

**Item 10:****Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans****DISCUSSION AND ACTION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed amendments to 19 TAC §234.5 and §234.7 would implement the requirement from the 85th Texas Legislature, Regular Session, 2017, to extend a temporary certificate for military spouses to three years and also provide clarification of renewal requirements for military service members, military spouses, and military veterans. No changes are recommended since published as proposed.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); and 21.052(b-1), (c), and (d-1), as amended by House Bill (HB) 1934, 85th Texas Legislature, Regular Session, 2017; and Texas Occupations Code (TOC), §§55.001, 55.002, 55.003, 55.004, 55.005, 55.006, 55.007, 55.008, and 55.009.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

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, §21.044(a), 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, §21.052(b-1), as amended by HB 1934, 85th Texas Legislature, Regular Session, 2017, requires the SBEC to establish procedures to accurately identify military spouses and expedite processing of certification applications that they submit.

TEC, §21.052(c), as amended by HB 1934, 85th Texas Legislature, Regular Session, 2017, states that the SBEC can specify the term of a temporary certificate issued under this subsection.

TEC, §21.052(d-1), as amended by HB 1934, 85th Texas Legislature, Regular Session, 2017, requires the SBEC to issue a three-year temporary certificate to eligible military spouses of active duty service members.

TOC, §55.001, defines key terms and identifies the individuals relevant to the processing and support of members of the military community.

TOC, §55.002, provides clarification and guidelines for implementing fee exemptions for members of the military community.

TOC, §55.003, states military service members are eligible to receive a two-year extension of time to complete requirements for license renewal.

TOC, §55.004, requires state agencies to adopt rules for issuance of licensure to members of the military community and also provides alternatives to become eligible for licensure.

TOC, §55.005, requires state agencies to establish a process to expedite applications for licensure submitted by members of the military community.

TOC, §55.006, requires state agencies to determine renewal requirements for expedited licenses issued to members of the military community.

TOC, §55.007, provides state agencies authority to credit verified military service, training, or education toward licensing requirements.

TOC, §55.008, authorizes state agencies to credit verified relevant military service, training, or education relevant to the occupation toward the apprenticeship requirements for licensure.

TOC, §55.009, confirms state agencies that issue licensure shall waive license application and examination fees paid to the state for applicable members of the military community.

**EFFECTIVE DATE:** The proposed effective date of the proposed amendments to 19 TAC Chapter 234 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.

**PREVIOUS BOARD ACTION:** At the August 4, 2017 SBEC meeting, the SBEC approved the amendments to 19 TAC Chapter 234 for publication in the *Texas Register* as proposed rules.

**BACKGROUND INFORMATION AND JUSTIFICATION:** 19 TAC Chapter 234 consolidates all military-related provisions into one chapter and streamlines future military-related rulemaking opportunities. This chapter contains rules implementing three core pieces of legislation related to licensure of military members, spouses of military members, and veterans. The 84th Texas Legislature, Regular Session, 2015, passed SB 807, requiring all state licensing agencies to adopt rules that implement the requirements of the TOC, Chapter 55, regarding the licensing of military service members, military spouses, and military veterans and the waiving of licensing and application fees paid to the state. The 84th Texas Legislature also passed SB 1307, providing clarification to definitions of military spouses and military veterans in key sections of the TOC, allowing for the adoption of rules to establish alternative methods for military groups to meet requirements for licensure, granting the executive director of a state agency authority to review applicant credentials and waive requirements for licensure, and incorporating the use of verified military service to satisfy apprenticeship requirements for licensure. Most recently, the 85th Texas Legislature, Regular Session, 2017, passed HB 1934, which requires the SBEC to

establish procedures for identifying and expediting processing of applications from spouses of active duty military service members of the armed forces of the United States. This provision is already in current 19 TAC §234.5(a) and (b), therefore, no rule changes are required to implement this legislative mandate. Effective September 1, 2017, the legislation also requires issuance of a three-year temporary certificate to all eligible military spouses. This provision of HB 1934 would be implemented via the following proposed amendments to the rules in 19 TAC Chapter 234 shown in Attachment II.

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans

In subsection (b), the limitation on terms of extensions of one-year certificates issued to military spouses would be removed to comply with HB 1934, 85th Texas Legislature, Regular Session, 2017.

Proposed new subsection (c) would include language to support the extension of one-year certificates of military spouses whose certification applications were processed prior to the September 1, 2017 effective date of HB 1934 and clarify that military spouses are eligible for a maximum of two additional years from the date of issuance to allow them the same opportunity to have three years on a temporary certificate in Texas.

Proposed new subsection (d) would include language to support issuance of a three-year certificate to military spouses who meet requirements for a credentials review. This new subsection would align with the September 1, 2017 effective date specified in HB 1934.

In re-lettered subsection (j), the term *military spouses* would be removed and included in new subsection (k) to create a new provision to comply with HB 1934 that would issue a three-year temporary certificate to military spouses. Provisions for certification and test fee exemptions authorized by the 84th Texas Legislature in 2015 remain in rule.

All remaining subsections, originally lettered as subsections (c)-(h), would be re-lettered to subsections (e)-(j).

§234.7. Renewal and Continuing Education Requirements for Military Service Members

The title of 19 TAC §234.7 would be updated to add military spouses and military veterans to reflect that this section applies to all of the military community.

Proposed new subsection (a) would provide a clarifying reference to the renewal requirements in 19 TAC Chapter 232, General Certification Provisions, for military service members, military spouses, and military veterans who hold a standard certificate.

The remaining subsections, originally lettered as subsections (a) and (b), would be re-lettered to subsections (b) and (c).

No changes are recommended to the proposed amendments to 19 TAC Chapter 234 as published.

**FISCAL IMPACT:** Estimated costs to the state (Texas Education Agency (TEA)) and anticipated economic savings to regulated persons (military service members, military spouses,

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and military veterans) will be ongoing as a result of waiving licensing and application fees paid to the state mandated in SB 807 during the 84th Texas Legislature, Regular Session, 2015. As part of the original rulemaking process for 19 TAC Chapter 234, TEA staff provided estimated costs to the state for Fiscal Year (FY) 2016 through FY 2020 and also provided anticipated economic savings to persons required to comply with the new chapter. Those cost estimates and anticipated economic savings included all three eligible members of the military community: military service members, military spouses, and military veterans.

The TEA staff has determined that fiscal implications for state government remain in place as a result of administering the proposed amendments to 19 TAC Chapter 234 that will align with provisions established specifically for military spouses in HB 1934, 85th Texas Legislature, Regular Session, 2017. While military spouses were included in the original cost estimates and anticipated savings associated with the original rulemaking process for 19 TAC Chapter 234, the following are updated estimates specific to military spouses.

The TEA estimates the number of military spouses that would apply for certification at 210 for FY 2018, 231 for FY 2019, 254 for FY 2020, 280 for FY 2021, and 308 for FY 2022.

For the TEA, the total estimated cost, due to revenue loss, would be \$64,501 for FY 2018, \$70,951 for FY 2019, \$78,046 for FY 2020, \$85,850 for FY 2021, and \$94,556 for FY 2022. This estimate is based on the fees that the TEA would not be collecting. The total estimated cost for each year of FY 2018-FY 2022 is based on fees for the out-of-state route to certification (test fees of \$22, credential review fee of \$160, and certificate issuance fees of \$50 and \$75, for an overall total base fee of \$307 per military spouse).

The TEA staff has determined that there is no additional fiscal impact on local government as a result of enforcing or administered the proposed amendments to 19 TAC Chapter 234.

There is an anticipated economic savings to military spouses who are required to comply with the proposed amendments. For military spouses not required to pay licensing and application fees to the state under the provision already established through SB 807, the total estimated savings would be \$64,501 for FY 2018, \$70,951 for FY 2019, \$78,046 for FY 2020, \$85,850 for FY 2021, and \$94,556 for FY 2022. Based on current fees, a military spouse would save \$307 utilizing the out-of-state route to Texas certification.

There is no direct adverse economic impact for small businesses, microbusinesses, and rural communities; 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. The proposed amendments do not impose a cost on regulated persons and, therefore, are not subject to Texas Government Code, §2001.0045.

**PUBLIC AND STUDENT BENEFIT:** The public and student benefit anticipated as a result of the proposed amendments to 19 TAC Chapter 234 would be continued support to military spouses of active duty members by issuing a three-year temporary credential to maintain employment in Texas. In addition, military spouses who were issued the one-year temporary certificate through provisions from the 2015 legislative session would now be eligible for a two-year extension of their certificate for employment purposes. There are no anticipated additional costs to licensees or other regulated persons.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal began September 1, 2017, and ended October 2, 2017. Any comments received will be provided to the SBEC under separate cover prior to the October 6, 2017 meeting. 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 for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

**Staff Members Responsible:**

Marilyn Cook, Director  
Educator Certification and Testing

Tim Miller, Director  
Educator Preparation

Linda Arriaga, Program Specialist  
Educator Certification and Testing

Geronima Brady, Program Specialist  
Educator Certification and Testing

Maria Brunetti, Program Specialist  
Educator Certification and Testing

**Attachments:**

- I. Statutory Citations
- II. Text of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans
- III. Military Community Webpage Information from the Texas Education Agency (TEA) Website

**ATTACHMENT I****Statutory Citations Relating to Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans****Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (b) The board shall propose rules that:
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;

**Texas Education Code, §21.044, Educator Preparation (excerpt):**

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.

**Texas Education Code, §21.052, Certification of Educators from Outside the State, as amended by House Bill (HB) 1934, 85th Texas Legislature, Regular Session, 2017 (excerpt):**

- (b-1) The board shall propose rules to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States, including rules for providing the appropriate documentation to establish the educator's status as a spouse of a person who is serving on active duty as a member of the armed forces of the United States.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsections [Subsection] (d) and (d-1), the board may specify the term of a temporary certificate issued under this subsection.
- (d-1) A temporary certificate issued under Subsection (c) to an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States may not expire before the third anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform satisfactorily to receive a standard certificate.

**Texas Occupations Code, §55.001, Definitions:**

In this chapter:

- (1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

- (2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
- (3) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business.
- (4) "Military service member" means a person who is on active duty.
- (5) "Military spouse" means a person who is married to a military service member.
- (6) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.
- (7) "State agency" means a department, board, bureau, commission, committee, division, office, council, or agency of the state.

**Texas Occupations Code, §55.002, Exemption from Penalty for Failure to Renew License:**

A state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

**Texas Occupations Code, §55.003, Extension of License Renewal Deadlines for Military Service Members:**

A military service member who holds a license is entitled to two years of additional time to complete:

- (1) any continuing education requirements; and
- (2) any other requirement related to the renewal of the military service member's license.

**Texas Occupations Code, §55.004, Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses:**

- (a) A state agency that issues a license shall adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse and:
  - (1) holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or
  - (2) within the five years preceding the application date held the license in this state.
- (b) The executive director of a state agency may waive any prerequisite to obtaining a license for an applicant described by Subsection (a) after reviewing the applicant's credentials.

*Text of subsection (c), as amended by House Bill 3742, 84th Texas Legislature, Regular Session, 2015:*

- (c) The executive director of a state agency may issue a license by endorsement in the same manner as the Texas Commission of Licensing and Regulation under Section 51.4041(b) to an applicant described by Subsection (a).

*Text of subsection (c), as amended by Senate Bill 1307, 84th Texas Legislature, Regular Session, 2015:*

- (c) In addition to the rules adopted under Subsection (a), a state agency that issues a license may adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license.

**Texas Occupations Code, §55.005, Expedited License Procedure for Military Service Members, Military Veterans, and Military Spouses:**

- (a) A state agency that issues a license shall, as soon as practicable after a military service member, military veteran, or military spouse files an application for a license:
  - (1) process the application; and
  - (2) issue the license to an applicant who qualifies for the license under Section 55.004.
- (b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

**Texas Occupations Code, §55.006, Renewal of Expedited License Issued to Military Service Member, Military Veteran, or Military Spouse:**

- (a) As soon as practicable after a state agency issues a license under Section 55.005, the state agency shall determine the requirements for the license holder to renew the license.
- (b) The state agency shall notify the license holder of the requirements for renewing the license in writing or by electronic means.
- (c) A license issued under Section 55.005 has the term established by law or state agency rule, or a term of 12 months from the date the license is issued, whichever term is longer.

**Texas Occupations Code, §55.007, License Eligibility Requirements for Applicants with Military Experience:**

- (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.
- (b) The state agency shall adopt rules necessary to implement this section.
- (c) Rules adopted under this section may not apply to an applicant who:
  - (1) holds a restricted license issued by another jurisdiction; or
  - (2) has an unacceptable criminal history according to the law applicable to the state agency.



**Texas Occupations Code, §55.008, Apprenticeship Requirements for Applicant with Military Experience:**

- (a) Notwithstanding any other law, if an apprenticeship is required for a license issued by a state agency, the state agency shall credit verified military service, training, or education that is relevant to the occupation toward the apprenticeship requirements for the license.
- (b) The state agency shall adopt rules necessary to implement this section.

*Text of §55.009, as added by Senate Bill 807, 84th Texas Legislature, Regular Session, 2015:*

**Texas Occupations Code, §55.009, License Application and Examination Fees:**

Notwithstanding any other law, a state agency that issues a license shall waive the license application and examination fees paid to the state for an applicant who is:

- (1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or
- (2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

*Text of §55.009, as added by Senate Bill 1307, 84th Texas Legislature, Regular Session, 2015:*

**Texas Occupations Code, §55.009, Notice of Chapter Provisions:**

A state agency that issues a license shall prominently post a notice on the home page of the agency's Internet website describing the provisions of this chapter that are available to military service members, military veterans, and military spouses.

**ATTACHMENT II**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 234. Military Service Members, Military Spouses, and Military Veterans**

**§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.**

- (a) The application for certification of a military service member, military veteran, or military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification requirements substantially similar to the Texas certification requirements, shall be processed as soon as practicable.
- (b) As soon as practicable after the issuance of a one-year certificate, Texas Education Agency (TEA) staff shall notify, in writing or by email, a military spouse of the requirements for obtaining a standard Texas certificate. ~~[A military spouse whose active duty spouse has been reassigned to another state during the validity period of the first one year certificate would be eligible for a second one year certificate.]~~
- (c) A military spouse who has been issued a one-year certificate prior to September 1, 2017, under the provisions of this chapter, is eligible for two additional years from the date of issuance, not to exceed a total of three years maximum, to align with provisions for a military spouse referenced in subsection (d) of this section.
- (d) Effective September 1, 2017, a military spouse shall be issued a three-year temporary certificate upon completion of the review of credentials.
- (e) ~~(e)~~ The standard Texas certificate of a military service member, military spouse, or military veteran may be renewed if that certificate has expired within five years preceding the Texas application date.
- (f) ~~(d)~~ A military service member or a military veteran shall be entitled to credit verified military service, training, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification. TEA staff and educator preparation programs (EPPs) shall use information from the U.S. Department of Veterans Affairs or other reliable sources to assist in crediting applicable military service, training, or education to certification requirements.
- (g) ~~(e)~~ A military service member pursuing certification in career and technical education must meet requirements for the certificate, but for career and technical education certificate areas requiring experience and licensure, the military service member shall be entitled to substitute military experience in the trade for the required license or professional credential for the specific trade.
- (h) ~~(f)~~ A military service member, military spouse, and military veteran shall complete educator examination requirements for certificate issuance as outlined in Texas Education Code, Chapter 21, Subchapter B, and rules in the Texas Administrative Code, Title 19, Part 7.
- (i) ~~(g)~~ Military service members and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (j) ~~(h)~~ Military service members ~~[, military spouses,]~~ and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, one-year certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (k) Military spouses are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, three-year temporary certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.

**§234.7. Renewal and Continuing Education Requirements for Military Service Members , Military Spouses, and Military Veterans.**

- (a) Military service members, military spouses, and military veterans who hold a standard certificate(s) are responsible for certificate renewal and continuing professional education requirements pursuant to Chapter 232 of this title (relating to General Certification Provisions), except where specified in this chapter.
- (b) ~~(a)~~ 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 serving as a military service member.
- (c) ~~(b)~~ A military service member is entitled to two years of additional time to complete all continuing education requirements and any other requirements relating to the renewal of his or her Texas educator certificate.

**ATTACHMENT III****Military Community Information posted on the Texas Education Agency (TEA) website****Military Community**

Effective September 1, 2015, the TEA will waive certain fees for eligible military service members, military veterans, and military spouses.

**Fee Exemption Requirements**

Set up your educator account if you have not already done so. Before completing an application, you must submit your military exemption request.

Securely upload the following documents for review:

- A written request for the exemption, including your TEA ID or the last four digits of your social security number
- Current email address and daytime phone number
- Active duty service members – military ID (front and back) and current state ID
- Veterans – Current state ID and DD-214 (member-4) that shows release or separation from active duty was under honorable conditions
- Military spouses of active duty service members – spouse's current state and military ID (front and back), active duty service member's current state and military ID (front and back), and a copy of the marriage license.  
Military spouses of active duty members are exempt from the following application fees:
  - Review of Credentials
  - One-Year Certificate
  - Standard certificates for subject areas approved in your review of credentials
  - \$11 of the registration fee for certification examinations administered by Educational Testing Service (ETS), this does not include registration fees for tests taken for certification by exam only

After the military documents have been reviewed, you will be notified by email with instructions.

If you are unable to upload your documents, mail them to:

Texas Education Agency Division of Educator Certification  
1701 N. Congress Ave., WBT 5-100  
Austin, Texas 78701

**Fees Waived**

Fees that are waived for active duty service members and veterans:

- Educational Aide certificate
- Probationary certificate
- Standard certificate requiring completion of an educator preparation program
- Review of credentials
- One-Year certificate
- Standard certificates for subject areas approved in a review of credentials
- \$11 of the registration fee for certification examinations administered by Educational Testing Service (ETS), this does not include registration fees for tests taken for certification by exam only

**Fees Not Waived**

Fees that are **not** waived for eligible members of the military community:

- Fingerprint fee
- Preliminary criminal history evaluation fees
- Renewal fees including late and reactivation fees
- Reinstatement fees
- Certificates earned through exam only
- Registration fees for tests taken for certification by exam only
- Registration fees for certification examinations administered by the American Association of Family and Consumer Sciences (AAFCS) and the American Council on the Teaching of Foreign Languages (ACTFL)

**Junior Reserve Officer Training Corps (JROTC)**

TEA now issues a standard JROTC teaching certificate. Completion of an approved educator preparation program (EPP) and bachelor's degree is required. You can review additional certification requirements on the "Becoming a Classroom Teacher in Texas" information page.

**Health Science Technology (HST) and Trade and Industrial Education (TIE)**

Eligible military experience may be used to meet the experience and license requirements for HST and TIE certification. Completion of an approved EPP is still required. You can review additional certification requirements on the "Career and Technical Education" information page.