

Item 7:

COVER PAGE

Type of Agenda Rule Item:

- Discussion Only:** TEA staff will present rule items with an update, potential future rule changes, and/or seek SBEC direction on potential rule changes. TEA staff will draft rule changes from the board's discussion on the item and start preparing rule text for proposal to the board.
- Proposal:** First SBEC reading (vote). SBEC members will give input on proposed rule text and will approve rule changes that will go out for public comment as a proposed rule with the *Texas Register*. Important to make substantive changes now because only non-substantive changes can be made at adoption.
- ✓ **Adoption:** Second and final SBEC reading (vote). Only non-substantive changes are permissible at adoption phase. If approved will go to SBOE for review and filed as an SBEC rule with *Texas Register* if SBOE takes no action.

Summary:

This item is an adoption of 19 TAC Chapter 232, which primarily addresses the recent legislation allowing educators to receive continuing professional education (CPE) for automated external defibrillator (AED) training. The proposed rule text also tightens-up the language for random audits for CPE requirements for certification renewal and program compliance, as well as, no longer requiring the maintaining of current licensure for certificate renewal for career and technical education (CTE) certificates. Non-substantive changes are being recommended since this item was proposed.

Statutory Authority:

All of the relevant statutes pertaining to this chapter are listed for you on the agenda title page and the entire statutory language is on Attachment I. This is always helpful in referencing the law the TEA staff was working under when preparing this item.

TEA Staff Recommendation:

To adopt the proposed amendments as presented.

Relevant SBEC Core Principles:

- *We believe well-prepared educators are essential.*
- *We believe high certification standards measured by rigorous and reliable assessments are essential.*
- *We believe educators must be held to high standards of ethical conduct.*

Item 7:

Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 232, General Certification Provisions

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed revisions to 19 TAC Chapter 232, General Certification Provisions. The proposed amendments to 19 TAC §§232.7, 232.9, 232.11, 232.13, 232.15, 232.17, 232.19, 232.21, and 232.23 and the proposed repeal of 19 TAC §232.27 would implement the requirement from the 84th Texas Legislature, Regular Session, 2015, to allow educators to receive credit for completion of an instructional course on the use of an automated external defibrillator (AED) and would further clarify certificate renewal and continuing professional education (CPE) requirements. Additional changes are recommended to 19 TAC §§232.7, 232.9, 232.11, 232.21, and 232.23 since published as proposed.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 232, Subchapter A, is the Texas Education Code (TEC), §§21.003(a), 21.0031(f), 21.031, 21.041(b)(1)-(4) and (7)-(9), 21.054; 21.0541, as added by Senate Bill (SB) 382, 84th Texas Legislature, Regular Session, 2015; and the Texas Occupations Code (TOC), §55.002, as amended by SB 1307, 84th Texas Legislature, Regular Session, 2015; and §55.003, as amended by SB 1307, 84th Texas Legislature, Regular Session, 2015.

EFFECTIVE DATE: The proposed effective date of the proposed amendments to 19 TAC §§232.7, 232.9, 232.11, 232.13, 232.15, 232.17, 232.19, 232.21, and 232.23 and the proposed repeal of 19 TAC §232.27 would be August 28, 2016 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: At the February 2016 meeting, the SBEC approved the revisions to 19 TAC Chapter 232 for publication in the *Texas Register* as proposed rules.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: Current 19 TAC Chapter 232, General Certification Provisions, establishes the renewal requirements relating to types and classes of certificates issued, CPE, and national criminal history record information review.

The proposed revisions to 19 TAC Chapter 232, shown in Attachment II, identify necessary changes based on recent legislation passed during the 84th Texas Legislature, Regular Session, 2015, and reflect input received from the SBEC and Texas Education Agency (TEA) staff-convened stakeholder meetings. Attachment III is a summary of the three stakeholder meetings on Chapter 232. TEA staff received no public comments during the recent four-year rule review for Chapter 232.

§232.7. Requirements for Certificate Renewal

Language would be amended to delete subsection (c) that requires licensure, certification, or registration to be current and in good standing before career and technical education (CTE) certificates can be renewed. TEA staff recommends this rule change to ensure no classroom certificate area is treated differently from others as it relates to certificate renewal requirements. Because current CPE requirements state that at least 80% of the hours should be directly related to the certificate(s) being renewed, TEA staff believes that CTE certificate holders can maintain focused training in their area(s) of certification and remain current in the knowledge and skills necessary to successfully deliver instruction and positively influence student learning.

Since published as proposed, language in subsection (a)(2) would be moved to new subsection (b) to clarify the criteria by which TEA staff would administratively approve requests for hardship exemptions to renewal requirements. TEA staff recommends this rule change because it would be more efficient for TEA staff to administratively approve hardship exemption requests than for each request to be approved by the SBEC. Current subsection (b) would be relettered accordingly. In addition, subsection (e), which requires the staying of a renewal while an educator who is a respondent in a disciplinary proceeding is waiting for the resolution of the disciplinary action, would be deleted. TEA staff recommends this rule change so that educators are not sanctioned before a disciplinary proceeding is completed.

§232.9. Inactive Status and Late Renewal

Language would be amended in subsection (d) to require a person whose certificate has become inactive because of failure to renew to verify through an affidavit that the person is in compliance with renewal requirements. Proposed new subsection (e) would confirm TEA staff is responsible for completing audits of educator CPE hours. The auditing procedures would be dependent on the availability of TEA resources and may include random audits. TEA staff will be responsible for contacting educators directly and providing them with all information needed to submit required documentation for completion of certificate renewal audits. The language would also confirm that the TEA staff may require written documentation of all activities applied toward CPE requirements. Proposed new subsection (f) would confirm that a person who falsifies information submitted on an affidavit could be subject to criminal liability and educator certification sanction. These proposed changes would clarify the process to reactivate an inactive certificate as well as the process that TEA staff would use to verify that the renewal requirements have been met.

Since published as proposed, language from subsection (b) would be amended and included in subsection (a) to clarify the actions taken by TEA staff and an educator when a certificate is placed on inactive status. TEA staff recommends this rule change because it was not clear when TEA staff needed to notify an educator regarding an inactive certificate. Language would also be amended in subsection (a) to remove the reference to procedures adopted by TEA staff. TEA staff recommends this rule change because the language is redundant to the application process that is referenced in this subsection. Subsection (b) would be deleted. TEA staff recommends this rule change because the procedures approved by SBEC are redundant to the TEA staff notification process described in subsection (a). Language would be amended in subsection (a) to clarify that TEA staff would administratively approve reactivation requests based on the requirements described in 19 TAC §232.7. TEA staff recommends this rule change because it would be more efficient for TEA staff to administratively approve reactivation

requests than for each request to be approved by the SBEC. Language would be amended in proposed new subsection (c) to remove the reference to the manner by which an individual would verify that he or she is in compliance with renewal requirements. TEA staff recommends this rule change because the language is redundant to the affidavit process that is referenced in this subsection. In addition, subsection (f), which restates other rules regarding educator certification sanctions related to falsifying information submitted on a renewal affidavit, would be deleted. TEA staff recommends this rule change because the language is redundant to rules described in 19 TAC Chapter 249.

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

Language would be amended in subsection (c) to clarify that at least 80% of the required CPE activities be directly related to the renewal of the certificate(s) being renewed and focus on the standards required for initial issuance of the certificate(s). As a result of SB 382, 84th Texas Legislature, Regular Session, 2015, proposed new subsection (h) would be added to allow an educator to receive credit toward CPE requirements by completing an instructional course on the use of an AED that meets specified AED training guidelines. Proposed new subsection (i) would allow educators to receive CPE credit for completing suicide prevention training that meets the guidelines in the TEC, §21.451, as amended by House Bill 2186, 84th Texas Legislature, Regular Session, 2015.

Since published as proposed, a minor technical edit would be made in subsections (h) and (i) to change the word *towards* to *toward*.

§232.13. Number of Required Continuing Professional Education Hours by Classes of Certificates

Language would be amended in subsections (c) and (d) to match current wording in subsections (e), (f), and (g) that clearly states the 200-clock hour CPE requirement. Language would also be amended in subsections (c) and (d) to reference the renewal requirements that are specific to the school counselor and school librarian certificates. These proposed changes would clarify and align the requirements for certification renewal.

§232.15. Types of Acceptable Continuing Professional Education Activities

Language would be amended in subsection (a)(1) and (3) to clarify that the activities need to be in the content area knowledge and skills related to the certificate(s) being renewed. This proposed change would align the types of acceptable CPE activities.

§232.17. Pre-Approved Professional Education Provider or Sponsor

Language would be amended in subsection (a)(5) to include Texas public open-enrollment charter schools to the list of pre-approved professional education providers or sponsors. This proposed change would allow certified educators employed by an open-enrollment charter school to receive CPE credit for acceptable CPE activities provided by their employer.

§232.19. Approval of Private Companies, Private Entities, and Individuals

Language would be amended to clarify that this section is only for private companies, private entities, and individuals who seek to provide CPE on their own behalf and not through the sponsorship of a pre-approved provider or sponsor.

§232.21. Provider Registration Requirements

Language would be amended in subsection (c) to require providers to maintain a record of CPE activity for a period of seven years after the activity. This proposed change would assist TEA staff in confirming CPE credits when auditing an educator's renewal requirements. Language would be amended in subsection (d) to clarify that the withdrawal of approval to provide CPE does not entitle a provider or sponsor to a contested-case hearing before the SBEC. Proposed new subsection (f) would allow TEA staff to review the documentation that is required for provider or sponsor approval. If TEA staff determines that a provider or sponsor is operating in violation of applicable laws or rules, the TEA staff may withdraw the approval that had been granted.

Since published as proposed, in response to stakeholder input, subsection (g) would be added to specify the procedures and jurisdiction for investigating complaints and/or violations of any applicable provision under this chapter as it relates to a CPE provider or sponsor approval. TEA staff recommends this rule change because it would allow a provider or sponsor an opportunity to respond to alleged violations of rule before a final decision regarding the allegations is made. Also since published as proposed, language would be amended in subsection (e) to clarify that violations of rules in this chapter could result in the withdrawal of approval to provide continuing professional education. TEA staff recommends this rule change because it would define the jurisdiction of TEA staff in investigating alleged violations. Language would also be amended in subsections (e) and (f) to clarify that a provider or sponsor must come into compliance with the provisions of this chapter in order to be eligible for approval. TEA staff recommends this rule change because it is congruent with subsection (g).

§232.23. Verification of Renewal Requirements

Current subsection (c) would be replaced to confirm that TEA staff is responsible for completing audits of educator CPE hours. The auditing procedures would be dependent on the availability of TEA resources and may include random audits. TEA staff would be responsible for contacting educators directly and providing them with all information needed to submit required documentation for completion of certificate renewal audits. The language would also confirm that the TEA staff may require written documentation of all activities applied toward CPE requirements. Language in subsection (b) would be moved to proposed new subsection (d).

Since published as proposed, subsection (d), which restates other rules regarding educator certification sanctions related to falsifying information submitted on a renewal affidavit, would be deleted. TEA staff recommends this rule change because the language is redundant to rules described in 19 TAC Chapter 249.

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

Language would be amended to repeal this section and move it under proposed new 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans. Proposed new Chapter 234 would address recent legislation, consolidate rules specific to the military community into one chapter, and streamline future military-related rulemaking opportunities. There is a separate item on the agenda for the proposed new military chapter.

FISCAL IMPACT: The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to persons or entities required to comply with the proposed rule actions. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

PUBLIC AND STUDENT BENEFIT: The public and student benefit of the proposed rule actions would be clarified certificate renewal requirements relating to the types and classes of certificates issued and a safer school environment through national criminal history record information review of active certificate holders.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed rule actions would have no reporting requirements; however, there would be procedural implications. The proposed amendments to 19 TAC §232.9 and §232.23 would clarify that an educator must provide TEA staff with documentation if an educator's certification renewal record is selected for an audit. The documentation may include the documentation described in in §232.15, Types of Acceptable Continuing Professional Education Activities, and §232.21, Provider Registration Requirements, but, at the minimum, it would include a summary CPE worksheet.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed rule actions would clarify locally maintained paperwork requirements for CPE providers. The proposed amendment to 19 TAC §232.21 does not change the documentation requirements for what CPE providers need to maintain regarding CPE activity, but would add a seven-year retention period requirement for CPE providers after a CPE activity is provided. The proposed amendment to 19 TAC §232.21 would clarify that TEA staff may review the documentation required for CPE provider registration.

PUBLIC COMMENTS: The public comment period on the proposal began March 11, 2016, and ended April 11, 2016. Any comments received will be provided to the SBEC under separate cover prior to the April 15, 2016 meeting. The SBEC will take registered oral and written comments on this item at the April 15, 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 for adoption, subject to State Board of Education review, the proposed revisions to 19 TAC Chapter 232, General Certification Provisions, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

Staff Members Responsible: Tim Miller, Director
Educator Preparation

Marilyn Cook, Director
Educator Certification

Attachments:

- I. Statutory Citations
- II. Text of Proposed Revisions to 19 TAC Chapter 232, General Certification Provisions
- III. Stakeholder Meetings Summary

ATTACHMENT I**Statutory Citations Relating to Proposed Revisions to 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) 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.
- (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.
- (g) 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.

Texas Education Code, §21.0541, Continuing Education Credit for Instruction Related to Use of Automated External Defibrillator, as added by Senate Bill (SB) 382, 84th Texas Legislature, Regular Session, 2015:

The board shall adopt rules allowing 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 that meets the guidelines for automated external defibrillator training approved under Section 779.002, Health and Safety Code.

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

- (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, as amended by SB 1307, 84th Texas Legislature, Regular Session, 2015:

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 ~~[on active duty in the United States armed forces serving outside this state]~~.

Texas Occupations Code, §55.003, Extension of License Renewal [Certain] Deadlines for [Active-Duty] Military Service Members [Personnel], as amended by SB 1307, 84th Texas Legislature, Regular Session, 2015:

A military service member ~~[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 two years of ~~[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 military service member's [person's] license.

ATTACHMENT II
Text of Proposed Revisions to 19 TAC

Chapter 232. General Certification Provisions

Subchapter A. Certificate Renewal and Continuing Professional Education Requirements

§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;~~
 - (2) ~~(3)~~ confirm compliance with all renewal requirements pursuant to this subchapter;
 - (3) ~~(4)~~ notify educators who are not renewed due to noncompliance with this section; and
 - (4) ~~(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 ~~(c)(2)-(6)~~ ~~(b)(2)-(6)~~ 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.~~
- ~~(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) If a hardship exemption request is approved, the educator must pay the appropriate renewal fee, pursuant to §232.25 of this title (relating to Fees Payable Upon Certificate Renewal or Reactivation).~~
- ~~(c) ~~(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) [(e) [(d)]~~ The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.

~~[(d) [(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.]~~

§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). Texas Education Agency (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. 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. The TEA staff shall administratively approve reactivation [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.]~~

~~[(b) [(e)]~~ 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).

- (c) ~~(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 verifying through an affidavit ~~[in a manner determined by the TEA staff]~~ whether he or she is in compliance with renewal requirements, including CPE hours, ~~[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).
- (d) ~~(e)~~ The TEA staff shall be responsible for auditing compliance with renewal requirements. The TEA audit procedures shall be based on available resources and may include random audits. The TEA staff shall contact an educator selected for an audit of his or her renewal requirements and provide the educator with information needed to submit the documentation that supports certificate renewal. The TEA staff at any time may review the documentation required for renewal under this subchapter, which may include the documentation described in §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) and §232.21 of this title (relating to Provider Registration Requirements).
- ~~(f) — If it is determined that a person falsified any information submitted on the affidavit, the person could be subject to criminal liability and educator certification sanction.]~~

§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 shall ~~[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.
- (h) An educator may receive credit toward ~~towards~~ CPE requirements for completion of an instructional course on the use of an automated external defibrillator (AED) that meets the guidelines for AED training

approved under Texas Health and Safety Code, §779.002, in accordance with the Texas Education Code (TEC), §21.0541.

- (i) An educator may receive credit toward ~~towards~~ CPE requirements for completion of suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451.

§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 200 clock-hours of CPE ~~[training as specified in §239.25(a) of this title (relating to Requirements to Renew the Standard School Counselor Certificate)]~~ every five years. Specific requirements are contained in §239.25 of this title (relating to Requirements to Renew the Standard School Counselor Certificate).
- (d) Holders of the Standard School Librarian Certificate and Learning Resources Specialist Certificate shall complete 200 clock-hours of CPE ~~[training as specified in §239.65(a) of this title (relating to Requirements to Renew the Standard School Librarian Certificate)]~~ every five years. Specific requirements are contained in §239.65 of this title (relating to Requirements to Renew the Standard School Librarian Certificate).
- (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.

§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), in content area knowledge and skills related to the certificate(s) being renewed [~~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 in content area knowledge and skills related to the certificate(s) being renewed, 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).

§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 and open-enrollment charter schools. 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.

§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 on their own behalf ~~[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.

§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 record ~~[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. Providers shall retain a record of CPE activity for a period of seven years after the activity is completed.
- (d) A ~~[The failure of the TEA staff to approve a]~~ provider or sponsor that is not granted approval or has its approval withdrawn by the TEA staff is ~~[does]~~ not entitled ~~[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 under this chapter [of state law or rule], the TEA staff may withdraw the approval granted under this section to the provider or sponsor until the provider or sponsor can demonstrate compliance.

- (f) The TEA staff at any time may review the documentation required for provider registration under this section. If a review [TEA staff] determines that the provider or sponsor is operating in violation of any applicable provision under this chapter [of state law or rule], the TEA staff may withdraw the approval granted under this section to the provider or sponsor until the provider or sponsor can demonstrate compliance.
- (g) Before withdrawing approval under subsection (e) or (f) of this section, TEA staff will notify the provider or sponsor in writing that an alleged violation has occurred, provide a summary of the allegation, and request that the provider or sponsor respond to the allegation.
- (1) A provider or sponsor shall:
- (A) cooperate fully with any TEA investigation or review; and
- (B) respond within 21 business days of receipt of requests for information regarding the allegation and other requests for information from the TEA, except where:
- (i) TEA staff imposes a different response date; or
- (ii) the provider or sponsor is unable to meet the initial response date and requests and receives a different response date from TEA staff.
- (2) TEA staff may request further information from the provider or sponsor.
- (3) If a provider or sponsor fails to comply with paragraph (1)(B) of this subsection, the TEA may deem admitted the violation of rules under this chapter.
- (4) Upon completion of an investigation or review, TEA staff will notify the provider or sponsor in writing of the findings.
- (A) If TEA staff finds that a violation occurred, the notice will specify each rule that was violated and that the approval granted under this section has been withdrawn until the provider or sponsor can demonstrate compliance.
- (B) If TEA staff finds that no violation has occurred, the notice will specify that no rule was violated.

§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 shall be responsible for auditing compliance with renewal requirements. The TEA audit procedures shall be based on available resources and may include random audits. The TEA staff shall contact an educator selected for an audit of his or her renewal requirements and provide the educator with information needed to submit the documentation that supports certificate renewal. The TEA staff at any time may review the documentation required for renewal under this subchapter, which may include the documentation described in §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) and §232.21 of this title (relating to Provider Registration Requirements).
- ~~(d) 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.]~~
- ~~(e) The TEA staff at any time may review the documentation required for renewal under this subchapter.]~~

~~§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.]~~

Attachment III**Texas Education Agency (TEA)
Division of Educator Certification &
Division of Educator Preparation, Testing, and Program Accountability****Stakeholder Meetings Summary – 19 TAC Chapter 232**

Texas Association of School Personnel Administrators (TASPA), December 10, 2015
Educator Preparation Advisory Committee (EPAC), December 14, 2015
State Board for Educator Certification (SBEC) Stakeholder Meeting, December 17, 2015

19 TAC Chapter 232:

19 TAC Chapter 232, General Certification Provisions, incorporates all of the requirements for certificate renewal and continuing professional education requirements. All educators are expected to participate in professional development activities to model the philosophy of life-long learning. This chapter also states the requirements for the national criminal history record of all active certificate holders.

Meeting Purpose:

The purpose of the three stakeholder meetings was to invite stakeholders to review and provide input on the provisions in 19 TAC Chapters 227, 228, 229, 230 and 232. This summary of those stakeholder meetings will focus on the provision of Chapter 232 concerning certificate renewal, continuing professional education, and national criminal history record information review of active certificate holders. Given the scope of this chapter, the SBEC accelerated the review of 19 TAC Chapter 232 to allow for public comment and stakeholder meetings as TEA staff prepared proposed rule text for the Board's consideration.

Attendees:**1. TASPA Winter Conference:**

Approximately 70 attendees representing school district personnel across the state.

2. EPAC Meeting:

Susan Allen, West Texas A&M University
Danita Bailey-Perry, Texas Southern University
Jeff Blacklock, Midwestern State University
Andrea Chapman, Region XI ESC
Cindy Cummings, Lamar University
Lizbeth Dixon-Krauss, University of North Texas - Denton
Veronica Galvan, Excellence in Teaching
Anette Gonzalez, Texas A&M University - San Antonio
Casey Hubbard, Coppell ISD
Susan Lewis, Northside ISD
Freddie Litton, University of Houston - Victoria

John Miazga, Angelo State University
Lisa Myers, Austin ISD
John Omelan, Region IV ESC
Delia Quintanilla, Training Via E-Learning
Phillip Roberson, Texas A&M International University
Zach Rozell, iteachTEXAS
Amanda Rudolph, Consortium of State Organizations for Texas Teacher Education
Colleen Swain, University of Texas - Tyler
Daniella Varela, Texas A&M University - Kingsville
Carlos Villagrana, Yes Prep
Marlene Zipperlen, University of Mary Hardin Baylor
Mike Meroney (non-member), Coalition for Effective Educator Preparation (CEEP)
Victoria Ford (non-member), iteachTEXAS

3. SBEC Stakeholder Meeting:

Kathy Cervantez, Region XX ESC
Micah Fikes, Education Career Alternatives Program (ECAP)
Scott Fikes, ECAP
Holly Eaton, Texas Classroom Teachers Association
Adam Jones, National Math & Science Initiative
Cindy Kirby, Texas Association of Secondary School Principals
Kate Kuhlmann, Association of Texas Professional Educators
J.P. Lund, A+ Texas Teachers
Mike Meroney, CEEP
Annabel Pena, TASP
Rae Queen, A Career in Teaching – San Antonio
Zach Rozell, iteachTEXAS

TEA Agency Staff:

Marilyn Cook, Director, Educator Certification
Tim Miller, Director, Educator Preparation, Testing, and Program Accountability

TEA Staff and Stakeholder Meetings Discussion:

TEA agency staff presented current rule text on 19 TAC Chapter 232 to all three stakeholder meetings. Below outlines the suggested changes from the stakeholders that TEA staff support as proposed rule changes to Chapter 232.

§232.7. Requirements for Certificate Renewal

Staff Discussion: 19 TAC Chapter §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area) requires the candidate to have current licensure, certification, or registration by a nationally recognized accrediting agency for initial issuance of a standard certificate for certain career and technical education (CTE) certificates. The preparation program for that licensure, certification, or registration must require at least two years of college-level education. Current rules in §232.7 also requires certificate holders to maintain that licensure, certification, or registration in addition to the 150 clock hours of continuing professional education (CPE). Because current CPE rules require 80% of those

hours completed to be directly in one's certificate area(s), this could cause an unnecessary burden on those certificate holders.

Stakeholder Input: Stakeholders support the proposed change to delete the requirement of licensure, certification, or registration to be current and in good standing before those CTE certificates can be renewed.

§232.9. Inactive Status and Late Renewal

Staff Discussion: The proposed change would require a person whose certificate has become inactive because of failure to renew to verify through an affidavit that the person is in compliance with renewal requirements. The proposed change would confirm that the TEA staff may require written documentation of all activities applied toward CPE requirements when an individual requests to be removed from inactive status. The proposed change would also confirm that if it was determined by the TEA staff that a person falsified any information on an affidavit, the person could be subject to criminal liability and educator certification sanction.

Stakeholder Input: Stakeholders commented that educators should be held responsible for providing documentation that they had participated in the activities required for renewal of a certificate.

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

Staff Discussion: The proposed changes to this section are the result of recent legislative changes.

Stakeholder Input: Stakeholders only commented on efforts to communicate these changes to school districts and educators.

§232.13. Number of Required Continuing Professional Education Hours by Classes of Certificates

Staff Discussion: The only proposed change to this section is technical in aligning all student services certificates wording of the current 200 clock hour CPE requirement.

Stakeholder Input: Stakeholder suggested increasing the number of hours required for the Counselor Certificate. Staff recommends holding off from changing this requirement given the upcoming convening of the Student Services Advisory Committee. This committee will be considering all of the provisions of the student services certificates and any proposed changes will be brought to the board as possible rule changes.

§232.23. Verification of Renewal Requirements

Staff Discussion: The proposed change would confirm that TEA staff is responsible for completing audits of educator CPE hours. TEA staff will be responsible for contacting educators directly and providing them with all information needed to submit required documentation for completion of certificate renewal audits. The proposed change would confirm that the TEA staff may require written documentation of all activities applied toward CPE requirements when an individual requests to be removed from inactive status.

Stakeholder Input: Stakeholders commented that educators should be held responsible for providing documentation that they had participated in the activities required for renewal of a certificate.