

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §232.7 and §232.11, concerning general certification provisions. The proposed amendments would provide minor technical edits to clarify the existing hardship exemption processes established in rule, would implement the statutory requirements of House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023, and would update the continuing professional education (CPE) training requirements to remove the limit on certain professional development hours that can be completed by classroom teachers and school counselors every five years for the purposes of standard certificate renewal.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 232, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, provide for rules that establish the requirements relating to types and classes of certificates issued, certificate renewal, and CPE.

As a result of the 88th Texas Legislature, Regular Session, 2023, HB 2929 amended TEC, §21.054(d) and (f), and added subsection (d-2), removing limits on the number of hours in certain specific topics that classroom teachers and school counselors can obtain in CPE every five years for purposes of certificate renewal.

Following is a description of the proposed amendments to 19 TAC Chapter 232, Subchapter A.

§232.7. Requirements for Certificate Renewal.

The proposed amendment to 19 TAC §232.7(b) would make a minor technical edit in the cross reference to paragraphs (1)-(4) to separate criteria in paragraphs (1)-(3) specific to hardship exemption requests due to catastrophic illnesses of the educator or family member and military service from criteria in paragraph (4) specific to a hardship exemption request made by a local education agency on behalf of an educator with an inactive standard certificate due to non-compliance with completion of CPE hours to meet certificate renewal requirements.

The proposed amendment to §232.7(b)(5) would add a cross reference to subsection (b)(4) to confirm that a fee is required only for hardship exemption requests specified in paragraph (4).

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

The proposed amendment to 19 TAC §232.11(d)(3) would remove the limit on CPE hours that can be completed by classroom teachers renewing certificates on or after September 1, 2023. The section would be updated to align with provisions of HB 2929 that allow classroom teachers to complete at least 25 percent of training hours, including e-instruction, in specified topics and to confirm that hours completed beyond the 25 percent minimum can also be utilized for certificate renewal purposes.

The proposed new §232.11(d)(4) would add that CPE training hours on topics described in §232.11(d)(3) in excess of 25 percent will be counted toward a teacher's overall training requirements.

The proposed amendment to §232.11(f)(2) would strike the September 1, 2024 certificate renewal reference and related requirements on CPE hours for school counselors and would update language to specify that school counselors renewing on or after September 1, 2023, must complete at least 25 percent of CPE hours in specified topics, in alignment with provisions of HB 2929.

The proposed amendment to §232.11(f)(3) would strike paragraph (3), which limits the total number of CPE hours that a school counselor can complete in specific topics if renewing on or after September 1, 2024. The information is no longer applicable and/or needed based on clarifications about CPE training hours provided in HB 2929.

The proposed amendment to §232.11 would preserve the discretion for educators in choosing CPE hours while still reminding educators of the significance of these topic areas.

FISCAL IMPACT: Emily Garcia, associate commissioner for educator preparation, certification, and enforcement has determined that, for the first five years the proposed rulemaking would be in effect, there is no additional fiscal

impact on state and local governments and that there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: The Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, the proposal would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, repeal, or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Garcia has determined that for the first five years that the rule will be in effect that the public benefit anticipated as a result of the proposal would be clear guidance for applicants, educators, school districts, and providers on CPE requirements. The TEA staff has determined there is no anticipated cost to persons required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

ENVIRONMENTAL IMPACT STATEMENT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins October 27, 2023, and ends November 27, 2023. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). The SBEC will take registered oral and written comments on the proposal at the December 8, 2023 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.0031(f), which clarifies and places certain limits on provisions authorizing termination of an educator's contract for failure to maintain a valid certificate; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public-school educators; TEC, §21.041(b)(1)-(4), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and

renewal of an educator certificate; TEC, §21.041(b)(7)-(8), which requires the SBEC to propose rules that provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Texas Government Code (TGC), Chapter 2001, and provide for the adoption, amendment, and enforcement of an educator's code of ethics; TEC, §21.041(b)(9), which requires the SBEC to propose rules that provide for continuing education requirements; TEC, §21.054, which requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements; TEC, §21.0541, which requires the SBEC to propose rules that allow an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator (AED); and TEC, §21.0543, which requires the SBEC to propose rules that provide for CPE credit related to digital technology instruction; and Texas Occupations Code (TOC), §55.002, which states 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 for failing to renew the license in a timely manner if the individual establishes that the individual failed to renew the license in a timely manner because the individual was serving as a military service member; and TOC, §55.003, which states a military service member who holds a license is entitled to two years of additional time to complete any continuing education requirements and any other requirement related to the renewal of the military service member's license.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)-(4) and (7)-(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.

<rule>

§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) confirm compliance with all renewal requirements pursuant to this subchapter;
- (3) notify educators who are not renewed due to noncompliance with this section; and
- (4) verify that educators applying for reactivation of certificate(s) under §232.9 of this title (relating to Inactive Status and Late Renewal) are in compliance with subsection (c) of this section.

(b) The TEA staff shall administratively approve each hardship exemption request that meets the criteria specified in paragraphs (1)-(3) of this subsection for a hardship exemption due to a catastrophic illness or military service or paragraph (4) [~~(1)-(4)~~] of this subsection for a hardship exemption requested by a local education agency .

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

- (A) catastrophic illness or injury of the educator;
- (B) catastrophic illness or injury of an immediate family member; or
- (C) military service of the educator.

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

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

- (A) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the educator's catastrophic illness or injury; or
- (B) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the catastrophic illness or injury of an immediate family member; or
- (C) two years of additional time for a military service member, in accordance with the Texas Occupations Code, §55.003.

(4) A hardship exemption may be approved for a local education agency on behalf of an educator who has an invalid certificate due to lack of earning the required continuing professional education (CPE) hours as prescribed in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours). The hardship exemption is valid for the academic year of the application and may be renewed up to one additional academic year, provided that the superintendent or designee of the local education agency requests the extension.

(5) If a hardship exemption request, as described in paragraph (4) of this subsection, is approved, the educator must pay the appropriate renewal fee, pursuant to §230.101 of this title (relating to Schedule of Fees for Certification Services).

(c) To be eligible for renewal, an educator must:

(1) subject to §232.16(c) of this title (relating to Verification of Renewal Requirements), satisfy CPE requirements, pursuant to §232.11 of this title;

(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) be in compliance with all terms of any orders of the State Board for Educator Certification resulting from a disciplinary proceeding against the educator under Chapter 249 of this title;

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

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

(7) pay the renewal fee, provided in §230.101 of this title, 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 Texas Education Code, §22.0831.

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

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STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.0031(f), which clarifies and places certain limits on provisions authorizing termination of an educator's contract for failure to maintain a valid certificate; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public-school educators; TEC, §21.041(b)(1)-(4), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(b)(7)-(8), which requires the SBEC to propose rules that provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Texas Government Code (TGC), Chapter 2001, and provide for the adoption, amendment, and enforcement of an educator's code of ethics; TEC, §21.041(b)(9), which requires the SBEC to propose rules that provide for continuing education requirements; TEC, §21.054, which requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements; TEC, §21.054(d), as amended by House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023, which specifies that subject to subsection (d-2), continuing education requirements for a classroom teacher may not require that more than 25 percent of the training required every five years include instruction in specified topics; TEC, §21.054(d-2), as added by HB 2929, 88th Texas Legislature, Regular Session, 2023, which specifies that training in a topic of instruction described by subsection (d) attended by a classroom teacher in excess of an amount of hours equal to 25 percent of the training required of the teacher every five years shall be counted towards the teacher's overall training requirements; TEC, §21.054(f), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023, which specifies that continuing education requirements for a counselor must provide that at least 25 percent of training required every five years include instruction in specified topics; TEC, §21.0541, which requires the SBEC to propose rules that allow an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator (AED); TEC, §21.0543, which requires the SBEC to propose rules that provide for CPE credit related to digital technology instruction; and TEC, §22.0831(f), which states SBEC may propose rules regarding the deadline for the national criminal history check and implement sanctions for persons failing to comply with the requirements; and Texas Occupations Code (TOC), §55.002, which states 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 for failing to renew the license in a timely manner if the individual establishes that the individual failed to renew the license in a timely manner because the individual was serving as a military service member; and TOC, §55.003, which states a military service member who holds a license is entitled to two years of additional time to complete any continuing education requirements and any other requirement related to the renewal of the military service member's license.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)-(4) and (7)-(9); 21.054; 21.054(d), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(d-2), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(f), as amended by HB 2929, 88th Texas Legislature, Regular Session; 2023; 21.0541; 21.0543; and 22.0831(f); and TOC, §55.002 and §55.003.

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

(a) The appropriate number of clock-hours of continuing professional education (CPE) 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) Required Content.

(1) All educators must receive CPE training regarding educating students with disabilities. This training must include information particular to educating students with dyslexia.

(2) Other than hours earned to comply with subsections (d), (e), (f), (g), and (k) of this section, professional development activities shall be related to the certificate(s) being renewed and focus on the standards required for issuance of the certificate(s), including:

- (A) content area knowledge and skills; and
- (B) professional ethics and standards of conduct.

(d) Classroom Teacher.

(1) Classroom teacher certificate holders shall complete 150 clock-hours.

(2) A classroom teacher who renews a certificate prior to September 1, 2023, must attain some hours of CPE that includes training directly related to each of the following topics and may include two or more listed topics combined:

- (A) collecting and analyzing information that will improve effectiveness in the classroom;
- (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (C) digital learning, digital teaching, and integrating technology into classroom instruction;
- (D) educating diverse student populations, including:
 - (i) students who are educationally disadvantaged; and
 - (ii) students at risk of dropping out of school; and
- (E) understanding appropriate relationships, boundaries, and communications between educators and students.

(3) ~~For~~ Subject to paragraph (4) of this subsection, a classroom teacher who renews a certificate on or after September 1, 2023, may not be required to obtain more than 25 percent ~~[not more than 37.5 hours]~~ of CPE training hours, including e-instruction ~~[shall include instruction]~~ in [s] and ~~[must be]~~ directly related to, each of the following topics ~~[and]~~, which may include two or more listed topics combined:

- (A) collecting and analyzing information that will improve effectiveness in the classroom;
- (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (C) digital learning, digital teaching, and integrating technology into classroom instruction;
- (D) educating diverse student populations, including:
 - (i) students who are educationally disadvantaged; and
 - (ii) students at risk of dropping out of school; and
- (E) understanding appropriate relationships, boundaries, and communications between educators and students.

(4) Training in a topic of instruction described by paragraph (3) of this subsection obtained by a classroom teacher in excess of an amount of hours equal to 25 percent of CPE training hours shall be counted toward the teacher's overall training requirements.

(e) Principal and Principal as Instructional Leader.

(1) Principal and Principal as Instructional Leader certificate holders shall complete 200 clock-hours.

(2) A principal and principal as instructional leader who renews a certificate prior to September 1, 2023, must attain some hours of CPE that include training directly related to each of the following topics:

- (A) effective and efficient management, including:
 - (i) collecting and analyzing information;
 - (ii) making decisions and managing time; and
 - (iii) supervising student discipline and managing behavior;
- (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
- (D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under Texas Education Code (TEC) ~~[TEC]~~, §33.005;
- (E) mental health programs addressing a mental health condition;
- (F) educating diverse student populations, including:
 - (i) students who are educationally disadvantaged;
 - (ii) emergent bilingual students; and
 - (iii) students at risk of dropping out of school; and
- (G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006.

(3) For a principal and principal as instructional leader who renews a certificate on or after September 1, 2023, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:

- (A) effective and efficient management, including:

- (i) collecting and analyzing information;
 - (ii) making decisions and managing time; and
 - (iii) supervising student discipline and managing behavior;
 - (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
 - (D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005;
 - (E) mental health programs addressing a mental health condition;
 - (F) educating diverse student populations, including:
 - (i) students who are educationally disadvantaged;
 - (ii) emergent bilingual students; and
 - (iii) students at risk of dropping out of school; and
 - (G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006.
- (f) School Counselor.
- (1) School Counselor certificate holders shall complete 200 clock-hours.
- (2) A school counselor who renews a certificate on or after September 1, 2023, [prior to September 1, 2024,] must attain at least 25 percent [some hours] of CPE hours that includes [include] training directly related to each of the following five topics:
- (A) assisting students in developing high school graduation plans;
 - (B) implementing dropout prevention strategies;
 - (C) informing students concerning:
 - (i) college admissions, including college financial aid resources and application procedures; and
 - (ii) career opportunities;
 - (D) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
 - (E) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.
- ~~[(3) For a school counselor who renews a certificate on or after September 1, 2024, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:~~
- ~~(A) assisting students in developing high school graduation plans;~~
 - ~~(B) implementing dropout prevention strategies;~~
 - ~~(C) informing students concerning:~~
 - ~~(i) college admissions, including college financial aid resources and application procedures; and~~
 - ~~(ii) career opportunities;~~
 - ~~(D) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and~~
 - ~~(E) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.]~~
- (g) Superintendent.
- (1) Superintendent certificate holders shall complete 200 clock-hours.
- (2) An individual who holds a superintendent certificate that is renewed on or after January 1, 2021, must complete at least 2.5 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children, in accordance with TEC, §21.054(h). For purposes of this subsection, "other maltreatment" has the meaning assigned by Human Resources Code, §42.002.
- (h) School Librarian and Learning Resources Specialist certificate holders shall complete 200 clock-hours.
- (i) Educational Diagnostician certificate holders shall complete 200 clock-hours.
- (j) Reading Specialist certificate holders shall complete 200 clock-hours.
- (k) 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.
- (l) Professional development activities may include:
- (1) an evidence-based mental health first aid training program or an evidence-based grief-informed and trauma-informed care program that is offered through a classroom instruction format that requires in-person attendance. A

person receiving this training will receive twice the number of hours of instruction provided under that program, not to exceed 16 hours;

(2) suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451;

(3) an instructional course on the use of an automated external defibrillator in accordance with the guidelines established by the device's manufacturer and approved by the American Heart Association, the American Red Cross, other nationally recognized associations, or the medical director of a local emergency medical services provider, in accordance with the TEC, §21.0541;

(4) education courses that:

(A) use technology to increase the educator's digital literacy; and

(B) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices;

(5) educating students with mental health conditions, including how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;

(6) for classroom teachers, educating emergent bilingual students; and

(7) educating students who engage in substance abuse.

(m) An educator holding multiple classes of certificates shall complete the higher number of required CPE clock-hours in the classes held 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.

(n) An educator eligible to renew multiple classes of certificates issued during the same renewal period may satisfy the requirements 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.