

Item 11:

Pr

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed amendments would implement House Bill (HB) 139, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would add the space force to the list of branches of the United States Armed Forces and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 234, §234.3 and §234.5, is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; and 21.052(b-1), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, (c), (d-1), (f), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, and (i), as added by HB 139, 87th Texas Legislature, Regular Session, 2021; and Texas Occupations Code (TOC), §§55.001, as amended by HB 139, 87th Texas Legislature, Regular Session, 2021; 55.002; 55.003; 55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021, 55.0041, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021; and 55.005–55.010.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.044(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program.

TEC, §21.052(b-1), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to establish procedures to accurately identify military spouses and expedite processing of certification applications that they submit.

TEC, §21.052(c), specifies the SBEC can specify the term of a temporary certificate issued under this subsection.

TEC, §21.052(d-1), requires the SBEC to issue a three-year temporary certificate to eligible military spouses of active-duty service members.

TEC, §21.052(f), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, provides definitions for terms used in the rest of TEC, §21.052.

PREVIOUS BOARD ACTION: The SBEC last amended §234.3 effective August 28, 2016, and last amended §234.5 effective December 22, 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: All military-related provisions for educator certification have been consolidated into 19 TAC Chapter 234. . Th07 .6 (i)-8.o -0.002 Tc 0.002

(i) In this section:

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military

Texas Occupations Code, §55.003, Extension of License Renewal Deadlines for Military Service Members:

A military service member who holds a license is entitled to two years of additional time to complete:

- (1) any continuing education requirements; and
- (2) any other requirement related to the renewal of the military service member's license.

Texas Occupations Code, §55.004, Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021:

- (a) A state agency that issues a license shall adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse and:
 - (1) holds a current license issued by another

- (3) receive from the agency confirmation that:
 - (A) the agency has verified the spouse's license in the other jurisdiction; and
 - (B) the spouse is authorized to engage in the business or occupation in accordance with this section.
- (c) The military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.
- (d) A military spouse may engage in the business or occupation under the authority of this section only for the period during which the military service member to whom the military spouse is married is stationed at a military installation in this state but not to exceed three years from the date the spouse receives the confirmation described by Subsection (b)(3).
- (e) A state agency that issues a license shall adopt rules to implement this section. The rules must establish a process for the agency to:
 - (1) identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in this state; and
 - (2) verify that a military spouse is licensed in good standing in a jurisdiction described by Subdivision (1).
- (f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license.

Texas Occupations Code, §55.005, Expedited License Procedure for Military Service Members, Military Veterans, and Military Spouses:

ood (no) (ens)(de fthe A22 (no) 0065 (1) (a) (t)-6.6 (h)10.5 (e l)2.7 (i)2.6 (c5.4e9t)-6.6 (h)10.5 (e l)2.7 (i)2.lubs

- (c) A license issued under Section 55.005 has the term established by law or state agency rule, or a term of 12 months from the date the license is issued, whichever term is longer.

Texas Occupations Code, §55.007, License Eligibility Requirements for Applicants with Military Experience :

- (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.
- (b) The state agency shall adopt rules necessary to implement this section.
- (c) Rules adopted under this section may not apply to an applicant who:
- (1) holds a restricted license issued by another jurisdiction; or
 - (2) has an unacceptable criminal history according to the law applicable to the state agency.

Texas Occupations Code, §55.008, Apprenticeship Requirements for Applicant with Military Experience :

- (a) Notwithstanding any other law, if an apprenticeship is required for a license issued by a state agency, the state agency shall credit verified military service, training, or education that is relevant to the occupation toward the apprenticeship requirements for the license.
- (b) The state agency shall adopt rules necessary to implement this section.

Texas Occupations Code, §55.009, License Application and Examination Fees:

Notwithstanding any other law, a state agency that issues a license shall waive the license application and examination fees paid to the state for an applicant who is:

- (1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or
- (2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

Texas Occupations Code, §55.010, Notice of Chapter Provisions :

A state agency that issues a license shall prominently post a notice on the home page of the agency's Internet website describing the provisions of this chapter that are available to military service members, military veterans, and military spouses.

ATTACHMENT II
Text of Proposed Amendments to 19 TAC

Chapter 234. Military Service Members, Military Spouses, and Military Veterans

§234.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Military service member—A person who is on active duty.
- (2) Military spouse—A person who is married to a military service member.
- (3) Military veteran—A person who has served on active duty and who was discharged or released from active duty.
- (4) Active duty—Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by the Texas Government Code, §437.001, or similar military service of another state.
- (5) Armed forces of the United States—The army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.

- (a) The application for certification of a military service member, military veteran, or military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification requirements substantially similar to the Texas certification requirements, shall be processed as soon as practicable.
- (b) As soon as practicable after the issuance of a ~~year~~ certificate, Texas Education Agency (TEA) staff shall notify, in writing or by email, a military spouse of the requirements for obtaining a standard Texas certificate.
- (c) A military spouse who has been issued a ~~year~~ certificate prior to September 1, 2017, under the provisions of this chapter, is eligible for two additional years from the date of issuance, not to exceed a total of three years maximum, to align with provisions for a military spouse referenced in subsection (d) of this section.
- (d)

- (g) A military service member pursuing certification in career and technical education must meet requirements for the certificate, but for career and technical education certificate areas requiring experience and licensure, the military service member shall be entitled to substitute military experience in the trade for the required license or professional credential for the specific trade.
- (h) A military service member, military spouse, and military veteran shall complete educator examination requirements for certificate issuance as outlined in Texas Education Code, Chapter 21, Subchapter B, and rules in the Texas Administrative Code, Title 19, Part 7, and qualify for an exemption from required Texas examinations through provisions in §152.100 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State)
- (i) Military service members and military veterans are exempt from certification application fees paid to the state that lead to initial certification. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (j) Military service member and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, a certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (k) Military spouses are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, a temporary certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.