

## Item 6:

### Proposed Review of 19 TAC Chapter 232, General Certification Provisions

#### DISCUSSION AND ACTION

**SUMMARY:** Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the proposed review of 19 Texas Administrative Code (TAC) Chapter 232, General Certification Provisions. The rules under review provide requirements relating to certificate renewal and continuing professional education and national criminal history record information review of active certificate holders.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is TGC, §2001.039. 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; 21.0541; 21.0543; and 22.0831(f); 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.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**FUTURE ACTION EXPECTED:** The review of 19 TAC Chapter 232, General Certification Provisions, is scheduled to be presented to the SBEC for adoption at the April 28, 2023 meeting. Any rule changes resulting from the rule review process will also be presented to the SBEC for consideration.

**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, continuing professional education, and national criminal history record information review.

The rules currently in effect in 19 TAC Chapter 232 are shown in the attachment.

**ANTICIPATED REVISIONS TO RULES:** No changes to rules in 19 TAC Chapter 232 are anticipated at this time.

**PUBLIC COMMENTS:** The Texas Education Agency will file the notice of proposed review of 19 TAC Chapter 232 with the *Texas Register* following the February 2023 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 232 continue to exist. The public comment period on the proposed rule review begins March 17, 2023, and ends April 17, 2023. The SBEC will take registered oral and written comments on this item at the April 28, 2023 meeting in accordance with the SBEC board operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:**

Approve the proposed review of 19 TAC Chapter 232, General Certification Provisions, to be published as proposed in the *Texas Register*.

**Staff Member Responsible:**

Christie Pogue, Director, SBEC Policy Development and Support

**Attachment:**

Text of 19 TAC Chapter 232, General Certification Provisions

**ATTACHMENT**  
**Text of 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) An educator may not renew a certificate if the individual fails to comply with the requirements of this subchapter.
- (e) Pursuant to the Texas Education Code, §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.

*Statutory Authority: The provisions of this §232.1 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.1 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 6, 2020, 45 TexReg 5345.*

**§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) 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) 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) 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.

*Statutory Authority: The provisions of this §232.5 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.5 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 6, 2020, 45 TexReg 5345.*

### **§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) 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 and 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) 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 requirements, pursuant to §232.11 of this title;

- (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) be in compliance with all terms of any orders of the State Board for Educator Certification resulting from a disciplinary proceeding against the educator under Chapter 249 of this title;
  - (5) successfully resolve any reported criminal history, as defined by §249.3 of this title (relating to Definitions);
  - (6) not be in arrears of child support, pursuant to the Texas Family Code, Chapter 232;
  - (7) 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
  - (8) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code, §22.0831.
- (d) The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.

*Statutory Authority: The provisions of this §232.7 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.7 adopted to be effective August 6, 2020, 45 TexReg 5345; amended to be effective May 12, 2022, 47 TexReg 2754; amended to be effective October 6, 2022, 47 TexReg 6435.*

### **§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 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. 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).

*Statutory Authority: The provisions of this §232.9 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.9 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 28, 2016, 41 TexReg 6195; amended to be effective October 17, 2017, 42 TexReg 5682; amended to be effective August 6, 2020, 45 TexReg 5345.*

**§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.
  - (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) content area knowledge and skills; and
    - (B) 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 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 educationally disadvantaged; and
      - (ii) students at risk of dropping out of school; and
    - (E) understanding appropriate relationships, boundaries, and communications between educators and students.
  - (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 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 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.
  - (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 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:
- (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 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, in accordance with the TEC, §21.0541;
  - (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;
  - (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.

*Statutory Authority: The provisions of this §232.11 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; 21.0543, and 22.0831(f); and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.11 adopted to be effective August 6, 2020, 45 TexReg 5345; amended to be effective May 12, 2022, 47 TexReg 2754.*

**§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 Requirements). 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, 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 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).

*Statutory Authority: The provisions of this §232.15 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.15 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 28, 2016, 41 TexReg 6195; amended to be effective August 6, 2020, 45 TexReg 5345.*

#### **§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).

*Statutory Authority: The provisions of this §232.16 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.16 adopted to be effective August 6, 2020, 45 TexReg 5345.*

#### **§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 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.

*Statutory Authority: The provisions of this §232.17 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.17 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 28, 2016, 41 TexReg 6195; amended to be effective August 6, 2020, 45 TexReg 5345.*

### **§232.19. Approval of Private Companies, Private Entities, and Individuals as Continuing Professional Education Providers.**

Private companies, private entities, and individuals seeking approval to provide continuing professional education (CPE) for Texas educators on their own behalf must apply for registration with the State Board for Educator Certification and must comply with the provisions of §232.21 of this title (relating to Provider Requirements).

- (1) The Texas Education Agency staff shall approve as a CPE provider any person, agency, or entity seeking to offer CPE activities that:
  - (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.

*Statutory Authority: The provisions of this §232.19 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.*

*Source: The provisions of this §232.19 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 28, 2016, 41 TexReg 6195; amended to be effective August 6, 2020, 45 TexReg 5345.*

### **§232.21. Provider Requirements.**

- (a) All continuing professional education (CPE) providers must:
  - (1) comply with applicable State Board for Educator Certification (SBEC) rules codified in Texas Administrative Code, Title 19, Part 7;
  - (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;
- (3) ensure that all CPE offered:
    - (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.
  - (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. 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.

*Statutory Authority: The provisions of this §232.21 issued under the Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §§55.002 and §55.003.*

*Source: The provisions of this §232.21 adopted to be effective August 12, 2012, 37 TexReg 5764; amended to be effective August 28, 2016, 41 TexReg 6195; amended to be effective August 6, 2020, 45 TexReg 5345.*

## **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.

*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.*