

## Item 18:

### **Adoption of Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates**

#### **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 revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates. The proposed revisions would be necessary as a result of House Bill (HB) 2012, 83rd Texas Legislature, Regular Session, 2013, which requires the Texas Education Agency (TEA), the SBEC, and the Texas Higher Education Coordinating Board (THECB) to perform a joint review of the existing standards for preparation and admission that are applicable to educator preparation programs (EPPs). The proposed revisions would update the rules to reflect current law, clarify minimum standards for all EPPs, allow for flexibility, and ensure consistency among EPPs in the state. Additional changes are recommended to the proposed amendment to 19 TAC §227.5 since published as proposed.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 227, Subchapter A, is the Texas Education Code (TEC), §§21.031, 21.044(a), 21.0441, 21.049, 21.050(a), and 21.051. The statutory authority for 19 TAC Chapter 227, Subchapter B, is the TEC, §21.041(b)(1) and (4), and Texas Occupations Code, §53.105.

**EFFECTIVE DATE:** The proposed effective date of the proposed amendments would be March 1, 2015, except for proposed new 19 TAC §227.17, Formal Admission, which would take effect January 1, 2015.

**PREVIOUS BOARD ACTION:** The SBEC adopted 19 TAC Chapter 227, Subchapter A, effective July 11, 1999. A majority of the rules in 19 TAC Chapter 227, Subchapter A, were amended effective December 14, 2008. Section 227.5 and §227.15 were adopted effective December 14, 2008. The SBEC adopted 19 TAC Chapter 227, Subchapter B, effective October 28, 2010.

The SBEC approved revisions to 19 TAC Chapter 227 for filing as proposed at the May 2014 meeting.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** The SBEC rules in 19 TAC Chapter 227 begin with Subchapter A, Admission to Educator Preparation Programs, which provides for rules that establish requirements for admission to an educator preparation program. Subchapter B, Preliminary Evaluation of Certification Eligibility, provides for rules for the implementation of a preliminary criminal history evaluation, as provided in the Texas Occupations Code, Chapter 53, Subchapter D. The TEC, §21.049, authorizes the SBEC to adopt rules providing for educator certification programs as an alternative to traditional EPPs. The TEC, §21.031, states that the SBEC is established to oversee all aspects of the certification and continuing education of public school educators and to ensure that all candidates for

certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

The proposed revisions to 19 TAC Chapter 227, shown in Attachment II, update the rules to reflect current law and provide minimum standards with flexibility for all EPP candidates. The proposed revisions reflect discussions held during stakeholder meetings with EPPs on January 14, 2014; February 18, 2014; and March 26, 2014, and regional stakeholder meetings held on February 27, 2014; March 3, 2014; and March 4, 2014, with district and regional administrators. Additional changes also reflect input received from the staffs at the TEA and the THECB.

### General Provisions

Language in §227.1(b) would be amended to clarify an educator preparation program's role in an educator's criminal history background check as informational. No changes are recommended since published as proposed.

### Definitions

Language in §227.5 would be amended to add a definition of *accredited institution of higher education* for clarity, add a definition of *post-baccalaureate program* based on feedback from preparation programs, and remove a phrase from the definition of *contingency admission* to stay in alignment with the acceptance of accredited institutions of higher education. Language would also be amended to remove definitions for words and terms not used in Chapter 227.

Since published as proposed, 19 TAC §227.5(6) would be amended to add the phrase "that is" for clarification.

### Admission Criteria

Language in §227.10(a) would be amended to align the acceptance of an accredited institution of higher education. In addition, language would be added to specify the minimum requirements for admission to an EPP for those seeking initial certification. The grade point average (GPA) requirement would be increased to 2.75 from 2.5. A subject-specific, 15 semester credit hour prerequisite would also be added for those seeking admission for mathematics or science certification at or above Grade 7, in accordance with the TEC, §21.0441, added by HB 2012, 83rd Texas Legislature, Regular Session, 2013. The basic skills testing requirement articulated in §227.10(a)(4) would be removed as a requirement.

Language in §227.10(c) would be amended to provide for an EPP to admit a candidate who has either completed another EPP or who has been employed for three years in a public school under a temporary or probationary certificate if the candidate seeks certification in a new field.

No changes are recommended since published as proposed.

### Formal Admission

As a result of recurring feedback from candidates, proposed new 19 TAC §227.17 would be added to clarify and document when an applicant is considered admitted to an EPP. Proposed

new 19 TAC §227.17 would take effect January 1, 2015. No changes are recommended since published as proposed.

#### Implementation Date

Language would be amended to reflect an implementation date of March 1, 2015, for the proposed amendments to 19 TAC Chapter 227, Subchapter A, with the exception of proposed new 19 TAC §227.17. No changes are recommended since published as proposed.

#### Technical Changes

Minor technical edits such as updating cross references would also be made throughout Chapter 227.

**FISCAL IMPACT:** The TEA staff has determined that there will be a fiscal impact on state government (public universities and education service centers) and no fiscal impact on local government. Due to the proposed increase in the minimum GPA required of an applicant for admission to an EPP from a 2.5 to 2.75, public universities and education service centers could see a decline in revenue from decreased enrollment numbers. After sampling GPA data from previously admitted classes, it is estimated that approximately 11% of admitted candidates had GPAs below 2.75 and thus would not have been admitted had the proposal been in effect at the time. Although many variables make the exact fiscal impact difficult to calculate, some programs could see a loss of revenue commensurate with the 11% of applicants no longer meeting GPA requirements.

There are no costs to persons or entities required to comply with the proposed revisions. 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, §2006.022, is required.

**PUBLIC AND STUDENT BENEFIT:** The public and student benefit anticipated as a result of the proposed revisions to Chapter 227 would be the development of clear, minimum EPP admission criteria that would ensure educators are prepared to positively impact the performance of the diverse student population of this state.

**PROCEDURAL AND REPORTING IMPLICATIONS:** The proposed revisions would have no additional procedural and reporting implications.

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

**PUBLIC COMMENTS:** Following the May 2014 SBEC meeting, the proposed revisions to 19 TAC Chapter 227 were filed with the *Texas Register*, initiating the official public comment period. Following is a summary of the public comments received at the time this item was prepared and corresponding agency responses. Any additional comments received will be provided to the SBEC under separate cover prior to the August 2014 meeting.

Comment: The president of iteachTexas commented that the GPA admission requirement in 19 TAC §227.10(a)(3)(A) should remain 2.5 as in current rule. The commenter cited studies that show that GPA is poorly correlated to National Teacher Examination scores and to principal ratings of teacher quality, that there is no correlation between a teacher's undergraduate GPA and a teacher's value-add score, and that GPA is a poor marker of quality due to institutional variability in GPA depending on which institution of higher education a candidate attends and which courses a candidate takes prior to applying to an EPP.

Agency Response: At the May 2014 SBEC meeting, the agency presented for discussion and action the GPA requirement as currently in rule. The SBEC took action at the May meeting to propose an increase in the minimum GPA requirement to 2.75. The SBEC is scheduled to consider the GPA admission requirement for adoption, subject to SBOE review, as part of this item.

Comment: The associate dean for teacher education for The University of Texas at San Antonio (UTSA) commented that raising the minimum GPA requirement in 19 TAC §227.10(a)(3)(A) is a positive change, although the commenter did voice concern about a potential negative impact the change could have on transfer students from community colleges.

Agency Response: At the May 2014 SBEC meeting, the agency presented for discussion and action the GPA requirement as currently in rule. The SBEC took action at the May meeting to propose an increase in the minimum GPA requirement to 2.75. The SBEC is scheduled to consider the GPA admission requirement for adoption, subject to SBOE review, as part of this item.

Comment: The associate dean for teacher education for UTSA commented in disagreement with the removal of the basic skills testing requirement, Texas Higher Education Assessment® (THEA®), for admission into an undergraduate educator preparation program from 19 TAC §227.10(a)(4).

Agency Response: The agency disagrees. The agency views the testing requirement for EPP applicants as redundant. Most students are exempted from the basic skills test based on performance on high school or national assessments. The basic skills test requirement only applies to candidates in undergraduate programs because candidates with bachelor's degrees are exempted. Since only a negligible fraction of candidates can become a teacher in the state of Texas without a bachelor's degree, by the time the candidates are credentialed to become teachers they will have demonstrated basic skills by attaining their degree. Additionally, candidates must pass both content and pedagogy certification examinations in order to become fully certified teachers and both examinations require a demonstration of basic skills. EPPs that choose to require a basic skills test for admission would still be able to do so with the proposed rule change.

Comment: The associate dean for teacher education for UTSA commented that they are fine with the addition of requiring a formal admissions offer and acceptance process as indicated in 19 TAC §227.17.

Agency Response: The agency agrees.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** None.

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

Approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, §§227.1, 227.5, 227.10, 227.15, 227.20, 227.103, 227.105, and 227.107, with an effective date of March 1, 2015, and proposed new 19 TAC §227.17, with an effective date of January 1, 2015.

Respectfully submitted,

Ryan Franklin  
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Educator Leadership and Quality

**Staff Members Responsible:** Tim Regal, Policy Advisor  
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**Attachments:** I. Statutory Citations  
II. Text of Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

**ATTACHMENT I****Statutory Citations Relating to Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates****Texas Education Code, §21.031, Purpose:**

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

**Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (b) The board shall propose rules that:
  - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;

**Texas Education Code, §21.044, Educator Preparation (excerpt):**

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.

**Texas Education Code, §21.0441, Admission Requirements for Educator Preparation Programs:**

- (a) Rules of the board proposed under this subchapter must provide that a person, other than a person seeking career and technology education certification, is not eligible for admission to an educator preparation program, including an alternative educator preparation program, unless the person:
  - (1) except as provided by Subsection (b), satisfies minimum grade point average requirements prescribed by the board, not to exceed the following:
    - (A) an overall grade point average of at least 2.75 on a four-point scale or the equivalent on any course work previously attempted at a public or private institution of higher education; or
    - (B) a grade point average of at least 2.75 on a four-point scale or the equivalent for the last 60 semester credit hours attempted at a public or private institution of higher education; and
  - (2) if the person is seeking initial certification:
    - (A) has successfully completed at least:
      - (i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking

- certification to teach mathematics or science at or above grade level seven; or
- (ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or
- (B) has achieved a satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.
- (b) The board's rules must permit an educator preparation program to admit in extraordinary circumstances a person who fails to satisfy a grade point average requirement prescribed by Subsection (a)(1)(A) or (B), provided that:
- (1) not more than 10 percent of the total number of persons admitted to the program in a year fail to satisfy the requirement under Subsection (a)(1)(A) or (B); and
  - (2) for each person admitted as described by this subsection, the director of the program determines and certifies, based on documentation provided by the person, that the person's work, business, or career experience demonstrates achievement comparable to the academic achievement represented by the grade point average requirement.

**Texas Education Code, §21.049, Alternative Certification:**

- (a) To provide a continuing additional source of qualified educators, the board shall propose rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.
- (b) The board may not require a person employed as a teacher in an alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 for at least three years to complete an alternative educator certification program adopted under this section before taking the appropriate certification examination.

**Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate; Internship (excerpt):**

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.

**Texas Education Code, §21.051, Rules Regarding Field-Based Experience and Options for Field Experience and Internships:**

- (a) In this section, "teacher of record" means a person 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.

- (b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities under supervision at:
  - (1) a public school campus accredited or approved for the purpose by the agency; or
  - (2) a private school recognized or approved for the purpose by the agency.
- (c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:
  - (1) the validity of a certification issued before September 1, 2012; or
  - (2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.
- (d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.
- (e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).
- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification.

**Texas Occupations Code, §53.105, Fees:**

A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

**House Bill 2012, Section 9, 83rd Texas Legislature, Regular Session, 2013:**

Not later than September 1, 2014, the Texas Education Agency, the State Board for Educator Certification, and the Texas Higher Education Coordinating Board shall jointly review existing standards for preparation and admission that are applicable to educator preparation programs, including stakeholder input in the review and development of those standards, and develop and implement modifications necessary to reflect updated standards for the teaching profession.

**ATTACHMENT II**  
**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 that is designed for individuals who already hold at least a bachelor's degree and that is 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.]

## 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.