

RULE §365.20

Instructor Minimum Qualifications,¹ Standards and Responsibilities~~[Course Instructors for Continuing Professional Education]~~

Option 1:

(a) A Course Instructor shall:

(1) hold a current Journeyman, Master Plumber or Plumbing Inspector License issued by the Board;

(2) hold a current OSHA Construction Trainer Card; and²~~[successfully complete a Course Instructor Certification Workshop conducted by the Board; and]~~

(3) be enrolled and in good standing or obtained a Communication Skills for Professions Certificate or substantially similar credential.³~~[successfully complete training in the course materials required by §365.18(e) of this chapter.]~~⁴

(4) A course instructor that teaches a course related to an endorsement shall hold the requisite endorsement.

Option 2:

(a) A Course Instructor shall~~[-]~~ be knowledgeable of the subject matter and able to impart information in a manner conducive to learning.⁵

~~[-(1) hold a current Journeyman, Master Plumber or Plumbing Inspector License issued by the Board;]~~

¹ If. HB 636 becomes law.

² “Health protection” and “health and safety” are the first subjects listed for licensees and registrants. Making sure the course providers are well versed in safety is in keeping with the legislature’s directive.

³ <https://professionaled.utexas.edu/communication-skills-professionals-certificate-program>. This would be a less onerous one-time requirement than the current 160 hour quadrennial program that instructors could complete online or in person at their own pace.

⁴ In response to the Sunset Advisory Commission's January 2019 TSBPE Staff Report with Commission Decisions.

⁵ Similar to TDLR’s language in 16 Tex. Admin. Code § 59.51.

~~[(2) successfully complete a Course Instructor Certification Workshop conducted by the Board; and]~~

~~[(3) successfully complete training in the course materials required by §365.18(c) of this chapter.]~~

(b) The Executive Director shall approve course instructors who meet the minimum qualifications, submit a complete application and fee on an annual basis.⁶

~~[(b) In addition to the training required in subsection (a) of this section, a Course Instructor shall attend a Board-approved training program consisting of a total of 160 hours.]⁷~~

~~[(1) The program shall be presented in four (4) units as follows:]~~

~~[(A) forty (40) hours covering the basic educational techniques and instructional strategies necessary to plan and conduct effective training programs;]~~

~~[(B) forty (40) hours covering the basic techniques and strategies necessary to analyze, select, develop, and organize instructional material for effective training programs;]~~

~~[(C) forty (40) hours covering the basic principles, techniques, theories, and strategies for establishing and maintaining effective relationships with students, co-workers, and other personnel in the classroom, industry, and community; and]~~

~~[(D) forty (40) hours covering the basic principles, techniques, theories, and strategies for communicating effectively using instructional media.]~~

~~[(2) A Course Instructor shall complete one of the units described in paragraph (1) of this subsection every twelve (12) months such that all four (4) units (160 hours) are completed within a four-year period.]~~

⁶ If H.B. 636 becomes law.

⁷ In response to the Sunset Advisory Commission's January 2019 TSBPE Staff Report with Commission Decisions.

(c) A Course Instructor shall not advertise or promote the sale of goods, products, or services in his or her capacity as a Course Instructor.⁸

(d) A Course Instructor shall comply with the Plumbing License Law and Board Rules, including the standards of conduct set forth in §367.2 of the Board Rules.

(1) In addition, a Course Instructor has a responsibility to his or her students and employer to:

(A) be well-versed in and knowledgeable of the course materials and ensure that classroom presentations are based only on the course materials and other materials approved by the Board;

(B) maintain an orderly and professional classroom environment;

(C) ensure that only students who receive the required number of clock hours of instruction (excluding any time spent on breaks from instruction) receive credit for attending a CPE course;

(D) notify the Course Provider immediately, if the Course Instructor is unable to provide instruction for a CPE course that the instructor was scheduled to instruct, to allow the Course Provider to make every effort to provide a substitute Course Instructor to avoid cancelling the course; and

(E) coordinate with the Course Provider to develop an appropriate method for handling disorderly and disruptive students.

(2) A Course Instructor shall report to the Course Provider and the Board, any non-responsive or disruptive student who attends a CPE course. The Board may deny CPE credit to any such student and require, at the student's expense, successful completion of an additional CPE course to receive credit.

(e) The Board shall randomly monitor Course Instructors for quality of instruction and compliance with the PLL and Board Rules. ~~[The Board will charge a fee to recover its costs for conducting the workshop required by subsection (a)(2) of this section.]~~⁹

⁸ How will manufacturer's courses, if allowed, meet this requirement? Subtract gratuitous advertising from time credited?

⁹ No longer necessary.

(f) A Course Instructor's failure to comply with this section constitutes grounds for disciplinary action against the instructor, including revocation of approval to instruct CPE courses, or the denial of future applications for approval as a Course Instructor. The Board shall investigate a complaint against a Course Instructor in the same manner it investigates complaints against licensees and registrants.¹⁰

~~[(g) At the beginning of each CPE course, the Course Instructor shall announce where the notice informing the students of the contents of subsections (d)-(f) of this section can be found in the course materials.]¹¹~~

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¹⁰ If non-licensees are allowed to teach, then the board would lose its ability to investigate complaints against instructors and discipline them for violations of the PLL under Tex. Occ. Code §§ 1301.303(a); 1301.452(a). Probably limited to denying future applications under authority to “administer continuing education programs” and evidence that the course or instructor failed to meet the Board’s criteria. Tex. Occ. Code § 1301.404.

¹¹ To match changes to other rules and in response to the Sunset Advisory Commission's January 2019 TSBPE Staff Report with Commission Decisions.