

Chapter 232. General Certification Provisions

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

Statutory Authority: The provisions of this Subchapter B issued under the Texas Education Code, §21.041(c) and §22.0831(f), unless otherwise noted.

§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) School entity--A school district, open-enrollment charter school, or shared services arrangement.
 - (6) 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.

Source: The provisions of this §232.31 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 6, 2020, 45 TexReg 5345.

§232.33. Required Assistance.

All school entities and regional education service centers shall assist the State Board for Educator Certification (SBEC) and the Texas Education Agency (TEA) in the collection of criminal history record information to facilitate this review, as required by statute. School entities shall promptly submit all requested information in accordance with §232.35 of this title (relating to Submission of Required Information) to the TEA staff. School entities and regional education service centers shall cooperate with the SBEC, the TEA, and the Texas Department of Public Safety and its contractors in providing facilities and opportunities for certified educators to submit their required information.

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

Source: The provisions of this §232.33 adopted to be effective August 12, 2012, 37 TexReg 5764.

§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, 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 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 certified 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 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 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.
- (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). This provision does not prohibit another entity from paying the national criminal history review fee on behalf of the educator.
 - (2) 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.

Source: The provisions of this §232.35 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 6, 2020, 45 TexReg 5345.

§232.37. Inactive Status.

- (a) If the Texas Education Agency (TEA) staff has not received a certified educator's national criminal history record information as required by this subchapter by the date specified in the notice described in §232.35 of this title (relating to Submission of Required Information), the educator's certificate shall be placed on inactive status.

- (b) For good cause shown, the date on which a certified educator's certificate becomes inactive may be extended one time for a period not to exceed ten calendar days. Such an extension may only be granted by a person designated for this purpose by the TEA, and the decision to grant or deny a request for extension shall be within the designee's sole discretion.
- (c) An educator whose certificate is in inactive status is ineligible for employment in a Texas public school in a position that requires educator certification, pursuant to the Texas Education Code, §21.003(a) and §22.0831(d).
- (d) An educator's certificate shall be removed from inactive status and reactivated when the TEA staff receives a certified educator's national criminal history record information as required by this subchapter.

Source: The provisions of this §232.37 adopted to be effective August 12, 2012, 37 TexReg 5764.

§232.39. State Board for Educator Certification Review of National Criminal History Information.

A certified educator's national criminal history record information submitted under the provisions of the Texas Education Code, §22.0831, and this subchapter shall be reviewed by the Texas Education Agency staff in accordance with the disciplinary rules and procedures contained in Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases).

Source: The provisions of this §232.39 adopted to be effective August 12, 2012, 37 TexReg 5764.