals are required to participate in 200 hours of CPE activities every five years to maintain their standard certificates. Educators are required to maintain evidence of their CPE activities. When an educator applies to renew his or her certificate, he or she must verify through an affidavit whether he or she is in compliance with renewal requirements, including CPE activities. When an educator is selected for a CPE audit, the educator must provide Texas Education Agency (TEA) staff with documentation that supports certificate renewal.

The proposed amendment to 19 TAC §232.11, shown in Attachment II, would add several topics to the CPE requirements for all educators, including classroom teachers and principals. The proposed changes are designed to fulfill the new statutory requirements. The table shown in Attachment III summarizes the following proposed changes to 19 TAC §232.11 required by recent legislation from the 85th Texas Legislature, Regular Session, 2017.

Proposed changes to subsection (c)(4)(C) and (5)(C) would include CPE requirements for classroom teachers and principals that were added by the TEC, §21.054, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017. These changes would limit the amount of CPE activities regarding digital learning, digital teaching, and integrating technology into classroom instruction (for classroom teachers) and into campus curriculum and instruction (for principals) to not more than 25% of the CPE activities required to renew a standard certificate.

Proposed new subsection (c)(4)(E) would include CPE requirements for classroom teachers that were added by the TEC, §21.054, as amended by SB 7, 85th Texas Legislature, Regular Session, 2017. This new subsection would limit the amount of CPE activities regarding understanding appropriate relationships, boundaries, and communications between educators and students to not more than 25% of the CPE activities required to renew a standard classroom teacher certificate. Proposed new subsection (c)(5)(E) would include CPE requirements for principals that were added by the TEC, §21.054, as amended by SB 7, 85th Texas Legislature, Regular Session, 2017. This new subsection would limit the amount of CPE activities regarding preventing, recognizing, and reporting sexual conduct between an educator

and student to not more than 25% of the CPE activities required to renew a standard principal certificate.

Proposed new subsection (j) would include CPE requirements for classroom teachers and principals that were added by the TEC, §21.054, as amended by SB 179, 85th Texas Legislature, Regular Session, 2017. This new subsection would allow CPE requirements for classroom teachers and principals to include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

Proposed new subsection (k)(1) would include CPE requirements for all certificate classes that were added by the TEC, §21.0543, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017. This new subsection would allow an educator to receive credit toward CPE requirements for completion of education courses that use technology to increase the educator's digital literacy. Proposed new subsection (k)(2) would include CPE requirements for all certificate classes that were added by the TEC, §21.0543, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017. This new subsection would allow an educator to receive credit toward CPE requirements for completion of education courses that assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

The proposed amendment to 19 TAC §232.11 would also include technical edits to conform with Texas Register style and formatting requirements.

FISCAL IMPACT: The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to persons or entities required to comply with the proposed amendment. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required. There is no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

PUBLIC AND STUDENT BENEFIT: The public and student benefit would be clarified certificate renewal requirements relating to the content of the required CPE hours.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed amendments would have no additional procedural and reporting implications.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed amendments would have no additional locally maintained paperwork requirements.

PUBLIC COMMENTS: The public comment period on the proposal begins September 1, 2017, and ends October 2, 2017. The SBEC will take registered oral and written comments on this item at the October 6, 2017 meeting in accordance with the SBEC board operating policies and procedures.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Approve the proposed amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours, to be published as proposed in the *Texas Register*.

Staff Members Responsible: Tim Miller, Director
Educator Preparation

Vanessa Alba
Program Specialist

Attachments:

- I. Statutory Citations
- II. Text of Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours
- III. Summary of Changes to 19 TAC §232.11 Required by the 85th Texas Legislature, Regular Session, 2017

ATTACHMENT I**Statutory Citations Relating to Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours****Texas Education Code, §21.003, Certification Required (excerpt):**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

Texas Education Code, §21.0031, Failure to Obtain Certification; Contract Void (excerpt):

- (f) For purposes of this section, a certificate or permit is not considered to have expired if:
 - (1) the employee has completed the requirements for renewal of the certificate or permit;
 - (2) the employee submitted the request for renewal prior to the expiration date; and
 - (3) the date the certificate or permit would have expired is before the date the State Board for Educator Certification takes action to approve the renewal of the certificate or permit.

Texas Education Code, §21.031, Purpose:

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

Texas Education Code, §21.041, Rules; Fees (excerpts):

- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (9) provide for continuing education requirements; and

Texas Education Code, §21.0543, Continuing Education Credit for Instruction Related to Digital Technology, as added by SB 1839, 85th Texas Legislature, Regular Session, 2017:

The board shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements for completion of education courses that:

- (1) use technology to increase the educator's digital literacy; and
- (2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Texas Education Code, §21.054, Continuing Education, as amended by SBs 7, 179, and 1839, 85th Texas Legislature, Regular Session, 2017:

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.
- (d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:
 - (1) collecting and analyzing information that will improve effectiveness in the classroom;
 - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (3) digital learning, digital teaching, and integrating technology into classroom instruction; ~~and~~
 - (4) educating diverse student populations, including:
 - (A) students with disabilities, including mental health disorders;
 - (B) students who are educationally disadvantaged;
 - (C) students of limited English proficiency; ~~and~~
 - (D) students at risk of dropping out of school; and
 - (5) understanding appropriate relationships, boundaries, and communications between educators and students.
- (d-2) Continuing education requirements for a classroom teacher may include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
- (e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:
 - (1) effective and efficient management, including:
 - (A) collecting and analyzing information;
 - (B) making decisions and managing time; and
 - (C) supervising student discipline and managing behavior;
 - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction; ~~and~~
 - (4) educating diverse student populations, including:
 - (A) students with disabilities, including mental health disorders;

- (B) students who are educationally disadvantaged;
 - (C) students of limited English proficiency; ~~and~~
 - (D) students at risk of dropping out of school; and
 - (5) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code.
- (e-2) Continuing education requirements for a principal may include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
- (f) Continuing education requirements for a counselor must provide that not more than 25 percent of training required every five years include instruction regarding:
- (1) assisting students in developing high school graduation plans;
 - (2) implementing dropout prevention strategies; and
 - (3) informing students concerning:
 - (A) college admissions, including college financial aid resources and application procedures; and
 - (B) career opportunities.
- (g) The board shall adopt rules that allow an educator to fulfill up to 12 hours of continuing education by participating in a mental health first aid training program offered by a local mental health authority under Section 1001.203, Health and Safety Code. The number of hours of continuing education an educator may fulfill under this subsection may not exceed the number of hours the educator actually spends participating in a mental health first aid training program.

ATTACHMENT II
Text of Proposed Amendment to 19 TAC

Chapter 232. General Certification Provisions

Subchapter A. Certificate Renewal and Continuing Professional Education Requirements

§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 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) digital learning, digital teaching, and 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 ; and []
 - (E) understanding appropriate relationships, boundaries, and communications between educators and students.

- (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) digital learning, digital teaching, and 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 ; ~~and~~ ;
 - (E) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under the Texas Penal Code, §21.12, or for which reporting is required under the Texas Education Code (TEC), §21.006.
- (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 TEC ~~[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 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 TEC ~~[Texas Education Code (TEC)]~~ , §21.0541.

- (i) An educator may receive credit toward CPE requirements for completion of suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451.
- (j) Continuing education requirements for a classroom teacher and principal may include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
- (k) An educator may receive credit toward CPE requirements for completion of education courses that:
 - (1) use technology to increase the educator's digital literacy; and
 - (2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

ATTACHMENT III**Summary of Changes to 19 TAC §232.11 Required by the 85th Texas Legislature,
Regular Session, 2017**

Legislation	Class of Certificate	Change
SB 7	Classroom Teacher	Not more than 25% of the continuing professional education (CPE) activities shall include instruction regarding understanding appropriate relationships, boundaries, and communications between educators and students
SB 7	Principal	Not more than 25% of the CPE activities shall include instruction regarding preventing, recognizing, and reporting sexual conduct between an educator and student
SB 1839	Classroom Teacher	Not more than 25% of the CPE activities shall include instruction regarding digital learning, digital teaching, and integrating technology into classroom instruction
SB 1839	Principal	Not more than 25% of the CPE activities shall include instruction regarding digital learning, digital teaching, and integrating technology into campus curriculum and instruction
SB 1839	All Classes	An educator may receive credit toward CPE requirements for completion of education courses that use technology to increase the educator's digital literacy
SB 1839	All Classes	An educator may receive credit toward CPE requirements for completion of education courses that assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices
SB 179	Classroom Teacher and Principal	CPE requirements may include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma