

Item: 10**Adoption of Proposed Repeal of and New 19 TAC Chapter 232, General Certification Provisions****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed repeal of 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued; Subchapter B, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter C, National Criminal History Record Information Review of Active Certificate Holders; and proposed new 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter B, National Criminal History Record Information Review of Active Certificate Holders. The proposed rule actions would be necessary as a result of the reorganization of the rules codified in 19 TAC Chapter 232. Proposed new 19 TAC Chapter 232, Subchapters A and B, would update statutory and administrative rule references and clarify and streamline the general SBEC certification provisions to make them more accessible and understandable to the public. Proposed new 19 TAC Chapter 232, Subchapter A, would also include new statutory requirements as a result of House Bill (HB) 1334 and Senate Bill (SB) 866, 82nd Texas Legislature, 2011. For clarification, an additional change is recommended to proposed new 19 TAC §232.7, Requirements for Certificate Renewal, since published as proposed.

STATUTORY AUTHORITY: The statutory authority for current 19 TAC Chapter 232, Subchapter A, is the Texas Education Code (TEC), §§21.003(a), 21.031, 21.041(b)(1)-(5) and (9), and 22.0831(c) and (f). The statutory authority for current 19 TAC Chapter 232, Subchapter B, is the TEC, §§21.003(a), 21.031(a), and 21.041(b)(1)-(3) and (7)-(9). The statutory authority for current 19 TAC Chapter 232, Subchapter C, is the TEC, §21.041(c) and §22.0831(f).

The statutory authority for proposed new 19 TAC Chapter 232, Subchapter A, is the TEC, §§21.003(a), 21.0031(f), 21.031(a), 21.041(b)(1)-(3) and (7)-(9), and 21.054. The statutory authority for proposed new 19 TAC Chapter 232, Subchapter B, is the TEC, §21.041(c) and §22.0831(f).

EFFECTIVE DATE: The proposed effective date of the proposed repeal of and proposed new 19 TAC Chapter 232 would be August 19, 2012 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: A majority of the rules in 19 TAC Chapter 232, Subchapters A and B, were last amended effective June 22, 2008. Section 232.4 was last amended effective October 25, 2009. Section 232.5 was last amended effective August 17, 2008. Section 232.830 was last amended effective June 21, 2009. The SBEC adopted 19 TAC Chapter 232, Subchapter C, effective December 16, 2007. A discussion item on the proposed reorganization

of and amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification; 19 TAC Chapter 232, General Certification Provisions; and 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, was presented to the SBEC at the October 2011 meeting.

The SBEC approved the repeal of and new 19 TAC Chapter 232 for filing as proposed at the February 2012 meeting.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The current SBEC rules in 19 TAC Chapter 232 are organized as follows: Subchapter A, Types and Classes of Certificates Issued; Subchapter B, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter C, 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 current rules codified in 19 TAC Chapter 232, Subchapter A, would be repealed and reorganized as proposed new 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter D, Types and Classes of Certificates Issued, since the rules more closely align with the rules codified in 19 TAC Chapter 230. The current rules codified in 19 TAC Chapter 232, Subchapter B, would be repealed and reorganized as proposed new 19 TAC Chapter 232, Subchapter A, with minimal changes. The current rules codified in 19 TAC Chapter 232, Subchapter C, would be repealed and reorganized as proposed new 19 TAC Chapter 232, Subchapter B, with minimal changes.

The Texas Education Agency (TEA) staff held webinars with the advisory committee for educator certification and standards on September 15, 2011, and with stakeholders on November 2 and 7, 2011, to gather input on the proposed reorganization of and amendments to the rules currently codified in 19 TAC Chapter 230, Professional Educator Preparation and Certification; 19 TAC Chapter 232, General Certification Provisions; and 19 TAC Chapter 233, Categories of Classroom Teaching Certificates. In addition, face-to-face stakeholder meetings were held on October 17, 2011, and November 17, 2011. Following is a description of the proposed changes.

Proposed New Subchapter A, Certificate Renewal and Continuing Professional Education Requirements

A majority of the rules in this subchapter would reflect rules renumbered and moved from current 19 TAC Chapter 232, Subchapter B, with either no changes to the rule text or with updates to administrative rule references.

Proposed new 19 TAC §232.1(f) and §232.7(b) would include language to specify references to the Texas Higher Education Coordinating Board guaranteed student loans, whose defaults are regularly reported to TEA staff by the Office of the Attorney General. Proposed new 19 TAC §232.1(g) would include language regarding child support arrears to be more consistent with the referenced procedures in the Texas Family Code, Chapter 232.

As a result of HB 1334, 82nd Texas Legislature, 2011, proposed new 19 TAC §232.5(d)-(f) and §232.7(e) would include language to be more consistent with the renewal restrictions and

conditions imposed by the TEC, §21.0031(f), and the Texas Government Code, §2001.054. No additional changes since published as proposed are recommended at this time.

Proposed new 19 TAC §232.7(a)(1) would specify that when notifying an educator prior to the expiration of his or her renewal period the notice will be sent to the email address provided by the educator. In addition, proposed new subsection (a)(2) would include language to specify the hardships the TEA staff will consider when an educator is unable to complete renewal requirements due to a hardship and that the extension of a renewal deadline would be at the discretion of TEA staff and not subject to appeal. In response to a board member's request, language in proposed new §232.7(b)(2) would be amended to provide that an educator is eligible for renewal unless the educator's certificate is currently suspended.

Proposed new 19 TAC §232.9 would specify procedures for late renewal and inactive status. In addition, proposed new subsection (c) would include language to specify that a late fee would be due for renewal applications not complete by the renewal date. No additional changes since published as proposed are recommended at this time.

As a result of SB 866, 82nd Texas Legislature, 2011, proposed new 19 TAC §232.11(e) would provide that continuing education requirements for an educator who teaches students with dyslexia include training regarding new research and practices in educating students with dyslexia and that the training may be satisfied through an accredited online course. No additional changes since published as proposed are recommended at this time.

Proposed new 19 TAC §232.13(l) would clarify the continuing professional education (CPE) requirements for holders of multiple classes of certificates. No additional changes since published as proposed are recommended at this time.

Proposed new 19 TAC §232.15(a) would include language to expand the acceptable types of CPE activities and self-study of relevant professional materials to include interactive distance learning, video conferencing, and online activities and specify that staff development activities completed through accredited public and private schools in countries other than the United States may be accepted. Proposed new subsection (b) would emphasize that all CPE activities must be evidenced by documentation such as transcripts, certificates of completion, or attendance logs for auditing purposes. CPE credit for serving as an assessor is no longer considered to be an acceptable CPE activity that would increase student achievement or the performance of the teacher and is not included as part of proposed new 19 TAC §232.15. No additional changes since published as proposed are recommended at this time.

Proposed New Subchapter B, National Criminal History Record Information Review of Active Certificate Holders

The rules in this subchapter would reflect rules renumbered and moved from current 19 TAC Chapter 232, Subchapter C, with only minor technical edits to the rule text such as updating administrative rule references due to the reorganization of the chapter. No additional changes since published as proposed are recommended at this time.

FISCAL IMPACT: The TEA staff have determined that there are no additional costs to persons or entities required to comply with the proposed rule actions. In addition, there are no direct

adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

PUBLIC AND STUDENT BENEFIT: The proposed rule actions would result in certified educators who have the appropriate training to address the educational needs of students. In addition, the proposed rule actions would clarify and streamline SBEC certification renewal and continuing professional education procedures and standards to make them more accessible and understandable to the public.

PROCEDURAL AND REPORTING IMPLICATIONS: The TEA staff have determined that there are no procedural and reporting implications to school districts and educators.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The TEA staff have determined that there are no locally maintained paperwork requirements to school districts and educators.

PUBLIC COMMENTS: Following the February 2012 SBEC meeting, the proposed repeal of and proposed new 19 TAC Chapter 232 were filed with the *Texas Register* initiating the official public comment period. At the time this item was prepared, no comments had been received. Any public comments received will be provided to the SBEC under separate cover prior to the June 2012 meeting.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: Separate items are presented for discussion and action in this agenda for the adoption, subject to SBOE review, of proposed repeal of and new 19 TAC Chapter 230, Professional Educator Preparation and Certification, and proposed revisions to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, resulting from the reorganization of the rules.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Approve for adoption, subject to State Board of Education review, the proposed repeal of 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued; Subchapter B, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter C, National Criminal History Record Information Review of Active Certificate Holders, with an effective date of 20 days after filing as adopted with the *Texas Register*; and

Approve for adoption, subject to State Board of Education review, proposed new 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter B, National Criminal History Record Information Review of Active Certificate Holders, with an effective date of 20 days after filing as adopted with the *Texas Register*.

Respectfully submitted,

Ann Smisko, Ph.D.
Associate Commissioner
Educator Leadership and Quality

Staff Members Responsible: Janice Lopez, Ph.D., Director
Educator Certification and Standards

Andrew Allen, Assistant Counsel
Legal Services

- Attachments:**
- I. Statutory Citations
 - II. Text of Proposed Repeal of 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued; Subchapter B, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter C, National Criminal History Record Information Review of Active Certificate Holders
 - III. Text of Proposed New 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter B, National Criminal History Record Information Review of Active Certificate Holders

Attachment I**Statutory Citations Relating to Proposed Repeal of and New 19 TAC Chapter 232, General Certification Provisions****Texas Education Code, §21.003, Certification Required (excerpt):**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or 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, as amended by House Bill 1334, 82nd Texas Legislature, 2011 (excerpt):

- (f) For purposes of this section, a certificate or permit is not considered to have expired if:
- (1) the employee has completed the requirements for renewal of the certificate or permit;
 - (2) the employee submitted the request for renewal prior to the expiration date; and
 - (3) the date the certificate or permit would have expired is before the date the State Board for Educator Certification takes action to approve the renewal of the certificate or permit.

Texas Education Code, §21.031, Purpose:

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

Texas Education Code, §21.041, Rules; Fees (excerpts):

- (b) The board shall propose rules that:
- (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (3) specify the period for which each class of educator certificate is valid;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
 - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
 - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;

- (9) provide for continuing education requirements; and
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.

Texas Education Code, §21.054, Continuing Education, as amended by Senate Bill 866, 82nd Texas Legislature, 2011:

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.

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

- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (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.

ATTACHMENT II
Text of Proposed Repeal of 19 TAC

[Chapter 232. General Certification Provisions]

[Subchapter A. Types and Classes of Certificates Issued]

§232.1. Types of Certificates.

- ~~[(a) "Type of certificate" means a designation of the period of validity for a certificate and includes the following certificate designations:]~~
- ~~[(1) standard, as specified in subsection (c) of this section;]~~
 - ~~[(2) provisional, as specified in subsection (b) of this section;]~~
 - ~~[(3) professional, as specified in subsection (b) of this section;]~~
 - ~~[(4) one year, as specified in Chapter 230, Subchapter O, of this title (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries);]~~
 - ~~[(5) probationary, as specified in §232.4 of this title (relating to Probationary Certificates);]~~
 - ~~[(6) temporary, as specified in §232.5 of this title (relating to Temporary Teacher Certificates) and §230.305 of this title (relating to Temporary Certificate); and]~~
 - ~~[(7) emergency, as specified in §230.512 of this title (relating to Emergency Certificates);]~~
- ~~[(b) All provisional and professional lifetime educator certificates issued prior to September 1, 1999, shall be valid for the life of the individual unless suspended, surrendered in lieu of revocation, or revoked by lawful authority.]~~
- ~~[(c) Effective September 1, 1999, the standard certificate shall be issued for all classes of certificates as specified in §232.2 of this title (relating to Classes of Certificates) and shall be valid for no more than five years, subject to the requirements of Subchapter B of this chapter (relating to Certificate Renewal and Continuing Professional Education Requirements).]~~

§232.2. Classes of Certificates.

- ~~[(a) "Class of certificates" means a certificate with the following characteristics:]~~
- ~~[(1) specific job duties or functions are associated with the certificate;]~~
 - ~~[(2) standards are established by the State Board for Educator Certification (SBEC) for the issuance of the certificate; and]~~
 - ~~[(3) comprehensive examination(s) as prescribed by the SBEC for the certificate.]~~
- ~~[(b) Classes of certificates include the following:]~~
- ~~[(1) superintendent;]~~
 - ~~[(2) principal;]~~
 - ~~[(3) classroom teacher;]~~
 - ~~[(4) instructional educator other than classroom teacher, including reading specialist;]~~
 - ~~[(5) master teacher;]~~
 - ~~[(6) school librarian;]~~
 - ~~[(7) school counselor;]~~

~~[(8) — educational diagnostician; and]~~

~~[(9) — educational aide.]~~

~~§232.3. Development, Approval, Implementation, and Evaluation of Teacher Certification Standards.]~~

~~[(a) — Purpose. The purpose of the certification standards shall be to ensure the highest level of teacher preparation and practice to achieve student excellence.]~~

~~[(b) — Objectives. The objectives of the certification standards are:]~~

~~[(1) — to establish the knowledge and skills required of a classroom teacher teaching in a certification field for the first time and of the master teacher;]~~

~~[(2) — to guide the design and delivery of teacher preparation programs; and]~~

~~[(3) — to direct the development of certification examinations and other requirements for certificate issuance.]~~

~~[(c) — Application. This section shall apply to certificates issued within the following classes:]~~

~~[(1) — classroom teacher; and]~~

~~[(2) — master teacher.]~~

~~[(d) — Policy. The State Board for Educator Certification (SBEC) shall approve certification standards based on the applicable Texas Essential Knowledge and Skills (TEKS) adopted by the State Board of Education (SBOE).]~~

~~[(e) — Development. The SBEC shall develop the certification standards based on information provided by Texas educators, educator preparation program representatives, parents, and lay citizens. Before approving standards for a certificate, the SBEC shall make the proposed standards available for comment from the public, the SBOE, and the commissioner of education.]~~

~~[(f) — Implementation. The Texas Education Agency (TEA) staff shall be primarily responsible for implementing the certification standards approved by the SBEC by having certification examinations developed or recommended to the SBEC on the basis of such standards.]~~

~~[(g) — Evaluation. The TEA staff shall periodically evaluate approved certification standards based, at a minimum, on any changes to the TEKS or the job functions and duties of the related certificate.]~~

~~[(h) — Definition. For purposes of this section, "TEA staff" means staff of the TEA assigned by the commissioner of education to perform the SBEC's administrative functions and services.]~~

~~§232.4. Probationary Certificates.]~~

~~[(a) — The following definitions apply, when used in this section, unless the rule or context in which the word or phrase is used requires a different definition:]~~

~~[(1) — Alternative certification program — An educator preparation program that offers an alternative route to certification as authorized under Chapter 228 of this title (relating to Requirements for Educator Preparation Programs).]~~

~~[(2) — Core academic subject — English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, history, geography, or the arts.]~~

~~[(3) — Early Childhood — Children ages 3-5.]~~

~~[(4) — High quality professional development — As defined by the No Child Left Behind Act of 2001, 20 United States Code (USC), §7801 (2001, as amended) and its subsequent amendments, which includes, but is not limited to, activities that are sustained, intensive, and classroom focused in order to have a positive and lasting impact on classroom instruction; that advance the teacher's understanding of effective instructional strategies; that are developed with participation of teachers, principals, parents, and administrators; and that are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement.]~~

- ~~[(5) — Mentoring — As defined under the No Child Left Behind Act of 2001, 20 USC, §7801 and its subsequent amendments, which includes, but is not limited to, activities that consist of structured guidance and regular ongoing support for beginning educators, especially beginning teachers, as part of a developmental induction process designed to assist educators in their professional growth and development. Beginning educator support is to be provided by an experienced educator who has been trained in mentoring.]~~
- ~~[(6) — Texas Education Agency (TEA) staff — Staff of the TEA assigned by the commissioner of education to perform the State Board for Educator Certification's (SBEC's) administrative functions and services.]~~
- ~~[(b) — A probationary certificate may be issued for any class of certificate except educational aide.]~~
- ~~[(c) — A probationary certificate may be issued to an individual who meets the conditions and requirements prescribed in this subsection.]~~
- ~~[(1) — Except as otherwise provided in rules of the SBEC related to certain career and technical education certificates based on skill and experience, the individual must hold at least a baccalaureate degree from an institution of higher education that, when the degree was conferred, was accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board.]~~
- ~~[(2) — The individual must meet appropriate requirements prescribed in §230.413 of this title (relating to General Requirements).]~~
- ~~[(3) — The individual must have been accepted to participate in an approved Texas educator preparation program and has been assigned to serve in the subject area and at the grade level of certification sought.]~~
- ~~[(4) — The individual must receive mentoring and high quality professional development that is sustained, intensive, and classroom focused prior to and throughout the assignment.]~~
- ~~[(5) — The individual must pay the fee prescribed in §230.436 of this title (relating to Schedule of Fees for Certification Services).]~~
- ~~[(6) — The individual must submit fingerprints in accordance with §232.905(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.]~~
- ~~[(7) — The teacher in a core academic subject must demonstrate mastery of each subject to be taught:~~
- ~~[(A) — at the public elementary school level (Early Childhood–Grade 6), by passing the appropriate certification examination as prescribed in Chapter 230, Subchapter B, of this title (relating to Assessment of Educators); or]~~
- ~~[(B) — at the public middle or high school level (Grades 7–12):]~~
- ~~[(i) — by passing the appropriate content area certification examination as prescribed in Chapter 230, Subchapter B, of this title; or]~~
- ~~[(ii) — by completing an academic major, graduate degree, or coursework equivalent to an academic major that complies with the TEC, §21.050, and comprises not fewer than 24 semester hours, including 12 semester hours of upper division coursework in the subject taught.]~~
- ~~[(8) — The teacher in a special education assignment must demonstrate mastery of each subject to be taught:]~~
- ~~[(A) — at the public elementary school level (Early Childhood–Grade 6):]~~
- ~~[(i) — by passing the appropriate certification examination as prescribed in Chapter 230, Subchapter B, of this title for the assignment; and]~~
- ~~[(ii) — by passing a special education Early Childhood–Grade 12 examination; or]~~
- ~~[(B) — at the public middle or high school level (Grades 7–12):]~~

- ~~[(i) — by passing the appropriate content area certification examination as prescribed in Chapter 230, Subchapter B, of this title for the assignment or by completing an academic major, graduate degree, or coursework equivalent to an academic major comprised of not fewer than 24 semester hours, including 12 semester hours of upper division coursework in the subject taught; and]~~
 - ~~[(ii) — by passing a special education Early Childhood Grade 12 examination.]~~
- ~~[(d) — A probationary certificate shall be valid for a 12-month period from the date of issuance, except as otherwise provided under this title.]~~
 - ~~[(1) — A certificate may be extended for no more than two annual terms following expiration of the initial term. A probationary certificate may be extended for an annual term only if the Texas educator preparation program recommends extension and certifies that the holder is making satisfactory progress toward standard certification. If an educator is employed under a probationary certificate and is terminated, or resigns in lieu of termination, before the end of the school year due to a reduction in force, that probationary term shall not count as one of the three allowed annual probationary terms.]~~
 - ~~[(2) — Without obtaining initial, standard certification, an individual may not serve for more than three 12-month periods while holding:]~~
 - ~~[(A) — probationary certificates as described in this subsection;]~~
 - ~~[(B) — emergency certificates as specified in §230.512 of this title (relating to Emergency Certificates); or]~~
 - ~~[(C) — one-year certificates as specified in Chapter 230, Subchapter O, of this title (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).]~~
- ~~[(e) — The TEA staff shall establish reasonable procedures to implement this section.]~~

§232.5. Temporary Teacher Certificates.

- ~~[(a) — A person may be temporarily certified to teach only in Grades 8-12 if the person:]~~
 - ~~[(1) — holds a baccalaureate or advanced degree from an accredited institution of higher education received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to at least one area of the curriculum as prescribed under the Texas Education Code (TEC), Chapter 28, Subchapter A;]~~
 - ~~[(2) — performs satisfactorily on the appropriate examinations prescribed under the TEC, §21.048;]~~
 - ~~[(3) — passes a criminal history background check by submitted fingerprints for review; and]~~
 - ~~[(4) — submits fingerprints in accordance with §232.905(c) of this title (relating to Submission of Required Information) and the TEC, §22.0831.]~~
- ~~[(b) — A certificate issued under this section is valid for a term not to exceed two academic years.]~~
- ~~[(c) — A person may receive a certificate to teach only in a subject area of the curriculum prescribed under the TEC, Chapter 28, Subchapter A, in which the person holds a baccalaureate or advanced degree from an institution of higher education with an academic major related to that area of the curriculum. Guidelines for determining the academic major related to the current Grades 8-12 certificate structure will be developed by the Texas Education Agency (TEA) staff.]~~
- ~~[(d) — A person who applies for a temporary teaching certificate under this section shall pay a fee equal to that required of applicants for a probationary certificate under §230.436 of this title (relating to Schedule of Fees for Certification Services).]~~

- ~~[(e) — A person who holds a certificate under this section may be employed by a school district only if the person and the school district agree that the person will be employed under a probationary contract for each year of the person's employment with the district.]~~
- ~~[(f) — A school district employing a person who holds a certificate issued under this section must provide the same coursework, mentoring, and training that is required by Chapter 228 of this title (relating to Requirements for Educator Preparation Programs), except that a certificate issued under this section shall require 380 total clock hours of training.]~~
- ~~[(g) — Districts delivering the required intensive support for an educator holding the temporary teacher certificate must follow guidelines established by the TEA staff with evidence indicating the ability to comply with the provisions of this chapter.]~~
- ~~[(h) — A school district may require that a person who will be employed by the district and who holds a temporary teacher certificate issued under this section complete a teacher training program.]~~
- ~~[(i) — At the end of the two years of employment, the person must apply to the SBEC for a standard certificate. The person must also be recommended by the current employing school district for certification. All employing school districts must provide evidence to the SBEC that each district complied with the requirements of subsection (f) of this section.]~~
- ~~[(j) — A standard teaching certificate may be issued to a person under this section if:]~~
- ~~[(1) — the person held a temporary teacher certificate issued under this section;]~~
- ~~[(2) — the person has been continuously employed as a teacher of record in a public school district for two academic years; and]~~
- ~~[(3) — the employing district(s) has (have) favorably reviewed the person's performance, including classroom performance and performance in any teacher training program(s). Each school district must predominately base the review of a person's performance on the increase in achievement of his or her students.]~~
- ~~[(k) — At the end of the two years of employment, if a person is granted a standard certificate, the person may not apply for or receive another temporary certificate under this section.]~~

~~§232.6. Visiting International Teacher Certificates.]~~

- ~~[(a) — A visiting international teacher may be issued a visiting international teacher certificate valid for no more than three school years upon recommendation by a public school district participating in an officially recognized foreign teacher exchange program. The program shall be based upon an agreement made between the State Board for Educator Certification and/or the Texas Education Agency (TEA) and a ministry of education in a foreign country, or as in the case of Mexico, with a secretary of education from one of its states. Exchange programs officially recognized by the United States Department of Education or the United States Department of State are also accepted.]~~
- ~~[(b) — The visiting international teacher certificate will be issued to an individual who meets conditions and requirements presented in this subsection. The individual must:]~~
- ~~[(1) — meet appropriate requirements prescribed in §230.413 of this title (relating to General Requirements);]~~
- ~~[(2) — hold valid teaching credentials from country of origin based on the equivalent of at least a United States baccalaureate degree;]~~
- ~~[(3) — demonstrate English language proficiency as described in §230.413 of this title;]~~
- ~~[(4) — have criminal activity clearance from country of origin;]~~
- ~~[(5) — demonstrate subject matter competence in subject(s) taught, as defined by the TEA in compliance with federal requirements; and]~~
- ~~[(6) — pay appropriate fee prescribed by §230.436 of this title (relating to Schedule of Fees for Certification Services); and]~~

~~[(7) — submit fingerprints in accordance with §232.905(c) of this title (relating to Submission of Required Information) and the Texas Education Code, §22.0831.]~~

~~[(c) — Participating school districts agree to provide the visiting international teachers with intensive supervision consisting of structured guidance and regular ongoing support through a mentoring program.]~~

~~[(d) — The TEA staff shall establish reasonable procedures to implement this section.]~~

[Subchapter B. Certificate Renewal and Continuing Professional Education Requirements]**§232.800. General Provisions.**

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

§232.810. Voluntary Renewal of Current Texas Educators.

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

§232.820. Renewal Date for Certificates.

- ~~[(a) — The renewal date of a standard certificate shall be five years after the last day of the certificate holder's next birth month.]~~
- ~~[(b) — If an educator holds multiple certificates, all certificates will be renewed concurrently and are subject to renewal after the last day of the certificate holder's birth month in the year in which the earliest certificate was issued.]~~
- ~~[(c) — If an educator holds an educational aide certificate and qualifies for a standard classroom teaching certificate, the expiration date of the new standard teaching certificate shall be five years after the last day of the certificate holder's next birth month.]~~

§232.830. 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 their renewal period to the mailing address as specified in §230.431 of this title (relating to Procedures in General);]~~

- ~~[(2) — consider requests for hardship exemptions from continuing professional education requirements;]~~
- ~~[(3) — confirm compliance with all renewal requirements pursuant to this subchapter;]~~
- ~~[(4) — notify educators who are not renewed due to noncompliance with this section; and]~~
- ~~[(5) — verify that educators applying for reactivation of certificate(s) under §232.840(a) of this title (relating to Inactive Status and Late Renewal) are in compliance with subsection (b)(2)–(6) of this section.]~~
- ~~[(b) — To be eligible for renewal, an educator must:]~~
- ~~[(1) — satisfy continuing professional education requirements, pursuant to §232.850 of this title (relating to Number and Content of Required Continuing Professional Education Hours);]~~
- ~~[(2) — hold a valid standard certificate that has not been suspended, 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 criminal history, as defined by §249.16 of this title (relating to Eligibility of Persons with Criminal Convictions for a Certificate under Texas Occupations Code, Chapter 53);]~~
- ~~[(5) — not be in default on a guaranteed student loan, unless repayment arrangements have been made, pursuant to the Texas Education Code (TEC), §57.491;]~~
- ~~[(6) — not be in arrears of child support, pursuant to the Texas Family Code, Chapter 232;]~~
- ~~[(7) — pay the renewal fee, pursuant to §232.890 of this title (relating to Fees Payable Upon Certificate Renewal or Reactivation), which shall be a single fee regardless of the number of certificates being renewed; and]~~
- ~~[(8) — submit fingerprints in accordance with §232.905(c) of this title (relating to Submission of Required Information) and the TEC, §22.0831.]~~
- ~~[(c) — When renewing career and technical education certifications that require licensure, certification, or registration by a state or nationally recognized accrediting agency as a professional practitioner in one or more approved occupations for which instruction is offered, licensure, certification, or registration shall be current and in good standing.]~~
- ~~[(d) — The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.]~~
- ~~[(e) — The State Board for Educator Certification shall stay the renewal of an educator's certificate(s) who fails to comply with subsection (b)(3) of this section, pending resolution of the disciplinary action. A certificate that is not suspended, surrendered in lieu of revocation, or revoked as a result of disciplinary action shall be renewed provided that all other requirements have been satisfied. Payment of a late fee shall not be required if resolution of any disciplinary action caused the renewal to occur after the renewal period had expired, except in cases involving subsection (b)(5)–(6) of this section.]~~
- §232.840. 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. At any time, the educator may apply under procedures adopted by the Texas Education Agency (TEA) staff to have his or her certificate(s) reactivated and submit the reactivation fee. Reactivation of the educator's certificate(s) is subject to verification by the State Board for Educator Certification (SBEC) that the educator is in compliance with §232.830(b)(2)–(6) and (c) of this title (relating to Requirements for Certificate Renewal). The renewal date of a reactivated certificate(s) shall be five years after the last day of the certificate holder's next birth month.]~~
- ~~[(b) — Under procedures approved by the SBEC, the TEA staff shall notify a person in writing of the reason(s) for denying the renewal, and the actions or conditions required for removal from inactive status.]~~

- ~~[(c) — A person who satisfies the requirements for renewal no more than six months after the expiration date shall pay the appropriate renewal and late fees, or the certificate(s) will be placed on inactive status.]~~
- ~~[(d) — If a person does not satisfy the required continuing professional education at the expiration of the renewal period, the person may have the certificate(s) removed from inactive status and reactivated by filing with the SBEC on a form developed by the TEA staff evidence of completion of the required continuing professional education and paying any applicable fee(s).]~~

~~§232.850. Number and Content of Required Continuing Professional Education Hours.]~~

- ~~[(a) — The appropriate number of clock hours of continuing professional education (CPE), as specified in §232.851 of this title (relating to Number of Required Continuing Professional Education Hours by Classes of Certificates), must be completed during each five year renewal period. Educators should complete a minimum of 20 clock hours of CPE each year of the renewal period. An educator renewing multiple certificates should complete a minimum of five CPE clock hours each year in the content area knowledge and skills for each certificate being renewed.]~~
- ~~[(b) — One semester credit hour earned at an accredited institution of higher education is equivalent to 15 CPE clock hours.]~~
- ~~[(c) — At least 80% of the CPE activities should be directly related to the certificate(s) being renewed and focus on the standards required for the initial issuance of the certificate(s), including:]~~
- ~~[(1) — content area knowledge and skills;]~~
- ~~[(2) — professional ethics and standards of conduct;]~~
- ~~[(3) — professional development, which should encompass topics such as the following:]~~
- ~~[(A) — district and campus priorities and objectives;]~~
- ~~[(B) — child development, including research on how children learn;]~~
- ~~[(C) — discipline management;]~~
- ~~[(D) — applicable federal and state laws;]~~
- ~~[(E) — diversity and special needs of student populations;]~~
- ~~[(F) — increasing and maintaining parental involvement;]~~
- ~~[(G) — integration of technology into educational practices;]~~
- ~~[(H) — ensuring that students read on or above grade level;]~~
- ~~[(I) — diagnosing and removing obstacles to student achievement; and]~~
- ~~[(J) — instructional techniques.]~~
- ~~[(d) — Educators are encouraged to identify CPE activities based on results of the annual appraisal required under the Texas Education Code, Chapter 21, Subchapter H.]~~
- ~~[(e) — An educator eligible to renew multiple classes of certificates issued during the same renewal period may satisfy the requirements specified in §232.851 of this title for any class of certificate issued for less than the full five year period by completing a prorated number of the required CPE hours. Educators must complete a minimum of one-fifth of the additional CPE hours for each full calendar year that the additional class of certificate is valid.]~~

~~§232.851. Number of Required Continuing Professional Education Hours by Classes of Certificates.]~~

- ~~[(a) — Holders of the Standard Superintendent Certificate must complete 200 clock hours of continuing professional education every five years. Specific requirements are contained in §242.30 of this title (relating to Requirements for Continuing Education and the Renewal of the Standard Superintendent Certificate).]~~

- ~~[(b) — Holders of the Standard Principal Certificate must complete 200 clock hours of continuing professional education every five years. Specific requirements are contained in §241.30 of this title (relating to Requirements to Renew the Standard Principal Certificate).]~~
- ~~[(c) — Holders of the Standard School Counselor Certificate must complete 200 clock hours of continuing professional education every five years.]~~
- ~~[(d) — Holders of the Standard School Librarian Certificate and Learning Resources Specialist Certificate must complete 200 clock hours of continuing professional education every five years.]~~
- ~~[(e) — Holders of the Standard Educational Diagnostician Certificate must complete 200 clock hours of continuing professional education every five years.]~~
- ~~[(f) — Holders of the Standard Reading Specialist Certificate must complete 200 clock hours of continuing professional education every five years.]~~
- ~~[(g) — Holders of the Standard Master Teacher Certificate must complete 200 clock hours of continuing professional education every five years.]~~
- ~~[(h) — Holders of the Standard Classroom Teacher Certificate must complete 150 clock hours of continuing professional education every five years. Specific requirements are contained in §232.850 of this title (relating to Number and Content of Required Continuing Professional Education Hours).]~~
- ~~[(i) — Holders of the Standard Educational Aide Certificate are exempt from the provisions of §232.850 of this title.]~~
- ~~[(j) — Holders of Professional Certificates issued prior to September 1, 1999, who opt into the Standard Certificate pursuant to §232.810 of this title (relating to Voluntary Renewal of Current Texas Educators) must complete 200 clock hours of continuing professional education every five years.]~~
- ~~[(k) — Holders of Provisional Certificates issued prior to September 1, 1999, who opt into the Standard Certificate pursuant to §232.810 of this title must complete 150 clock hours of continuing professional education every five years.]~~
- ~~[(l) — An educator must complete a total of 150 or 200 clock hours of continuing professional education during each five year renewal period unless otherwise specified in this title.]~~
- ~~[(m) — Holders of a Standard Certificate in the following areas must complete 200 clock hours of continuing professional education every five years:]~~
- ~~[(1) — Supervisor;]~~
- ~~[(2) — Special Education Supervisor;]~~
- ~~[(3) — Vocational Supervisor;]~~
- ~~[(4) — Visiting Teacher; and]~~
- ~~[(5) — Special Education Visiting Teacher.]~~
- ~~[(n) — Holders of a standard certificate listed in subsection (m) of this section are exempt from the continuing professional education hours stipulated in subsection (m) during the first five year renewal period of the standard certificate. During subsequent renewal periods, the holder of such standard certificates must satisfy the most current requirements for renewal.]~~

§232.860. Types of Acceptable Continuing Professional Education Activities.

[The following are acceptable types of continuing professional education (CPE) activities:]

- ~~[(1) — participating in institutes, workshops, seminars, conferences, in-service or staff development activities given by an approved provider or sponsor, pursuant to §232.872 of this title (relating to Provider Registration Requirements), which are related to or enhance the professional knowledge and skills of the educator. Staff development activities completed through accredited public and private schools in other states, United States territories, and countries outside Texas may be accepted;]~~

- ~~[(2) — completing undergraduate courses in the content area knowledge and skills related to the certificate(s) being renewed, graduate courses, or training programs which are taken through an accredited institution of higher education as recognized by the Texas Higher Education Coordinating Board or as outlined in §230.801 of this title (relating to Definitions);]~~
- ~~[(3) — participating in interactive distance learning, video conferencing, or on-line activities or conferences;]~~
- ~~[(4) — participating in an independent study, not to exceed 20% of the required clock hours, which may include self study of relevant professional materials (books, journals, periodicals, video and audio tapes, computer software, and on-line information) or authoring a published work;]~~
- ~~[(5) — developing curriculum or CPE training materials;]~~
- ~~[(6) — teaching or presenting a CPE activity described in subsection (a) or (b) of this section, not to exceed 10% of the required clock hours;]~~
- ~~[(7) — providing professional guidance as a mentor to another educator, not to exceed 30% of the required clock hours; and]~~
- ~~[(8) — serving as an assessor under §241.35 of this title (relating to Assessment Process Definition and Approval of Individual Assessments), not to exceed 10% of the required clock hours.]~~

~~§232.870. Pre-Approved Professional Education Provider or Sponsor.~~

- ~~[(a) — The following may provide and/or sponsor continuing professional education (CPE) activities and must comply with the provisions of §232.872 of this title (relating to Provider Registration Requirements). Pre-approved providers include:]~~
 - ~~[(1) — State Board for Educator Certification;]~~
 - ~~[(2) — Texas Education Agency;]~~
 - ~~[(3) — accredited institutions of higher education as outlined in §230.801 of this title (relating to Definitions);]~~
 - ~~[(4) — regional education service centers;]~~
 - ~~[(5) — Texas public school districts — 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 §230.801 of this title; 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 §232.872 of this title.]~~

~~§232.871. Approval of Private Companies, Private Entities, and Individuals.~~

- ~~[Private companies, private entities, and individuals who wish to provide continuing professional education (CPE) for Texas educators and administrators must register with the State Board for Educator Certification and be approved under §232.872 of this title (relating to Provider Registration Requirements).]~~
- ~~[(1) — The Texas Education Agency staff shall develop procedures to approve as providers and/or sponsors any other person, agency, or entity seeking to offer CPE activities pursuant to the requirements of this subchapter.]~~
- ~~[(2) — It is the responsibility of the educator to verify the approval status of any CPE provider prior to completion of the CPE activities.]~~

§232.872. Provider Registration Requirements.

- ~~[(a) — Procedures adopted by the Texas Education Agency (TEA) staff require all pre-approved and all other continuing professional education (CPE) providers or sponsors to register with the State Board for Educator Certification (SBEC) by submitting the relevant sections of the provider registration form designated by the TEA staff in order to accomplish any or all of the following, as applicable:]~~
- ~~[(1) — notify the TEA staff of the intent to offer CPE activities;]~~
- ~~[(2) — affirm compliance with all applicable statutes and rules;]~~
- ~~[(3) — prohibit discrimination in the provision of CPE activities to any certified educator;]~~
- ~~[(4) — document that each CPE activity:]~~
- ~~[(A) — complies with applicable SBEC rules codified in the Texas Administrative Code, Title 19, Part 7;]~~
- ~~[(B) — contributes to the advancement of professional knowledge and skills identified by standards adopted by the SBEC for each certificate;]~~
- ~~[(C) — is developed and presented by persons who are appropriately knowledgeable in the subject matter of the training being offered; and]~~
- ~~[(D) — specifies the content under §232.850(d) of this title (relating to Number and Content of Required Continuing Professional Education Hours) and number of creditable CPE clock hours; and]~~
- ~~[(5) — on a biennial or more frequent basis, conduct a comprehensive, in-depth self study to assess the CPE needs and priorities of educators served by the provider as well as the quality of the CPE activities offered;]~~
- ~~[(b) — At the conclusion of each activity offered for CPE credit, the provider or sponsor must provide to each educator in attendance written documentation listing, at a minimum, the provider's name and provider number, the educator's name, the date and content of the activity, and the number of clock hours that count toward satisfying CPE requirements;]~~
- ~~[(c) — All providers are required to maintain a list of CPE activities provided that includes a list of attendees, the date and content of the activity, and the number of clock hours that count toward satisfying CPE requirements;]~~
- ~~[(d) — The failure of the TEA staff to approve a provider or sponsor does not entitle that provider or sponsor to a contested case hearing before the SBEC or a person designated by the SBEC to conduct contested case hearings;]~~
- ~~[(e) — The TEA staff shall develop procedures to receive and investigate complaints against a provider or sponsor alleging noncompliance with this section. If the investigation determines that the provider or sponsor is operating in violation of any applicable provision of state law or rule, the TEA staff may withdraw the approval granted under this section to the provider or sponsor;]~~

§232.880. Verification of Renewal Requirements.

- ~~[(a) — Written documentation of completion of all activities applied toward continuing professional education (CPE) requirements shall be maintained by each educator;]~~
- ~~[(b) — By the date renewal is required, the educator shall verify through an affidavit in a manner determined by the Texas Education Agency (TEA) staff whether he or she is in compliance with renewal requirements, including CPE. If it is determined that an educator falsified any information submitted on the affidavit, the educator could be subject to criminal liability and educator certification sanction;]~~
- ~~[(c) — The TEA staff at any time may review the documentation required for renewal under this subchapter;]~~

~~§232.890. Fees Payable Upon Certificate Renewal or Reactivation.~~

~~[The Texas Education Agency staff shall submit to the State Board for Educator Certification (SBEC) the recommended amount of each fee listed in paragraphs (1) (5) of this section:]~~

~~[(1) — renewal fee — payable at the time of renewal to support the functions of the SBEC, including renewal, investigations, and enforcement;]~~

~~[(2) — reactivation of inactive certificate — payable upon application to reactivate;]~~

~~[(3) — late renewal fee;]~~

~~[(4) — reinstatement following restitution for default on student loan or nonpayment of child support; and]~~

~~[(5) — national criminal history review.]~~

**[Subchapter C. National Criminal History Record Information Review of Active
Certificate Holders]**

§232.901. Purpose.

- ~~[(a) This subchapter provides rules for the implementation of the criminal history record information review under the Texas Education Code (TEC), 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 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 (DPS), 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 TEC, §22.081.]~~
- ~~[(4) School entity A school district, open enrollment charter school, or shared services arrangement.]~~
- ~~[(5) Texas Education Agency staff Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's (SBEC's) administrative functions and services.]~~
- ~~[(c) A certified educator shall submit fingerprint, photograph, and identification information to the 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 SBEC and the school entity by which the certified educator is employed.]~~

§232.903. 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 §232.905 of this title (relating to Submission of Required Information) to the TEA staff. School entities and regional education service centers shall cooperate with the SBEC, the TEA, and the Texas Department of Public Safety and its contractors in providing facilities and opportunities for certified educators to submit their required information.]~~

§232.905. Submission of Required Information.

- ~~[(a) Notice to school entity:]~~
- ~~[(1) Upon notice from the Texas Education Agency (TEA) staff, a school entity shall provide, no later than 15 calendar days from the date the school entity receives the notice, the names, e-mail addresses, mailing addresses, and any other requested identifying information for all certified educators employed by the school entity at that time.]~~
- ~~[(2) All certified educators shall provide the school entity by which they are employed an e-mail address at which the certified educator can receive notices and authorizations required by this~~

~~subchapter. A school entity e-mail address or an Internet e-mail address is acceptable for this purpose.]~~

~~[(3) The TEA staff shall use the identifying information to send notices to the school entity and its certified educators notifying those educators who must submit fingerprint, photograph, and identification information for the purpose of a national criminal history record information review.]~~

~~[(4) All certified educators hired by a school entity after it submits the names of all its certified educators to the TEA staff shall submit fingerprint, photograph, and identification information required by this subchapter before the certified educator begins employment with the school entity. This requirement will not apply if the certified educator has already submitted such information to the Texas Department of Public Safety (DPS) in the form the DPS requires.]~~

~~[(b) Notice to certified educator to submit required information:]~~

~~[(1) The TEA staff shall notify the certified educator by e-mail, at the address specified by the school entity, that the certified educator must submit fingerprint, photograph, and identification information to the DPS in the form the DPS requires for the purpose of entering the certified educator's national criminal history record information into the Criminal History Clearinghouse.]~~

~~[(2) The notice shall specify the date, which shall be at least 80 calendar days from the date the notice is sent via e-mail, that the certified educator's national criminal history record information must be received by the TEA staff as required by this section and by the Texas Education Code (TEC), §22.083.]~~

~~[(3) The TEA staff shall e-mail the employing school entity a copy of each notice.]~~

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

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

~~[(c) Authorization to submit required information:]~~

~~[(1) Each certified educator shall pay the required national criminal history review fee, which shall be in the same amount as the national criminal history check fee for applicants for certification in §230.436 of this title (relating to Schedule of Fees for Certification Services), and shall electronically obtain an authorization form from the TEA staff. This provision does not prohibit another entity from paying the national criminal history review fee on behalf of the educator.]~~

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

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

~~[§232.907. 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 §232.905(b) 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 SBEC, 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.]~~

~~**[§232.909. 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).]~~

Attachment III
Text of Proposed New 19 TAC

Chapter 232. General Certification Provisions

Subchapter A. Certificate Renewal and Continuing Professional Education Requirements

§232.1. General Provisions.

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

§232.3. Voluntary Renewal of Current Texas Educators.

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

§232.5. Renewal Date for Certificates.

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

- (c) If an educator holds an educational aide certificate and qualifies for a standard classroom teaching certificate, the expiration date of the new standard teaching certificate shall be five years after the last day of the certificate holder's next birth month.
- (d) Pursuant to the Texas Education Code, §21.0031(f), a certificate or permit is not considered to have expired if the educator has completed the renewal requirements of this subchapter and has applied for renewal prior to the expiration date of the certificate or permit. Pursuant to the Texas Government Code, §2001.054, if an educator makes timely and sufficient application for the renewal or extension of a certificate or permit that is not granted because of the pendency of a matter subject to notice and hearing pursuant to Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases), the existing certificate or permit does not expire until the application for renewal or extension has been finally determined by the State Board for Educator Certification (SBEC) and the last day for seeking review of the SBEC order has passed.
- (e) The renewal of a certificate that is delayed as a result of failure to meet the renewal requirements of this subchapter will not become effective until all renewal requirements have been satisfied.
- (f) If all renewal requirements have been satisfied and submitted to the Texas Education Agency (TEA), the effective renewal date of a certificate or permit will not be affected by any TEA processing delay.

§232.7. Requirements for Certificate Renewal.

- (a) The Texas Education Agency (TEA) staff shall develop procedures to:
- (1) notify educators at least six months prior to the expiration of the renewal period to the email address as specified in §230.91 of this title (relating to Procedures in General);
 - (2) consider requests for hardship when circumstances beyond the control of the educator such as catastrophic illness of the educator or an immediate family member or military service of the educator prevented completion of the renewal requirements. If a hardship exemption is granted, the educator will be given a designated amount of time to complete the required number of continuing professional education clock-hours, apply, and pay the appropriate fee. The granting or denial of a request for extension of a renewal deadline shall be solely within the discretion of TEA staff and shall not be subject to appeal;
 - (3) confirm compliance with all renewal requirements pursuant to this subchapter;
 - (4) notify educators who are not renewed due to noncompliance with this section; and
 - (5) verify that educators applying for reactivation of certificate(s) under §232.9 of this title (relating to Inactive Status and Late Renewal) are in compliance with subsection (b)(2)-(6) of this section.
- (b) To be eligible for renewal, an educator must:
- (1) satisfy continuing professional education requirements, pursuant to §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours);
 - (2) hold a valid standard certificate that is ~~is~~ has not currently ~~been~~ suspended and has not been ~~surrendered in lieu of revocation~~ [§] or revoked by lawful authority;
 - (3) not be a respondent in a disciplinary proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
 - (4) successfully resolve any reported criminal history, as defined by §249.3 of this title (relating to Definitions);
 - (5) not be in default on a guaranteed student loan reported by the Texas Guaranteed Student Loan Corporation or a judgment debt for a student loan owed to the Texas Higher Education Coordinating Board, unless repayment arrangements have been made;
 - (6) not be in arrears of child support, pursuant to the Texas Family Code, Chapter 232;

- (7) pay the renewal fee, pursuant to §232.25 of this title (relating to Fees Payable Upon Certificate Renewal or Reactivation), which shall be a single fee regardless of the number of certificates being renewed; and
- (8) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the TEC, §22.0831.
- (c) When renewing career and technical education certifications that require licensure, certification, or registration by a state or nationally recognized accrediting agency as a professional practitioner in one or more approved occupations for which instruction is offered, licensure, certification, or registration shall be current and in good standing.
- (d) The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.
- (e) The State Board for Educator Certification shall stay the renewal of an educator's certificate(s) who fails to comply with subsection (b)(3) of this section, pending resolution of the disciplinary action. A certificate that is not suspended, surrendered in lieu of revocation, or revoked shall be renewed upon the final resolution of the disciplinary action provided that all other requirements have been satisfied. The renewal of a suspended certificate shall be stayed until the certificate has been reinstated. Payment of a late fee shall not be required if the late renewal is solely due to the pendency of a disciplinary action or to a suspension.

§232.9. Inactive Status and Late Renewal.

- (a) The certificate(s) of an educator holding a valid standard certificate who does not satisfy the requirements of this subchapter shall be placed on inactive status, subject to the requirements of the Texas Education Code, §21.0031(f). At any time, the educator may apply under procedures adopted by the Texas Education Agency (TEA) staff to have his or her certificate(s) reactivated and submit the reactivation fee. Reactivation of the educator's certificate(s) is subject to verification by the State Board for Educator Certification (SBEC) that the educator is in compliance with §232.7 of this title (relating to Requirements for Certificate Renewal). The renewal date of a reactivated certificate(s) shall be five years after the last day of the certificate holder's next birth month.
- (b) Under procedures approved by the SBEC, the TEA staff shall notify a person by email of the reason(s) for denying the renewal and the actions or conditions required for removal from inactive status.
- (c) A person who satisfies all requirements for renewal after the renewal date of a certificate shall pay a late renewal fee in addition to the standard renewal fee. A person whose certificate has become inactive because of failure to renew shall also pay a reactivation fee. The amount of these fees shall be as provided in §230.101 of this title (relating to Schedule of Fees for Certification Services).
- (d) If a person does not satisfy the required continuing professional education (CPE) hours at the expiration of the renewal period, the person may have the certificate(s) removed from inactive status and reactivated by filing with the SBEC, on a form developed by the TEA staff, evidence of completion of the required CPE hours and paying any applicable fee(s).

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

- (a) The appropriate number of clock-hours of continuing professional education (CPE), as specified in §232.13 of this title (relating to Number of Required Continuing Professional Education Hours by Classes of Certificates), must be completed during each five-year renewal period.
- (b) One semester credit hour earned at an accredited institution of higher education is equivalent to 15 CPE clock-hours.
- (c) At least 80% of the CPE activities should be directly related to the certificate(s) being renewed and focus on the standards required for the initial issuance of the certificate(s), including:
 - (1) content area knowledge and skills;
 - (2) professional ethics and standards of conduct;
 - (3) professional development, which should encompass topics such as the following:

- (A) district and campus priorities and objectives;
 - (B) child development, including research on how children learn;
 - (C) classroom management;
 - (D) applicable federal and state laws;
 - (E) diversity and special needs of student populations;
 - (F) increasing and maintaining parental involvement;
 - (G) integration of technology into educational practices;
 - (H) ensuring that students read on or above grade level;
 - (I) diagnosing and removing obstacles to student achievement; and
 - (J) instructional practices.
- (d) Educators are encouraged to identify CPE activities based on results of his or her annual appraisal required under the Texas Education Code, Chapter 21, Subchapter H.
- (e) The required CPE for educators who teach students with dyslexia must include training regarding new research and practices in educating students with dyslexia. The required training may be satisfied through an online course approved by Texas Education Agency staff.
- (f) An educator eligible to renew multiple classes of certificates issued during the same renewal period may satisfy the requirements specified in §232.13 of this title for any class of certificate issued for less than the full five-year period by completing a prorated number of the required CPE clock-hours. Educators must complete a minimum of one-fifth of the additional CPE clock-hours for each full calendar year that the additional class of certificate is valid.

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

- (a) Holders of the Standard Superintendent Certificate shall complete 200 clock-hours of continuing professional education (CPE) every five years. Specific requirements are contained in §242.30 of this title (relating to Requirements to Renew the Standard Superintendent Certificate).
- (b) Holders of the Standard Principal Certificate shall complete 200 clock-hours of CPE every five years. Specific requirements are contained in §241.30 of this title (relating to Requirements to Renew the Standard Principal Certificate).
- (c) Holders of the Standard School Counselor Certificate shall complete CPE training as specified in §239.25(a) of this title (relating to Requirements to Renew the Standard School Counselor Certificate) every five years.
- (d) Holders of the Standard School Librarian Certificate and Learning Resources Specialist Certificate shall complete CPE training as specified in §239.65(a) of this title (relating to Requirements to Renew the Standard School Librarian Certificate) every five years.
- (e) Holders of the Standard Educational Diagnostician Certificate shall complete 200 clock-hours of CPE every five years.
- (f) Holders of the Standard Reading Specialist Certificate shall complete 200 clock-hours of CPE every five years.
- (g) Holders of the Standard Master Teacher Certificate shall complete 200 clock-hours of CPE every five years.
- (h) Holders of the Standard Classroom Teacher Certificate shall complete 150 clock-hours of CPE every five years. Specific requirements are contained in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours).
- (i) Holders of the Standard Educational Aide Certificate are exempt from the provisions of §232.11 of this title.

- (j) Holders of professional certificates issued prior to September 1, 1999, who opt into the Standard Certificate pursuant to §232.3 of this title (relating to Voluntary Renewal of Current Texas Educators) shall complete 200 clock-hours of CPE every five years.
- (k) Holders of provisional certificates issued prior to September 1, 1999, who opt into the Standard Certificate pursuant to §232.3 of this title shall complete 150 clock-hours of CPE every five years.
- (l) An educator holding multiple classes of certificates shall complete the higher number of required CPE clock-hours in the held classes during each five-year renewal period unless otherwise specified in applicable State Board for Educator Certification rules codified in the Texas Administrative Code, Title 19, Part 7.
- (m) Holders of a Standard Certificate in other professional areas must complete 200 clock-hours of CPE every five years.

§232.15. Types of Acceptable Continuing Professional Education Activities.

- (a) The following are acceptable types of continuing professional education (CPE) activities:
 - (1) participating in institutes, workshops, seminars, conferences, interactive distance learning, video conferencing, online activities, and in-service or staff development activities given by an approved provider or sponsor, pursuant to §232.21 of this title (relating to Provider Registration Requirements), which are related to or enhance the professional knowledge and skills of the educator. Staff development activities completed through accredited public and private schools in other states, United States territories, and countries other than the United States may be accepted;
 - (2) completing undergraduate courses in content area knowledge and skills related to the certificate(s) being renewed, graduate courses, or training programs that are taken through an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board or as outlined in §230.1 of this title (relating to Definitions);
 - (3) participating in an independent study, not to exceed 20% of the required clock-hours, which may include:
 - (A) self-study of relevant professional materials (e.g., books, journals, periodicals, video and audio tapes, computer software, interactive distance learning, video conferencing, or online activities);
 - (B) developing curriculum; or
 - (C) authoring a published work;
 - (4) developing, teaching, or presenting a CPE activity described in this subsection or subsection (b) of this section, not to exceed 10% of the required clock-hours; and
 - (5) providing professional guidance as a mentor to another educator, not to exceed 30% of the required clock-hours.
- (b) Completion of each CPE activity should be evidenced by documentation (e.g., transcripts, certificates of completion, or attendance logs).

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

- (a) The following may provide and/or sponsor continuing professional education (CPE) activities and must comply with the provisions of §232.21 of this title (relating to Provider Registration Requirements). Pre-approved providers include:
 - (1) State Board for Educator Certification;
 - (2) Texas Education Agency;
 - (3) accredited institutions of higher education that at the time were accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

- (4) regional education service centers;
 - (5) Texas public school districts. To be creditable toward CPE requirements, school district in-service and/or staff development activities must be developed, approved, and conducted in accordance with the Texas Education Code, §21.451;
 - (6) private schools, as defined in §230.1 of this title (relating to Definitions); and
 - (7) professional membership associations or non-profits that have offered professional development in Texas for at least five years and have tax-exempt status under 26 United States Code, §501(c)(3)-(6), or a state association affiliated with a national association with tax-exempt status.
- (b) If private companies, entities, and individuals provide CPE activities on behalf of a pre-approved provider, the pre-approved provider is responsible for ensuring compliance with quality and documentation requirements of §232.21 of this title.

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

Private companies, private entities, and individuals who wish to provide continuing professional education (CPE) for Texas educators and administrators must register with the State Board for Educator Certification and be approved under §232.21 of this title (relating to Provider Registration Requirements).

- (1) The Texas Education Agency staff shall develop procedures to approve as providers and/or sponsors any other person, agency, or entity seeking to offer CPE activities pursuant to the requirements of this subchapter.
- (2) It is the responsibility of the educator to verify the approval status of any CPE provider prior to completion of the CPE activities.

§232.21. Provider Registration Requirements.

- (a) Procedures adopted by the Texas Education Agency (TEA) staff require all pre-approved and all other continuing professional education (CPE) providers or sponsors to register with the State Board for Educator Certification (SBEC) by submitting the relevant sections of the provider registration form designated by the TEA staff in order to accomplish any or all of the following, as applicable:
- (1) notify the TEA staff of the intent to offer CPE activities;
 - (2) affirm compliance with all applicable statutes and rules;
 - (3) prohibit discrimination in the provision of CPE activities to any certified educator;
 - (4) document that each CPE activity:
 - (A) complies with applicable SBEC rules codified in the Texas Administrative Code, Title 19, Part 7;
 - (B) contributes to the advancement of professional knowledge and skills identified by standards adopted by the SBEC for each certificate;
 - (C) is developed and presented by persons who are appropriately knowledgeable in the subject matter of the training being offered; and
 - (D) specifies the content under §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and number of creditable CPE clock-hours; and
 - (5) on a biennial or more frequent basis, conduct a comprehensive, in-depth self-study to assess the CPE needs and priorities of educators served by the provider as well as the quality of the CPE activities offered.
- (b) At the conclusion of each activity offered for CPE credit, the provider or sponsor must provide to each educator in attendance written documentation listing, at a minimum, the provider's name and provider

number, the educator's name, the date and content of the activity, and the number of clock-hours that count toward satisfying CPE requirements.

- (c) All providers are required to maintain a list of CPE activities provided that includes a list of attendees, the date and content of the activity, and the number of clock-hours that count toward satisfying CPE requirements.
- (d) The failure of the TEA staff to approve a provider or sponsor does not entitle that provider or sponsor to a contested-case hearing before the SBEC or a person designated by the SBEC to conduct contested-case hearings.
- (e) The TEA staff shall develop procedures to receive and investigate complaints against a provider or sponsor alleging noncompliance with this section. If the investigation determines that the provider or sponsor is operating in violation of any applicable provision of state law or rule, the TEA staff may withdraw the approval granted under this section to the provider or sponsor.

§232.23. Verification of Renewal Requirements.

- (a) Written documentation of completion of all activities applied toward continuing professional education (CPE) requirements shall be maintained by each educator.
- (b) By the date renewal is required, the educator shall verify through an affidavit in a manner determined by the Texas Education Agency (TEA) staff whether he or she is in compliance with renewal requirements, including CPE. If it is determined that an educator falsified any information submitted on the affidavit, the educator could be subject to criminal liability and educator certification sanction.
- (c) The TEA staff at any time may review the documentation required for renewal under this subchapter.

§232.25. Fees Payable Upon Certificate Renewal or Reactivation.

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

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

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

§232.31. Purpose.

- (a) This subchapter provides rules for the implementation of the criminal history record information review under the Texas Education Code, Chapter 22, Subchapter C.
- (b) The following words, terms, and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
- (1) Certified educator--An employee or applicant for employment at a school entity who holds a Texas educator certification issued under the Texas Education Code (TEC), Chapter 21, Subchapter B, as required by the TEC, Chapter 22, Subchapter C, to whom the TEC, §22.0831, and this subchapter apply.
 - (2) Criminal History Clearinghouse--An electronic clearinghouse and subscription service established by the Texas Department of Public Safety, as defined by the Texas Government Code, §411.0845.
 - (3) National criminal history record information--Criminal history record information obtained from both the Texas Department of Public Safety and the Federal Bureau of Investigation, as defined by the Texas Education Code, §22.081.
 - (4) School entity--A school district, open-enrollment charter school, or shared services arrangement.
 - (5) Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.
- (c) A certified educator shall submit fingerprint, photograph, and identification information to the Texas Department of Public Safety (DPS) in the form the DPS requires for the purpose of entering the person's national criminal history record information into the Criminal History Clearinghouse.
- (d) A certified educator may not be employed by a school entity on or after September 1, 2011, unless the certified educator's national criminal history record information has been entered into the Criminal History Clearinghouse and made available to the Texas Education Agency and the school entity by which the certified educator is employed.

§232.33. Required Assistance.

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

§232.35. Submission of Required Information.

- (a) Notice to school entity.
- (1) Upon notice from the Texas Education Agency (TEA) staff, a school entity shall provide, no later than 15 calendar days from the date the school entity receives the notice, the names, e-mail addresses, mailing addresses, and any other requested identifying information for all certified educators employed by the school entity at that time.
 - (2) All certified educators shall provide the school entity by which they are employed an e-mail address at which the certified educator can receive notices and authorizations required by this

subchapter. A school entity e-mail address or an Internet e-mail address is acceptable for this purpose.

- (3) The TEA staff shall use the identifying information to send notices to the school entity and its certified educators notifying those educators who must submit fingerprint, photograph, and identification information for the purpose of a national criminal history record information review.
 - (4) All certified educators hired by a school entity after it submits the names of all its certified educators to the TEA staff shall submit fingerprint, photograph, and identification information required by this subchapter before the certified educator begins employment with the school entity. This requirement will not apply if the certified educator has already submitted such information to the Texas Department of Public Safety (DPS) in the form the DPS requires.
- (b) Notice to certified educator to submit required information.
- (1) The TEA staff shall notify the certified educator by e-mail, at the address specified by the school entity, that the certified educator must submit fingerprint, photograph, and identification information to the DPS in the form the DPS requires for the purpose of entering the certified educator's national criminal history record information into the Criminal History Clearinghouse.
 - (2) The notice shall specify the date, which shall be at least 80 calendar days from the date the notice is sent via e-mail, that the certified educator's national criminal history record information must be received by the TEA staff as required by this section and by the Texas Education Code (TEC), §22.083.
 - (3) The TEA staff shall e-mail the employing school entity a copy of each notice.
 - (4) Within ten calendar days of the date on which each notice was sent, the school entity shall ensure that all affected certified educators have received the notice by obtaining written acknowledgment from each certified educator, or by delivering a copy of the notice to the certified educator. The school entity shall maintain a record of the proof of delivery of each notice.
 - (5) Twenty-five calendar days before the date on which an educator's criminal history information must be submitted, the TEA staff shall send a reminder notice, by e-mail only, to any certified educator whose information has not yet been received and to his or her employing school entity.
- (c) Authorization to submit required information.
- (1) Each certified educator shall pay the required national criminal history review fee, which shall be in the same amount as the national criminal history check fee for applicants for certification in §230.101 of this title (relating to Schedule of Fees for Certification Services), and shall electronically obtain an authorization form from the TEA staff. This provision does not prohibit another entity from paying the national criminal history review fee on behalf of the educator.
 - (2) The authorization form shall be used to submit fingerprint, photograph, and identification information to the DPS and its contractors in the form that the DPS requires to obtain national criminal history record information required by the TEC, §22.0831, which shall be entered into the Criminal History Clearinghouse, and made available to the TEA staff and the school entity.
 - (3) Only fingerprint information that has been properly authorized by the TEA staff shall satisfy the requirements of the TEC, §22.0831, and shall be accepted and entered in the Criminal History Clearinghouse.

§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.

§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).