

Text of Proposed Revisions to 19 TAC

Chapter 227. Provisions for Educator Preparation Candidates

Subchapter A. Admission to Educator Preparation Programs

§227.1. General Provisions.

- (a) It is the responsibility of the education profession as a whole to attract candidates and to retain educators who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) Educator preparation programs should inform all candidates that, ~~[collaborate with local school districts]~~ pursuant to the Texas Education Code, §22.083, candidates must undergo a criminal history background check [to examine the criminal history of all educator preparation candidates] prior to employment by local or regional education authorities [participation in educator preparation activities that occur in a school] .

§227.5. Definitions.

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

- (1) Accredited institution of higher education--An institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordination Board.
- (2) ~~[(1)]~~ Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's [baccalaureate] degree.
- (3) ~~[(2)]~~ Candidate--A participant in an educator preparation program seeking certification.
- ~~[(3) — Clinical teaching — A 12-week full-day teaching practicum in an alternative certification program at a public school accredited by the Texas Education Agency (TEA) or a TEA-recognized private school that may lead to completion of a standard certificate.]~~
- (4) Contingency admission--Conditional admission to an educator preparation program, pending graduation and degree conferred from an accredited institution of higher education [a recognized regional accrediting organization as specified in Chapter 230, Subchapter Y, of this title (relating to Definitions); or an accrediting organization recognized by the Texas Higher Education Coordinating Board] .
- (5) Educator preparation program--An entity approved by the State Board for Educator Certification to recommend candidates in one or more educator certification fields.
- (6) Post-baccalaureate program--An approved educator preparation program designed for individuals who already hold at least a bachelor's degree and approved by State Board for Educator Certification to recommend candidates for certification.
- ~~[(6) — Internship — A one-year supervised professional assignment at a public school accredited by the TEA or a TEA-recognized private school that may lead to completion of a standard certificate.]~~
- ~~[(7) — Practicum — Practical work in a particular field; refers to student teaching, clinical teaching, internship, or practicum for a professional certificate that is in the school setting.]~~
- (7) ~~[(8)]~~ Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited university.
- ~~[(9) — Student teaching — A 12-week full-day teaching practicum in a program provided by an accredited university at a public school accredited by the TEA or a TEA-recognized private school that may lead to completion of a standard certificate.]~~

§227.10. Admission Criteria.

- (a) The educator preparation program (EPP) delivering educator preparation shall require the following minimum criteria of all candidates prior to admission to the program, except candidates for career and technology education certification:
- (1) for an undergraduate university program, a candidate shall be enrolled in an EPP [educator preparation program] from an accredited institution of higher education [~~that is accredited by a regional accrediting agency, as recognized by the Texas Higher Education Coordinating Board (THECB)~~];
 - (2) for an alternative certification program or post-baccalaureate program, a candidate shall have a bachelor's [baccalaureate] degree earned from and conferred by an accredited institution of higher education [~~that is recognized by one of the regional accrediting agencies by the THECB, specified in paragraph (1) of this subsection~~];
 - (3) for an undergraduate university program, alternative certification program, or post-baccalaureate program, a candidate seeking initial certification shall meet the following criteria in order to be eligible to enter an EPP, unless otherwise indicated by specific certification requirements indicated in the appropriate State Board for Educator Certification rule codified in the Texas Administrative Code, Title 19, Part 7 [educator preparation program] :
 - (A) an overall grade point average (GPA) of at least 2.75 [2.5] or at least 2.75 [2.5] in the last 60 semester credit hours; or
 - (B) documentation and certification from the program director that a candidate's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement. This exception to the minimum GPA requirement will be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any cohort of candidates; and
 - (C) [~~for a program candidate who will be seeking an initial certificate,~~] a minimum of 12 semester credit hours in the subject-specific content area for the certification sought or 15 semester credit hours in the subject-specific content area for the certification sought if the certification sought is for mathematics or science at or above Grade 7, a passing score on a content certification examination, or a passing score on a content examination administered by a vendor on the Texas Education Agency [~~(TEA)~~] -approved vendor list published by the commissioner of education for the calendar year during which the candidate seeks admission;
 - ~~(4) — for a program candidate who will be seeking an initial certificate, the candidate shall demonstrate basic skills in reading, written communication, and mathematics or by passing the Texas Academic Skills Program® (TASP®) test or the Texas Higher Education Assessment® (THEA®) with a minimum score of 230 in reading, 230 in mathematics, and 220 in writing. In the alternative, a candidate may demonstrate basic skills by meeting the requirements of the Texas Success Initiative (Texas Education Code, §51.3062) under the rules established by the Texas Higher Education Coordinating Board in Part 1, Chapter 4, Subchapter C of this title (relating to Texas Success Initiative);~~
 - (4) ~~(5)~~ for an EPP [~~a program~~] candidate who will be seeking an initial certificate, the candidate shall demonstrate oral communication skills as specified in §230.11 [§230.413] of this title (relating to General Requirements);
 - (5) ~~(6)~~ an application and either an interview or other screening instrument to determine the EPP [~~educator preparation~~] candidate's appropriateness for the certification sought; and
 - (6) ~~(7)~~ any other academic criteria for admission that are published and applied consistently to all EPP [~~educator preparation~~] candidates.
- (b) An EPP [educator preparation program] may adopt requirements in addition to those explicitly required in this section.

- (c) An EPP ~~[educator preparation program]~~ may not admit a candidate who has completed another EPP ~~[educator preparation program]~~ in the same certification field ~~[or who has been employed for three years in a public school under a permit or probationary certificate as specified in Chapter 232, Subchapter A, of this title (relating to Types and Classes of Certificates Issued)]~~ .
- (d) An EPP ~~[educator preparation program]~~ may admit a candidate for career and technology education certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (e) An EPP ~~[educator preparation program]~~ may admit a candidate who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries).

§227.15. Contingency Admission.

- (a) A candidate may be accepted into an alternative certification program or post-baccalaureate program on a contingency basis pending receipt of an official transcript showing degree conferred, as specified in §227.10(a)(2) of this title (relating to Admission Criteria), provided that:
 - (1) the candidate is currently enrolled in and expects to complete the courses and other requirements for obtaining a bachelor's ~~[baccalaureate]~~ degree at the end of the semester in which admission to the program is sought; and
 - (2) all other program admission requirements have been met.
- (b) A candidate admitted on a contingency basis may begin program training and may be approved to take a certification examination, but shall not be recommended for a probationary certificate until the candidate has been awarded a bachelor's ~~[baccalaureate]~~ degree.
- (c) The contingency admission will be valid for only the semester for which the contingency admission was granted and may not be extended for another semester.

§227.17. Formal Admission.

- (a) For an applicant to be formally admitted to an educator preparation program (EPP), the program must notify the applicant by email, letter, or an electronic notification of the offer of admittance.
- (b) The applicant must accept the offer of admission through written or electronic confirmation for the applicant to be considered admitted to the EPP.
- (c) The requirements of this section apply to applications received by an EPP beginning January 1, 2015.

§227.20. Implementation Date.

This subchapter, except for §227.17 of this title (relating to Formal Admission), applies to an educator preparation program's candidates that begin their first course through that program on or after March 1, 2015. [This chapter applies to an educator preparation program candidate who is admitted to an educator preparation program on or after January 1, 2009.]

Text of Proposed Amendments to 19 TAC

Chapter 227. Provisions for Educator Preparation Candidates

Subchapter B. Preliminary Evaluation of Certification Eligibility

§227.103. Application.

- (a) A request for preliminary criminal history evaluation must be preceded by payment of the required criminal history evaluation fee specified in §230.101(a)(20) [~~§230.436(22)~~] of this title (relating to Schedule of Fees for Certification Services).
- (b) A request for preliminary criminal history evaluation must include the following:
 - (1) a signed and dated application, in the form provided on the Texas Education Agency (TEA) website, containing contact information and the date and description of each offense requested to be evaluated;
 - (2) an attached statement of the circumstances upon which the arrest is based and the disposition relating to each offense to be evaluated;
 - (3) court documentation relating to each offense, including, at a minimum, the formal disposition of the offense(s) and related charge(s) (e.g., Judgment, Order of Probation, Sentence, Deferred Adjudication Order, etc.); and
 - (4) a copy of the receipt for the request for preliminary criminal history evaluation fee.
- (c) All required documents and information specified in subsection (b) of this section must be provided with the request for preliminary criminal history evaluation. Any documents or information not provided in the original request will not be considered reasonably available.
- (d) The preliminary criminal history evaluation will be based solely on the application and court or law enforcement documents provided. Any information not provided by the requestor shall be considered not reasonably available at the time of the request and may be considered at the time the requestor subsequently applies for a certificate issued by the State Board for Educator Certification. Additional documentation that should be provided, if possible, includes the following:
 - (1) the formal charge(s) (e.g., indictment, information, or complaint);
 - (2) evidence that the condition(s) of the court have been met (e.g., completion of probation, receipt for restitution, etc.); and
 - (3) any available law enforcement report(s) describing the offense or the investigation of the offense.
- (e) The application, the statement of circumstances, the required court documentation, and a copy of the receipt for the request for preliminary criminal history evaluation fee must be submitted to the TEA division responsible for educator investigations by United States certified mail, return receipt requested, to the address provided on the application or by facsimile to the facsimile number provided on the application.
- (f) A request for preliminary criminal history evaluation is incomplete unless it includes a copy of the receipt for the request for preliminary criminal history evaluation fee, a completed application, a statement of circumstances, and the required court documentation. The TEA staff will take no action on a request that is incomplete.
- (g) All documents submitted in connection with a request for preliminary criminal history evaluation, whether complete or incomplete, will not be returned to the requestor. All documents will be retained or destroyed by the TEA in accordance with the TEA records retention schedule.

§227.105. Preliminary Criminal History Evaluation Letter.

- (a) Within 90 calendar days of receipt of a complete request for a preliminary criminal history evaluation, the Texas Education Agency (TEA) staff will notify the requestor, by email [~~e-mail~~] to the email [~~e-mail~~]

address provided on the requestor's application, of the TEA's determination with regard to the requestor's potential ineligibility based on the matters described in the request for preliminary criminal history evaluation.

- (b) The preliminary criminal history evaluation letter will be strictly limited to the facts stated and the documents submitted by the requestor, as of the date of the request. Any documents or information not provided by the requestor will not be considered reasonably available for purposes of evaluating the request. In the event that the requestor subsequently applies for certification by the State Board for Educator Certification, complete fingerprint-based national criminal history information will be required. The TEA staff may conduct a criminal history investigation at that time regarding the offense(s) that were the subject of the request, based on any misstatements, incomplete information, or missing documentation in the request for preliminary criminal history evaluation; additional or subsequent criminal history or inappropriate conduct; or changed circumstances.
- (c) The preliminary criminal history evaluation letter relates only to whether the specific information submitted constitutes grounds for ineligibility. The evaluation letter is not a guarantee of educator certification, admission to an educator preparation program, or employment as an educator.

§227.107. Fee for Request for Preliminary Criminal History Evaluation.

- (a) The fee to request a preliminary criminal history evaluation under this subchapter shall be in an amount sufficient to cover the cost of administration of the evaluation process and as provided in §230.101 [~~§230.436~~] of this title (relating to Schedule of Fees for Certification Services).
- (b) A new fee will be required to reactivate a request that is incomplete because of failure to submit the required documentation within 90 calendar days of receipt by the Texas Education Agency of the initial fee.

Text of Proposed Amendments to 19 TAC

Chapter 228. Requirements for Educator Preparation Programs

§228.1. General Provisions.

- (a) To ensure the highest level of educator preparation and practice, the State Board for Educator Certification (SBEC) recognizes that the preparation of educators must be the joint responsibility of educator preparation programs (EPPs) and the Early Childhood-Grade 12 public and private schools of Texas. Collaboration in the development, delivery, and evaluation of educator preparation is required.
- (b) Consistent with the Texas Education Code, §21.049, the SBEC's rules governing educator preparation are designed to promote flexibility and creativity in the design of EPPs [~~educator preparation programs~~] to accommodate the unique characteristics and needs of different regions of the state as well as the diverse population of potential educators.
- (c) All EPPs [~~educator preparation programs~~] are subject to the same standards of accountability, as required under Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs).

§228.2. Definitions.

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

- (1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31.
- (2) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's [~~baccalaureate~~] degree.
- (3) Candidate-- An individual who has been admitted into an educator preparation program, including an individual who has been accepted on a contingency basis; also referred to as an enrollee or participant [~~A participant in an educator preparation program seeking certification~~].
- (4) Clinical teaching--A minimum 12-week full-day or 24-week half-day educator assignment through an educator preparation [~~alternative certification~~] program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate ; also referred to as student teaching .
- (5) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited university is equivalent to 15 clock-hours. Clock-hours of field-based experiences, [~~student teaching,~~] clinical teaching, internship, and practicum are actual hours spent in the required educational activities and experiences.
- (6) Cooperating teacher--The campus-based mentor teacher for the [~~student teacher or~~] clinical teacher.
- (7) Educator preparation program--An entity approved by the State Board for Educator Certification [~~SBEC~~] to recommend candidates in one or more educator certification fields.
- (8) Entity--The legal entity that is approved to deliver an educator preparation program.
- (9) Field-based experiences-- Introductory [~~If required by the Texas Education Code, §21.051 and §228.35(a)(3) of this title (relating to Preparation Program Coursework and/or Training), field-based experiences must include 15 clock hours in which the candidate is actively engaged in instructional or educational activities under supervision. In addition, field-based experiences should also include introductory~~] experiences for a certification candidate involving [~~interactive and~~] reflective observation of Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting . [~~that reflect;~~]

- ~~[(A) — authentic school settings in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose;]~~
- ~~[(B) — instruction by content certified teachers;]~~
- ~~[(C) — actual students in classrooms/instructional settings with identity proof provisions;]~~
- ~~[(D) — content or grade level specific classrooms/instructional settings;]~~
- ~~[(E) — variable time length of observation; and]~~
- ~~[(F) — reflection of the observation;]~~
- (10) Field supervisor--A currently certified educator, hired by the educator preparation program, who preferably has advanced credentials, to observe candidates, monitor their [his or her] performance, and provide constructive feedback to improve their effectiveness as educators [his or her professional performance] .
- (11) Head Start Program--The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.
- (12) Internship--A supervised, full-time educator assignment for one full school year [one academic year (or 180 school days) supervised educator assignment] at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.
- (13) Late hire--An individual who has not been accepted into an educator preparation program before June 15 and who is hired for a teaching assignment by a school after June 15 or after the school's academic year has begun.
- (14) Mentor--For a classroom teacher, a certified educator assigned by the campus administrator who has completed mentor training; who guides, assists, and supports the [beginning] teacher during his or her intern year in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the [beginning] teacher's progress to that teacher's educator preparation program.
- (15) Pedagogy--The art and science of teaching, incorporating instructional methods that are developed from scientifically-based research.
- ~~(16) Post-baccalaureate program--An approved educator preparation program designed for individuals who already hold at least a bachelor's degree and approved by the State Board for Educator Certification to recommend candidates for certification.~~
- ~~(17) [(16)] Practicum--A supervised professional educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that is in a school setting in the particular field for which a professional certificate is sought such as superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher.~~
- ~~(18) Professional certification--Certification for superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher.~~
- ~~(19) Site supervisor--For a practicum, a certified educator who has experience in the aspect(s) of the professional certification being pursued by the candidate; who has completed training or orientation for site supervision; who guides, assists, and supports the candidate during the practicum; and who reports the candidate's progress to the candidate's educator preparation program.~~
- ~~[(17) Student teaching — A 12-week full-day teaching experience through a program provided by an accredited university at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.]~~

- (20) ~~(18)~~ Teacher of record--An educator employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.
- (21) ~~(19)~~ Texas Education Agency staff--Staff of the Texas Education Agency [TEA] assigned by the commissioner of education to perform the State Board for Educator Certification's [SBEC's] administrative functions and services.
- (22) ~~(20)~~ Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

§228.10. Approval Process.

- ~~[(a) — Approval to Operate. A public institution of higher education must provide documentation to the Texas Education Agency (TEA) from the Texas Higher Education Coordinating Board (THECB) of approval to operate in Texas prior to submitting a proposal to offer an educator preparation and/or alternative certification program.]~~
- (a) ~~(b)~~ New Entity Approval. An entity seeking initial approval to deliver an educator preparation program (EPP) shall submit an application and proposal with evidence indicating the ability to comply with the provisions of this chapter and Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates). The proposal shall include the following program approval components: entity commitment to adequate preparation of certification candidates, program standards, and community collaboration; criteria for admission to an EPP ~~[educator preparation program]~~; curriculum; program delivery and evaluation; and a plan for ongoing support of the candidates. The proposal must also identify the certificates proposed to be offered by the entity and meet applicable federal statutes or regulations. The proposal will be reviewed by the Texas Education Agency (TEA) [TEA] staff and a pre-approval site visit will be conducted. The TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved.
- (b) ~~(c)~~ Continuing Entity Approval. An entity approved by the SBEC under this chapter ~~[prior to September 1, 2008,]~~ shall be reviewed at least once every five years under procedures approved by the TEA staff; however, a review may be conducted at any time at the discretion of the TEA staff. At the time of the review, the entity shall submit to the SBEC a status report regarding its compliance with existing standards for EPPs ~~[educator preparation programs]~~ and the entity's original proposal. ~~[An entity approved by the SBEC under this chapter after August 31, 2008, shall be approved for a term of ten years and must reapply every ten years thereafter for approval by the SBEC in the same manner as a new educator preparation program seeking approval.]~~
- ~~[(d) — Approval of Clinical Teaching for an Alternative Certification Program. An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by the TEA staff:]~~
- ~~[(1) — general clinical teaching program description, including conditions under which clinical teaching may be implemented;]~~
- ~~[(2) — selection criteria for clinical teachers;]~~
- ~~[(3) — selection criteria for mentor teachers;]~~
- ~~[(4) — description of support and communication between candidates, mentors, and the alternative certification program;]~~
- ~~[(5) — description of program supervision; and]~~
- ~~[(6) — description of how candidates are evaluated.]~~
- (c) ~~(e)~~ Addition of Certificate Fields.
- (1) An EPP ~~[educator preparation program]~~ that is rated "accredited," as provided in §229.4 ~~[§229.3]~~ of this title (relating to Determination of Accreditation Status [The Accreditation Process]), may request additional certificate fields be approved by TEA staff, by submitting the curriculum

matrix; a description of how the standards for Texas educators are incorporated into the EPP [educator preparation program] ; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in each certification field being requested. The curriculum matrix must include the standards, framework competencies, applicable Texas Essential Knowledge and Skills, course and/or module names, and the benchmarks or assessments used to measure successful program progress. An EPP [educator preparation program] rated "accredited," as provided in §229.4 [§229.3] of this title, and currently approved to offer a content area certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved content field at different grade levels by submitting a modified curriculum matrix that includes the standards, course and/or module names, and the benchmarks or assessments used to measure successful program progress. The requested additional certificate fields must be within the classes of certificates for which the EPP [educator preparation program] has been previously approved by the SBEC. An EPP [educator preparation program] that is not rated "accredited" may not apply to offer additional certificate fields or classes of certificates.

- (2) An EPP [educator preparation program] that is rated "accredited" may request the addition of certificate fields in a class of certificates that has not been previously approved by the SBEC, but must present a full proposal for consideration and approval by the SBEC.

(d) Addition of Program Locations. An EPP that is rated "accredited," as provided in §229.4 of this title, may open additional locations, provided the program informs the SBEC of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location. Additional program locations must operate in accordance with the program components under which the program has been approved to operate.

~~(f) Addition of Program Locations. An educator preparation program that proposes to provide educator preparation in a different geographic location from that contained in its approved proposal shall present a new proposal for consideration and approval by the SBEC that includes provisions for meeting all program requirements at the new location. The educator preparation program will be notified in writing of its proposal approval or denial within 60 days following a determination by the SBEC. If an educator preparation program has already added additional locations or is already providing educator preparation in locations different from that contained in its original approved proposal as of January 1, 2009, the additional locations are not required to be presented to or approved by the SBEC. However, the educator preparation program shall inform the SBEC of the existence of the additional locations at which the program is providing educator preparation within 60 days of the adoption of this subsection.~~

~~(e) (g)~~ Contingency of Approval. Approval of an EPP [all educator preparation programs] by the SBEC or by the TEA staff, including each specific certificate field, is contingent upon approval by other lawfully established governing bodies [] such as the Texas Higher Education Coordinating Board [THECB] , boards of regents, or school district boards of trustees. Continuing EPP [educator preparation program] approval is contingent upon compliance with superseding state and federal law.

§228.20. Governance of Educator Preparation Programs.

- (a) Preparation for the certification of educators may be delivered by an institution of higher education, regional education service center, public school district, or other entity approved by the State Board for Educator Certification (SBEC) under §228.10 of this title (relating to Approval Process).
- (b) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA-recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA-recognized private schools. An advisory committee with members representing as many as possible of the groups identified as collaborators in this subsection shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP) . The approved EPP [educator preparation program] shall approve the roles and responsibilities of each member of the advisory committee and shall meet a minimum of twice during each academic year.

- (c) The governing body and chief operating officer of an entity approved to deliver educator preparation shall provide sufficient support to enable the EPP [educator preparation program] to meet all standards set by the SBEC [3] and shall be accountable for the quality of the EPP [educator preparation program] and the candidates whom the program recommends for certification.
- (d) All EPPs [educator preparation programs] must be implemented as approved by the SBEC as specified in §228.10 of this title. [~~An approved educator preparation program may not expand to other geographic locations without prior approval of the SBEC.~~]
- (e) Proposed amendments to an EPP [educator preparation program] shall be submitted to the TEA staff and approved prior to implementation. Significant amendments, related to the five program approval components specified in §228.10(a) [~~§228.10(b)~~] of this title, must be approved by the SBEC. The EPP [educator preparation program] will be notified in writing of the [its proposal] approval or denial of its proposal within 60 days following a determination by the SBEC. [~~If an educator preparation program has already implemented significant amendments to its original approved proposal as of January 1, 2009, those amendments are not required to be presented to or approved by the SBEC. However, the educator preparation program shall inform the SBEC of the existence of the significant amendments within 60 days of the adoption of this subsection.~~]

§228.30. Educator Preparation Curriculum.

- (a) The educator standards adopted by the State Board for Educator Certification (SBEC) shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).
- (b) The curriculum for each educator preparation program shall rely on scientifically-based research to ensure teacher effectiveness and align to the TEKS. Coursework and training should be sustained, rigorous, interactive, student focused, and performance based. The following subject matter shall be included in the curriculum for candidates seeking initial certification:
 - (1) reading instruction, including instruction that improves students' content-area literacy [the specified requirements for reading instruction adopted by the SBEC for each certificate] ;
 - (2) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics);
 - (3) the skills and competencies captured in the Texas teacher standards, as indicated in Chapter 149 of this title (relating to Commissioner's Rules Concerning Educator Standards), which include:
 - (A) instructional planning and delivery;
 - (B) knowledge of students and student learning;
 - (C) content knowledge and expertise;
 - (D) learning environment;
 - (E) data-driven practice; and
 - (F) professional practices and responsibilities;
 - (4) instruction in detection and education of students with dyslexia, as indicated in the Texas Education Code (TEC), §21.044(b); and
 - (5) instruction in detection of students with mental or emotional disorders, as indicated in the TEC, §21.044(c-1).
 - [~~(3) child development;~~]
 - [~~(4) motivation;~~]
 - [~~(5) learning theories;~~]
 - [~~(6) TEKS organization, structure, and skills;~~]

- ~~[(7) — TEKS in the content areas;]~~
- ~~[(8) — state assessment of students;]~~
- ~~[(9) — curriculum development and lesson planning;]~~
- ~~[(10) — classroom assessment for instruction/diagnosing learning needs;]~~
- ~~[(11) — classroom management/developing a positive learning environment;]~~
- ~~[(12) — special populations;]~~
- ~~[(13) — parent conferences/communication skills;]~~
- ~~[(14) — instructional technology;]~~
- ~~[(15) — pedagogy/instructional strategies;]~~
- ~~[(16) — differentiated instruction; and]~~
- ~~[(17) — certification test preparation.]~~

§228.35. Preparation Program Coursework and/or Training.

- (a) Coursework and/or Training for Candidates Seeking Initial Certification.
 - (1) An educator preparation program (EPP) shall provide coursework and/or training to ensure the educator is effective in the classroom.
 - (2) Professional development should be sustained, intensive, and classroom focused.
 - (3) An EPP ~~[educator preparation program]~~ shall provide each candidate with a minimum of 300 clock-hours of coursework and/or training ~~[that includes at least six clock hours of explicit certification test preparation that is not embedded in other curriculum elements]~~. A candidate who does not qualify as a late hire who is issued a probationary certificate after September 1, 2012, may not be employed by a school district as a teacher of record until the candidate completes a minimum of 30 ~~[15]~~ clock-hours of field-based experience ~~[- student teaching.]~~ or clinical teaching in which the candidate is actively engaged in instructional or educational activities under supervision at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose, as provided in this section. Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any ~~[student teaching.]~~ clinical teaching ~~[.]~~ or internship:
 - (A) a minimum of 30 clock-hours of field-based experience. Up to 15 clock-hours of this field-based experience may be provided by use of electronic transmission ~~[.]~~ or other video or technology-based method; and
 - (B) 80 clock-hours of coursework and/or training.
 - ~~[(4) — An educator preparation program that is not an alternative certification program must require, as part of the curriculum for a bachelor's degree that is a prerequisite for educator certification, that a candidate receive instruction in detection and education of students with dyslexia. This instruction must:]~~
 - ~~[(A) — be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:]~~
 - ~~[(i) — employed by institutions of higher education; and]~~
 - ~~[(ii) — approved by the State Board for Educator Certification (SBEC); and]~~
 - ~~[(B) — include information on:]~~
 - ~~[(i) — characteristics of dyslexia;]~~
 - ~~[(ii) — identification of dyslexia; and]~~
 - ~~[(iii) — effective, multisensory strategies for teaching students with dyslexia.]~~

- (4) ~~(5)~~ All coursework and/or training shall be completed prior to EPP [educator preparation program] completion and standard certification.
- (5) ~~(6)~~ With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of training may be provided by a school district and/or campus that is an approved TEA continuing professional education provider.
- (6) ~~(7)~~ Each EPP [educator preparation program] must develop and implement specific criteria and procedures that allow candidates to substitute prior or ongoing experience and/or professional training for part of the educator preparation requirements, provided that the experience or training is not also counted as a part of the internship, clinical teaching, ~~[student teaching,]~~ or practicum requirements, and is directly related to the certificate being sought.
- (b) Coursework and/or Training for Professional Certification [~~i.e., superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher~~]. An EPP [educator preparation program] shall provide coursework and/or training to ensure that the educator is effective in the professional assignment. An EPP [educator preparation program] shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the state standards for the applicable certification field.
- (c) Late Hire Provisions. A late hire for a school district teaching position may begin employment under a probationary certificate before completing the pre-internship requirements of subsection (a)(3) of this section and, if applicable, 15 clock-hours of active, supervised experience, but shall complete these requirements within 90 school days of assignment.
- (d) Educator Preparation Program Delivery. An EPP [educator preparation program] shall provide evidence of ongoing [on-going] and relevant field-based experiences throughout the EPP [educator preparation program, as determined by the advisory committee as specified in §228.20 of this title (relating to Governance of Educator Preparation Programs),] in a variety of educational settings with diverse student populations, including observation, modeling, and demonstration of effective practices to improve student learning.
- (1) For initial certification, each EPP [educator preparation program] shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 30 clock-hours. The field-based experiences must be completed prior to assignment in an internship [~~]~~ student teaching, or clinical teaching. Up to 15 clock-hours of field-based experience may be provided by use of electronic transmission [~~]~~ or other video or technology-based method. Field-based experiences must include 15 clock-hours in which the candidate, under supervision, is actively engaged in instructional or educational activities that include:
- (A) authentic school settings in a public school accredited by the TEA or other school approved by the TEA for this purpose;
- (B) instruction by content certified teachers;
- (C) actual students in classrooms/instructional settings with identity-proof provisions;
- (D) content or grade-level specific classrooms/instructional settings; and
- (E) reflection of the observation.
- (2) For initial certification, each EPP [educator preparation program] shall also provide one of the following:
- ~~[(A) — student teaching, as defined in §228.2 of this title, for a minimum of 12 weeks;]~~
- (A) ~~(B)~~ clinical teaching, as defined in §228.2 of this title, for a minimum of 12 weeks full day or 24 weeks half day ; or
- (B) ~~(C)~~ internship, as defined in §228.2 of this title, for a minimum of one full school year [academic year (or 180 school days)] for the assignment that matches the certification field for which the individual is prepared by [accepted into] the EPP [educator preparation program] . The individual would hold a probationary certificate and be

classified as a "teacher" as reported on the campus Public Education Information Management System (PEIMS) data. An EPP [educator preparation program] may permit an internship of up to 30 school days less than the minimum if due to maternity leave, military leave, illness, or late hire date.

- (i) An internship [~~student teaching,~~] or clinical teaching for an [~~Early Childhood-Grade 4 and~~] Early Childhood-Grade 6 candidate may be completed at a Head Start Program with the following stipulations:
 - (I) a certified teacher is available as a trained mentor;
 - (II) the Head Start program is affiliated with the federal Head Start program and approved by the TEA;
 - (III) the Head Start program teaches three- [~~three~~] and four-year-old students; and
 - (IV) the state's pre-kindergarten curriculum guidelines are being implemented.
 - (ii) An internship, [~~student teaching,~~] clinical teaching, or practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
- (3) For candidates seeking professional certification [~~as a superintendent, principal, school counselor, school librarian, or an educational diagnostician~~], each EPP [educator preparation program] shall provide a practicum, as defined in §228.2 of this title, for a minimum of 160 clock-hours.
- (4) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for field-based experience, internship, [~~student teaching,~~] clinical teaching, and/or practicum.
- (A) All Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of field-based experience, internship, [~~student teaching,~~] clinical teaching, and/or practicum.
 - (B) An EPP [educator preparation program] may file an application with the TEA for approval, subject to periodic review, of a public school, a private school, or a school system located within any state or territory of the United States, as a site for field-based experience [~~]~~ or for video or other technology-based depiction of a school setting. The application shall be in a form developed by the TEA staff and shall include, at a minimum, evidence showing that the instructional standards of the school or school system align with those of the applicable Texas Essential Knowledge and Skills (TEKS) and SBEC certification standards. [~~To prevent unnecessary duplication of such applications, the TEA shall maintain a list of the schools, school systems, videos, and other technology based transmissions that have been approved by the TEA for field-based experience.~~]
 - (C) An EPP [educator preparation program] may file an application with the TEA for approval, subject to periodic review, of a public or private school located within any state or territory of the United States, as a site for an internship, [~~student teaching,~~] clinical teaching, and/or practicum required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum:
 - (i) the accreditation(s) held by the school;
 - (ii) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable TEKS and SBEC certification standards;
 - (iii) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and

- (iv) the measures that will be taken by the EPP [educator preparation program] to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.
- (D) An EPP [educator preparation program] may file an application with the SBEC for approval, subject to periodic review, of a public or private school located outside the United States, as a site for [student teaching or] clinical teaching required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum, the same elements required in subparagraph (C) of this paragraph for schools located within any state or territory of the United States, with the addition of a description of the on-site program personnel and program support that will be provided and a description of the school's recognition by the U.S. State Department Office of Overseas Schools.
- (e) Campus Mentors and Cooperating Teachers. In order to support a new educator and to increase teacher retention, an EPP [educator preparation program] shall collaborate with the campus administrator to assign each candidate a campus mentor during his or her internship or assign a cooperating teacher during the candidate's [student teaching or] clinical teaching experience. The EPP [educator preparation program] is responsible for providing mentor and/or cooperating teacher training that relies on scientifically-based research, but the program may allow the training to be provided by a school district, if properly documented.
- (f) Ongoing [On-Going] Educator Preparation Program Support for Initial Certification of Teachers . Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. The field supervisor shall document instructional practices observed, provide written feedback through an interactive conference with the candidate, and provide a copy of the written feedback to the candidate's campus administrator. Informal observations and coaching shall be provided by the field supervisor as appropriate.
- (1) Each observation must be at least 45 minutes in duration , [and] must be conducted by the field supervisor , and must be on the candidate's site in a face-to-face setting .
 - (2) An EPP [educator preparation program] must provide the first observation within the first six weeks of all assignments.
 - (3) For an internship, an EPP [educator preparation program] must provide a minimum of two formal observations during the first four months of the assignment [semester] and one formal observation during the last five months of the assignment [second semester] .
 - (4) For [student teaching and] clinical teaching, an EPP [educator preparation program] must provide a minimum of three observations during the assignment, which is a minimum of 12 weeks.
 - ~~(5) For a practicum, an educator preparation program must provide a minimum of three observations during the term of the practicum.~~
- (g) Ongoing Educator Preparation Program Support for Professional Certification. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. The field supervisor shall document professional practices observed, provide written feedback through an interactive conference with the candidate, and provide a copy of the written feedback to the candidate's site supervisor. Informal observations and coaching shall be provided by the field supervisor as appropriate.
- (1) Observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
 - (2) Over the course of the practicum, a minimum of 45 minutes of observation time must be on the candidate's site in a face-to-face setting.

(3) An EPP must provide the first observation within the first six weeks of all assignments.

(4) An EPP must provide a minimum of three observations during the term of the practicum.

(h) ~~(g)~~ Exemption. Under the Texas Education Code (TEC), §21.050(c), a candidate who receives a bachelor's ~~baccalaureate~~ degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under the TEC, §54.363 ~~§54.214~~, is exempt from the requirements of this chapter relating to field-based experience or internship consisting of clinical ~~student~~ teaching.

§228.40. Assessment and Evaluation of Candidates for Certification and Program Improvement.

- (a) To ensure that a candidate for educator certification is prepared to receive a ~~the~~ standard certificate, the entity delivering educator preparation shall establish benchmarks and structured assessments of the candidate's progress throughout the educator preparation program (EPP) .
- (b) An EPP ~~educator preparation program~~ shall determine the readiness of each candidate to take the appropriate certification assessment of pedagogy and professional responsibilities, including professional ethics and standards of conduct. An EPP ~~educator preparation program~~ shall not grant test approval for the pedagogy and professional responsibilities assessment until a candidate has met all of the requirements for admission to the program and has been fully accepted into the EPP ~~educator preparation program~~ .
- (c) For the purposes of EPP ~~educator preparation program~~ improvement, an entity shall continuously evaluate the design and delivery of the educator preparation curriculum based on performance data, scientifically-based research practices, and the results of internal and external feedback and assessments.
- (d) An EPP ~~educator preparation program~~ shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after program completion.

§228.50. Professional Conduct.

During the period of preparation, the educator preparation program ~~entity~~ shall ensure that the individuals preparing candidates and the candidates themselves adhere ~~demonstrate adherence~~ to Chapter 247 of this title (relating to Educators' Code of Ethics).

§228.60. Implementation Date.

- (a) The provisions of this chapter that were in effect on the date an educator preparation program (EPP) candidate was admitted to an EPP ~~educator preparation program~~ shall determine the program requirements applicable to that candidate.
- (b) All provisions in this chapter , except the total clock-hour training requirement, shall apply to §230.39 ~~§232.5~~ of this title (relating to Temporary Teacher Certificates) ~~except that a certificate issued under §232.5 of this title shall require 380 total clock hours of training~~ .

Text of Proposed Amendments to 19 TAC

Chapter 229. Accountability System for Educator Preparation Programs

§229.2. Definitions.

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

- (1) Academic year-- If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31 [A period of 12 consecutive months, starting September 1 and ending August 31] .
- (2) ACT®--The college entrance examination from ACT®.
- (3) Administrator--For purposes of the surveys and information required by this chapter, an educator whose certification would entitle him or her to be assigned as a principal or assistant principal in Texas, whether or not he or she is currently working in such an assignment.
- (4) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's [baccalaureate] degree.
- (5) Beginning teacher--For purposes of this chapter, a classroom teacher with less than three years experience.
- (6) Campus-based mentor--A certified educator assigned by the campus administrator who has completed mentor training; who guides, assists, and supports the beginning teacher; and who reports the beginning teacher's progress to that teacher's educator preparation program.
- (7) Candidate--An individual who has been admitted into an educator preparation program, including an individual who has been accepted on a contingency basis; also referred to as an enrollee or participant.
- (8) Certification field-- Academic [Professional development (elementary and secondary) and delivery system fields, academic] or career and technical content fields, special education fields, specializations, or professional fields in which an entity is approved to offer certification.
- (9) Clinical teaching--A minimum 12-week full-day or 24-week half-day educator assignment through an educator preparation [teaching practicum in an alternative certification] program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose [a Texas Education Agency recognized private school] that may lead to completion of a standard certificate ; also referred to as student teaching .
- (10) Completer--According to the Higher Education Act, "A person who has met all the requirements of a state-approved educator preparation program." The term completer is no longer used to define the class of educator preparation program candidates subject to a determination of certification examination pass rate.
- (11) Consecutively measured years--Consecutive years for which a group's performance is measured, excluding years in which the small group exception applies, in accordance with §229.4(g) of this title (relating to Determination of Accreditation Status).
- (12) ~~(11)~~ Cooperating teacher--The campus-based mentor teacher for the [student teacher or] clinical teacher.
- (13) ~~(12)~~ Demographic group--Male and female, as to gender; the aggregate reporting categories established by the Higher Education Act, as to race and ethnicity. Each educator preparation program will assign a candidate to one gender demographic group and at least one Higher Education Act-established race or ethnicity group.

- (14) ~~(13)~~ Educator preparation program ~~[provider]~~ --An entity approved by the State Board for Educator Certification to recommend candidates in one or more educator certification fields.
- (15) ~~(14)~~ Educator preparation program data--Data elements reported to meet requirements under the Texas Education Code, §21.045(b).
- (16) ~~(15)~~ Examination--An examination or other test required by statute or any other State Board for Educator Certification rule codified in the Texas Administrative Code, Title 19, Part 7, that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
- (17) ~~(16)~~ Field supervisor--A currently certified educator, hired by the educator preparation program, who preferably has [with] advanced credentials, ~~[who is hired by the educator preparation program]~~ to observe candidates, monitor their performance [performances], and provide constructive feedback to improve their effectiveness as educators [an educator]. ~~[A campus mentor or cooperating teacher, assigned as required by §228.35(e) of this title (relating to Preparation Program Coursework and/or Training), may not also serve as a field supervisor.]~~
- (18) ~~(17)~~ First year in the classroom--For purposes of the Texas Education Code, §21.045(a)(4), and its implementation in this chapter, the first year of employment as a classroom teacher.
- (19) ~~(18)~~ GPA--Grade point average.
- (20) ~~(19)~~ GRE®--Graduate Record Examinations®.
- (21) ~~(20)~~ Higher Education Act--Federal legislation consisting of the Higher Education Act of 1965 (20 United States Code, §1070 et seq.) and its subsequent amendments, which requires reports of educator preparation program performance data.
- ~~(21) — Highly qualified teacher — A teacher who has a baccalaureate degree and full state certification and has demonstrated competency in all subjects in which he or she teaches. A highly qualified teacher has not had any certification requirements waived on an emergency certificate or permit.]~~
- ~~(22) — Highly qualified teacher in an alternative certification program — A teacher who is participating in an alternative certification program may be considered to meet the certification requirements of the definition of a highly qualified teacher (and not be counted on a waiver) if he or she is issued a probationary certificate whereby he or she is permitted to assume functions as a regular classroom teacher for a specified period of time not to exceed three years and he or she demonstrates satisfactory progress toward full certification. The teacher's alternative certification program must provide high quality professional development that is sustained, intensive, and classroom focused in order to have a positive and lasting impact on classroom instruction before and while teaching. The teacher must receive intensive supervision that consists of structured guidance and regular ongoing support, as required by §228.35 of this title (relating to Preparation Program Coursework and/or Training).]~~
- ~~(23) — IHE — Institution of Higher Education.]~~
- (22) ~~(24)~~ Institutional report--Educator preparation program data reported to the United States Department of Education and the Texas Education Agency as required under the Higher Education Act.
- (23) ~~(25)~~ Internship--A ~~[one year]~~ supervised, full-time educator [professional] assignment for one full school year at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose ~~[a Texas Education Agency recognized private school]~~ that may lead to completion of a standard certificate.
- (24) ~~(26)~~ Pass rate--For each academic year, the percent of tests passed by candidates who have finished all educator preparation program requirements for coursework; training; and internship, ~~[student teaching,]~~ clinical teaching, or practicum by the end of that academic year. For purposes of determining the pass rate, candidates shall not be excluded because the candidate has not been recommended for certification, has not passed a certification examination, or is not considered a "completer" for purposes of the Higher Education Act or other applicable law. The pass rate is

based solely on the examinations required to obtain certification in the field(s) for which the candidate serves his or her internship, ~~[student teaching,]~~ clinical teaching, or practicum. Examinations not required for certification in that field or fields, whether taken before or after admission to an educator preparation program, are not included. The rate reflects a candidate's success only on the last attempt made on the examination by the end of the academic year in which the candidate finishes the coursework; training; and internship, ~~[student teaching,]~~ clinical teaching, or practicum program requirements, and does not reflect any attempts made after that year. The formula for calculation of pass rate is the number of successful (i.e., passing) last attempts made by candidates who have finished the specified educator preparation program requirements divided by the total number of last attempts made by those candidates.

~~(25) [(27)]~~ Practicum-- A supervised professional educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that is in a school setting in the particular field for which a professional certificate is sought such as superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher [Practical work in a particular field; refers to student teaching, clinical teaching, internship, or practicum for a professional certificate that is in the school setting]

~~(26) [(28)]~~ SAT®--The college entrance examination from the College Board.

~~(27) [(29)]~~ Scaled score--A conversion of a candidate's raw score on an examination or a version of the examination to a common scale that allows for a numerical comparison between candidates.

~~[(30) — Student teaching — A 12-week full-day teaching practicum in a program provided by an accredited university at a public school accredited by the Texas Education Agency or a Texas Education Agency-recognized private school that may lead to completion of a standard certificate.]~~

~~(28) [(31)]~~ 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.

~~[(32) — Willfully or recklessly — With conscious disregard for the requirements of complete and accurate reporting imposed by this chapter.]~~

§229.3. Required Submissions of Information, Surveys, and Other Data.

- (a) Educator preparation programs (EPPs), EPP [educator preparation] candidates, beginning teachers, field supervisors, school principals and administrators, campus mentors, and cooperating teachers shall provide to the Texas Education Agency (TEA) staff all data and information required by this chapter, as set forth in subsection (e) of this section and the Texas Education Code (TEC), §21.045 and §21.0452.
- (b) Any individual holding a Texas-issued educator certificate who ~~[willfully or recklessly]~~ fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, shall be subject to sanction of his or her certificate, including the placement of restrictions, inscribed or non-inscribed reprimand, suspension, or revocation.
- (c) Any Texas public school that ~~[willfully or recklessly]~~ fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, shall be referred to the commissioner of education with a recommendation that sanctions upon its accreditation status be imposed for failure to comply with this section and the TEC, §21.0452.
- (d) Any open-enrollment charter school that ~~[willfully or recklessly]~~ fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, shall be referred to the commissioner of education with a recommendation that sanctions be imposed for failure to comply with this section and the TEC, §21.0452.
- (e) All required EPP data for an academic year shall be submitted to the TEA staff annually on September 15 following the end of that academic year. All surveys and information required to be submitted pursuant to this chapter by school administrators and principals shall be submitted by June 15 of any academic year in which the school administrator and principal have had experience with a candidate or beginning teacher

who was a participant in an EPP. All surveys and information required to be submitted pursuant to this chapter by EPP candidates shall be submitted by August 1 of each academic year in which it is required.

- (f) The following apply to data submissions required by this chapter.
- (1) EPPs shall provide data for all candidates as specified in the figure provided in this paragraph.
~~Figure: 19 TAC §229.3(f)(1)~~ ~~Figure: 19 TAC §229.3(f)(1)~~
 - (2) Participants in an EPP shall complete a survey, in a form approved by the State Board for Educator Certification (SBEC), evaluating the preparation he or she received in the EPP. Completion and submission to the SBEC of the survey is a requirement for issuance of a standard certificate.
 - (3) Principals or designated administrators in Texas public schools and open-enrollment charter schools shall complete individual teacher performance surveys, in a form to be approved by the SBEC, for each beginning teacher under the supervision of an EPP.
 - (4) Principals or designated administrators in Texas public schools and open-enrollment charter schools shall complete surveys, in a form to be approved by the SBEC, evaluating the effectiveness of preparation for classroom success for each EPP with which the principals or designated administrators have had experience in the previous year.

§229.4. Determination of Accreditation Status.

- (a) The accreditation status of an educator preparation program (EPP) shall be determined at least annually, based on performance standards established in rule by the State Board for Educator Certification (SBEC), with regard to the following EPP accountability performance indicators, disaggregated with respect to gender and ethnicity (according to the aggregate reporting categories for ethnicity established by the Higher Education Act), and other requirements of this chapter:
- (1) the pass rate performance standard of certification examinations of EPP candidates shall be 80% for the academic year; ~~;~~
~~[(A) — 70% for the 2009-2010 academic year;]~~
~~[(B) — 75% for the 2010-2011 academic year; and]~~
~~[(C) — 80% for the 2011-2012 academic year;]~~
 - (2) the results of appraisals of beginning teachers by school administrators, based on an appraisal document and standards that must be independently developed by the Texas Education Agency (TEA) staff and approved by the SBEC;
 - (3) to the extent practicable, as valid data become available and performance standards are developed, the improvement in student achievement of students taught by beginning teachers for the first three years following certification; and
 - (4) the results of data collections establishing EPP compliance with SBEC requirements specified in §228.35(f) of this title (relating to Preparation Program Coursework and/or Training), regarding the frequency, duration, and quality of field supervision of ~~[beginning]~~ teachers during their internship ~~[first]~~ year ~~[in the classroom]~~. The performance standard will be a 95% compliance rate with SBEC requirements as to the frequency, duration, and required documentation of field supervision for each EPP candidate.
~~[(A) — The 2009-2010 academic year will be a pilot year for these data collections;]~~
~~[(B) — For the 2010-2011 academic year, the performance standard will be a 90% compliance rate with SBEC requirements as to the frequency, duration, and required documentation of field supervision for each EPP candidate;]~~
~~[(C) — For the 2011-2012 academic year, the performance standard will be a 95% compliance rate with SBEC requirements as to the frequency, duration, and required documentation of field supervision for each EPP candidate;]~~

- (b) An EPP shall be assigned an Accredited status if the EPP has met the accountability performance standards described in subsection (a) of this section and has been approved by the SBEC to prepare, train, and recommend candidates for certification.
- (c) An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the performance standards described in subsection (a) of this section. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.
- (d) Accredited-Warned status. An EPP shall be assigned Accredited-Warned status if the EPP:
 - (1) fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the four performance indicators set forth in subsection (a) of this section in any one year;
 - (2) fails to meet the standards in any two gender or ethnicity demographic groups on any of the four performance indicators set forth in subsection (a) of this section in any one year; or
 - (3) fails to meet the standards for a gender or ethnicity demographic group on any of the four performance indicators set forth in subsection (a) of this section for two consecutively measured ~~[consecutive]~~ years, regardless of whether the deficiency is in the same demographic group or standard.
- (e) Accredited-Probation status. An EPP shall be assigned Accredited-Probation status if the EPP:
 - (1) fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the four performance indicators set forth in subsection (a) of this section for two consecutively measured ~~[consecutive]~~ years;
 - (2) fails to meet the standards in any three gender or ethnicity demographic groups on any of the four performance indicators set forth in subsection (a) of this section in any one year; or
 - (3) fails to meet the standards for a gender or ethnicity demographic group on any of the four performance indicators set forth in subsection (a) of this section for three consecutively measured ~~[consecutive]~~ years, regardless of whether the deficiency is in the same demographic group or standard.
- (f) Not Accredited-Revoked status.
 - (1) An EPP shall be assigned Not Accredited-Revoked status and its approval to recommend candidates for educator certification revoked if it is assigned Accredited-Probation status for three consecutively measured ~~[consecutive]~~ years.
 - (2) An EPP may be assigned Not Accredited-Revoked status if the EPP is assigned Accredited-Probation status for two consecutively measured ~~[consecutive]~~ years, and the SBEC determines that revoking the EPP's approval is reasonably necessary to achieve the purposes of the TEC, §21.045 and §21.0451.
 - (3) An assignment of Not Accredited-Revoked status and revocation of EPP approval to recommend candidates for educator certification is subject to the requirements of notice, record review, and appeal as described in this chapter.
 - (4) A revocation of an EPP approval shall be effective for a period of two years, after which a program may reapply for approval as a new EPP pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs).
 - (5) Upon revocation of EPP approval, the EPP may not admit new candidates for educator certification, but may complete the training of candidates already admitted by the EPP and recommend them for certification. If necessary, TEA staff and other EPPs shall cooperate to assist the previously admitted candidates of the revoked EPP to complete their training.
- (g) Small group exception.

- (1) For purposes of accreditation status determination, the performance of an EPP candidate group, aggregated or disaggregated, shall be measured against performance standards described in this chapter in any one year in which the number of individuals exceeds 20.
- (2) ~~(4)~~ For an EPP candidate group [If any EPP candidate group subject to the performance standards described in this chapter, including groups] disaggregated by gender, ethnicity, and certification field, where [fails to meet the required academic year aggregate standard for any applicable class of performance indicators, and] the group contains 20 [ten] or fewer individuals, [the failure to meet] the group's performance [standard] shall not be counted for purposes of accreditation status determination for that academic year.
- (3) For an EPP candidate group not disaggregated by gender, ethnicity, and certification field, where the group contains 20 or fewer individuals, the group's performance shall not be counted for purposes of accreditation status determination for that academic year based on only that year's group performance.
- (4) If the preceding year's EPP candidate group, not disaggregated by gender, ethnicity, and certification field, contained 20 or fewer individuals, that group performance shall be combined with the following year's group performance, and if the two-year cumulated group contains more than 20 individuals, then the two-year cumulated group performance must be measured against the standards in that second year.
- ~~(2) The next year's performance indicators of a group not counted the previous year shall be combined with the group's preceding year performance indicators, and if the cumulated performance indicators fail to meet the required aggregate standard for any applicable class of performance indicators, the group shall be counted as failing to meet performance standards for that academic year, as long as the cumulative number of individual performance indicators exceeds ten.]~~
- (5) ~~(3)~~ If the two-year cumulated EPP candidate group, not disaggregated by gender, ethnicity, and certification field, contains 20 or fewer individuals, then the two-year cumulated group performance shall be combined with the following year's group performance. [performance indicators fail to meet performance standards but still do not exceed ten individual performance indicators, the group shall not be counted again that year. The two year cumulated performance indicators shall then be combined with the following year performance indicators of the group.] The three-year cumulated group performance [indicators of the group] must be measured against the standards in that third year, regardless of how small the cumulated number of group members [individual performance indicators] may be.
- (6) In any reporting year in which the EPP candidate group, not disaggregated by gender and ethnicity, or in which the EPP candidate group, disaggregated by certification field, does not meet the necessary number of individuals needed to measure against performance standards for that year, any sanction assigned as a result of an accredited-warned or accredited-probation status in a prior year will continue if that candidate group has not met performance standards since being assigned accredited-warned or accredited-probation status. TEA staff may modify the sanction as TEA staff deems necessary based on subsequent performance, even though that performance is not measured against performance standards for a rating.
- ~~(4) The performance indicators of a group shall be measured against performance standards described in this chapter in any one year in which the number of individual performance indicators or cumulated number of individual performance indicators as provided herein exceeds ten.]~~
- ~~(5) After a year in which a group has been counted as failing to meet a performance standard, the individual performance indicators of the group related to that standard shall be counted in each subsequent consecutive year thereafter in which the performance indicators of the group fail to meet the standard, regardless of how small the number of individual performance indicators in the group may continue to be.]~~
- ~~(6) An EPP shall develop and file with TEA an action plan as required in subsection (h) of this section after one of its candidate groups fails to meet a performance standard regardless of whether the~~

~~group contains less than ten performance indicators and is not counted for accreditation status purposes as failing to meet a performance standard.]~~

- (h) An EPP that fails to meet a required performance standard shall develop an action plan addressing the deficiencies and describing the steps the program will take to improve the performance of its candidates, especially regarding the performance standard that was not met. TEA staff may prescribe the information that must be included in the action plan. The action plan must be sent to TEA staff no later than 45 calendar days following notification to the EPP of the failure to meet a performance standard.
- (i) To the extent of any conflict, this section controls over the requirements in §229.21 of this title (relating to Transitional Provisions).

§229.5. Accreditation Sanctions and Procedures.

- (a) If an educator preparation program (EPP) has been assigned Accredited-Warned or Accredited-Probation status, or if the State Board for Educator Certification (SBEC) determines that additional action is a necessary condition for the continuing approval of an EPP to recommend candidates for educator certification, the SBEC may take any one or more of the following actions, which shall be reviewed by the SBEC at least annually:
 - (1) require the EPP to obtain technical assistance approved by the Texas Education Agency (TEA) or SBEC;
 - (2) require the EPP to obtain professional services approved by the TEA or SBEC; and/or
 - (3) appoint a monitor to participate in the activities of the EPP and report the activities to the TEA or SBEC.
- (b) Notwithstanding the accreditation status of an EPP, if the performance of all candidates admitted to an individual certification field offered by an EPP fail to meet any of the standards in §229.4(a) of this title (relating to Determination of Accreditation Status) for three consecutive years, the approval to offer that certification field shall be revoked. Any candidates already admitted for preparation in that field may continue in the EPP and be recommended for certification after program completion, but no new candidates shall be admitted for preparation in that field unless and until the SBEC reinstates approval for the EPP to offer that certification field.
- (c) For purposes of determining compliance with subsection (b) of this section, only performance of individual certification fields in the 2012-2013 academic year and subsequent academic years will be considered. To the extent of any conflict, this subsection controls over the requirements in §229.21 of this title (relating to Transitional Provisions).
- (d) ~~(e)~~ Performance indicators by gender and ethnic groups shall not be counted for purposes of subsection (b) of this section, relating to performance standards for individual certification fields. If the number of counted performance indicators for a certification field is 20 ~~ten~~ or fewer, and the performance indicators fail to meet any of the standards in §229.4(a) of this title, those performance indicators shall not count that year, but shall be cumulated and counted in the same manner as provided in §229.4(c) and (d) of this title.
- (e) ~~(d)~~ An EPP shall be notified in writing regarding any proposed action taken pursuant to this section, or proposed ~~the~~ assignment of an accreditation status of Accredited-Warned, Accredited-Probation, or Not Accredited-Revoked. The notice shall state the basis on which the proposed action is to be taken or the proposed assignment of the accreditation status is to be made.
- (f) ~~(e)~~ All costs associated with providing or requiring technical assistance, professional services, or the appointment of a monitor pursuant to this section shall be paid by the EPP to which the services are provided or required, or its sponsor.

§229.6. Continuing Approval.

- (a) The continuing approval of an educator preparation program (EPP) to recommend candidates for educator certification, which shall be reviewed pursuant to §228.10(b) ~~§228.10(e)~~ of this title (relating to Approval Process), will be based upon the EPP's accreditation status and compliance with the State Board for

Educator Certification (SBEC) rules regarding program admissions, operations, coursework, training, recommendation for certification, and the integrity of required data submissions.

- (b) After a continuing approval review pursuant to §228.10(b) [~~§228.10(e)~~] of this title, if the Texas Education Agency (TEA) staff finds that an EPP has [~~willfully or recklessly~~] failed to comply with SBEC rules relating to the qualifications of candidates recommended for certification or to the integrity of reported program data, the TEA staff may issue a proposed recommendation [~~proposal~~] for SBEC action relating to the EPP's approval to recommend candidates for educator certification. The proposed recommendation [~~proposal~~] for SBEC action may include, but is not limited to, public reprimand, revocation of program approval, or the imposition of conditions upon continuing program approval.
- (c) TEA staff shall provide notice of the proposed recommendation [~~proposal~~] for SBEC action relating to the EPP's continuing approval to recommend candidates for educator certification in the manner provided by §229.7 of this title (relating to Informal [~~Record~~] Review of Texas Education Agency Recommendations [~~Certain Decisions~~]), and an EPP shall be entitled to an informal [~~a record~~] review of the proposed recommendation [~~proposal~~], under the conditions and procedures set out in §229.7 of this title, prior to the submission of the recommendation [~~proposal~~] for action to either the SBEC or the State Office of Administrative Hearings (SOAH). If the EPP fails to request an informal review in a timely manner, the proposed recommendation will become a final recommendation.
- (d) Following the informal [~~record~~] review, a final recommendation [~~proposal for decision~~] will be issued by the TEA staff [~~representative and submitted to the SBEC for entry of a final order~~]. The final recommendation [~~order~~] may include changes or additions to the proposed recommendation [~~order~~] and such modifications are not subject to another informal [~~record~~] review procedure. [~~This order may be appealed only if the final order issued by the SBEC orders revocation of approval of an EPP to recommend candidates for educator certification, as provided by §229.8 of this title (relating to Accreditation Revocation Appeals).~~]
- (e) If the final recommendation proposes revocation of approval of an EPP to recommend candidates for educator certification, within 14 calendar days of receipt of the final recommendation, the EPP may request that TEA staff schedule the matter for a hearing before an administrative law judge at the SOAH, as provided by §229.8 of this title (relating to Contested Cases for Accreditation Revocation).
- (f) If the final recommendation does not propose revocation of approval of an EPP to recommend candidates for educator certification, the final recommendation will be submitted to SBEC for consideration and entry of a final order.

§229.7. Informal [~~Record~~] Review of Texas Education Agency Recommendations [~~Certain Decisions~~].

- (a) Applicability. This section applies only to a notice required under §229.5(e) [~~§229.5(d)~~] of this title (relating to Accreditation Sanctions and Procedures) or under §229.6(c) of this title (relating to Continuing Approval) proposing to:
 - (1) require an educator preparation program (EPP) or a particular field of certification offered by an EPP to obtain technical assistance as provided by the Texas Education Code (TEC), §21.0451(a)(2)(A);
 - (2) require an EPP or a particular field of certification offered by an EPP to obtain professional services as provided by the TEC, §21.0451(a)(2)(B);
 - (3) appoint a monitor for an EPP or a particular field of certification offered by an EPP as provided by the TEC, §21.0451(a)(2)(C);
 - (4) assign an accreditation status of Accredited-Warned, Accredited-Probation, or Not Accredited-Revoked, as specified in §229.4 of this title (relating to Determination of Accreditation Status);
 - (5) issue a public reprimand or impose conditions on the continuing approval of an EPP to recommend candidates for certification pursuant to §229.5(e) [~~§229.5(d)~~] of this title;
 - (6) revoke the approval of an EPP to recommend candidates for certification in a particular field of certification; or

- (7) revoke the approval of an EPP to recommend candidates for certification.
- (b) Notice. Notice of a proposed recommendation for an order or change in accreditation status, subject to this section, shall be made as provided by §229.5(e) [~~§229.5(d)~~] and §229.6(c) of this title, and this section.
- (1) The notice shall attach or make reference to all information on which the proposed recommendation [~~order~~] is based.
- (A) Information maintained on the Texas Education Agency (TEA) and State Board for Educator Certification (SBEC) websites may be referenced by providing a general citation to the information.
- (B) The TEA and SBEC reports previously sent to the EPP may be referenced by providing the title and date of the report.
- (C) On request, the TEA shall provide copies of, or reasonable access to, information referenced in the notice.
- (2) The notice shall state the procedures for requesting an informal [~~a record~~] review of the proposed recommendation [~~order~~] or change in accreditation status under this section, including the name and department of the TEA staff [~~representative~~] to whom a request for an informal [~~record~~] review may be addressed.
- (3) The notice shall set a deadline for requesting an informal [~~a record~~] review, which shall not be less than 14 [~~ten~~] calendar days from the date of receipt of the notice. The notice may be delivered by mail, personal delivery, facsimile, or email.
- (c) Request. The chief operating officer of the EPP may request, in writing, an informal [~~a record~~] review under this section.
- (1) The request must be properly addressed to the member of the TEA staff [~~representative~~] identified in the notice under subsection (b)(2) of this section and must be received by [~~the~~] TEA staff [~~representative~~] on or before the deadline specified in subsection (b)(3) of this section.
- (2) The request must set out the reasons the EPP believes the recommendation is incorrect, with citations to include supporting evidence. The EPP may submit any written information to TEA as evidence to support its request, without regard to admissibility under the Texas Rules of Evidence. The request for review shall concisely state, in numbered paragraphs: [A timely and sufficient request for record review is a prerequisite for any appeal of the proposed order under §229.8 of this title (relating to Accreditation Revocation Appeals);]
- (A) if alleging the decision was made in violation of a statutory provision, the statutory provision violated and the specific facts supporting a conclusion that the statute was violated by the decision;
- (B) if alleging the decision was made in excess of the SBEC's statutory authority, the SBEC's statutory authority and the specific facts supporting a conclusion that the decision was made in excess of this authority;
- (C) if alleging the decision was made through unlawful procedure, the lawful procedure and the specific facts supporting a conclusion that the decision was made through unlawful procedure;
- (D) if alleging the decision was affected by other error of law, the law violated and the specific facts supporting a conclusion that the decision violated that law;
- (E) if alleging the decision was not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole, each finding, inference, conclusion, or decision that was unsupported by substantial evidence in the record;
- (F) if alleging the decision was arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion, each finding, inference, conclusion, or decision affected and the specific facts supporting a conclusion that each was so affected;

- (G) for each violation, error, or defect alleged under subparagraphs (A)-(F) of this paragraph, the substantial rights of the EPP that were prejudiced by such violation, error, or defect;
 - (H) a concise statement of the relief sought by the EPP (petitioner); and
 - (I) the name, mailing address, telephone number, and facsimile number of the petitioner's representative.
- (3) Failure to comply with the requirements of this subsection shall result in dismissal of the request for informal review.
- (d) No review requested. If the EPP fails to request an informal review by the deadline set in accordance with subsection (b)(3) of this section, the proposed recommendation will become a final recommendation and will proceed in accordance with subsection (f) of this section.
- (e) Informal review. In response to a request under subsection (c) of this section, TEA staff will review the materials and documents provided by the EPP and issue a final recommendation. The final recommendation may include changes or additions to the proposed recommendation and such modifications are not subject to another informal review.
- (f) Final recommendation.
- (1) If the final recommendation proposes revocation of approval of an EPP to recommend candidates for educator certification, within 14 calendar days of receipt of the final recommendation, the EPP may request that TEA staff schedule the matter for a hearing before an administrative law judge at the State Office of Administrative Hearings (SOAH), as provided by §229.8 of this title (relating to Contested Cases for Accreditation Revocation).
 - (2) If the final recommendation does not propose revocation of approval of an EPP to recommend candidates for educator certification, the final recommendation will be submitted to SBEC for consideration of a final order.
 - (3) The rules of evidence do not apply. Presentations need not follow question-and-answer format.
- ~~[(d) Preliminary matters.]~~
- ~~[(1) In response to a request under subsection (c) of this section, the TEA representative shall provide written notice to the EPP of the date, time, and place for the record review.]~~
- ~~[(A) In the written notice, the TEA representative may:]~~
- ~~[(i) set time limits for presentations on the record review;]~~
 - ~~[(ii) set deadlines for exchanging documents prior to the record review;]~~
 - ~~[(iii) set deadlines for identifying participants who may present information or ask questions during the record review; and]~~
 - ~~[(iv) provide any other instructions on the conduct of the record review.]~~
- ~~[(B) The TEA representative may consider reasonable requests to reschedule the record review and associated deadlines, but shall give primary importance to the need for a timely resolution of the matter under record review.]~~
- ~~[(C) The record review shall be completed on or before the expiration of 30 calendar days following receipt of the request under subsection (c) of this section.]~~
- ~~[(D) Timely completion of the record review under subsection (c) of this section is a prerequisite for an appeal of the proposed order under §229.8 of this title.]~~
- ~~[(2) The EPP shall submit any written information to the TEA representative in advance of the record review. To be considered part of the record, such information must also be presented during the record review.]~~

- ~~[(3) In its request for record review, or within a reasonable time thereafter, the EPP may request that specific TEA staff attend the record review to assist the TEA representative in reviewing the information presented.]~~
- ~~[(A) Such request shall be limited to TEA staff directly involved in the development of the information identified in the notice under subsection (b) of this section.]~~
- ~~[(B) If reasonable and practicable, the TEA representative shall schedule the record review so as to allow the requested TEA staff to attend.]~~
- ~~[(4) At all times prior to the record review, the EPP is encouraged to contact the office of the TEA representative to discuss the process and to facilitate preliminary matters. However, such communications will not be recorded and will not be considered part of the record.]~~
- ~~[(5) The EPP identification number of the affected entity must be included in all written correspondence on the record review, as well as the date the notice was issued under subsection (b) of this section. Correspondence relating to the record review may be made part of the record.]~~
- ~~[(6) All deadlines under this section shall be calculated from the date of actual receipt. No mailbox rule applies.]~~
- ~~[(e) Record review.]~~
- ~~[(1) The TEA representative shall meet with the chief operating officer and/or representatives of the EPP at the TEA headquarters in Austin, Texas, to receive oral and written information.]~~
- ~~[(2) The proceedings shall be recorded by audiotape or similar means. The audiotape and all written information presented during the record review shall comprise the official record of the proceedings.]~~
- ~~[(3) The EPP may have legal counsel present during the proceedings.]~~
- ~~[(4) The EPP may present information verbally and in writing and may rebut information presented by the TEA staff.]~~
- ~~[(5) The rules of evidence do not apply. Presentations need not follow question and answer format.]~~
- ~~[(6) The EPP may ask questions of the TEA staff. The TEA representative may designate a specific portion of the meeting for this purpose.]~~
- ~~[(7) The TEA representative may ask questions of any participant directly or through the TEA staff.]~~
- ~~[(8) The TEA representative shall strictly confine presentations and questions to the matters set forth in the notice and shall exclude information that is irrelevant, immaterial, or unduly repetitious.]~~
- ~~[(9) On request, the TEA representative shall include in the record a brief written proffer describing any information excluded under paragraph (8) of this subsection. In lieu of a written proffer, an oral statement may be recorded on a separate audiotape. If the excluded information is in writing, the document shall be identified as excluded and preserved with the record.]~~
- ~~[(10) The TEA representative may take official notice of generally recognized information within the TEA staff's area of specialized knowledge.]~~
- ~~[(A) Each party shall be notified, either before or during the record review, of the material officially noticed, including TEA staff memoranda or information.]~~
- ~~[(B) Any participant may present information to rebut information that is officially noticed.]~~
- ~~[(11) The special skills and knowledge of the TEA representative and staff shall be used in evaluating all information presented during the record review.]~~
- ~~[(12) At the request of the EPP, a record review may be conducted by telephone or similar means.]~~
- ~~[(13) A participant may present information via telephone or similar means during any record review.]~~

- ~~[(f) Final order. Following the record review, a proposal for decision will be issued by the TEA representative and submitted to the SBEC for entry of a final order. The final order may include changes or additions to the proposed order and such modifications are not subject to another record review procedure. This order may be appealed only as provided by §229.8 of this title.]~~
- ~~[(g) No request. If no record review is requested by the deadline specified in subsection (b)(3) of this section, a final order may be issued without record review. An order issued without record review may not be appealed under §229.8 of this title, or otherwise:]~~
- ~~[(1) The approval of an EPP to provide educator preparation is automatically:]~~
- ~~[(A) revoked, void, and of no further force or effect on the effective date of a final decision by the SBEC ordering the EPP closed under this subsection; and]~~
- ~~[(B) modified to remove authorization for an individual certification field on the effective date of a final decision by the SBEC ordering the EPP closed under this subsection.]~~
- ~~[(2) If sanctions other than revocation of approval and EPP closure are imposed on an EPP under the procedures provided by this subsection, an EPP is not entitled to any additional hearing or appeal.]~~
- ~~(g) [(h)] Other law. Texas Government Code, Chapter 2001, and the TEC, §7.057, do not apply to an informal [a record] review under this section.~~

§229.8. Contested Cases for Accreditation Revocation [Appeals] .

- (a) ~~[Applicability.] This section applies only to a final recommendation [order] issued under §229.5 of this title (relating to Accreditation Sanctions and Procedures) or §229.6 of this title (relating to Continuing Approval) that proposes [orders] revocation of approval and closure of an educator preparation program (EPP) and does not apply to a final recommendation proposing the assignment of [decision or order assigning] Accredited-Warned or Accredited-Probation status or ordering any other sanction, including, without limitation, withdrawing approval to offer a specific certification field, public reprimand, imposing conditions upon continuing approval, requiring technical assistance, requiring professional services, or appointing a monitor.~~
- (b) ~~If an EPP declines to sign a final recommendation, or if the EPP fails to respond timely to a notice of a proposed recommendation, Texas Education Agency (TEA) staff may proceed with the filing of a contested case with the State Office of Administrative Hearings (SOAH) in accordance with [Applicability of other law. An appeal under this section shall be governed by] the contested case procedures set out in §§249.19-249.40 of this title, [provided by Chapter 157, Subchapter EE, of this title (relating to Review by State Office of Administrative Hearings: Certain Accreditation Sanctions)] and Texas Government Code, Chapter 2001. To the extent that a provision of this section conflicts with a rule or practice of the SOAH [State Office of Administrative Hearings (SOAH)] , this section shall prevail.~~
- (c) ~~Upon a final decision from the State Board for Educator Certification (SBEC) ordering the EPP closed under this subsection in keeping with §249.39 of this title (relating to Final Decisions and Orders), the approval of an EPP to provide educator preparation is:~~
- ~~(1) automatically revoked, void, and of no further force or effect on the effective date of a final decision by the SBEC; and~~
- ~~(2) automatically modified to remove authorization for an individual certification field on the effective date of a final decision by the SBEC.~~
- ~~(d) This section satisfies the hearing requirements of the Texas Education Code, §21.0451(a)(2)(D) and (a)(3).~~
- ~~[(e) Petition for review. An EPP subject to a decision (final order), made applicable to this section by subsection (a) of this section, may file with the State Board for Educator Certification (SBEC) a petition for review of that decision not later than 30 calendar days after the date the decision to be reviewed is received by the EPP. The decision may be delivered by mail, personal delivery, facsimile, or email.]~~
- ~~[(1) The petition for review shall include a copy of the challenged decision and any attachments or exhibits and incorporated documents.]~~

- ~~[(2) — The petition for review shall concisely state, in numbered paragraphs:]~~
- ~~[(A) — if alleging the decision was made in violation of a statutory provision, the statutory provision violated and the specific facts supporting a conclusion that the statute was violated by the decision;]~~
- ~~[(B) — if alleging the decision was made in excess of the SBEC's statutory authority, the SBEC's statutory authority and the specific facts supporting a conclusion that the decision was made in excess of this authority;]~~
- ~~[(C) — if alleging the decision was made through unlawful procedure, the lawful procedure and the specific facts supporting a conclusion that the decision was made through unlawful procedure;]~~
- ~~[(D) — if alleging the decision was affected by other error of law, the law violated and the specific facts supporting a conclusion that the decision violated that law;]~~
- ~~[(E) — if alleging the decision was not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole, each finding, inference, conclusion, or decision that was unsupported by substantial evidence in the record;]~~
- ~~[(F) — if alleging the decision was arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion, each finding, inference, conclusion, or decision affected and the specific facts supporting a conclusion that each was so affected; and]~~
- ~~[(G) — for each violation, error, or defect alleged under subparagraphs (A) (F) of this paragraph, the substantial rights of the EPP that were prejudiced by such violation, error, or defect.]~~
- ~~[(3) — A petition for review shall further contain:]~~
- ~~[(A) — a concise statement of the relief sought by the EPP (petitioner); and]~~
- ~~[(B) — the name, mailing address, telephone number, and facsimile number of the petitioner's representative.]~~
- ~~[(4) — A request for relief in a review under this section may not be made orally or as part of the record at a record review, prehearing conference, or hearing.]~~
- ~~[(5) — Failure to comply with the requirements of this subsection shall result in dismissal of the petition for review. A petition for review may not be amended or supplemented after the deadline for filing a petition for review.]~~
- ~~[(6) — The SBEC shall transmit the petition for review to the SOAH with a request that it be docketed.]~~
- ~~[(7) — If the SBEC chooses to file an answer, the answer must be filed by the date the record is filed under subsection (1) of this section.]~~
- ~~[(d) — Standard of review. A challenge under this section shall be governed by the substantial evidence rule as provided by the Texas Government Code, §2001.174 and §2001.175, and judicial case precedents construing those provisions.]~~
- ~~[(e) — Matters within SBEC's discretion. The SOAH may not substitute the SOAH judgment for the judgment of the SBEC on questions committed to the SBEC's discretion. Questions committed to the SBEC's discretion include, but are not limited to, the following:]~~
- ~~[(1) — any questions arising under a statute, rule, or other legal standard that requires or permits the SBEC to make a decision within general legal guidelines that do not mandate a specific result under the circumstances; and]~~
- ~~[(2) — the execution of any act authorized or required to be taken by the SBEC.]~~
- ~~[(f) — Weight of evidence. The SOAH may not substitute the SOAH judgment for the judgment of the SBEC on the weight to be assigned the evidence before the SBEC.]~~

- ~~[(g) — SOAH decisions. The SOAH may affirm the SBEC decision in whole or in part. The SOAH shall reverse and remand the decision for further proceedings if substantial rights of the EPP have been prejudiced because the administrative findings, inferences, conclusions, or decisions of the SBEC are:]~~
- ~~[(1) — in violation of a statutory provision;]~~
 - ~~[(2) — in excess of the SBEC's authority;]~~
 - ~~[(3) — made through unlawful procedure;]~~
 - ~~[(4) — affected by other error of law;]~~
 - ~~[(5) — not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or]~~
 - ~~[(6) — arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.]~~
- ~~[(h) — Remand. An order of remand may not direct or control the SBEC's exercise of discretion on a matter committed to the SBEC's discretion by the Texas Education Code (TEC), Chapter 21, Subchapter B, and the SBEC shall continue to exercise that discretion after remand. On remand, the SBEC shall apply the facts and law as determined by the SOAH to reach a new decision in light of all the circumstances of the case.]~~
- ~~[(i) — Scope of review. The administrative law judge (ALJ) is confined to the SBEC record, except that the ALJ may receive evidence of procedural irregularities alleged to have occurred before the SBEC that are not reflected in the record.]~~
- ~~[(j) — Additional evidence. A party may apply to the ALJ to present additional evidence of procedural irregularities alleged to have occurred before the SBEC that are not reflected in the record. If the additional evidence is material to the outcome of the review, and if there were good reasons for the failure to present it in the proceeding before the SBEC, the ALJ may order that the additional evidence be taken before the SBEC or its TEA representative on conditions determined by the ALJ. The SBEC shall file the additional evidence and any changes, new findings, or decisions with the ALJ. The ALJ may not take testimony, question witnesses, administer oaths, rule on questions of evidence, or compel discovery or disclosure of evidence in any form.]~~
- ~~[(k) — Components of SBEC record. The SBEC record of proceedings shall include the following components, as specified under §229.7 of this title (relating to Record Review of Certain Decisions):]~~
- ~~[(1) — the notice of proposed order, including all information referenced in the notice;]~~
 - ~~[(2) — the request for record review, including any request for the attendance of specific TEA staff under §229.7(d)(3) of this title;]~~
 - ~~[(3) — any written correspondence made a part of the record by the TEA representative under §229.7(d)(5) of this title;]~~
 - ~~[(4) — any audiotapes or similar recordings made a part of the record by the TEA representative under §229.7(d) of this title;]~~
 - ~~[(5) — all audiotapes or similar recordings of the record review and any recorded telephone conferences, proffers of excluded information, or other recorded proceedings before the TEA representative under §229.7 of this title;]~~
 - ~~[(6) — all written information presented to the TEA representative during the record review;]~~
 - ~~[(7) — a description of all matters officially noticed; and]~~
 - ~~[(8) — the final order issued under §229.7(f) of this title.]~~
- ~~[(l) — Proceedings regarding SBEC record. The SBEC shall file the original or a certified copy of the entire record of the proceeding under review not later than 20 calendar days after the date the petition for review is filed, unless additional time is allowed by the ALJ. The record may be shortened by stipulation of all parties to the review proceedings. The ALJ may assess costs against a party who unreasonably refuses to~~

~~stipulate to limit the record, unless that party is required to pay all costs of record preparation. The petitioner shall offer, and the ALJ shall admit, the TEA record into evidence as an exhibit. The ALJ may require or permit later corrections or additions to the record.]~~

~~[(m) Enforcement of decision pending review. The pendency of a review under this section does not stay or otherwise affect the enforcement of the SBEC decision challenged under this chapter.]~~

~~[(n) Expedited review. The SOAH shall expedite its review of a challenge under this section. The ALJ shall issue a pre hearing order initially setting a date for closure of the record that is not later than 30 calendar days after the date the petition for review is filed. The ALJ may grant a continuance of the record closure date only for good cause shown. The ALJ may not order a settlement conference, mediation, or other form of alternative dispute resolution. The ALJ shall issue a final order not later than 30 calendar days after the date on which the record is finally closed.]~~

~~[(o) Final decision. The decision of the ALJ is final and may not be appealed. The decision of the ALJ:]~~

~~[(1) must rule on any mandatory sanction required by the TEC, §21.0451;]~~

~~[(2) may not order a sanction or relief that the SBEC is not authorized to order under applicable law; and]~~

~~[(3) may not change an accreditation status.]~~

§229.9. Fees for Educator Preparation Program Approval and Accountability.

An educator preparation program requesting approval and continuation of accreditation status shall pay the applicable fee from the following list.

(1) New educator preparation program application (nonrefundable; includes pre-approval visit)--\$1,000.

(2) New educator preparation program approval (includes post-approval visit)--\$1,000.

~~[(3) Ten-year reapplication for an educator preparation program approved after August 31, 2008 (includes approval visit) \$2,000.]~~

(3) ~~[(4)]~~ Five-year continuing approval visit pursuant to §228.10(b) ~~[(§228.10(c))]~~ of this title (relating to Approval Process)--\$1,500.

(4) ~~[(5)]~~ Monitoring or technical assistance visit--\$1,500.

(5) ~~[(6)]~~ Addition of new certification field or addition of clinical teaching--\$500.

(6) ~~[(7)]~~ Addition of each new class of certificate--\$1,000.