

Item 15:
Adoption of Proposed New 19 TAC Chapter 229,
Accountability System for Educator Preparation Programs,
§229.21, Transitional Provisions

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed new 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.21, Transitional Provisions. The proposed new rule would clarify the academic years for which the current passing standard on certification examinations applies and define when individual certification fields are subject to revocation. The proposed new rule would also provide a backstop for ongoing discussion of a rewrite of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, being conducted in conjunction with the review of 19 TAC Chapter 227 and Chapter 228 required by House Bill 2012, 83rd Texas Legislature, Regular Session, 2013. No changes are recommended since published as proposed.

STATUTORY AUTHORITY: The statutory authority for proposed new 19 TAC §229.21 is the Texas Education Code (TEC), §§21.045, 21.0451, and 21.0452.

EFFECTIVE DATE: The proposed effective date of proposed new 19 TAC §229.21 would be August 10, 2014 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: The SBEC approved new 19 TAC §229.21 for filing as proposed at the February 2014 meeting.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The TEC, §21.045, states that the board shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs (EPPs).

Section 229.4, Determination of Accreditation Status, establishes the standards and performance criteria for the accreditation of EPPs, defines the varying accreditation statuses, and provides for various exceptions. Section 229.5, Accreditation Sanctions and Procedures, determines when sanctions may apply to an individual certification field.

Proposed new 19 TAC §229.21(a) would clarify the academic years for which the current passing standard on certification examinations applies for purposes of the EPP accountability system. Proposed new 19 TAC §229.21(b) would define when the clock starts for purposes of sanctions for individual certification fields. No changes are recommended since published as proposed.

Proposed new 19 TAC §229.21 would also provide a temporary provision to ensure that a passing standard and a time frame for individual certification fields for purposes of EPP

accountability is in place should the rewrite of 19 TAC Chapter 229 and its subsequent adoption be delayed.

FISCAL IMPACT: The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to persons or entities required to comply with the proposed rule action. In addition, there is no direct additional adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed new section would be an accountability system that informs the public of the quality of educator preparation provided by each SBEC-approved EPP.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed new section would have no additional procedural or reporting implications.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed new section would have no additional locally maintained paperwork requirements.

PUBLIC COMMENTS: Following the February 2014 SBEC meeting, proposed new 19 TAC §229.21 was filed with the *Texas Register*, initiating the official public comment period. At the time this item was prepared, no comments had been received. Any public comments received will be provided to the SBEC under separate cover prior to the May 2014 meeting.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: The adoption of the rule review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, and proposed amendments to 19 TAC Chapter 229 are included as separate items in this agenda.

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

Approve for adoption, subject to State Board of Education review, proposed new 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.21, Transitional Provisions, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

Respectfully submitted,

Michele Moore
Associate Commissioner
Educator Leadership and Quality

Staff Members Responsible: Sandra Jo Nix, Manager
Educator Preparation

Von Byer, Deputy General Counsel
Legal Services

Attachments: I. Statutory Citations
II. Text of Proposed New 19 TAC Chapter 229, Accountability System for
Educator Preparation Programs, §229.21, Transitional Provisions

ATTACHMENT I**Statutory Citations Relating to Proposed New 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.21, Transitional Provisions****Texas Education Code, §21.045, Accountability System for Educator Preparation Programs:**

- (a) The board shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to sex and ethnicity:
 - (1) results of the certification examinations prescribed under Section 21.048(a);
 - (2) performance based on the appraisal system for beginning teachers adopted by the board;
 - (3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable; and
 - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3), and the following information, disaggregated by sex and ethnicity:
 - (1) the number of candidates who apply;
 - (2) the number of candidates admitted;
 - (3) the number of candidates retained;
 - (4) the number of candidates completing the program;
 - (5) the number of candidates employed in the profession after completing the program;
 - (6) the number of candidates retained in the profession; and
 - (7) any other information required by federal law.
- (c) The board shall propose rules establishing performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a). The board may propose rules establishing minimum standards for approval or renewal of approval of:
 - (1) educator preparation programs; or
 - (2) certification fields authorized to be offered by an educator preparation program.

Texas Education Code, §21.0451, Sanctions Under Accountability System for Educator Preparation Programs:

- (a) The board shall propose rules for the sanction of educator preparation programs that do not meet accountability standards and shall annually review the accreditation status of each educator preparation program. The rules:
 - (1) shall provide for the assignment of the following accreditation statuses:
 - (A) not rated;
 - (B) accredited;
 - (C) accredited-warned;
 - (D) accredited-probation; and
 - (E) not accredited-revoked;
 - (2) may provide for the agency to take any necessary action, including one or more of the following actions:
 - (A) requiring the program to obtain technical assistance approved by the agency or board;
 - (B) requiring the program to obtain professional services under contract with another person;
 - (C) appointing a monitor to participate in and report to the board on the activities of the program; and
 - (D) if a program has been rated as accredited-probation under the Accountability System for Educator Preparation for a period of at least one year, revoking the approval of the program and ordering the program to be closed, provided that the board or agency must provide the opportunity for a hearing before the effective date of the closure; and
 - (3) shall provide for the agency to revoke the approval of the program and order the program to be closed if the program has been rated as accredited-probation under the Accountability System for Educator Preparation for three consecutive years, provided that the board or agency must provide the opportunity for a hearing before the effective date of the closure.
- (b) Any action authorized or required to be taken against an educator preparation program under Subsection (a) may also be taken with regard to a particular field of certification authorized to be offered by an educator preparation program.
- (c) A permissive revocation under Subsection (a)(2) or required revocation under Subsection (a)(3) must be effective for a period of at least two years. After two years, the program may seek renewed approval to prepare educators for state certification.
- (d) The costs of technical assistance required under Subsection (a)(2)(A) or the costs associated with the appointment of a monitor under Subsection (a)(2)(C) shall be paid by the sponsor of the educator preparation program.

Texas Education Code, §21.0452, Consumer Information Regarding Educator Preparation Programs:

- (a) To assist persons interested in obtaining teaching certification in selecting an educator preparation program and assist school districts in making staffing decisions, the board

- shall make information regarding educator programs in this state available to the public through the board's Internet website.
- (b) The board shall make available at least the following information regarding each educator preparation program:
- (1) the information specified in Sections 21.045(a) and (b);
 - (2) in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:
 - (A) average overall grade point average and average grade point average in specific subject areas; and
 - (B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;
 - (3) the degree to which persons who complete the program are successful in obtaining teaching positions;
 - (4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:
 - (A) students with disabilities; and
 - (B) students of limited English proficiency, as defined by Section 29.052;
 - (5) the activities offered by the program that are designed to prepare teachers to:
 - (A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and
 - (B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;
 - (6) the perseverance of beginning teachers in the profession, as determined on the basis of the number of beginning teachers who maintain status as active contributing members in the Teacher Retirement System of Texas for at least three years after certification in comparison to similar programs;
 - (7) the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom; and
 - (8) the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants.
- (c) For purposes of Subsection (b)(7), the board shall require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate under this subchapter.
- (d) For purposes of Subsections (b)(7) and (8), the board shall develop surveys for distribution to program participants and school principals.

- (e) The board may develop procedures under which each educator preparation program receives a designation or ranking based on the information required to be made available under Subsection (b). If the board develops procedures under this subsection, the designation or ranking received by each program must be included in the information made available under this section.
- (f) In addition to other information required to be made available under this section, the board shall provide information identifying employment opportunities for teachers in the various regions of this state. The board shall specifically identify each region of this state in which a shortage of qualified teachers exists.
- (g) The board may require any person to provide information to the board for purposes of this section.

ATTACHMENT II
Text of Proposed New 19 TAC

Chapter 229. Accountability System for Educator Preparation Programs

§229.21. Transitional Provisions.

- (a) The pass rate performance standard in §229.4(a)(1)(C) of this title (relating to Determination of Accreditation Status) and compliance rate in §229.4(a)(4)(C) of this title apply to the 2012-2013 academic year and subsequent academic years.
- (b) For purposes of determining compliance with §229.5(b) of this title (relating to Accreditation Sanctions and Procedures), only performance of individual certification fields in the 2012-2013 academic year and subsequent academic years will be considered.