

## Item 7:

# Consider and Take Appropriate Action on Adoption of 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. This item presents for SBEC approval the adoption of the review of Chapter 232, General Certification Provisions. 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.

At the October 2015 meeting, the SBEC voted to publish the proposed rule review of 19 TAC Chapter 232, General Certification Provisions, in the *Texas Register*.

**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.

**RULE REVIEW:** The notice of proposed review of 19 TAC Chapter 232, General Certification Provisions, was filed with the *Texas Register* following the October 2015 SBEC meeting. If authorized by the SBEC, the notice of adopted review will be filed with the *Texas Register* following the February 2016 SBEC meeting. The notice of adopted review will state that the SBEC finds that the reasons for adopting 19 TAC Chapter 232 continue to exist. Any public comments received during the review of 19 TAC Chapter 232 will also be addressed.

The filing of the notice of adopted review stating that 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 began November 6, 2015, and ended December 7, 2015. No comments were received during the public comment period. 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:** A separate item is presented for discussion and action in this agenda to propose revisions to 19 TAC Chapter 232, General Certification Provisions; therefore, the current rules in Chapter 232 will not be included as part of this item. A copy of the current rules in Chapter 232 will be available at the meeting.

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

Adopt the review of 19 TAC Chapter 232, General Certification Provisions.

**Staff Members Responsible:** Tim Miller, Director  
Educator Preparation, Testing, and Program Accountability

Marilyn Cook, Director  
Educator Certification

**Attachment:** Statutory Citations

**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 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 person's license.