

Item 6:
**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 Texas Administrative Code (TAC) Chapter 232, General Certification Provisions. The proposed revisions would implement the statutory requirements of House Bills (HBs) 18 and 403 and Senate Bills (SBs) 11 and 37, 86th Texas Legislature, 2019. The proposed revisions would provide continuing professional education (CPE) instruction regarding mental health and substance abuse training; training requirements for superintendents regarding sexual abuse and human trafficking; and the removal of student loan default as grounds to deny the renewal of a certificate. Technical changes would also clarify processes and reorganize current provisions to improve readability and align citations. No changes are recommended since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 232 is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054, as amended by SB 11 and HBs 18, 403, and 2424, 86th Texas Legislature, 2019; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003, for Subchapter A; and the TEC, §21.041(c) and §22.0831(f), for Subchapter B.

TEC, §21.003(a), 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), clarifies and places certain limits on provisions authorizing termination of an educator's contract for failure to maintain a valid certificate.

TEC, §21.031, 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), 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; require 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), requires the SBEC to propose rules that provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by

Government Code, Chapter 2001; and provide for the adoption, amendment, and enforcement of an educator's code of ethics.

TEC, §21.041(b)(9), requires the SBEC to propose rules that provide for continuing education requirements.

TEC, §21.041(c), states the SBEC may adopt fees for the issuance and maintenance of an educator certification to adequately cover the cost of the administration.

TEC, §21.054, as amended by SB 11 and HBs 18, 403, and 2424, 86th Texas Legislature, 2019, 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, 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.

TEC, §21.0543, requires the SBEC to propose rules that provide for CPE credit related to digital technology instruction.

TEC, §22.0831(f)(1) and (2), state the SBEC may propose rules regarding the deadline for the national criminal history check and implement sanctions for persons failing to comply with the requirements.

TOC, §55.002, 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 the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

TOC, §55.003, 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.

EFFECTIVE DATE: The proposed effective date of the proposed revisions to 19 TAC Chapter 232 would be August 6, 2020 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: At the February 21, 2020 SBEC meeting, the SBEC approved the proposed revisions to 19 TAC Chapter 232, General Certification Provisions, for publication in the *Texas Register* as proposed rules.

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

There were several pieces of SBEC-related legislation regarding CPE as a result of the 86th Texas Legislature, 2019. To ensure aligned implementation of these bills for SBEC's consideration, Texas Education Agency (TEA) staff collaborated with other agency staff in the divisions of Special Populations and Special Education throughout the month of October 2019 and conducted a stakeholder meeting on October 24, 2019, in preparation of this item. Attachment III includes the SBEC-related legislation, timeline, action steps, and staff or stakeholders utilized in preparing the rule text for consideration.

Following is a description of topics for the SBEC's consideration for proposed revisions to 19 TAC Chapter 232 that incorporates the 2019 enabling legislation. The relevant rule text from 19 TAC Chapter 232 is presented in Attachment II. In addition to the following detailed descriptions, the proposed revisions would also remove outdated provisions; include technical edits to remove duplicity; provide technical clean-up edits for clarifications; provide formatting edits for clarifications; and provide relettering/renumbering to conform with the *Texas Register* style and formatting requirements.

Subchapter A. Certificate Renewal and Continuing Professional Education Requirements

§232.1. General Provisions

The proposed amendment in §232.1(d) would strike the phrase, "The SBEC may deny renewal if the" and add the phrase, "An educator may not renew a certificate if the individual," to clarify that SBEC rules determine compliance for certificate renewal purposes.

The proposed amendment in §232.1(e) would delete the provision related to deadlines and fees for certificate renewals, as it is duplicative since it appears in other sections of the chapter.

The proposed amendment in §232.1(f) would delete the provision to comply with SB 37, 86th Texas Legislature, 2019, which prohibits the use of student loan default as grounds to deny the issuance or renewal of an educator certificate.

The proposed amendment in §232.1(g) would delete the provisions related to failure to pay child support as grounds to deny or cancel the renewal of a certificate as it is already covered in §232.7(c).

The proposed amendment in §232.1(h) would delete the provisions related to the reissuance of a Texas lifetime certificate surrendered in lieu of revocation or revoked as certificates are not reissued. If certificates are surrendered or revoked, a new application must be submitted, pursuant to Chapter 230, Professional Educator Preparation and Certification.

The proposed amendment in §232.1(i) would reletter the provision to subsection (e) and write out "Texas Education Code" for technical formatting purposes.

§232.3. Voluntary Renewal of Current Texas Educators

Section 232.3 would be repealed as it is strictly voluntary and not enforceable.

§232.5. Renewal Date for Certificates

The proposed amendment in §232.5(c) would delete the provision relating to educational aide certificate holders qualifying for standard certificate. Educational aide certificates can no longer be renewed and; therefore, the expiration date of an individual who qualifies for a standard certificate would not be affected by an educational aide certificate date.

The proposed amendment in §232.5(d)–(f) would reletter the provisions to subsections (c)–(e) for technical formatting purposes.

§232.7. Requirements for Certificate Renewal

The proposed amendment in §232.7(a)(4) would strike the reference to paragraphs (2)–(6) to clarify all provisions in subsection (c) are required to be eligible for renewal.

The proposed amendment in §232.7(b)(4) would strike the phrase, "§232.25 of this title (relating to Fees Payable Upon Certificate Renewal or Reactivation)," and replace it with the phrase, "§230.101 of this title (relating to Schedule of Fees for Certification Services," to properly cross-reference the rule chapter regarding fees paid for certification purposes.

The proposed amendment in §232.7(c)(1) would provide a technical edit to align renewal requirements with the new provisions in §232.16(c).

The proposed amendment in §232.7(c)(5) would delete the provision to comply with SB 37, 86th Texas Legislature, 2019, which prohibits the use of student loan default as grounds to deny the issuance or renewal of an educator certificate.

The proposed amendment in proposed §232.7(c)(6) would strike the phrase, "pursuant to §232.25 of this title," and replace it with the phrase, "provided in §230.101 of this title," to properly cross-reference the rule chapter regarding fees paid for certification purposes.

The proposed amendment in §232.7(c)(6)–(8) would renumber the provisions to paragraphs (5)–(7) for technical formatting purposes.

§232.9. Inactive Status and Late Renewal

The proposed amendment in §232.9(b) would strike the phrases, "no more than six months" and "and also pay a reactivation fee," regarding the additional payment of a reactivation fee if renewal is longer than six months, as this does not align with practice and the language is in contradiction to §230.101, which prescribes that a reactivation fee cannot be incurred for late renewal purposes.

The proposed amendment in §232.9(d) would move the provision regarding auditing compliance with renewal requirements to proposed new §232.16, Verification of Renewal Requirements.

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

Section 232.11 and §232.13 would be repealed to combine and organize these sections in proposed new §232.11. Proposed new §232.11 would reorganize current requirements for CPE training by each certificate class; remove duplicative language; and implement recent legislation. These changes would provide greater readability and distinguish the requirements of professional development for each certificate class.

Proposed new §232.11(a), (b), and (c) would reflect current requirements regarding clock-hours, the renewal period, and the focus of professional development on the standards required for issuance of certificate(s).

Proposed new §232.11(d) would maintain the current CPE requirements for classroom teachers to complete 150 hours of CPE for renewal every five years. Proposed new §232.11(d)(2) complies with HB 18 and SB 11, 86th Texas Legislature, 2019, that:

- requires a minimum of 25% (37.5 hours) of total CPE hours in specific instructional areas, where two or more topics can be combined;
- elaborates on diverse student populations to include those in special education programs who receive services under the Rehabilitation Act of 1973, Section 504, students with mental health conditions or who engage in substance abuse, and students with intellectual or developmental disabilities; and
- includes how mental health conditions, including grief and trauma, affect student learning and behavior, with specific training requirements pursuant to TEC, §38.036(c)(1), and approved by the commissioner of education.

Proposed new §232.11(e) would maintain the current CPE requirements for principals and would add the requirement that a principal as instructional leader complete 200 hours of CPE for renewal every five years. Proposed new §232.11(e)(2) would comply with HB 18, 86th Texas Legislature, 2019, that:

- requires a minimum of 25% (50 hours) of total CPE hours in specific instructional areas;
- includes effective implementation of the Texas Model for Comprehensive School Counseling Programs;
- includes mental health programs addressing mental health conditions;
- elaborates on diverse student populations to include those in special education programs who receive services under the Rehabilitation Act of 1973, Section 504, students with mental health conditions or who engage in substance abuse, and students with intellectual or developmental disabilities; and
- includes how mental health conditions, including grief and trauma, affect student learning and behavior, with specific training requirements that are based on relevant best practice-based and research-based programs that are approved by the commissioner.

Proposed new §232.11(f) would maintain the current CPE requirements for school counselors to complete 200 hours of CPE for renewal every five years. Proposed new §232.11(f)(2) complies with HB 18, 86th Texas Legislature, 2019, that:

- requires a minimum of 25% (50 hours) of total CPE hours in specific instructional areas;

- includes 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
- includes effective implementation of the Texas Model for Comprehensive School Counseling Programs.

Proposed new §232.11(g) would maintain the current CPE requirements for superintendents to complete 200 hours of CPE for renewal every five years. Proposed new §232.11(g)(2) would comply with HB 403, 86th Texas Legislature, 2019, that requires individuals who hold a superintendent certificate that is renewed on or after January 1, 2021, to complete at least 2.5 hours of CPE on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

Proposed new §232.11(h)–(j) would maintain the current CPE requirements for school librarians and learning resources specialists, educational diagnosticians, and reading specialists to complete 200 hours of CPE for renewal every five years.

Proposed new §232.11(k) would maintain the current CPE requirements for educators who teach students with dyslexia.

Proposed new §232.11(l) would maintain the current CPE optional activities for educators. To comply with HB 18, training in mental health first aid training must be through a classroom setting with in-person attendance, and the educator will obtain twice the number of hours, not to exceed 16 hours.

Proposed new §232.11(m) and (n) would maintain the current provisions regarding renewal requirements for educators who hold multiple classes of certificates.

§232.15. Types of Acceptable Continuing Professional Education Activities

The proposed amendment in §232.15(a)(1) and (2) would strike the phrase, "in content area knowledge and skills related to the certificate(s) being renewed," to provide clarity because some of the statutory requirements for CPE are not directly related to content area knowledge and skills.

The proposed amendment in §232.15(a)(4) would strike the phrase, "subsection or subsection (b) of this," to provide clarity that the phrase refers to the entire section.

§232.16. Verification of Renewal Requirements

Proposed new §232.16(a), (b), and (d) would maintain the current provisions in §232.23 regarding the verification of CPE requirements for educators to provide clarity and readability for educators. The proposed amendment in §232.16(b) would provide a technical edit to align verification requirements with proposed new §232.16(c). Proposed new §232.16(c) would provide clarity to educators that they are not required to satisfy CPE requirements that are implemented within one year prior to the renewal date. This would provide educators with adequate time to comply with any new CPE requirements for renewal purposes.

§232.17. Pre-Approved Professional Education Provider or Sponsor

The proposed amendment in §232.17 would add the word "Continuing" to the section title to clarify that the pre-approved providers or sponsors are for CPE purposes.

The proposed amendment in §232.17(a) would remove the word "Registration" to align with the proposed change to the section title of §232.21.

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

The proposed amendment in §232.19 would add the phrase, "as Continuing Professional Education Providers," to the section title to clarify the approval of these entities is for the purpose of providing continuing education training.

The proposed amendment in §232.19 would clarify that entities seeking approval to apply for registration as a CPE provider must comply with the provisions set out in §232.21 regarding provider requirements. The proposed amendment in §232.19(1) would maintain the current requirements for CPE provider approval in §232.21. These provisions have been reorganized into this section to reflect application provisions for CPE providers, which is only applicable to entities not pre-approved.

§232.21. Provider Requirements

The proposed amendment in §232.21 would strike the word "Registration" in the section title to clarify the provider requirements are for pre-approved providers and entities that must apply for registration as CPE providers. This section maintains the current requirements for CPE providers and reorganizes the section for readability and clarity.

The proposed amendment in §232.21(a)(5) would delete the provision related to a CPE provider conducting a self-study due to vagueness and lack of enforceability of the provision.

The proposed amendment in §232.21(f) would change the reference from "section" to "chapter" to clarify that it would apply to related provisions in Chapter 232.

§232.23. Verification of Renewal Requirements

Section 232.23 would be repealed as it has been reorganized as §232.16 to move these provisions earlier in the chapter for readability.

§232.25. Fees Payable Upon Certificate Renewal or Reactivation

Section 232.25 would be repealed as it contradicts provisions in §230.101 regarding the schedule of fees for certification services.

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

§232.31. Purpose

The proposed amendment in §232.31(b)(4) would add a definition for *pre-enrollment* to provide clarification of the process for TEA to transmit identifiable information to the Texas Department of Public Safety (DPS) fingerprinting vendor for individuals to schedule a fingerprinting appointment.

The proposed amendment in §232.31(b)(4) and (5) would renumber the provisions to paragraphs (5) and (6) for technical formatting purposes.

§232.35. Submission of Required Information

The proposed amendment in §232.35(a)(1) would strike the phrase, "mailing addresses," to clarify TEA does not require the mailing addresses of educators from the school district for the purposes of fingerprinting.

The proposed amendment in §232.35(a)(3) would clarify TEA staff uses the identifiable information to return fingerprinting statuses to the school entity and to the DPS or its vendor to pre-enroll educators for the purpose of a national criminal history record information review.

The proposed amendment in §232.35(a)(4) would strike the phrase, "after it submits the names of all its certified educators to the TEA staff," to clarify the process used for educators to submit the required information and would add clarification of the provisions in 19 TAC §230.11(b)(2) or 19 TAC Chapter 153, Subchapter DD, for cross-reference purposes.

The proposed amendment in §232.35(b)(3)–(5) would be deleted to align with current practice of the school districts and TEA no longer performing these activities as they are no longer relevant given all new educators must submit a criminal background check. These rules were put in place originally to provide criminal background checks on all current educators prior to the requirement that all educators applying for certification be fingerprinted.

The proposed amendment in §232.35(c)(1) would strike the phrase, "and shall electronically obtain an authorization form from the TEA staff," to clarify procedures that this practice is not required given updates to the technical process of submissions.

The proposed amendment in §232.35(c)(2) would be deleted as this process is no longer used given all new educators must submit a criminal background check.

The proposed amendment in §232.35(c)(3) would renumber the provision to paragraph (2) for technical formatting purposes.

No changes are recommended to the proposed revisions to 19 TAC Chapter 232, General Certification Provisions, but additional changes may be recommended at the time of the meeting based on public comment.

FISCAL IMPACT: No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.002.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. 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: No changes have been made to this section since published as proposed. 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: No changes have been made to this section since published as proposed. 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: No changes have been made to this section since published as proposed. The 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 proposed rule in 19 TAC §232.11(g) would create a new regulation and increase the number of individuals subject to the rule's applicability by requiring superintendents to complete CPE activities in certain topics, as required by HB 403, 86th Texas Legislature, 2019.

The proposed rule in 19 TAC §232.11(d)–(f) would expand an existing regulation to require individuals who hold standard classroom teacher, principal, and/or school counselor certificates to complete CPE activities in certain additional topics, as required by SB 11 and HB 18, 86th Texas Legislature, 2019.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. 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: No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined 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 began March 20, 2020, and ended April 20, 2020. Any comments received will be provided to the SBEC under separate cover prior to the May 1, 2020 meeting. The SBEC will take registered oral and written comments on the proposal at the May 1, 2020 meeting in accordance with the SBEC board operating policies and procedures.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve for adoption, subject to the State Board of Education review, 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:

Christie Pogue, Director, EPP Accreditation and Policy Development
David Rodriguez, Director, Educator Investigations
Viviana Lopez, Program Specialist, Educator Leadership and Quality

Attachments:

- I. Statutory Citations
- II. Text of Proposed Revisions to 19 TAC Chapter 232, General Certification Provisions
- III. SBEC-Related Legislation: Timeline, Action Steps, and Staff or Stakeholders

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

Texas Education Code, §21.054, Continuing Education, as amended by SB 11 and HBs 18, 403, and 2424, 86th Texas Legislature, 2019:

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements educators' continuing education requirements, including opportunities for educators to receive micro-credentials in fields of study related to the educator's certification class as provided by Subsection (i).
- (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 at least ~~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) digital learning, digital teaching, and integrating technology into classroom instruction;
 - (4) educating diverse student populations, including:
 - (A) students who are eligible to participate in special education programs under Subchapter A, Chapter 29 [with disabilities, including mental health disorders];
 - (B) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
 - (C) students with mental health conditions or who engage in substance abuse;
 - (D) students with intellectual or developmental disabilities;
 - (E) who are educationally disadvantaged;
 - (F) ~~(C)~~ students of limited English proficiency; and
 - (G) ~~(D)~~ students at risk of dropping out of school.
 - (5) understanding appropriate relationships, boundaries, and communications between educators and students; and [-]
 - (6) ~~(d-2)~~ [Continuing education requirements for a classroom teacher may include instruction regarding] how mental health conditions, including 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.
- (d-1) The instruction required under Subsection (d) may include two or more listed topics together.
- (d-2) The instruction required under Subsection (d)(6) must:

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- (1) comply with the training required by Section 38.036(c)(1); and
- (2) be approved by the commissioner.
- (e) Continuing education requirements for a principal must provide that at least [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) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
 - (4) effective implementation of a comprehensive school counseling program under Section 33.005;
 - (5) mental health programs addressing a mental health condition;
 - (6) educating diverse student populations, including:
 - (A) students who are eligible to participate in special education programs under Subchapter A, Chapter 29 [with disabilities, including mental health disorders];
 - (B) students with intellectual or developmental disabilities;
 - (C) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
 - (D) students with mental health conditions or who engage in substance abuse;
 - (E) students who are educationally disadvantaged;
 - (F) ~~(C)~~ students of limited English proficiency; and
 - (G) ~~(D)~~ students at risk of dropping out of school; ~~and~~
 - (7) ~~(5)~~ preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code; and []
 - (8) ~~(e-2)~~ [Continuing education requirements for a principal may include instruction regarding] how mental health conditions, including 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.
- (e-2) The instruction required under Subsection (e)(8) must be:
- (1) based on relevant best practice-based programs and research-based practices; and
 - (2) approved by the commissioner, in consultation with the Health and Human Services Commission.

- (f) Continuing education requirements for a counselor must provide that at least ~~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.
 - (4) 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
 - (5) effective implementation of a comprehensive school counseling program under Section 33.005.
- (g) The board shall adopt rules that allow an educator to fulfill ~~up to 12 hours of~~ continuing education requirements by participating in an evidence-based [a] mental health first aid training program or an evidence-based grief-informed and trauma-informed care program [offered by a local mental health authority under Section 1001.203, Health and Safety Code]. The rules adopted under this subsection must allow an educator to complete a program described by this subsection and receive credit toward continuing education requirements for twice the number of hours of instruction provided under that program, not to exceed 16 hours. The program must be offered through a classroom instruction format that requires in-person attendance. [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.]
- (h) Continuing education requirements for a superintendent must include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. For purposes of this subsection, "other maltreatment" has the meaning assigned by Section 42.002, Human Resources Code.
- (i) The board shall propose rules establishing a program to issue micro-credentials in fields of study related to an educator's certification class. The agency shall approve continuing education providers to offer micro-credential courses. A micro-credential received by an educator shall be recorded on the agency's Educator Certification Online System (ECOS) and included as part of the educator's public certification records.

Texas Education Code, §21.0541, Continuing Education Credit for Instruction Related Digital Technology:

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, §21.0543, Continuing Education Credit for Instruction Related Digital Technology.

The board shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements for completion of education courses that:

- (1) use technology to increase the educator's digital literacy; and
- (2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

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

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

Texas Occupations Code, §55.002, Exemption from Penalty for Failure to Renew License:

A state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

Texas Occupations Code, §55.003, Extension of License Renewal Deadlines for Military Service Members:

A military service member who holds a license is entitled to two years of additional time to complete:

- (1) any continuing education requirements; and
- (2) any other requirement related to the renewal of the military service member'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

§232.1. General Provisions.

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

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

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

§232.5. Renewal Date for Certificates.

- (a) The renewal date of a standard certificate shall be five years after the last day of the certificate holder's next birth month.
- (b) If an educator holds multiple certificates, all certificates will be renewed concurrently and are subject to renewal after the last day of the certificate holder's birth month in the year in which the earliest certificate was issued.

~~(c) If an educator holds an educational aide certificate and qualifies for a standard classroom teaching certificate, the expiration date of the new standard teaching certificate shall be five years after the last day of the certificate holder's next birth month.~~

(c) ~~(d)~~ Pursuant to the Texas Education Code, §21.0031(f), a certificate or permit is not considered to have expired if the educator has completed the renewal requirements of this subchapter and has applied for renewal prior to the expiration date of the certificate or permit. Pursuant to the Texas Government Code, §2001.054, if an educator makes timely and sufficient application for the renewal or extension of a certificate or permit that is not granted because of the pendency of a matter subject to notice and hearing pursuant to Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases), the existing certificate or permit does not expire until the application for renewal or extension has been finally determined by the State Board for Educator Certification (SBEC) and the last day for seeking review of the SBEC order has passed.

(d) ~~(e)~~ The renewal of a certificate that is delayed as a result of failure to meet the renewal requirements of this subchapter will not become effective until all renewal requirements have been satisfied.

(e) ~~(f)~~ If all renewal requirements have been satisfied and submitted to the Texas Education Agency (TEA), the effective renewal date of a certificate or permit will not be affected by any TEA processing delay.

§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) ~~(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 §230.101 of this title (relating to Schedule of Fees for Certification Services) ~~§232.25 of this title (relating to Fees Payable Upon Certificate Renewal or Reactivation)~~ .

- (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 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;~~
 - (5) ~~(6)~~ not be in arrears of child support, pursuant to the Texas Family Code, Chapter 232;
 - (6) ~~(7)~~ pay the renewal fee, provided in §230.101 of this title ~~[pursuant to §232.25 of this title]~~, which shall be a single fee regardless of the number of certificates being renewed; and
 - (7) ~~(8)~~ submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the TEC, §22.0831.
- (d) The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.

§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 to have his or her certificate(s) reactivated and submit the reactivation fee. The TEA staff shall administratively approve reactivation of the educator's certificate(s) subject to verification 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) A person who satisfies all requirements for renewal prior to the certificate expiration date and submits an application ~~[no more than six months]~~ after the expiration date of a certificate shall pay a late renewal fee in addition to the standard renewal fee. The certificate status will be set to valid, and the effective date of the certificate will be the day after the prior expiration date. A person whose certificate has become inactive longer than six months after the expiration date because of failure to renew shall pay a late renewal fee in addition to the standard renewal fee ~~[and also pay a reactivation fee]~~. The certificate status will be set to valid, and the effective date of the certificate will be the date the educator completed continuing professional education (CPE) hours, provided it is not more than 60 days prior to the date of the application. If the application is submitted more than 60 days after CPE hours were completed, the effective date will be 60 days prior to the date of the application. The amount of these fees shall be as provided in §230.101 of this title (relating to Schedule of Fees for Certification Services).
- (c) If a person does not satisfy the required 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 whether he or she is in compliance with renewal requirements, including CPE hours, and paying any applicable fee(s).
- ~~(d) 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).]

§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. 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:
 - (1) content area knowledge and skills; and
 - (2) professional ethics and standards of conduct.
- (d) Classroom Teacher.
 - (1) Classroom teacher certificate holders shall complete 150 clock-hours.
 - (2) A classroom teacher must attain at least 37.5 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 eligible to participate in special education programs under Texas Education Code (TEC), Chapter 29, Subchapter A;
 - (ii) students who are eligible to receive educational services required under the Rehabilitation Act of 1973, Section 504 (29 United States Code (USC), Section 794);
 - (iii) students with mental health conditions or who engage in substance abuse;
 - (iv) students with intellectual or developmental disabilities;
 - (v) students who are educationally disadvantaged;
 - (vi) students of limited English proficiency; and
 - (vii) students at risk of dropping out of school;
 - (E) understanding appropriate relationships, boundaries, and communications between educators and students; and
 - (F) how mental health conditions, including 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. The instruction must:
 - (i) comply with the training required by TEC, §38.036(c)(1); and
 - (ii) be approved by the commissioner of education.
- (e) Principal and Principal as Instructional Leader.
 - (1) Principal and Principal as Instructional Leader certificate holders shall complete 200 clock-hours.

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- (2) A principal and principal as instructional leader must attain at least 50 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 TEC, §33.005;
 - (E) mental health programs addressing a mental health condition;
 - (F) educating diverse student populations, including:
 - (i) students who are eligible to participate in special education programs under TEC, Chapter 29, Subchapter A;
 - (ii) students with intellectual or developmental disabilities;
 - (iii) students who are eligible to receive educational services required under the Rehabilitation Act of 1973, Section 504 (29 USC, Section 794);
 - (iv) students with mental health conditions or who engage in substance abuse;
 - (v) students who are educationally disadvantaged;
 - (vi) students of limited English proficiency; and
 - (vii) students at risk of dropping out of school;
 - (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; and
 - (H) how mental health conditions, including 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. The instruction must be:
 - (i) based on relevant best practice-based programs and research-based practices; and
 - (ii) approved by the commissioner, in consultation with the Texas Health and Human Services Commission.
- (f) School Counselor.
- (1) School Counselor certificate holders shall complete 200 clock-hours.
 - (2) A school counselor must attain at least 50 hours of CPE that include training directly related to each of the following topics:
 - (A) assisting students in developing high school graduation plans;
 - (B) implementing dropout prevention strategies;
 - (C) informing students concerning;

~~§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 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) — An individual who holds a classroom teacher certificate that is renewed on or after June 1, 2019, must complete CPE activities directly related to each of the topics in subparagraphs (A)–(H) of this paragraph. Not more than 25% of the CPE activities for an individual who holds a classroom teacher certificate shall include instruction in the following topics:~~
- ~~(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 students with disabilities, including mental health disorders;~~
 - ~~(E) — educating students who are educationally disadvantaged;~~
 - ~~(F) — educating English language learners;~~
 - ~~(G) — educating students at risk of dropping out of school; and~~
 - ~~(H) — understanding appropriate relationships, boundaries, and communications between educators and students.~~
- ~~(5) — An individual who holds a principal certificate that is renewed on or after June 1, 2019, must complete CPE activities directly related to each of the topics listed in subparagraphs (A)–(J) of this paragraph. Not more than 25% of the CPE activities for an individual who holds a principal certificate shall include instruction in the following topics:~~
- ~~(A) — collecting and analyzing information;~~
 - ~~(B) — making decisions and managing time;~~

- ~~(C) — supervising student discipline and managing behavior;~~
- ~~(D) — recognizing early warning indicators that a student may be at risk of dropping out of school;~~
- ~~(E) — digital learning, digital teaching, and integrating technology into campus curriculum and instruction;~~
- ~~(F) — educating students with disabilities, including mental health disorders;~~
- ~~(G) — educating students who are educationally disadvantaged;~~
- ~~(H) — educating English language learners;~~
- ~~(I) — educating students at risk of dropping out of school; and~~
- ~~(J) — preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under the Texas Penal Code, §21.12, or for which reporting is required under the Texas Education Code (TEC), §21.006.~~
- ~~(6) — An individual who holds a school counselor certificate that is renewed on or after June 1, 2019, must complete CPE activities directly related to each of the topics listed in subparagraphs (A) (D) of this paragraph. Not more than 25% of the CPE activities for an individual who holds a school counselor certificate shall include instruction in the following topics:~~
- ~~(A) — assisting students in developing high school graduation plans;~~
- ~~(B) — implementing dropout prevention strategies;~~
- ~~(C) — informing students concerning college admissions, including college financial aid resources and application procedures; and~~
- ~~(D) — informing students concerning career opportunities.~~
- ~~(d) — Educators are encouraged to identify CPE activities based on results of his or her annual appraisal required under the TEC, 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 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 TEC, §21.0541.~~
- ~~(i) — An educator may receive credit toward CPE requirements for completion of suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451.~~
- ~~(j) — Continuing education requirements for a classroom teacher and principal may include instruction regarding 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.~~
- ~~(k) — An educator may receive credit toward CPE requirements for completion of education courses that:~~

- ~~(1) use technology to increase the educator's digital literacy; and~~
- ~~(2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.]~~

§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 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 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~~].

- 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).

§232.16. 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) Subject to subsection (c) of this section, 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.
- (c) Satisfaction of continuing professional education requirements, pursuant to §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours), is not required by the renewal date if such requirements are implemented within one year prior to the renewal date.
- (d) 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 Requirements).

§232.17. Pre-Approved Continuing Professional Education Provider or Sponsor.

- (a) The following entities 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 as Continuing Professional Education Providers .

Private companies, private entities, and individuals seeking approval ~~[who wish]~~ to provide continuing professional education (CPE) for Texas educators on their own behalf must apply for registration ~~[register]~~ with the State Board for Educator Certification and must comply with the provisions of ~~[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 a CPE provider ~~[providers and/or sponsors]~~ any ~~[other]~~ person, agency, or entity seeking to offer CPE activities ~~that: [pursuant to the requirements of this subchapter.]~~
 - (A) submits provider information with types and methods of CPE activities;
 - (B) affirms compliance with all applicable statutes and rules; and
 - (C) prohibits discrimination in the provision of CPE activities to any certified educator.
- (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) ~~All [Procedures adopted by the Texas Education Agency (TEA) staff require all pre-approved and all other]~~ continuing professional education (CPE) providers must ~~[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) comply with applicable State Board for Educator Certification (SBEC) rules codified in Texas Administrative Code, Title 19, Part 7 ~~[notify the TEA staff of the intent to offer CPE activities]~~ ;
 - (2) contribute to the advancement of professional knowledge and skills identified by the commissioner's rules for teacher and administrator standards in Chapter 149 of this title (relating to Commissioner's Rules Concerning Educator Standards), the Texas Essential Knowledge and Skills adopted by the State Board of Education, and standards adopted by the SBEC for each certificate ~~[affirm compliance with all applicable statutes and rules]~~ ;
 - (3) ensure that all CPE offered: ~~[prohibit discrimination in the provision of CPE activities to any certified educator:]~~
 - (A) is developed and presented by persons who are appropriately knowledgeable in the subject matter of the training being offered; and
 - (B) 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.
 - ~~[(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 of CPE activities 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 provider or sponsor that is not granted approval or has its approval withdrawn by the TEA staff is not entitled 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 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, 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 ~~chapter~~ ~~[section]~~. If a review determines that the provider or sponsor is operating in violation of any applicable provision under this chapter, 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.~~
- ~~(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).]~~

§232.25. Fees Payable Upon Certificate Renewal or Reactivation.

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

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

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

§232.31. Purpose.

- (a) This subchapter provides rules for the implementation of the criminal history record information review under the Texas Education Code, Chapter 22, Subchapter C.
- (b) The following words, terms, and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Certified educator--An employee or applicant for employment at a school entity who holds a Texas educator certification issued under the Texas Education Code (TEC), Chapter 21, Subchapter B, as required by the TEC, Chapter 22, Subchapter C, to whom the TEC, §22.0831, and this subchapter apply.
 - (2) Criminal History Clearinghouse--An electronic clearinghouse and subscription service established by the Texas Department of Public Safety, as defined by the Texas Government Code, §411.0845.
 - (3) National criminal history record information--Criminal history record information obtained from both the Texas Department of Public Safety and the Federal Bureau of Investigation, as defined by the Texas Education Code, §22.081.

- (4) ~~Pre-enrollment--The process by which the Texas Education Agency transmits personal identifiers for an applicant for certification, a certified educator, or a non-certified employee to the Texas Department of Public Safety or its fingerprinting vendor, who then provides the individual with a scheduling email that allows for the scheduling of a fingerprinting appointment.~~
- (5) ~~(4)~~ School entity--A school district, open-enrollment charter school, or shared services arrangement.
- (6) ~~(5)~~ Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.
- (c) A certified educator shall submit fingerprint, photograph, and identification information to the Texas Department of Public Safety (DPS) in the form the DPS requires for the purpose of entering the person's national criminal history record information into the Criminal History Clearinghouse.
- (d) A certified educator may not be employed by a school entity on or after September 1, 2011, unless the certified educator's national criminal history record information has been entered into the Criminal History Clearinghouse and made available to the Texas Education Agency and the school entity by which the certified educator is employed.

§232.35. Submission of Required Information.

- (a) Notice to school entity.
- (1) Upon notice from the Texas Education Agency (TEA) staff, a school entity shall provide, no later than 15 calendar days from the date the school entity receives the notice, the names, e-mail addresses, ~~[mailing addresses,]~~ and any other requested identifying information for all certified educators employed by the school entity at that time.
- (2) All certified educators shall provide the school entity by which they are employed an e-mail address at which the certified educator can receive notices and authorizations required by this subchapter. A school entity e-mail address or an Internet e-mail address is acceptable for this purpose.
- (3) The TEA staff shall use the identifying information to return a fingerprinting status ~~[send notices]~~ to the school entity . The TEA will also submit the identifying information to the Texas Department of Public Safety (DPS) or its vendor to pre-enroll ~~[and its]~~ certified educators ~~[notifying those educators]~~ who must submit fingerprint, photograph, and identification information for the purpose of a national criminal history record information review.
- (4) All certified educators hired by a school entity ~~[after it submits the names of all its certified educators to the TEA staff]~~ shall submit fingerprint, photograph, and identification information required by this subchapter before the certified educator begins employment with the school entity. This requirement will not apply if the certified educator has already submitted such information to the DPS [Texas Department of Public Safety (DPS)] in the form the DPS requires for the purposes of fingerprinting under §230.11(b)(2) of this title (relating to General Requirements) or Chapter 153, Subchapter DD, of this title (relating to Criminal History Record Information Review) .
- (b) Notice to certified educator to submit required information.
- (1) The TEA staff shall notify the certified educator by e-mail, at the address specified by the school entity, that the certified educator must submit fingerprint, photograph, and identification information to the DPS in the form the DPS requires for the purpose of entering the certified educator's national criminal history record information into the Criminal History Clearinghouse.
- (2) The notice shall specify the date, which shall be at least 80 calendar days from the date the notice is sent via e-mail, that the certified educator's national criminal history record information must be received by the TEA staff as required by this section and by the Texas Education Code (TEC), §22.083.
- ~~(3) The TEA staff shall e-mail the employing school entity a copy of each notice.~~

~~[(4) Within ten calendar days of the date on which each notice was sent, the school entity shall ensure that all affected certified educators have received the notice by obtaining written acknowledgment from each certified educator, or by delivering a copy of the notice to the certified educator. The school entity shall maintain a record of the proof of delivery of each notice.]~~

~~[(5) Twenty-five calendar days before the date on which an educator's criminal history information must be submitted, the TEA staff shall send a reminder notice, by e-mail only, to any certified educator whose information has not yet been received and to his or her employing school entity.]~~

(c) Authorization to submit required information.

(1) Each certified educator shall pay the required national criminal history review fee, which shall be in the same amount as the national criminal history check fee for applicants for certification in §230.101 of this title (relating to Schedule of Fees for Certification Services) ~~[, and shall electronically obtain an authorization form from the TEA staff]~~. This provision does not prohibit another entity from paying the national criminal history review fee on behalf of the educator.

~~[(2) The authorization form shall be used to submit fingerprint, photograph, and identification information to the DPS and its contractors in the form that the DPS requires to obtain national criminal history record information required by the TEC, §22.0831, which shall be entered into the Criminal History Clearinghouse, and made available to the TEA staff and the school entity.]~~

(2) ~~[(3)]~~ Only fingerprint information that has been properly authorized by the TEA staff shall satisfy the requirements of the TEC, §22.0831, and shall be accepted and entered in the Criminal History Clearinghouse.

ATTACHMENT III

SBEC-Relation Legislation: Timeline, Action Steps, and Staff or Stakeholders

SBEC-Related Legislation:

- HB 18 and SB 11: Mental Health and Substance Abuse Training. Requirements of continuing education training for teachers, counselors, and principals related to educating students with mental health conditions or who engage in substance abuse.

HB 18 Statutory Changes	Teachers	Principals	Counselors
Requires at least 25% of CPE hours in specific instructional areas.	✓	✓	✓
Allows two or more topics listed together	✓		
Provides specificity on educating students: <ul style="list-style-type: none"> • eligible to participate in special education programs under Subchapter A, Chapter 29. • eligible to receive services under 504 • with mental health conditions or engage in substance abuse • students with intellectual or developmental disabilities 	✓	✓	
Adds specific instruction regarding grief and trauma-informed instruction with specific training components. Will connect to statutory provisions.	✓ SB 11: Sec. 38.036	✓ HB 18: CMM & HHSC	
Adds comprehensive counseling program under §33.005 (Texas Model for Comprehensive School Counseling Programs) to required training.		✓	✓
Adds mental health programs addressing mental health conditions.		✓	
Adds counseling students with mental health conditions and substance abuse.			✓
Provides mental health first aid or grief/trauma-informed programs to count 2X the CPE hours, up to 16 hours maximum that is offered through classroom instruction with in-person attendance	✓	✓	✓

- HB 403: Superintendent Continuing Education Training Requirements.
Continuing professional education requirements for the superintendent of a school district regarding sexual abuse, human trafficking, and other maltreatment of children.
- HB 2424: Micro-credential Certification Program.
Relating to the creation of a micro-credential certification program for public school educator continuing education. TEA is currently working with leadership at the Capitol on funding and will follow up when there is an update.
- SB 37: Student Loan Default.
Relating to the prohibition on the use of student loan default as grounds to deny the issuance or renewal of an educator certificate.

Timeline and Action Steps:

- September 2019—TEA Crosswalk
- October 9, 2019—Special Populations Unit Meeting
- October 14, 2019—Special Education Contact
- October 24, 2019—Stakeholder Meeting
- December 6, 2019—SBEC Meeting Discussion Item
- December 10, 2019—Jan Friese and Shannon Noble: Texas Counseling Association

October 24, 2019 Stakeholder Meeting Participants:

Invited	Attendees
<ul style="list-style-type: none"> • Holly Eaton—TCTA • Carrie Griffith—TSTA • Andrea Chevalier—ATPE • Andrea Aguilera—Teach Plus • Patti Quinzi—TXAFT • Lindsay Sobel—Teach Plus • Lolly Guerra—TASPA • Amy Campbell—TASB • Casey McCreary—TASA • Harley Eckhart—TEPSA • Mark Terry—TEPSA • Archie McAfee—TASSP • Cindy Jackson—TASSP 	<ul style="list-style-type: none"> • Holly Eaton—TCTA • Carrie Griffith—TSTA • Andrea Chevalier—ATPE • Andrea Aguilera—Teach Plus • Patti Quinzi—TXAFT • Jennifer Barton—TASB • Casey McCreary—TASA • Belinda Neal—TEPSA • Leslie Story—TASB • Cindy Jackson—TASSP