

Item 6:
**Proposed Review of 19 TAC Chapter 234, Military Service
Members, Military Spouses, and Military Veterans**

DISCUSSION AND ACTION

SUMMARY: Texas Government Code (TGC), §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 proposed review of 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The rules being reviewed provide requirements relating to preparation, testing, certification, and renewal requirements for all members of the military community.

STATUTORY AUTHORITY: Statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); 21.0444; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525; 21.054; and 21.458(a-2); and the Texas Occupations Code (TOC), §§55.001–55.010.

FUTURE ACTION EXPECTED: The review of 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, is scheduled to be presented to the SBEC for adoption at the July 2024 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 234 consolidate all military-related provisions into one chapter for all members of the military community (military service members, military spouses, and military veterans).

The rules currently in effect in 19 TAC Chapter 234 are shown in the attachment.

ANTICIPATED REVISIONS TO RULES: Texas Education Agency (TEA) staff anticipates presenting proposed revisions to Chapter 234 to the Board at the September 2024 meeting.

PUBLIC COMMENTS: The TEA will file the notice of proposed review of 19 TAC Chapter 234 with the Texas Register following the April 2024 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 234 continue to exist. The public comment period on the proposed rule review begins May 31, 2024, and ends July 1, 2024. The SBEC will also take registered oral and written comments on the proposal during the July 19, 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

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.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the proposed review of 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, to be published as presented in the *Texas Register*.

Staff Members Responsible:

Marilyn Cook, Senior Director, Educator Preparation and Certification

Trenton Law, Director, Educator Credentialing, Educator Preparation and Certification

Attachment:

Text of 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

ATTACHMENT
Text of 19 TAC

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

§234.1. Purpose.

- (a) The purpose of identifying military service members, military spouses, and military veterans is to establish a process to count applicable military service for timely admission into educator preparation programs, expedite the completion of certification credential reviews, support certification examination and licensure application fee exemptions as applicable, and support certification renewal of members of the military community.
- (b) Effective September 1, 2023, in support of legislation passed by the 88th Texas Legislature, Regular Session, 2023, this chapter has been updated to include military veterans, peace officers, fire protection personnel, emergency medical services personnel, who meet the qualifications outlined in this chapter to be issued a three-year temporary certificate to be placed in a career and technology education assignment, and to include qualified instructors for the Community College of the Air Force to be issued a one-year temporary certificate upon enrollment in a Texas-approved educator preparation program.
- (c) In the event of conflict with any other rule in the Texas Administrative Code, Title 19, Part 7, this chapter shall supersede with regard to the certification of military service members, military spouses, and military veterans.

Statutory Authority: The provisions of this §234.1 issued under the Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.0444; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525; 21.054; and 21.458(a-2); and the Texas Occupations Code, §§55.001-55.010.

Source: The provisions of this §234.1 adopted to be effective August 28, 2016, 41 TexReg 6201; amended to be effective March 7, 2024, 49 TexReg 1278.

§234.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Military service member--A person who is on active duty.
- (2) Military spouse--A person who is married to a military service member.
- (3) Military veteran--A person who has served on active duty and who was discharged or released from active duty.
- (4) Active duty--Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by the Texas Government Code, §437.001, or similar military service of another state.
- (5) Armed forces of the United States--The army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
- (6) Permanent change of station order--United States armed forces active duty member document ordering a permanent change of station.
- (7) Texas Education Agency staff--an employee of the Texas Education Agency (TEA) who performs administrative functions on behalf of the State Board for Educator Certification.
- (8) Review of credentials--the licensure process completed by TEA staff for individuals certified to teach in other states or countries as specified in Chapter 230, Subchapter H, of this title (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).
- (9) Peace officer--as defined by Texas Code of Criminal Procedure, Article 2.12.

- (10) Fire protection personnel--as defined by TGC, §419.021.
- (11) Emergency medical services personnel--as defined by Health and Safety Code, §773.003.
- (12) License--a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business, occupation, or profession.
- (13) State agency--a department, board, bureau, commission, committee, division, office, council, or agency of the state.

Statutory Authority: The provisions of this §234.3 issued under the Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.0444; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525; 21.054; and 21.458(a-2); and the Texas Occupations Code, §§55.001-55.010.

Source: The provisions of this §234.3 adopted to be effective August 28, 2016, 41 TexReg 6201; amended to be effective March 7, 2024, 49 TexReg 1278.

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

- (a) The application for certification of a military service member, military veteran, or military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification requirements substantially similar to the Texas certification requirements, shall be processed within 30 days of receipt of a complete application.
- (b) As soon as practicable after the issuance of a one-year certificate, Texas Education Agency (TEA) staff shall notify a military service member, a military spouse, and a military veteran, in writing or by email, of the requirements for obtaining a standard Texas certificate.
- (c) A military spouse who has been issued a one-year certificate prior to September 1, 2017, under the provisions of this chapter, is eligible for two additional years from the date of issuance, not to exceed a total of three years maximum, to align with provisions for a military spouse referenced in subsection (d) of this section.
- (d) Effective September 1, 2017, a military spouse shall be issued a three-year temporary certificate upon completion of the review of credentials.
- (e) Effective December 1, 2019, prior to beginning employment, a military spouse must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and completing the criminal background check. TEA staff must provide approval for the military spouse to teach in Texas a maximum of three years with credentials issued by another state.
- (f) Effective December 1, 2023, a military service member shall be issued a three-year temporary certificate upon completion of the review of credentials, or, prior to beginning employment, a military service member must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and completing the criminal background check. TEA staff must provide approval for the military service member to teach in Texas a maximum of three years with credentials issued by another state.
- (g) A military service member, a military veteran, or a military spouse shall be entitled to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification. TEA staff and educator preparation programs (EPPs) shall use information from the U.S. Department of Veterans Affairs or other reliable sources to assist in crediting applicable military service, training, or education to certification requirements.
- (h) A military service member pursuing certification in career and technical education must meet requirements for the certificate, but for career and technical education certificate areas requiring experience and licensure, the military service member shall be entitled to substitute military experience in the trade for the required license or professional credential for the specific trade.

- (i) A military service member, military spouse, and military veteran shall complete educator examination requirements for certificate issuance as outlined in Texas Education Code, Chapter 21, Subchapter B, and rules in the Texas Administrative Code, Title 19, Part 7, or qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (j) A military service member and a military veteran are exempt from certification application fees that are paid to the state that lead to initial certification. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (k) A military service member and a military veteran are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, one-year certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (l) A military spouse is exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, three-year temporary certificate, or out-of-state standard certificate. This member of the military community is exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (m) As applicable to meet residency requirements and establish acceptable identification for military-related fee exemption and other provisions, a military service member, military spouse, or military veteran can submit a copy of the permanent change of station order for the military service member, military spouse, or military veteran.

Statutory Authority: The provisions of this §234.5 issued under the Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.0444; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525; 21.054; and 21.458(a-2); and the Texas Occupations Code, §§55.001-55.010.

Source: The provisions of this §234.5 adopted to be effective August 28, 2016, 41 TexReg 6201; amended to be effective December 21, 2017, 42 TexReg 7142; amended to be effective December 22, 2019, 44 TexReg 7694; amended to be effective March 7, 2024, 49 TexReg 1278.

§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans.

- (a) To complete a review of credentials leading to issuance of licensure in Texas, each military service member, military veteran, or military spouse must submit an application for review of credentials, copies of standard certificates issued in the other state(s), and official transcripts showing degree(s) conferred and date(s).
- (b) Upon completion of the review, the Texas Education Agency (TEA) will notify each military service member, military veteran, or military spouse, as specified in paragraphs (1)-(3) of this subsection, to provide results of the licensure review and information on next steps in the licensure process as follows.
 - (1) A military service member will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states following confirmation of exemption from or successful completion of required examinations and completion of a criminal background check.
 - (2) A military spouse will receive written results of the credentials review and have the following three options to teach in Texas with:
 - (A) the license issued by another state department of education, confirmed by TEA to be in good standing;
 - (B) the Texas temporary three-year certificate already available under provisions in §234.5(d) of this title (relating to Certification of Military Service Members, Military Spouses, and Military Veterans); and

- (C) the Texas standard certificate eligible for issuance immediately following a successful review of credentials by TEA, confirmation of exemption from or successful completion of required examinations, and completion of a criminal background check.
- (3) A military veteran will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states following confirmation of exemption from or successful completion of required examinations and completion of a criminal background check.
- (c) A change in the marital status of a military spouse does not impact the provisions specified in subsection (b)(2)(A) and (B) of this section.

Statutory Authority: The provisions of this §234.6 issued under the Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.0444; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525; 21.054; and 21.458(a-2); and the Texas Occupations Code, §§55.001-55.010.

Source: The provisions of this §234.6 adopted to be effective December 22, 2019, 44 TexReg 7694; amended to be effective March 7, 2024, 49 TexReg 1278.

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

- (a) Military service members, military spouses, and military veterans who hold a standard certificate(s) are responsible for certificate renewal and continuing professional education requirements pursuant to Chapter 232 of this title (relating to General Certification Provisions), except where specified in this chapter.
- (b) A military service member shall be exempted from any fee or penalty for failing to timely renew his or her Texas educator certificate if the delay occurred because the educator was serving as a military service member.
- (c) A military service member is entitled to two years of additional time to complete all continuing education requirements and any other requirements relating to the renewal of his or her Texas educator certificate.
- (d) The standard Texas certificate of a military service member, military spouse, or military veteran may be renewed if that certificate has expired within five years preceding the Texas application date.

Statutory Authority: The provisions of this §234.7 issued under the Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.052(b-1), (c), and (d-1); and the Texas Occupations Code, §§55.001-55.009.

Source: The provisions of this §234.7 adopted to be effective August 28, 2016, 41 TexReg 6201; amended to be effective December 21, 2017, 42 TexReg 7142; amended to be effective December 22, 2019, 44 TexReg 7694.

§234.9. Certification of Military Veterans, Peace Officers, Fire Protection Personnel, and Emergency Medical Services Personnel.

- (a) Effective September 1, 2023, military veterans, peace officers, fire protection personnel, and emergency medical services personnel as defined in §234.3 of this title (relating to Definitions) shall be issued a one-time, nonrenewable, three-year temporary certificate for career and technology education if they meet the following:
 - (1) has served in the armed forces of the United States and was honorably discharged, retired, or released from active duty; or
 - (2) has served as a first responder and, while in good standing not because of pending or final disciplinary actions or a documented performance problem, retired, resigned, or separated from employment as a first responder; and
 - (A) has an associate degree from an accredited institution of higher education and 48 months of active duty military service or service as a first responder; or
 - (B) a bachelor's degree, which includes 60 semester credit hours completed at a public or private institution of higher education with a minimum grade point average of at least 2.50 on a four-point scale and military service or service as a first responder.

- (b) A school district shall assign a mentor teacher to a classroom teacher who has been issued a temporary certificate to teach career and technology education under Texas Education Code (TEC), §21.0444, for at least two school years. A teacher assigned as a mentor must:
 - (1) to the extent practicable, teach in the same school;
 - (2) to the extent practicable, teach the same subject or grade level, as applicable; and
 - (3) meet the qualifications prescribed by commissioner of education rules adopted under TEC, §21.458(b), or §153.1011 of Part 2 of this title (relating to Mentor Program Allotment).
- (c) An individual who meets the qualifications specified in subsection (a) of this section and who is interested in obtaining the three-year, nonrenewable temporary certificate, may submit the following items to the Texas Education Agency staff:
 - (1) a completed application;
 - (2) verification of military veteran status or licensure as a peace officer, fire protection services personnel, or emergency medical services personnel; and
 - (3) an official transcript showing degree conferred and conferral date, or successful completion of college coursework.
- (d) A military veteran, peace officer, fire protection personnel, and emergency services personnel must enroll in a Texas-approved educator preparation program to complete requirements for issuance of the standard certificate.

Statutory Authority: The provisions of this §234.9 issued under the Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.0444; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525; 21.054; and 21.458(a-2); and the Texas Occupations Code, §§55.001-55.010.

Source: The provisions of this §234.9 adopted to be effective March 7, 2024, 49 TexReg 1278.

§234.11. Certification of Full-Time Instructors for the Community College of the Air Force.

- (a) Effective September 1, 2023, a one-year, temporary certificate may be issued to an individual who served as a full-time instructor for the Community College of the Airforce if he or she meets the following:
 - (1) holds a bachelor's degree as defined in §227.10 of this title (relating to Admission Criteria);
 - (2) has at least two semesters' experience as a full-time instructor for the Community College of the Air Force; and
 - (3) is currently enrolled in a Texas-approved educator preparation program.
- (b) An individual who meets the qualifications specified in subsection (a) of this section and is interested in obtaining the one-year temporary certificate, may submit the following items to the Texas Education Agency (TEA) staff:
 - (1) a completed application;
 - (2) a copy of credentials to serve as an instructor for the Community College of the Air Force;
 - (3) an official transcript showing degree conferred and conferral date; and
 - (4) verification of at least two semesters' experience as a full-time instructor for the Community College of the Air Force.
- (c) A qualified instructor for the Community College of the Air Force must take and pass all required examinations identified by TEA staff during the review of credentials and must complete any additional requirements specified for issuance of the standard certificate.

Statutory Authority: The provisions of this §234.11 issued under the Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.0444; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525; 21.054; and 21.458(a-2); and the Texas Occupations Code, §§55.001-55.010.

Source: The provisions of this §234.11 adopted to be effective March 7, 2024, 49 TexReg 1278.