

**Item 9:**  
**Consider and Take Appropriate Action on Proposed Review  
of 19 TAC Chapter 232, General Certification Provisions**

**DISCUSSION AND ACTION**

**SUMMARY:** Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. The SBEC last adopted the review of 19 TAC Chapter 232, General Certification Provisions, in 2011. However, recent legislation from the 84th Texas Legislature, Regular Session, 2015, has prompted the need to accelerate the review of 19 TAC Chapter 232 to align with the SBEC rulemaking schedule. Therefore, this item presents for SBEC approval the review of Chapter 232. The rules being reviewed provide requirements relating to certificate renewal and continuing professional education and national criminal history record information review of active certificate holders.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 232 is the Texas Education Code (TEC), §§21.003(a), 21.0031(f), 21.031(a), 21.041(b)(1)-(4) and (7)-(9), and 21.054, and Texas Occupations Code, §55.002 and §55.003, for Subchapter A; and the TEC, §21.041(c) and §22.0831(f), for Subchapter B.

**PREVIOUS BOARD ACTION:** The SBEC last adopted the review of 19 TAC Chapter 232 in August 2011, finding that the reasons for initially adopting the rules continue to exist.

**FUTURE ACTION EXPECTED:** The review of 19 TAC Chapter 232, General Certification Provisions, is scheduled to be presented to the SBEC for adoption at the February 2016 meeting. Any rule changes resulting from the rule review process will be presented to the SBEC for consideration at a future meeting.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** The SBEC rules in 19 TAC Chapter 232 are organized as follows: Subchapter A, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter B, National Criminal History Record Information Review of Active Certificate Holders. These subchapters provide for rules that establish the requirements relating to types and classes of certificates issued, certificate renewal, continuing professional education, and national criminal history record information review.

The rules currently in effect in 19 TAC Chapter 232 are shown in Attachment II.

**ANTICIPATED REVISIONS TO RULES:** It is anticipated that Texas Education Agency (TEA) staff will present proposed changes to 19 TAC Chapter 232 for discussion and action at a future meeting to incorporate any changes that may result from the 84th Texas Legislature, Regular Session, 2015. Other changes may also be recommended to clarify the rules and incorporate current SBEC policy and procedures. The TEA staff will be conducting stakeholder meetings in the upcoming months prior to presenting changes to the SBEC.

**RULE REVIEW:** The notice of proposed review of 19 TAC Chapter 232, General Certification Provisions, will be filed with the *Texas Register* following the October 2015 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 232 continue to exist. The public comment period will begin November 6, 2015, with the publication of the notice of proposed review of 19 TAC Chapter 232 in the *Texas Register*.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** The review of 19 TAC Chapter 232 will result in the continuation of types and classes of certificates issued, the renewal of these certificates, and a safer school environment through national criminal history record information review of active certificate holders.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** The public comment period on the proposed rule review begins November 6, 2015, and ends December 7, 2015. The SBEC will take registered oral and written comments on this item at the February 12, 2016 meeting in accordance with the SBEC board operating policies and procedures.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** None.

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

Approve the proposed review of 19 TAC Chapter 232, General Certification Provisions, to be published as proposed in the *Texas Register*.

**Staff Members Responsible:** Tim Miller, Director  
Educator Preparation

Marilyn Cook, Director  
Educator Certification

**Attachments:** I. Statutory Citations  
II. Text of 19 TAC Chapter 232, General Certification Provisions

**ATTACHMENT I****Statutory Citations Relating to Review of 19 TAC Chapter 232, General Certification Provisions****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

**19 TAC Chapter 232, General Certification Provisions****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;
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (3) specify the period for which each class of educator certificate is valid;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;
  - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
  - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;
  - (9) provide for continuing education requirements; and
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.

**Texas Education Code, §21.054, Continuing Education:**

- (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) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 638] 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) 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.
- (d) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1306] 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.
- (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) 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.
- (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.

**Texas Education Code, §22.0831, National Criminal History Record Information Review of Certified Educators (excerpts):**

- (f) The board may propose rules to implement this section, including rules establishing:

- (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
- (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

**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 on active duty in the United States armed forces serving outside this state.

**Texas Occupations Code, §55.003, Extension of Certain Deadlines for Active Duty Military Personnel:**

A person who holds a license, is a member of the state military forces or a reserve component of the armed forces of the United States, and is ordered to active duty by proper authority is entitled to an additional amount of time, equal to the total number of years or parts of years that the person serves on active duty, to complete:

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

**ATTACHMENT II**  
**Text of 19 TAC**

**Chapter 232. General Certification Provisions**

**Subchapter A. Certificate Renewal and Continuing Professional Education Requirements**

*Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §§21.003(a), 21.0031(f), 21.031(a), 21.041(b)(1)-(3) and (7)-(9), and 21.054, unless otherwise noted.*

**§232.1. General Provisions.**

- (a) All educators should model the philosophy of life-long learning; therefore, participation in professional development activities is expected of all educators. Activities must focus on the need of each educator to continually update his or her knowledge of current content, best practices, research, and technology that is relevant to his or her individual role as an educator. The State Board for Educator Certification (SBEC) shall ensure that requirements for renewal and continuing professional education are flexible to allow each individual educator to identify the activities he or she will complete to satisfy the SBEC's requirements.
- (b) This chapter provides the minimum requirements necessary to renew any class of certificate issued by the SBEC.
- (c) Each individual who holds a standard certificate(s) is responsible for renewing the certificate(s) and paying a fee for late renewal. Failure to receive notice of the renewal requirement or deadline does not excuse the individual's obligation to renew or pay applicable fees.
- (d) The SBEC may deny renewal if the educator fails to comply with the requirements of this subchapter.
- (e) The deadlines established for renewal, late renewals, and fees are established by procedures approved by the SBEC and are subject to change.
- (f) The SBEC shall deny or cancel the renewal of an educator's certificate(s) if required by the Texas Education Code (TEC), §57.491, regarding defaults on guaranteed student loans, or pursuant to an interagency agreement with the Texas Higher Education Coordinating Board (THECB) relating to judgment debts for student loans owed to the THECB.
- (g) The SBEC shall deny or cancel the renewal of an educator's certificate(s) as provided by the Texas Family Code, Chapter 232, regarding failure to pay child support.
- (h) If reissued, Texas lifetime certificates surrendered in lieu of revocation or revoked at any time shall be reissued as standard certificates and subject to the requirements of this subchapter.
- (i) Pursuant to the TEC, §21.003(a), an educator employed by a Texas public school district who fails to satisfy each of the requirements to renew his or her standard certificate(s) by the renewal date moves to inactive status and is ineligible for employment in a Texas public school district in a position for which a certificate is required until all appropriate requirements are satisfied. However, if an educator has completed the requirements for renewal and submitted a renewal application prior to the expiration date of the certificate, the certificate will not be considered to have expired.

*Source: The provisions of this §232.1 adopted to be effective August 12, 2012, 37 TexReg 5764.*

**§232.3. Voluntary Renewal of Current Texas Educators.**

Educators holding a valid Texas lifetime certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this subchapter.

*Source: The provisions of this §232.3 adopted to be effective August 12, 2012, 37 TexReg 5764.*

**§232.5. Renewal Date for Certificates.**

- (a) The renewal date of a standard certificate shall be five years after the last day of the certificate holder's next birth month.
- (b) If an educator holds multiple certificates, all certificates will be renewed concurrently and are subject to renewal after the last day of the certificate holder's birth month in the year in which the earliest certificate was issued.
- (c) If an educator holds an educational aide certificate and qualifies for a standard classroom teaching certificate, the expiration date of the new standard teaching certificate shall be five years after the last day of the certificate holder's next birth month.
- (d) Pursuant to the Texas Education Code, §21.0031(f), a certificate or permit is not considered to have expired if the educator has completed the renewal requirements of this subchapter and has applied for renewal prior to the expiration date of the certificate or permit. Pursuant to the Texas Government Code, §2001.054, if an educator makes timely and sufficient application for the renewal or extension of a certificate or permit that is not granted because of the pendency of a matter subject to notice and hearing pursuant to Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases), the existing certificate or permit does not expire until the application for renewal or extension has been finally determined by the State Board for Educator Certification (SBEC) and the last day for seeking review of the SBEC order has passed.
- (e) The renewal of a certificate that is delayed as a result of failure to meet the renewal requirements of this subchapter will not become effective until all renewal requirements have been satisfied.
- (f) If all renewal requirements have been satisfied and submitted to the Texas Education Agency (TEA), the effective renewal date of a certificate or permit will not be affected by any TEA processing delay.

*Source: The provisions of this §232.5 adopted to be effective August 12, 2012, 37 TexReg 5764.*

**§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;
  - (3) confirm compliance with all renewal requirements pursuant to this subchapter;
  - (4) notify educators who are not renewed due to noncompliance with this section; and
  - (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 (b)(2)-(6) of this section.
- (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) The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.
- (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.

*Source: The provisions of this §232.7 adopted to be effective August 12, 2012, 37 TexReg 5764.*

#### **§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). 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. 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.
- (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).
- (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 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).

*Source: The provisions of this §232.9 adopted to be effective August 12, 2012, 37 TexReg 5764.*

**§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 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.

*Statutory Authority: The provisions of this §232.11 issued under the Texas Education Code, §21.054.*

*Source: The provisions of this §232.11 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective May 18, 2014, 39 TexReg 3709.*

**§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 CPE training as specified in §239.25(a) of this title (relating to Requirements to Renew the Standard School Counselor Certificate) every five years.

- (d) Holders of the Standard School Librarian Certificate and Learning Resources Specialist Certificate shall complete CPE training as specified in §239.65(a) of this title (relating to Requirements to Renew the Standard School Librarian Certificate) every five years.
- (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.

*Source: The provisions of this §232.13 adopted to be effective August 12, 2012, 37 TexReg 5764.*

#### **§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), 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, 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).

*Source: The provisions of this §232.15 adopted to be effective August 12, 2012, 37 TexReg 5764.*

#### **§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. 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.

*Source: The provisions of this §232.17 adopted to be effective August 12, 2012, 37 TexReg 5764.*

#### **§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 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.

*Source: The provisions of this §232.19 adopted to be effective August 12, 2012, 37 TexReg 5764.*

#### **§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 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.
  - (d) The failure of the TEA staff to approve a provider or sponsor does not 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 of state law or rule, the TEA staff may withdraw the approval granted under this section to the provider or sponsor.

*Source: The provisions of this §232.21 adopted to be effective August 12, 2012, 37 TexReg 5764.*

#### **§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 at any time may review the documentation required for renewal under this subchapter.

*Source: The provisions of this §232.23 adopted to be effective August 12, 2012, 37 TexReg 5764.*

**§232.25. Fees Payable Upon Certificate Renewal or Reactivation.**

The fees for the following services will be in the amounts provided in §230.101 of this title (relating to Schedule of Fees for Certification Services):

- (1) renewal fee--payable at the time of renewal to support the functions of the SBEC, including renewal, investigations, and enforcement;
- (2) reactivation of inactive certificate--payable upon application to reactivate;
- (3) late renewal fee;
- (4) reinstatement following restitution for default on student loan or nonpayment of child support; and
- (5) national criminal history review.

*Source: The provisions of this §232.25 adopted to be effective August 12, 2012, 37 TexReg 5764.*

**§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.

*Statutory Authority: The provisions of this §232.27 issued under the Texas Education Code, §21.041(b)(4) and §21.054, and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.27 adopted to be effective December 23, 2013, 38 TexReg 9361.*

**Subchapter B. National Criminal History Record Information Review of Active Certificate Holders**

*Statutory Authority: The provisions of this Subchapter B issued under the Texas Education Code, §21.041(c) and §22.0831(f), unless otherwise noted.*

**§232.31. Purpose.**

- (a) This subchapter provides rules for the implementation of the criminal history record information review under the Texas Education Code, Chapter 22, Subchapter C.
- (b) The following words, terms, and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
  - (1) Certified educator--An employee or applicant for employment at a school entity who holds a Texas educator certification issued under the Texas Education Code (TEC), Chapter 21, Subchapter B, as required by the TEC, Chapter 22, Subchapter C, to whom the TEC, §22.0831, and this subchapter apply.
  - (2) Criminal History Clearinghouse--An electronic clearinghouse and subscription service established by the Texas Department of Public Safety, as defined by the Texas Government Code, §411.0845.

- (3) National criminal history record information--Criminal history record information obtained from both the Texas Department of Public Safety and the Federal Bureau of Investigation, as defined by the Texas Education Code, §22.081.
  - (4) School entity--A school district, open-enrollment charter school, or shared services arrangement.
  - (5) Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.
- (c) A certified educator shall submit fingerprint, photograph, and identification information to the Texas Department of Public Safety (DPS) in the form the DPS requires for the purpose of entering the person's national criminal history record information into the Criminal History Clearinghouse.
- (d) A certified educator may not be employed by a school entity on or after September 1, 2011, unless the certified educator's national criminal history record information has been entered into the Criminal History Clearinghouse and made available to the Texas Education Agency and the school entity by which the certified educator is employed.

*Source: The provisions of this §232.31 adopted to be effective August 12, 2012, 37 TexReg 5764.*

### **§232.33. Required Assistance.**

All school entities and regional education service centers shall assist the State Board for Educator Certification (SBEC) and the Texas Education Agency (TEA) in the collection of criminal history record information to facilitate this review, as required by statute. School entities shall promptly submit all requested information in accordance with §232.35 of this title (relating to Submission of Required Information) to the TEA staff. School entities and regional education service centers shall cooperate with the SBEC, the TEA, and the Texas Department of Public Safety and its contractors in providing facilities and opportunities for certified educators to submit their required information.

*Source: The provisions of this §232.33 adopted to be effective August 12, 2012, 37 TexReg 5764.*

### **§232.35. Submission of Required Information.**

- (a) Notice to school entity.
- (1) Upon notice from the Texas Education Agency (TEA) staff, a school entity shall provide, no later than 15 calendar days from the date the school entity receives the notice, the names, e-mail addresses, mailing addresses, and any other requested identifying information for all certified educators employed by the school entity at that time.
  - (2) All certified educators shall provide the school entity by which they are employed an e-mail address at which the certified educator can receive notices and authorizations required by this subchapter. A school entity e-mail address or an Internet e-mail address is acceptable for this purpose.
  - (3) The TEA staff shall use the identifying information to send notices to the school entity and its certified educators notifying those educators who must submit fingerprint, photograph, and identification information for the purpose of a national criminal history record information review.
  - (4) All certified educators hired by a school entity after it submits the names of all its certified educators to the TEA staff shall submit fingerprint, photograph, and identification information required by this subchapter before the certified educator begins employment with the school entity. This requirement will not apply if the certified educator has already submitted such information to the Texas Department of Public Safety (DPS) in the form the DPS requires.
- (b) Notice to certified educator to submit required information.
- (1) The TEA staff shall notify the certified educator by e-mail, at the address specified by the school entity, that the certified educator must submit fingerprint, photograph, and identification

information to the DPS in the form the DPS requires for the purpose of entering the certified educator's national criminal history record information into the Criminal History Clearinghouse.

- (2) The notice shall specify the date, which shall be at least 80 calendar days from the date the notice is sent via e-mail, that the certified educator's national criminal history record information must be received by the TEA staff as required by this section and by the Texas Education Code (TEC), §22.083.
  - (3) The TEA staff shall e-mail the employing school entity a copy of each notice.
  - (4) Within ten calendar days of the date on which each notice was sent, the school entity shall ensure that all affected certified educators have received the notice by obtaining written acknowledgment from each certified educator, or by delivering a copy of the notice to the certified educator. The school entity shall maintain a record of the proof of delivery of each notice.
  - (5) Twenty-five calendar days before the date on which an educator's criminal history information must be submitted, the TEA staff shall send a reminder notice, by e-mail only, to any certified educator whose information has not yet been received and to his or her employing school entity.
- (c) Authorization to submit required information.
- (1) Each certified educator shall pay the required national criminal history review fee, which shall be in the same amount as the national criminal history check fee for applicants for certification in §230.101 of this title (relating to Schedule of Fees for Certification Services), and shall electronically obtain an authorization form from the TEA staff. This provision does not prohibit another entity from paying the national criminal history review fee on behalf of the educator.
  - (2) The authorization form shall be used to submit fingerprint, photograph, and identification information to the DPS and its contractors in the form that the DPS requires to obtain national criminal history record information required by the TEC, §22.0831, which shall be entered into the Criminal History Clearinghouse, and made available to the TEA staff and the school entity.
  - (3) Only fingerprint information that has been properly authorized by the TEA staff shall satisfy the requirements of the TEC, §22.0831, and shall be accepted and entered in the Criminal History Clearinghouse.

*Source: The provisions of this §232.35 adopted to be effective August 12, 2012, 37 TexReg 5764.*

#### **§232.37. Inactive Status.**

- (a) If the Texas Education Agency (TEA) staff has not received a certified educator's national criminal history record information as required by this subchapter by the date specified in the notice described in §232.35 of this title (relating to Submission of Required Information), the educator's certificate shall be placed on inactive status.
- (b) For good cause shown, the date on which a certified educator's certificate becomes inactive may be extended one time for a period not to exceed ten calendar days. Such an extension may only be granted by a person designated for this purpose by the TEA, and the decision to grant or deny a request for extension shall be within the designee's sole discretion.
- (c) An educator whose certificate is in inactive status is ineligible for employment in a Texas public school in a position that requires educator certification, pursuant to the Texas Education Code, §21.003(a) and §22.0831(d).
- (d) An educator's certificate shall be removed from inactive status and reactivated when the TEA staff receives a certified educator's national criminal history record information as required by this subchapter.

*Source: The provisions of this §232.37 adopted to be effective August 12, 2012, 37 TexReg 5764.*

**§232.39. State Board for Educator Certification Review of National Criminal History Information.**

A certified educator's national criminal history record information submitted under the provisions of the Texas Education Code, §22.0831, and this subchapter shall be reviewed by the Texas Education Agency staff in accordance with the disciplinary rules and procedures contained in Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases).

*Source: The provisions of this §232.39 adopted to be effective August 12, 2012, 37 TexReg 5764.*