

ATTACHMENT I  
Text of Proposed Revisions to 19 TAC

**Chapter 232. General Certification Provisions**

**Subchapter A. Certificate Renewal and Continuing Professional Education Requirements**

**§232.1. General Provisions.**

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

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

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

**§232.5. Renewal Date for Certificates.**

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

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

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

### **§232.7. Requirements for Certificate Renewal.**

- (a) The Texas Education Agency (TEA) staff shall develop procedures to:
- (1) notify educators at least six months prior to the expiration of the renewal period to the email address as specified in §230.91 of this title (relating to Procedures in General);
  - (2) confirm compliance with all renewal requirements pursuant to this subchapter;
  - (3) notify educators who are not renewed due to noncompliance with this section; and
  - (4) verify that educators applying for reactivation of certificate(s) under §232.9 of this title (relating to Inactive Status and Late Renewal) are in compliance with subsection (c) ~~[(2)-(6)]~~ of this section.
- (b) The TEA staff shall administratively approve each hardship exemption request that meets the criteria specified in paragraphs (1)-(3) of this subsection.
- (1) A hardship exemption must be due to one of the following circumstances that prevented the educator's completion of renewal requirements:
    - (A) catastrophic illness or injury of the educator;
    - (B) catastrophic illness or injury of an immediate family member; or
    - (C) military service of the educator.
  - (2) The request for a hardship exemption must include documentation from a licensed physician or verified military records.
  - (3) The request for the amount of time allowed for renewal is equal to:
    - (A) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the educator's catastrophic illness or injury; or
    - (B) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the catastrophic illness or injury of an immediate family member; or
    - (C) two years of additional time for a military service member, in accordance with the Texas Occupations Code, §55.003.
  - (4) If a hardship exemption request is approved, the educator must pay the appropriate renewal fee, pursuant to §230.101 of this title (relating to Schedule of Fees for Certification Services) ~~§232.25 of this title (relating to Fees Payable Upon Certificate Renewal or Reactivation)~~ .

- (c) To be eligible for renewal, an educator must:
- (1) subject to §232.16(c) of this title (relating to Verification of Renewal Requirements), satisfy continuing professional education requirements, pursuant to §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours);
  - (2) hold a valid standard certificate that is not currently suspended and has not been surrendered in lieu of revocation or revoked by lawful authority;
  - (3) not be a respondent in a disciplinary proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
  - (4) successfully resolve any reported criminal history, as defined by §249.3 of this title (relating to Definitions);
  - ~~(5) not be in default on a guaranteed student loan reported by the Texas Guaranteed Student Loan Corporation or a judgment debt for a student loan owed to the Texas Higher Education Coordinating Board, unless repayment arrangements have been made;~~
  - (5) ~~(6)~~ not be in arrears of child support, pursuant to the Texas Family Code, Chapter 232;
  - (6) ~~(7)~~ pay the renewal fee, provided in §230.101 of this title ~~[pursuant to §232.25 of this title]~~, which shall be a single fee regardless of the number of certificates being renewed; and
  - (7) ~~(8)~~ submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the TEC, §22.0831.
- (d) The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.

#### **§232.9. Inactive Status and Late Renewal.**

- (a) The certificate(s) of an educator holding a valid standard certificate who does not satisfy the requirements of this subchapter shall be placed on inactive status, subject to the requirements of the Texas Education Code, §21.0031(f). Texas Education Agency (TEA) staff shall notify a person by email of the reason(s) for denying the renewal and the actions or conditions required for removal from inactive status. At any time, the educator may apply to have his or her certificate(s) reactivated and submit the reactivation fee. The TEA staff shall administratively approve reactivation of the educator's certificate(s) subject to verification that the educator is in compliance with §232.7 of this title (relating to Requirements for Certificate Renewal). The renewal date of a reactivated certificate(s) shall be five years after the last day of the certificate holder's next birth month.
- (b) A person who satisfies all requirements for renewal prior to the certificate expiration date and submits an application ~~[no more than six months]~~ after the expiration date of a certificate shall pay a late renewal fee in addition to the standard renewal fee. The certificate status will be set to valid, and the effective date of the certificate will be the day after the prior expiration date. A person whose certificate has become inactive longer than six months after the expiration date because of failure to renew shall pay a late renewal fee in addition to the standard renewal fee ~~[and also pay a reactivation fee]~~. The certificate status will be set to valid, and the effective date of the certificate will be the date the educator completed continuing professional education (CPE) hours, provided it is not more than 60 days prior to the date of the application. If the application is submitted more than 60 days after CPE hours were completed, the effective date will be 60 days prior to the date of the application. The amount of these fees shall be as provided in §230.101 of this title (relating to Schedule of Fees for Certification Services).
- (c) If a person does not satisfy the required CPE hours at the expiration of the renewal period, the person may have the certificate(s) removed from inactive status and reactivated by verifying through an affidavit whether he or she is in compliance with renewal requirements, including CPE hours, and paying any applicable fee(s).
- ~~(d) The TEA staff shall be responsible for auditing compliance with renewal requirements. The TEA audit procedures shall be based on available resources and may include random audits. The TEA staff shall contact an educator selected for an audit of his or her renewal requirements and provide the educator with information needed to submit the documentation that supports certificate renewal. The TEA staff at any~~

time may review the documentation required for renewal under this subchapter, which may include the documentation described in §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) and §232.21 of this title (relating to Provider Registration Requirements).]

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

- (a) The appropriate number of clock-hours of continuing professional education (CPE) must be completed during each five-year renewal period.
- (b) One semester credit hour earned at an accredited institution of higher education is equivalent to 15 CPE clock-hours.
- (c) Required Content. Other than hours earned to comply with subsections (d), (e), (f), (g), and (k) of this section, professional development activities shall be related to the certificate(s) being renewed and focus on the standards required for issuance of the certificate(s), including:
  - (1) content area knowledge and skills; and
  - (2) professional ethics and standards of conduct.
- (d) Classroom Teacher.
  - (1) Classroom teacher certificate holders shall complete 150 clock-hours.
  - (2) A classroom teacher must attain at least 37.5 hours of CPE that includes training directly related to each of the following topics and may include two or more listed topics combined:
    - (A) collecting and analyzing information that will improve effectiveness in the classroom;
    - (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
    - (C) digital learning, digital teaching, and integrating technology into classroom instruction;
    - (D) educating diverse student populations, including:
      - (i) students who are eligible to participate in special education programs under Texas Education Code (TEC), Chapter 29, Subchapter A;
      - (ii) students who are eligible to receive educational services required under the Rehabilitation Act of 1973, Section 504 (29 United States Code (USC), Section 794);
      - (iii) students with mental health conditions or who engage in substance abuse;
      - (iv) students with intellectual or developmental disabilities;
      - (v) students who are educationally disadvantaged;
      - (vi) students of limited English proficiency; and
      - (vii) students at risk of dropping out of school;
    - (E) understanding appropriate relationships, boundaries, and communications between educators and students; and
    - (F) how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma. The instruction must:
      - (i) comply with the training required by TEC, §38.036(c)(1); and
      - (ii) be approved by the commissioner of education.
- (e) Principal and Principal as Instructional Leader.
  - (1) Principal and Principal as Instructional Leader certificate holders shall complete 200 clock-hours.

- (2) A principal and principal as instructional leader must attain at least 50 hours of CPE that include training directly related to each of the following topics:
- (A) effective and efficient management, including:
    - (i) collecting and analyzing information;
    - (ii) making decisions and managing time; and
    - (iii) supervising student discipline and managing behavior;
  - (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
  - (D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005;
  - (E) mental health programs addressing a mental health condition;
  - (F) educating diverse student populations, including:
    - (i) students who are eligible to participate in special education programs under TEC, Chapter 29, Subchapter A;
    - (ii) students with intellectual or developmental disabilities;
    - (iii) students who are eligible to receive educational services required under the Rehabilitation Act of 1973, Section 504 (29 USC, Section 794);
    - (iv) students with mental health conditions or who engage in substance abuse;
    - (v) students who are educationally disadvantaged;
    - (vi) students of limited English proficiency; and
    - (vii) students at risk of dropping out of school;
  - (G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006; and
  - (H) how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma. The instruction must be:
    - (i) based on relevant best practice-based programs and research-based practices; and
    - (ii) approved by the commissioner, in consultation with the Texas Health and Human Services Commission.

(f) School Counselor.

- (1) School Counselor certificate holders shall complete 200 clock-hours.
- (2) A school counselor must attain at least 50 hours of CPE that include training directly related to each of the following topics:
  - (A) assisting students in developing high school graduation plans;
  - (B) implementing dropout prevention strategies;
  - (C) informing students concerning;



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

- ~~(a) — The appropriate number of clock hours of continuing professional education (CPE), as specified in §232.13 of this title (relating to Number of Required Continuing Professional Education Hours by Classes of Certificates), must be completed during each five year renewal period.~~
- ~~(b) — One semester credit hour earned at an accredited institution of higher education is equivalent to 15 CPE clock hours.~~
- ~~(c) — At least 80% of the CPE activities shall be directly related to the certificate(s) being renewed and focus on the standards required for the initial issuance of the certificate(s), including:~~
- ~~(1) — content area knowledge and skills;~~
  - ~~(2) — professional ethics and standards of conduct;~~
  - ~~(3) — professional development, which should encompass topics such as the following:~~
    - ~~(A) — district and campus priorities and objectives;~~
    - ~~(B) — child development, including research on how children learn;~~
    - ~~(C) — classroom management;~~
    - ~~(D) — applicable federal and state laws;~~
    - ~~(E) — diversity and special needs of student populations;~~
    - ~~(F) — increasing and maintaining parental involvement;~~
    - ~~(G) — integration of technology into educational practices;~~
    - ~~(H) — ensuring that students read on or above grade level;~~
    - ~~(I) — diagnosing and removing obstacles to student achievement; and~~
    - ~~(J) — instructional practices.~~
- ~~(4) — An individual who holds a classroom teacher certificate that is renewed on or after June 1, 2019, must complete CPE activities directly related to each of the topics in subparagraphs (A)–(H) of this paragraph. Not more than 25% of the CPE activities for an individual who holds a classroom teacher certificate shall include instruction in the following topics:~~
- ~~(A) — collecting and analyzing information that will improve effectiveness in the classroom;~~
  - ~~(B) — recognizing early warning indicators that a student may be at risk of dropping out of school;~~
  - ~~(C) — digital learning, digital teaching, and integrating technology into classroom instruction;~~
  - ~~(D) — educating students with disabilities, including mental health disorders;~~
  - ~~(E) — educating students who are educationally disadvantaged;~~
  - ~~(F) — educating English language learners;~~
  - ~~(G) — educating students at risk of dropping out of school; and~~
  - ~~(H) — understanding appropriate relationships, boundaries, and communications between educators and students.~~
- ~~(5) — An individual who holds a principal certificate that is renewed on or after June 1, 2019, must complete CPE activities directly related to each of the topics listed in subparagraphs (A)–(J) of this paragraph. Not more than 25% of the CPE activities for an individual who holds a principal certificate shall include instruction in the following topics:~~
- ~~(A) — collecting and analyzing information;~~
  - ~~(B) — making decisions and managing time;~~

- ~~(C) — supervising student discipline and managing behavior;~~
  - ~~(D) — recognizing early warning indicators that a student may be at risk of dropping out of school;~~
  - ~~(E) — digital learning, digital teaching, and integrating technology into campus curriculum and instruction;~~
  - ~~(F) — educating students with disabilities, including mental health disorders;~~
  - ~~(G) — educating students who are educationally disadvantaged;~~
  - ~~(H) — educating English language learners;~~
  - ~~(I) — educating students at risk of dropping out of school; and~~
  - ~~(J) — preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under the Texas Penal Code, §21.12, or for which reporting is required under the Texas Education Code (TEC), §21.006.~~
- ~~(6) — An individual who holds a school counselor certificate that is renewed on or after June 1, 2019, must complete CPE activities directly related to each of the topics listed in subparagraphs (A)–(D) of this paragraph. Not more than 25% of the CPE activities for an individual who holds a school counselor certificate shall include instruction in the following topics:~~
- ~~(A) — assisting students in developing high school graduation plans;~~
  - ~~(B) — implementing dropout prevention strategies;~~
  - ~~(C) — informing students concerning college admissions, including college financial aid resources and application procedures; and~~
  - ~~(D) — informing students concerning career opportunities.~~
- ~~(d) — Educators are encouraged to identify CPE activities based on results of his or her annual appraisal required under the TEC, Chapter 21, Subchapter H.~~
- ~~(e) — The required CPE for educators who teach students with dyslexia must include training regarding new research and practices in educating students with dyslexia. The required training may be satisfied through an online course approved by Texas Education Agency staff.~~
- ~~(f) — An educator eligible to renew multiple classes of certificates issued during the same renewal period may satisfy the requirements specified in §232.13 of this title for any class of certificate issued for less than the full five-year period by completing a prorated number of the required CPE clock hours. Educators must complete a minimum of one fifth of the additional CPE clock hours for each full calendar year that the additional class of certificate is valid.~~
- ~~(g) — An educator may fulfill up to 12 clock hours of required CPE activities by participating in a mental health first aid training program offered by a local mental health authority under the Texas Health and Safety Code, §1001.203. The number of clock hours of CPE an educator may fulfill under this subsection may not exceed the number of clock hours the educator actually spends participating in a mental health first aid training program.~~
- ~~(h) — An educator may receive credit toward CPE requirements for completion of an instructional course on the use of an automated external defibrillator (AED) that meets the guidelines for AED training approved under Texas Health and Safety Code, §779.002, in accordance with the TEC, §21.0541.~~
- ~~(i) — An educator may receive credit toward CPE requirements for completion of suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451.~~
- ~~(j) — Continuing education requirements for a classroom teacher and principal may include instruction regarding how grief and trauma affect student learning and behavior and how evidence based, grief informed, and trauma informed strategies support the academic success of students affected by grief and trauma.~~
- ~~(k) — An educator may receive credit toward CPE requirements for completion of education courses that:~~



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

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

- ~~(a) Holders of the Standard Superintendent Certificate shall complete 200 clock hours of continuing professional education (CPE) every five years. Specific requirements are contained in §242.30 of this title (relating to Requirements to Renew the Standard Superintendent Certificate).~~
- ~~(b) Holders of the Standard Principal Certificate shall complete 200 clock hours of CPE every five years. Specific requirements are contained in §241.30 of this title (relating to Requirements to Renew the Standard Principal Certificate).~~
- ~~(c) Holders of the Standard School Counselor Certificate shall complete 200 clock hours of CPE every five years. Specific requirements are contained in §239.25 of this title (relating to Requirements to Renew the Standard School Counselor Certificate).~~
- ~~(d) Holders of the Standard School Librarian Certificate and Learning Resources Specialist Certificate shall complete 200 clock hours of CPE every five years. Specific requirements are contained in §239.65 of this title (relating to Requirements to Renew the Standard School Librarian Certificate).~~
- ~~(e) Holders of the Standard Educational Diagnostician Certificate shall complete 200 clock hours of CPE every five years.~~
- ~~(f) Holders of the Standard Reading Specialist Certificate shall complete 200 clock hours of CPE every five years.~~
- ~~(g) Holders of the Standard Master Teacher Certificate shall complete 200 clock hours of CPE every five years.~~
- ~~(h) Holders of the Standard Classroom Teacher Certificate shall complete 150 clock hours of CPE every five years. Specific requirements are contained in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours).~~
- ~~(i) Holders of the Standard Educational Aide Certificate are exempt from the provisions of §232.11 of this title.~~
- ~~(j) Holders of professional certificates issued prior to September 1, 1999, who opt into the Standard Certificate pursuant to §232.3 of this title (relating to Voluntary Renewal of Current Texas Educators) shall complete 200 clock hours of CPE every five years.~~
- ~~(k) Holders of provisional certificates issued prior to September 1, 1999, who opt into the Standard Certificate pursuant to §232.3 of this title shall complete 150 clock hours of CPE every five years.~~
- ~~(l) An educator holding multiple classes of certificates shall complete the higher number of required CPE clock hours in the held classes during each five year renewal period unless otherwise specified in applicable State Board for Educator Certification rules codified in the Texas Administrative Code, Title 19, Part 7.~~
- ~~(m) Holders of a Standard Certificate in other professional areas must complete 200 clock hours of CPE every five years.]~~

**§232.15. Types of Acceptable Continuing Professional Education Activities.**

- (a) The following are acceptable types of continuing professional education (CPE) activities:
  - (1) participating in institutes, workshops, seminars, conferences, interactive distance learning, video conferencing, online activities, and in-service or staff development activities given by an approved provider or sponsor, pursuant to §232.21 of this title (relating to Provider [Registration Requirements] ~~], in content area knowledge and skills related to the certificate(s) being renewed~~).

Staff development activities completed through accredited public and private schools in other states, United States territories, and countries other than the United States may be accepted;

- (2) completing undergraduate courses [~~in content area knowledge and skills related to the certificate(s) being renewed~~], graduate courses, or training programs that are taken through an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board or as outlined in §230.1 of this title (relating to Definitions);
  - (3) participating in an independent study in content area knowledge and skills related to the certificate(s) being renewed, not to exceed 20% of the required clock-hours, which may include:
    - (A) self-study of relevant professional materials (e.g., books, journals, periodicals, video and audio tapes, computer software, interactive distance learning, video conferencing, or online activities);
    - (B) developing curriculum; or
    - (C) authoring a published work;
  - (4) developing, teaching, or presenting a CPE activity described in this [~~subsection or subsection (b) of this~~] section, not to exceed 10% of the required clock-hours; and
  - (5) providing professional guidance as a mentor to another educator, not to exceed 30% of the required clock-hours.
- (b) Completion of each CPE activity should be evidenced by documentation (e.g., transcripts, certificates of completion, or attendance logs).

#### **§232.16. Verification of Renewal Requirements.**

- (a) Written documentation of completion of all activities applied toward continuing professional education (CPE) requirements shall be maintained by each educator.
- (b) Subject to subsection (c) of this section, by the date renewal is required, the educator shall verify through an affidavit in a manner determined by the Texas Education Agency (TEA) staff whether he or she is in compliance with renewal requirements, including CPE.
- (c) Satisfaction of continuing professional education requirements, pursuant to §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours), is not required by the renewal date if such requirements are implemented within one year prior to the renewal date.
- (d) The TEA staff shall be responsible for auditing compliance with renewal requirements. The TEA audit procedures shall be based on available resources and may include random audits. The TEA staff shall contact an educator selected for an audit of his or her renewal requirements and provide the educator with information needed to submit the documentation that supports certificate renewal. The TEA staff at any time may review the documentation required for renewal under this subchapter, which may include the documentation described in §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) and §232.21 of this title (relating to Provider Requirements).

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

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

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

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

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

- (1) The Texas Education Agency staff shall ~~[develop procedures to]~~ approve as a CPE provider ~~[providers and/or sponsors]~~ any ~~[other]~~ person, agency, or entity seeking to offer CPE activities that: ~~[pursuant to the requirements of this subchapter.]~~
  - (A) submits provider information with types and methods of CPE activities;
  - (B) affirms compliance with all applicable statutes and rules; and
  - (C) prohibits discrimination in the provision of CPE activities to any certified educator.
- (2) It is the responsibility of the educator to verify the approval status of any CPE provider prior to completion of the CPE activities.

**§232.21. Provider ~~[Registration]~~ Requirements.**

- (a) All ~~[Procedures adopted by the Texas Education Agency (TEA) staff require all pre-approved and all other]~~ continuing professional education (CPE) providers must ~~[or sponsors to register with the State Board for Educator Certification (SBEC) by submitting the relevant sections of the provider registration form designated by the TEA staff in order to accomplish any or all of the following, as applicable]~~ :
  - (1) comply with applicable State Board for Educator Certification (SBEC) rules codified in Texas Administrative Code, Title 19, Part 7 ~~[notify the TEA staff of the intent to offer CPE activities]~~ ;
  - (2) contribute to the advancement of professional knowledge and skills identified by the commissioner's rules for teacher and administrator standards in Chapter 149 of this title (relating to Commissioner's Rules Concerning Educator Standards), the Texas Essential Knowledge and Skills adopted by the State Board of Education, and standards adopted by the SBEC for each certificate ~~[affirm compliance with all applicable statutes and rules]~~ ;
  - (3) ensure that all CPE offered: ~~[prohibit discrimination in the provision of CPE activities to any certified educator:]~~
    - (A) is developed and presented by persons who are appropriately knowledgeable in the subject matter of the training being offered; and
    - (B) specifies the content under §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and number of creditable CPE clock-hours.
  - ~~[(4) document that each CPE activity:]~~

~~[(A) — complies with applicable SBEC rules codified in the Texas Administrative Code, Title 19, Part 7;]~~

~~[(B) — contributes to the advancement of professional knowledge and skills identified by standards adopted by the SBEC for each certificate;]~~

~~[(C) — is developed and presented by persons who are appropriately knowledgeable in the subject matter of the training being offered; and]~~

~~[(D) — specifies the content under §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and number of creditable CPE clock hours; and]~~

~~[(5) — on a biennial or more frequent basis, conduct a comprehensive, in-depth self study to assess the CPE needs and priorities of educators served by the provider as well as the quality of the CPE activities offered.]~~

- (b) At the conclusion of each activity offered for CPE credit, the provider or sponsor must provide to each educator in attendance written documentation listing, at a minimum, the provider's name and provider number, the educator's name, the date and content of the activity, and the number of clock-hours that count toward satisfying CPE requirements.
- (c) All providers are required to maintain a record of CPE activities that includes a list of attendees, the date and content of the activity, and the number of clock-hours that count toward satisfying CPE requirements. Providers shall retain a record of CPE activity for a period of seven years after the activity is completed.
- (d) A provider or sponsor that is not granted approval or has its approval withdrawn by the TEA staff is not entitled to a contested-case hearing before the SBEC or a person designated by the SBEC to conduct contested-case hearings.
- (e) The TEA staff shall investigate complaints against a provider or sponsor alleging noncompliance with this section. If the investigation determines that the provider or sponsor is operating in violation of any applicable provision under this chapter, the TEA staff may withdraw the approval granted under this section to the provider or sponsor until the provider or sponsor can demonstrate compliance.
- (f) The TEA staff at any time may review the documentation required for provider registration under this chapter ~~[section]~~. If a review determines that the provider or sponsor is operating in violation of any applicable provision under this chapter, the TEA staff may withdraw the approval granted under this section to the provider or sponsor until the provider or sponsor can demonstrate compliance.
- (g) Before withdrawing approval under subsection (e) or (f) of this section, TEA staff will notify the provider or sponsor in writing that an alleged violation has occurred, provide a summary of the allegation, and request that the provider or sponsor respond to the allegation.
  - (1) A provider or sponsor shall:
    - (A) cooperate fully with any TEA investigation or review; and
    - (B) respond within 21 business days of receipt of requests for information regarding the allegation and other requests for information from the TEA, except where:
      - (i) TEA staff imposes a different response date; or
      - (ii) the provider or sponsor is unable to meet the initial response date and requests and receives a different response date from TEA staff.
  - (2) TEA staff may request further information from the provider or sponsor.
  - (3) If a provider or sponsor fails to comply with paragraph (1)(B) of this subsection, the TEA may deem admitted the violation of rules under this chapter.
  - (4) Upon completion of an investigation or review, TEA staff will notify the provider or sponsor in writing of the findings.

- (A) If TEA staff finds that a violation occurred, the notice will specify each rule that was violated and that the approval granted under this section has been withdrawn until the provider or sponsor can demonstrate compliance.
- (B) If TEA staff finds that no violation has occurred, the notice will specify that no rule was violated.

**§232.23. Verification of Renewal Requirements.**

- ~~(a) Written documentation of completion of all activities applied toward continuing professional education (CPE) requirements shall be maintained by each educator.~~
- ~~(b) By the date renewal is required, the educator shall verify through an affidavit in a manner determined by the Texas Education Agency (TEA) staff whether he or she is in compliance with renewal requirements, including CPE.~~
- ~~(c) The TEA staff shall be responsible for auditing compliance with renewal requirements. The TEA audit procedures shall be based on available resources and may include random audits. The TEA staff shall contact an educator selected for an audit of his or her renewal requirements and provide the educator with information needed to submit the documentation that supports certificate renewal. The TEA staff at any time may review the documentation required for renewal under this subchapter, which may include the documentation described in §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) and §232.21 of this title (relating to Provider Registration Requirements).]~~

**§232.25. Fees Payable Upon Certificate Renewal or Reactivation.**

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

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

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

**§232.31. Purpose.**

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

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

### §232.35. Submission of Required Information.

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

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

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

(c) Authorization to submit required information.

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

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

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