

Item 9:
Adoption of Proposed Amendments to 19 TAC Chapter 232,
General Certification Provisions, Subchapter A, Certificate
Renewal and Continuing Professional Education
Requirements

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 amendments to 19 Texas Administrative Code (TAC) Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements. The proposed amendments would implement the statutory requirements of Senate Bills (SBs) 199, 1267, and 2066, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would require that all educators receive continuing professional education (CPE) training in educating students with disabilities; would update the CPE training requirements for classroom teachers, principals, and school counselors; and would provide for the SBEC to determine the training guidelines for CPE credit regarding the use of an automated external defibrillator (AED). The proposed amendments would also allow for a school district to request a hardship exemption for an educator who has an invalid certificate due to not having the required CPE hours for certificate renewal; would require educators to receive dyslexia training for certificate renewal; and would add CPE activities to the list of topics that educators can receive for certificate renewal. 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, Subchapter A, is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054, as amended by SBs 1267 and 2066, 87th Texas Legislature, Regular Session, 2021; 21.0541, as amended by SB 199, 87th Texas Legislature, Regular Session, 2021; 21.0543; and 22.0831(f); and Texas Occupations Code (TOC), §55.002 and §55.003.

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; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(7)–(8), requires the SBEC to propose rules that provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code; 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, §21.054, as amended by SBs 1267 and 2066, 87th Texas Legislature, Regular Session, 2021, 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, as amended by SB 199, 87th Texas Legislature, Regular Session, 2021, 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 AED.

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 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 amendments to 19 TAC Chapter 232 would be May 12, 2022 (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 December 10, 2021 SBEC meeting, the SBEC approved the proposed amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, for publication in the *Texas Register* as proposed rules.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 232, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements,

provide for rules that establish the requirements relating to types and classes of certificates issued, certificate renewal, and continuing professional education (CPE).

As a result of the 87th Texas Legislature, Regular Session, 2021, SBs 199, 1267, and 2066 require the SBEC to update rules regarding CPE for educator certificate renewal. In addition to the statutory changes, Texas Education Agency (TEA) staff have received input from stakeholders regarding updating CPE provisions. At the October 1, 2021 SBEC meeting, the SBEC provided input regarding the implementation of the legislation and the stakeholder input, which are reflected in this item.

Following is a description of topics for proposed amendments to 19 TAC Chapter 232, Subchapter A, that incorporate the 2021 enabling legislation and SBEC input. The relevant rule text from 19 TAC Chapter 232 is presented in Attachment II.

Following the October 2021 SBEC meeting, TEA staff solicited additional stakeholder feedback on proposed rulemaking. Attachment III incorporates a summary of the solicited stakeholder input along with staff responses and rationale of the proposed rule text. TEA staff received feedback from the following 10 stakeholders on the draft rule text, as listed below:

1. Teach Plus Policy Fellows, signed by nine classroom teachers
2. Holly Eaton – Texas Classroom Teachers Association
3. Carrie Griffith – Texas State Teachers Association
4. Jan Friese – Texas Counseling Association
5. Megan Guidry – school counselor
6. Carrie Proctor – school counselor certificate holder
7. Lesley Casarez – Texas School Counseling Association
8. Andrea Chevalier – Association of Texas Professional Educators
9. Jennifer Vandebrook, Texas School Counseling Association
10. Patty Quinzi – Texas American Federation of Teachers

In addition to the following detailed descriptions, the proposed amendments would also provide relettering/numbering to conform with the *Texas Register* style and formatting requirements.

§232.7. *Requirements for Certificate Renewal.*

Proposed new §232.7(b)(4) would provide for a local school district to apply for a hardship exemption on behalf of an educator who has an invalid certificate due to not earning the required CPE hours for certificate renewal. The exemption would be valid for the academic year in which it is granted with the opportunity for the school district to renew the exemption for one additional year. The proposed amendment would require the application for a hardship exemption to be submitted by the superintendent or designee of the local district and would allow for a one-year renewal of the exemption. The exemption would allow school districts to hire educators who have left the classroom and allowed their CPE to lapse, while upholding the importance of educators obtaining SBEC-required CPE to remain abreast of new developments in teaching methods.

In §232.7, subsection (b) would be amended to change the cross reference to paragraphs (1)-(4) and subsection (b)(4) would be renumbered to subsection (b)(5) for technical formatting

purposes. In addition, technical edits would be made in subsection (c)(1) and (7) to apply *Texas Register* style requirements for cross references and acronyms.

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

Proposed new §232.11(c)(1) would implement SB 1267 and reflect SBEC and stakeholder input by requiring all educators to receive CPE training in educating students with disabilities, and the training must include information particular to educating students with dyslexia. This will ensure that all educators are prepared to teach any student assigned to their class. Proposed new §232.11(c)(2) would maintain the current requirements regarding required CPE content.

Technical edits would reorder paragraphs (1) and (2) to subparagraphs (A) and (B).

SB 1267 limits the number of hours in certain specific topics that classroom teachers and principals can obtain in CPE for purposes of certificate renewal. The proposed amendment to §232.11(d)(2) and §232.11(e)(2) would provide a transition period, of a certificate renewal date prior to September 1, 2023, for those classroom teachers and principals who have already obtained CPE hours in the topics identified in TEC, §21.054, as amended by SB 1267, in excess of the 25% limit introduced by SB 1267. It would allow educators who have already obtained in excess of 25% of their hours in these topics in reliance on the law and rules prior to SB 1267 to not lose credit for those hours, while allowing the flexibility in CPE topic areas intended by SB 1267.

Proposed new §232.11(d)(3) and §232.11(e)(3) would implement SB 1267 by removing some of the required topics in which classroom teachers and principals must obtain CPE hours and by capping the hours to no more than 25% of the total CPE hours required for certificate renewal for those renewing their certificate on or after September 1, 2023. The proposed new language would make the requirements of the rule parallel the requirements of TEC, §21.054, as amended by SB 1267.

Proposed new §232.11(e)(3)(F)(ii) would implement SB 2066 by requiring school principals to receive CPE training in educating emergent bilingual students, which were previously described as "students of limited English proficiency."

SB 1267 also limits the number of hours in all topics currently listed in TEC, §21.054 that counselors can obtain in CPE for purposes of certificate renewal. The proposed amendment to §232.11(f)(2) would allow counselors who have already obtained CPE hours in the topics identified in TEC, §21.054, as amended by SB 1267, in excess of the 25% limit introduced by SB 1267 to use those hours toward the requirements for certificate renewal prior to September 1, 2024. It would allow counselors who have already obtained in excess of 25% of their hours in these topics in reliance on the law and rules prior to SB 1267 to not lose credit for those hours, while allowing the flexibility in CPE topic areas intended by SB 1267. The proposed transition date for counselors is September 1, 2024, in contrast to the September 1, 2023 transition date proposed for classroom teachers and principals, because SB 1267 did not strike any of the required topics for counselors, so all of the training that counselors were previously encouraged to get in excess of 25% of their hours will now be capped at 25%.

Proposed new §232.11(f)(3) would implement SB 1267 by capping the hours of CPE that counselors can obtain in the required list of topics to no more than 25% of the total CPE hours

required for certificate renewal for those renewing their certificate on or after September 1, 2024. The proposed new language would make the requirements of the rule parallel the requirements of TEC, §21.054, as amended by SB 1267. The proposed implementation date of September 1, 2024, will allow counselors who have already taken excess hours in the required topics prior to the enactment of SB 1267 to get credit for those hours when renewing their certificates.

The proposed amendment to §232.11(l)(3) would implement SB 199 by amending the required AED training for CPE purposes. The proposed amendment would remove the requirement that the training be approved under Texas Health and Safety Code, §779.002, as that requirement is no longer in TEC, §21.0541, as amended by SB 199. The proposed amendment would provide that the training be in accordance with the guidelines established by the device's manufacturer and approved by the American Heart Association, the American Red Cross, other nationally recognized associations, or the medical director of a local emergency medical services provider. This change would track the requirements of the Texas Department of Health and Human Services for AED training in 25 TAC §157.41(d), Emergency Medical Services and Course Approval, to ensure that educators are trained in safe and effective methods of using the AED.

The proposed new §232.11(l)(5)–(7) would provide optional CPE training for educators in the following topics for purposes of certificate renewal:

- educating students with mental health conditions, including how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;
- for classroom teachers, educating emergent bilingual students; and
- educating students who engage in substance abuse.

These are topics that were previously required for CPE under TEC, §21.0541, before it was amended by SB 1267, but are no longer required. The proposed amendment would encourage educators to take continuing education in these important topics without requiring them. The proposed amendment will thus preserve the discretion for educators in choosing CPE hours, which was the intent of SB 1267 while still reminding educators of the significance of these topic areas.

A technical edit would be made to §232.11(l)(3) to remove the acronym "AED" because it is no longer needed.

No changes are recommended to the proposed amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, 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), §2001.022.

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 amendment in §232.11(c)(1) would create a new regulation for educators to receive CPE hours in educating students with disabilities for purposes of certificate renewal, as a result of SB 1267, 87th Texas Legislature, Regular Session, 2021. The proposed amendment also requires CPE to include educating students with dyslexia.

The proposed amendment in §232.7(b)(4) would limit an existing regulation by allowing individuals who have not completed the required CPE for certificate renewal to be able to teach for up to two years while completing those hours. The proposed amendment in §232.11(d)(3) would also limit an existing regulation by reducing the required topics that educators must obtain in CPE for purposes of certificate renewal and the number of hours that an educator can get in those hours, as a result of SB 1267, 87th Texas Legislature, Regular Session, 2021.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: 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 December 31, 2021, and ended January 31, 2022. Any comments received will be provided to the SBEC under separate cover prior to the February 11, 2022 meeting. The SBEC will take registered oral and written comments on the proposal at the February 11, 2022 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 (SBOE) review, the proposed amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

Staff Members Responsible:

Christie Pogue, Director, SBEC Policy Development and Support

Viviana Lopez, Program Specialist, Educator Preparation, Certification, and Enforcement

Attachments:

- I. Statutory Citations
- II. Text of Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements
- III. Chapter 232 Draft Rule Text Reflecting Stakeholder Input

ATTACHMENT I**Statutory Citations Relating to Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements****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 (excerpt):

- (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 SBs 1267 and 2066, 87th Texas Legislature, Regular Session, 2021:

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill 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).
- ~~(a-1) Continuing education requirements for educators must include training regarding educating students with disabilities.~~
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.
- (d) Continuing education requirements for a classroom teacher must provide that not more than ~~[at least]~~ 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;]~~
 - ~~[(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)]~~ students who are educationally disadvantaged; and
 - ~~[(F) — students of limited English proficiency; and]~~
 - (B) [(G)] students at risk of dropping out of school ; and
 - (5) understanding appropriate relationships, boundaries, and communications between educators and students. ~~[; and]~~
 - ~~[(6) — 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 not more than [at least] 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;]~~
- ~~[(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;~~
- (B) [(F) emergent bilingual students [of limited English proficiency]; and
- (C) [(G) students at risk of dropping out of school; and
- (7) 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) 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 not more than ~~at least~~ 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 continuing education requirements by participating in an evidence-based mental health first aid training program or an evidence-based grief-informed and trauma-informed care program. 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.
- (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 to Use of Automated External Defibrillator, as amended by SB 199, 87th Texas Legislature, Regular Session, 2021:

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 any ~~the~~ guidelines for automated external defibrillator training approved by the board. ~~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 (excerpt):

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

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

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 Amendments to 19 TAC

Chapter 232. General Certification Provisions

Subchapter A. Certificate Renewal and Continuing Professional Education Requirements

§232.7. Requirements for Certificate Renewal.

- (a) The Texas Education Agency (TEA) staff shall develop procedures to:
- (1) notify educators at least six months prior to the expiration of the renewal period to the email address as specified in §230.91 of this title (relating to Procedures in General);
 - (2) confirm compliance with all renewal requirements pursuant to this subchapter;
 - (3) notify educators who are not renewed due to noncompliance with this section; and
 - (4) verify that educators applying for reactivation of certificate(s) under §232.9 of this title (relating to Inactive Status and Late Renewal) are in compliance with subsection (c) of this section.
- (b) The TEA staff shall administratively approve each hardship exemption request that meets the criteria specified in paragraphs (1)-(4) [~~(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) A hardship exemption may be approved for a local education agency on behalf of an educator who has an invalid certificate due to lack of earning the required continuing professional education (CPE) hours as prescribed in §232.11 of this title (relating to Number of Content of Required Continuing Professional Education Hours). The hardship exemption is valid for the academic year of the application and may be renewed up to one additional academic year, provided that the superintendent or designee of the local education agency requests the extension.
 - (5) [~~(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).
- (c) To be eligible for renewal, an educator must:
- (1) subject to §232.16(c) of this title (relating to Verification of Renewal Requirements), satisfy CPE [~~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 arrears of child support, pursuant to the Texas Family Code, Chapter 232;
 - (6) pay the renewal fee, provided in §230.101 of this title, which shall be a single fee regardless of the number of certificates being renewed; and
 - (7) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code [TEC], §22.0831.
- (d) The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.

§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) All educators must receive CPE training regarding educating students with disabilities. This training must include information particular to educating students with dyslexia.
 - (2) Other than hours earned to comply with subsections (d), (e), (f), (g), and (k) of this section, professional development activities shall be related to the certificate(s) being renewed and focus on the standards required for issuance of the certificate(s), including:
 - (A) ~~[(1)]~~ content area knowledge and skills; and
 - (B) ~~[(2)]~~ professional ethics and standards of conduct.
- (d) Classroom Teacher.
 - (1) Classroom teacher certificate holders shall complete 150 clock-hours.
 - (2) A classroom teacher who renews a certificate prior to September 1, 2023, must attain some [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;]~~
- (i) ~~[(v)]~~ students who are educationally disadvantaged; and
- ~~[(vi) — students of limited English proficiency; and]~~
- (ii) ~~[(vii)]~~ students at risk of dropping out of school; and
- (E) understanding appropriate relationships, boundaries, and communications between educators and students . ~~[(viii)]~~
- ~~[(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(e)(1); and]~~
- ~~[(ii) — be approved by the commissioner of education.]~~
- (3) For a classroom teacher who renews a certificate on or after September 1, 2023, not more than 37.5 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:
- (A) collecting and analyzing information that will improve effectiveness in the classroom;
- (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (C) digital learning, digital teaching, and integrating technology into classroom instruction;
- (D) educating diverse student populations, including:
- (i) students who are educationally disadvantaged; and
- (ii) students at risk of dropping out of school; and
- (E) understanding appropriate relationships, boundaries, and communications between educators and students.
- (e) Principal and Principal as Instructional Leader.
- (1) Principal and Principal as Instructional Leader certificate holders shall complete 200 clock-hours.
- (2) A principal and principal as instructional leader who renews a certificate prior to September 1, 2023, must attain some [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;]~~
- (i) ~~[(v)]~~ students who are educationally disadvantaged;
- (ii) ~~[(vi)]~~ emergent bilingual students ~~[of limited English proficiency]~~ ; and
- (iii) ~~[(vii)]~~ students at risk of dropping out of school; and
- (G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006; 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;]~~
- (3) For a principal and principal as instructional leader who renews a certificate on or after September 1, 2023, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:
- (A) effective and efficient management, including:
- (i) collecting and analyzing information;
- (ii) making decisions and managing time; and
- (iii) supervising student discipline and managing behavior;
- (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
- (D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005;
- (E) mental health programs addressing a mental health condition;
- (F) educating diverse student populations, including:
- (i) students who are educationally disadvantaged;
- (ii) emergent bilingual students; and
- (iii) students at risk of dropping out of school; and
- (G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006.

- (f) School Counselor.
- (1) School Counselor certificate holders shall complete 200 clock-hours.
 - (2) A school counselor who renews a certificate prior to September 1, 2024, must attain some [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:
 - (i) college admissions, including college financial aid resources and application procedures; and
 - (ii) career opportunities;
 - (D) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
 - (E) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.
 - (3) For a school counselor who renews a certificate on or after September 1, 2024, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:
 - (A) assisting students in developing high school graduation plans;
 - (B) implementing dropout prevention strategies;
 - (C) informing students concerning:
 - (i) college admissions, including college financial aid resources and application procedures; and
 - (ii) career opportunities;
 - (D) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
 - (E) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.
- (g) Superintendent.
- (1) Superintendent certificate holders shall complete 200 clock-hours.
 - (2) An individual who holds a superintendent certificate that is renewed on or after January 1, 2021, must complete at least 2.5 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children, in accordance with TEC, §21.054(h). For purposes of this subsection, "other maltreatment" has the meaning assigned by Human Resources Code, §42.002.
- (h) School Librarian and Learning Resources Specialist certificate holders shall complete 200 clock-hours.
- (i) Educational Diagnostician certificate holders shall complete 200 clock-hours.
- (j) Reading Specialist certificate holders shall complete 200 clock-hours.
- (k) The required CPE for educators who teach students with dyslexia must include training regarding new research and practices in educating students with dyslexia. The required training may be satisfied through an online course approved by Texas Education Agency staff.
- (l) Professional development activities may include:

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- (1) an evidence-based mental health first aid training program or an evidence-based grief-informed and trauma-informed care program that is offered through a classroom instruction format that requires in-person attendance. A person receiving this training will receive twice the number of hours of instruction provided under that program, not to exceed 16 hours;
 - (2) suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451;
 - (3) an instructional course on the use of an automated external defibrillator [~~(AED)~~] in accordance with the guidelines established by the device's manufacturer and approved by the American Heart Association, the American Red Cross, other nationally recognized associations, or the medical director of a local emergency medical services provider [~~that meets the guidelines for AED training approved under Texas Health and Safety Code, §779.002~~], in accordance with the TEC, §21.0541; [~~and~~]
 - (4) education courses that:
 - (A) use technology to increase the educator's digital literacy; and
 - (B) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices ; [~~z~~]
 - (5) educating students with mental health conditions, including how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;
 - (6) for classroom teachers, educating emergent bilingual students; and
 - (7) educating students who engage in substance abuse.
- (m) An educator holding multiple classes of certificates shall complete the higher number of required CPE clock-hours in the classes held during each five-year renewal period unless otherwise specified in applicable State Board for Educator Certification rules codified in the Texas Administrative Code, Title 19, Part 7.
- (n) An educator eligible to renew multiple classes of certificates issued during the same renewal period may satisfy the requirements for any class of certificate issued for less than the full five-year period by completing a prorated number of the required CPE clock-hours. Educators must complete a minimum of one-fifth of the additional CPE clock-hours for each full calendar year that the additional class of certificate is valid.

ATTACHMENT III

Chapter 232 Draft Rule Text Reflecting Stakeholder Input

Topic with Purpose and Rationale	Draft Rule Text	Rationale for Changes or Maintaining Text
<p>Hardship Extension: The SBEC requested rule text that will allow a school district to apply for an extension to hire an educator who has an invalid certificate due to not having the CPE hours needed to renew their certificate.</p>	<p>§232.7. Requirements for Certificate Renewal.</p> <p>(4) <u>A hardship exemption may be approved for a local education agency on behalf of an educator who has an invalid certificate due to lack of earning the required continuing professional education hours as prescribed §232.11 of this chapter. The hardship exemption is valid for the academic year of the application and may be renewed up to one additional academic year, provided that:</u></p> <p>(A) <u>the superintendent or designee of the local education agency applies for the hardship exemption; and</u></p> <p>(B) <u>the educator makes sufficient progress toward the remaining continuing professional education hours to renew the certificate during the academic year.</u></p>	<p>We received two types of feedback:</p> <ul style="list-style-type: none"> We removed the language regarding making sufficient progress as a requirement for the additional year as it's too difficult to track and measure and does not allow the educator and LEA to determine that. We added "or designee" as a requestor for the additional year as it aligns with other areas where an LEA makes a request.
<p>SB 1267: Mandatory CPE requirements for all educators regarding educating students with disabilities. The SBEC also requested rule text that allows educators to receive educating students with dyslexia to fall under this new requirement.</p>	<p>§232.11. Number and Content of Required Continuing Professional Education Hours.</p> <p>(1) <u>All educators must receive CPE training regarding educating students with disabilities. This training must include information particular to educating students with dyslexia, including students with dyslexia.</u></p>	<p>We received two types of feedback:</p> <ol style="list-style-type: none"> A couple of stakeholders requested this language be more clear and to separate out dyslexia, which is shown here. Some wanted more clarity around minimum hours and when it should be completed. A minimum was not written in the

		<p>legislation, so the number is up to the educator within the remaining 75% they must complete, and the timing would be every five years. As a reminder, this topic was covered in the list that was just stricken, so educators have already been acquiring the trainings.</p>
<p>SB 1267: Topics stricken from the required CPE list and a cap for classroom teachers on required topics for CPE purposes. To allow classroom teachers who are already in their 3rd year of certificate renewal to not be harmed by changing requirements too soon, the new provision will go into effect September 1, 2023.</p>	<p>§232.11. Number and Content of Required Continuing Professional Education Hours.</p> <p>Classroom Teachers:</p> <p><u>(3) For a classroom teacher that renews a certificate on or after September 1, 2023, not more than 37.5 hours of CPE training shall include instruction in, and must be directly related to each of the following topics. The training may include two or more listed topics combined:</u></p> <p><u>(A) collecting and analyzing information that will improve effectiveness in the classroom;</u></p> <p><u>(B) recognizing early warning indicators that a student may be at risk of dropping out of school;</u></p> <p><u>(C) digital learning, digital teaching, and integrating technology into classroom instruction;</u></p> <p><u>(D) educating diverse student populations, including:</u></p> <p style="padding-left: 40px;"><u>(i) students who are educationally disadvantaged; and</u></p> <p style="padding-left: 40px;"><u>(ii) students at risk of dropping out of school.</u></p> <p><u>(E) understanding appropriate relationships, boundaries, and</u></p>	<p>We received three types of feedback:</p> <ol style="list-style-type: none"> 1. Most stakeholders support maintaining this language as it aligns with the legislation. 2. One stakeholder suggests allowing educators to still use the stricken topics as it was not the legislative intent to limit those topics for the educators, only the state. The Board is restricted to the language of the legislation that is aligned with the proposed text. As discussed with the Board in October, there are “allowable” hours for each of those stricken areas so educators can still choose to obtain those hours if they wish. 3. Some stakeholders suggested condensing some of the topics and removing the last one

	<p><u>communications between educators and students.</u></p>	<p>due to a desire for brevity or it being duplicative. However, this language is taken strictly out of 21.054 and supported in SB 1267, therefore, the topics must remain.</p>
<p>SB 1267: Topics stricken from the required CPE list and a cap for principals on required topics for CPE purposes. To allow principals who are already in their 3rd year of certificate renewal to not be harmed by changing requirements too soon, the new provision will go into effect September 1, 2023.</p>	<p>§232.11. Number and Content of Required Continuing Professional Education Hours.</p> <p>Principals:</p> <p><u>(3) For a principal and principal as instructional leader that renews a certificate on or after September 1, 2023, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics. The training may include two or more listed topics combined:</u></p> <p><u>(A) effective and efficient management, including:</u></p> <p style="padding-left: 40px;"><u>(i) collecting and analyzing information;</u></p> <p style="padding-left: 40px;"><u>(ii) making decisions and managing time; and</u></p> <p style="padding-left: 40px;"><u>(iii) supervising student discipline and managing behavior;</u></p> <p><u>(B) recognizing early warning indicators that a student may be at risk of dropping out of school;</u></p> <p><u>(C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;</u></p> <p><u>(D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005;</u></p>	<p>Same as above.</p>

	<p>(E) <u>mental health programs addressing a mental health condition;</u></p> <p>(F) <u>educating diverse student populations, including:</u></p> <p style="padding-left: 40px;">(i) <u>students who are educationally disadvantaged;</u></p> <p style="padding-left: 40px;">(ii) <u>students of limited English proficiency;</u></p> <p style="padding-left: 40px;">(iii) <u>students at risk of dropping out of school; and</u></p> <p>(G) <u>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.</u></p>	
<p>SB 1267: A cap for school counselors on required topics for CPE purposes. To allow counselors who are already in their 3rd year of certificate renewal to not be harmed by changing requirements too soon, the new provision will go into effect September 1, 2023.</p>	<p>§232.11. Number and Content of Required Continuing Professional Education Hours.</p> <p>School Counselors:</p> <p>(3) <u>For a school counselor that renews a certificate on or after September 1, 2024, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics. The training may include two or more listed topics combined:</u></p> <p>(A) <u>assisting students in developing high school graduation plans;</u></p> <p>(B) <u>implementing dropout prevention strategies;</u></p> <p>(C) <u>informing students concerning:</u></p> <p style="padding-left: 40px;">(i) <u>college admissions, including college financial aid resources and</u></p>	<p>We received two types of stakeholder feedback:</p> <ol style="list-style-type: none"> 1. Same as above regarding teachers and principals, and 2. Those in the counseling community that request the implementation date to be moved to September 1, 2024. Staff recognizes that all of the topics will be limited to the 25% and the statute does not allow for those topics to be “allowable” for CPE purposes. Staff got approval from legislative staff for this extension and recommends moving the date to September 1, 2024.

	<p style="text-align: center;"><u>application procedures; and</u></p> <p style="text-align: center;">(ii) <u>career opportunities;</u></p> <p>(D) <u>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</u></p> <p>(E) <u>effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.</u></p>	
<p>SB 199: Allows the SBEC to approve the training requirements for AED training.</p>	<p>§232.11. Number and Content of Required Continuing Professional Education Hours.</p> <p>(3) an instructional course on the use of an automated external defibrillator (AED) that meets the guidelines for AED training <u>by an SBEC-approved provider, [under Texas Health and Safety Code, §779.002,]</u> in accordance with the TEC, §21.0541;</p>	
<p>CPE Allowable Topics: The SBEC requested rule text that will allow an educator to receive CPE hours for the topics removed by SB 1267 that are not incorporated in other areas or topics of Ch. 232.</p>	<p>§232.11. Number and Content of Required Continuing Professional Education Hours.</p> <p>(I) Professional development activities may include:</p> <p>(5) <u>educating students with mental health conditions, including how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;</u></p>	<p>We received concerns and support for these provisions:</p> <p>1. Concerns:</p> <ul style="list-style-type: none"> • One stated that there was confusion coming out of the meeting that these have to be here due to be considered in the 75%. Staff does not believe there was confusion but that the Board wanted to add these specifically here to point to their

	<p>(6) <u>for classroom teachers, educating emergent bilingual students; and</u></p> <p>(7) <u>educating students who engage in substance abuse.</u></p>	<p>importance and clarification to the field that they are allowable since they will be stricken in the rule.</p> <ul style="list-style-type: none"> • One stated that the list should contain, “but are not limited to,” in the lead-in sentence prior to the list and conclude with, “any other topics related to the certificate being renewed.” Staff believe that the “may” provides guidance that the list is not exhaustive and the provision in 232.11(c)(2) states specifically that the remaining CPE hours not in the required lists must be related to the certificates being renewed. <p>2. Support:</p> <ul style="list-style-type: none"> • Agree that grief and trauma are important topics that should be addressed for educators. • Agree in the importance of educators receiving CPE in educating emergent bilingual students.
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