

Item 20:**Adoption of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §§229.2-229.8, and Withdrawal of Proposed Amendment to 19 TAC §229.9, Fees for Educator Preparation Program Approval and Accountability****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 amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §§229.2-229.8. House Bill 2012, 83rd Texas Legislature, Regular Session, 2013, 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). Due to its related nature, a review of Chapter 229 was also conducted and, as a result, proposed amendments to Chapter 229 are necessary. The proposed amendments would update and make uniform definitions, modify the standards used for enforcing the reporting of data, clarify the standards used for accountability, adjust the small group exception requirements, and establish a new process for challenging sanctions imposed on programs that fail the accountability system. Additional changes are recommended to the proposed amendments to 19 TAC §§229.2, 229.3, 229.4, 229.5, 229.7, and 229.8 since published as proposed.

This item also presents the withdrawal of the proposed amendment to 19 TAC §229.9, Fees for Educator Preparation Program Approval and Accountability, which was approved for filing as proposed in May 2014. The proposed withdrawal would enable TEA staff to conduct a more thorough review and obtain stakeholder input to address the Sunset Commission's recommendation to revise fees associated with EPPs.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 229 is the Texas Education Code (TEC), §§21.041(c) and (d), 21.045, 21.0451, and 21.0452.

EFFECTIVE DATE: The proposed effective date of the proposed amendments to 19 TAC §§229.2-229.8 would be October 26, 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 adopted 19 TAC Chapter 229 effective April 18, 2010. The SBEC approved amendments to 19 TAC Chapter 229 for filing as proposed at the May 2014 meeting.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The TEC, §21.045, states that the SBEC shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs. Current SBEC rules in 19 TAC Chapter 229 provide for rules that establish the process used for issuing annual accreditation ratings for all EPPs.

The proposed amendments to 19 TAC Chapter 229, shown in Attachment II, would update the rules to adjust the small group exception requirements, update the review and appeals process for EPPs, and include technical and clarifying changes. These proposed amendments 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.

Definitions

Language in §229.2 would be amended to add a definition of *consecutively measured years* to clarify the effect to changes made to the small group exception size, update the definition of *practicum* to better reflect the context of professional certification programs, and delete definitions of words and terms that are no longer used in Chapter 229.

Language in §229.2 would also be updated so definitions in 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, and 19 TAC Chapter 228, Requirements for Educator Preparation Programs, would be uniform.

Since published as proposed, 19 TAC §229.2(9) would be amended to correct punctuation. Also, in response to public comment, 19 TAC §229.2(17) would be amended to reinstate the last sentence of the definition of *field supervisor* that addresses the assignment of a campus mentor or cooperating teacher.

Required Submissions of Information, Surveys, and Other Data

Under the current rules, individuals who hold certificates, school districts, charters, and EPPs may be held accountable for failure to report required data only if that failure was done willfully or recklessly, which required the SBEC to prove the mindset and intent of those who did not report data and, therefore, made the rule essentially unenforceable in most cases. Proposed amendments to Chapter 229 would remove the willfully and recklessly requirement to allow SBEC the option to hold these entities accountable for failure to report required data without first having to prove mindset and intent.

Since published as proposed, figure 19 TAC §229.3(f)(1) would be amended to reflect technical edits that would remove outdated timeline references and update data submission protocol related to Title II of the Elementary and Secondary Education Act (ESEA).

Determination of Accreditation Status

Language in §229.4 would be amended to replace *consecutive* with *consecutively measured* to accommodate situations where EPPs fall within the small group exception provisions. Subsection (g) would be amended to increase the EPP candidate group size needed to be measured against an accountability standard. The group size would increase from 11 to 21 so

that no measure related to a single EPP candidate could be the sole cause of the failure of an EPP to meet a standard. The language would also be amended to more clearly articulate the process for determining a measure when groups fail to meet the threshold of 21 or more candidates.

Since published as proposed, 19 TAC §229.4(g)(1) would be amended to add the phrase "in the group" to clarify that the number of individuals in the group must exceed 20 for a candidate group to be measured against performance standards.

Sanctions, Reviews and Contested Cases

Under current rule, when an EPP is assigned a failing accreditation rating by SBEC, is subject to sanctions or to suspension or revocation of its ability to recommend educator candidates, the EPP has the opportunity to request a record review by TEA staff. After the record review, the proposal goes to SBEC for adoption. In cases of revocation, the SBEC decision is appealable to the State Office of Administrative Hearings (SOAH), which reviews the SBEC decision under a substantial evidence standard. The SOAH decision is final and not appealable.

Proposed amendments to Chapter 229 modify this process. When TEA staff proposes to assign to an EPP a failing accreditation rating that makes the EPP subject to sanctions or suspension or revocation of its ability to recommend educator candidates, the EPP has the opportunity to request an informal hearing with TEA staff before the proposed accreditation is presented to SBEC for adoption. After the informal hearing, TEA staff will prepare a final recommendation to submit to the SBEC and will notify the EPP of the proposed final recommendation. If the final recommendation proposes revocation, the EPP has an opportunity to request a hearing at SOAH for an Administrative Law Judge (ALJ) to address the appropriateness of the proposed revocation before TEA submits the final recommendation to SBEC. SOAH will hear the case on a preponderance of the evidence standard, as SOAH hears disciplinary cases for certifications and licenses, rather than on a substantial evidence standard. The ALJ's proposal for decision will then be sent to SBEC for final determination. After SBEC's determination would become final, an EPP could contest an SBEC decision, in district court in Austin, subject to the requirements of the Administrative Procedure Act.

These changes will simplify the current review process, remove the TEA as acting as a tribunal, provide EPPs with an impartial arbiter for revocation determinations, and restore SBEC as the final arbiter of decisions.

Since published as proposed, 19 TAC §229.4(c) would be amended to modify the phrase "shall be" to "is" for clarity. The words, "for the academic year" are deleted because the standard would apply to all academic years during which the rule is in effect.

Since published as proposed, 19 TAC §229.5(c) would be amended to more clearly state that it is a candidate's performance in a particular field that is being measured.

Since published as proposed, 19 TAC §229.5(e) would be amended to modify the phrase "proposed action taken" to read "action proposed to be taken" to more clearly state that notice is given to the EPP before any proposed action is taken.

Since published as proposed, 19 TAC §229.7(c) would be amended to change the word "decision" to "proposed recommendation" to more accurately identify the document that TEA staff issues. Subsection (c)(2)(E) would be amended to modify the phrase "substantial evidence" to "a preponderance of the evidence" to comport with the revised standard of review at SOAH.

Since published as proposed, 19 TAC §229.7(d) would be amended to rephrase the provision to make it consistent with the requirement that the request for informal review needs to be received by TEA by the applicable deadline.

Since published as proposed, 19 TAC §229.8(c) would be amended to modify the phrase "upon a final decision" to read "upon the finality of a decision" to clarify that certain actions that follow from a decision to close a program happen only after a program's right to file such things as motions for rehearing, etc., have expired.

Technical Changes

Minor technical edits such as updating cross references would also be made throughout Chapter 229.

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 amendments. 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 rule actions would be an accountability system that informs the public of the quality of educator preparation provided by each SBEC-approved educator preparation program.

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

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

PUBLIC COMMENTS: Following the May 2014 SBEC meeting, the proposed amendments to 19 TAC Chapter 229 were filed with the *Texas Register*, initiating the official public comment period. Following is a summary of 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 last sentence in 19 TAC §229.2(17) should be reinstated to prevent confusion about the ability of one individual to act as both mentor and field supervisor to a candidate.

Agency Response: The agency agrees and recommends amending the definition of *field supervisor* in 19 TAC §229.2(17) to reinstate the last sentence that addresses the assignment of a campus mentor or cooperating teacher.

Comment: The president of iteachTexas requested clarification on the citation of the Higher Education Act in 19 TAC §229.2(21) as authority in data reporting requirements for EPPs, as the Higher Education Act does not govern certain alternative certification programs.

Agency Response: The agency offers the following clarification. Section 229.2(21) serves as a definition for the Higher Education Act, not as the sole recognition of authority for EPP data reporting requirements. Section 229.3(a) also provides recognition of data reporting requirements as indicated in the TEC.

Comment: The president of iteachTexas supported removal of *willfully or recklessly* from 19 TAC §229.3. The commenter noted that this will help the TEA ensure that EPPs continue to meet the highest standards of quality.

Agency Response: The agency agrees.

Comment: The president of iteachTexas commented that the survey tools used to satisfy 19 TAC §229.3(f)(2) and §229.4(a)(4) should be designed to accommodate the different realities for candidates that participate in clinical teaching and candidates that participate in an internship.

Agency Response: The agency agrees in part. Although the language itself does not need to be changed to accommodate this concern, the agency does plan to conduct a process, which would include stakeholders, whereby the tools designed to implement these sections do fit the diverse settings for clinical teaching and internships.

Comment: The president of iteachTexas requested clarification of the implementation date and questioned whether the implementation date would be the same as the one proposed for Chapter 227.

Agency Response: The agency offers the following clarification. The proposed amendments to 19 TAC §§229.2-229.8 would be effective October 26, 2014, as stated on the first page of this item under the section heading "Effective Date."

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 229, Accountability System for Educator Preparation Programs, with the changes presented to §§229.2-229.8, with an effective date of 20 days after filing the adoption notice with the *Texas Register*, and

Withdraw the proposed amendment to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.9, Fees for Educator Preparation Program Approval and Accountability, that was published in the *Texas Register*.

Respectfully submitted,

Ryan Franklin
Interim Associate Commissioner
Educator Leadership and Quality

Staff Members Responsible: Tim Regal, Policy Advisor
Educator Leadership and Quality

Sandra Jo Nix, Manager
Educator Preparation

Von Byer, Deputy General Counsel
Legal Services

Attachments: I. Statutory Citations
II. Text of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §§229.2-229.8

ATTACHMENT I

Statutory Citations Relating to Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §§229.2-229.8**Texas Education Code, §21.041, Rules; Fees (excerpts):**

- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.
- (d) The board may propose a rule adopting a fee for the approval or renewal of approval of an educator preparation program, or for the addition of a certificate or field of certification to the scope of a program's approval. A fee imposed under this subsection may not exceed the amount necessary, as determined by the board, to provide for the administrative cost of approving, renewing the approval of, and appropriately ensuring the accountability of educator preparation programs under this subchapter.

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.

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 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. [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)]~~ ~~[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 ~~is~~ ~~[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 is~~ ~~[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 in the group exceeds 20.
 - (2) ~~(1)~~ 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, candidate ~~only~~ performance in ~~of~~ individual certification fields in only ~~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 proposed to be 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 agree in writing to accept the final revocation without further proceedings or 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 proposed recommendation would violate [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 proposed recommendation [decision];
- (B) if alleging the proposed recommendation would be [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 proposed recommendation would be [decision was made] in excess of this authority;
- (C) if alleging the proposed recommendation [decision] was made through unlawful procedure, the lawful procedure and the specific facts supporting a conclusion that the proposed recommendation [decision] was made through unlawful procedure;
- (D) if alleging the proposed recommendation is [decision was] affected by other error of law, the law violated and the specific facts supporting a conclusion that the proposed recommendation [decision] violated that law;
- (E) if alleging the proposed recommendation is not reasonably supported by a preponderance of the evidence, each finding, inference, or conclusion of the proposed recommendation that is unsupported by a preponderance of the evidence, and the evidence that creates a preponderance against the specific finding, inference, or conclusion at issue [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 proposed recommendation is [decision was] arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion, each finding, inference, conclusion, or proposed recommendation [decision] affected and the specific facts supporting a conclusion that each is [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 are [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 , and email address 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 TEA staff does not receive the EPP's [EPP fails to] request for 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 agree in writing to accept the final revocation without further proceedings or 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 (e) 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.]~~
- ~~[(c) — 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 the finality of 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).~~

- ~~[(c) — 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.]~~

Figure: 19 TAC §229.3(f)(1)

Accountability System: Standards disaggregated by gender and ethnicity (see demographics chart)	Report by Program	Report by State	Description of Data	Required Submission Date and Method of Reporting
				19 TAC §229.4, <u>Determination of Accreditation Status</u>
1. Certification examinations		√	<u>Pass Rate</u> —As defined in 19 TAC §229.2(24) [§229.2(26)].	Certification scores will be uploaded into the accountability system for educator preparation (ASEP) system and calculated by academic year (September 1-August 31).
2. Beginning teacher performance		√	Results of beginning teacher appraisals by school administrators.	Online survey will be completed by school administrators by June 15 of each applicable year.
3. Student achievement		√	Improvement of student performance taught by beginning teachers for the first three years.	Date and method of collection when available.
4. Ongoing support by field supervisors to beginning teachers during their first year in the classroom	√	√	Data collections regarding frequency, duration, and quality of field supervision	<u>Educator preparation program (EPP)</u> [EPP] will enter information in the ASEP system by September 15 of each year, documenting each field supervision contact by entering the following information: 1) teacher; 2) date of contact with teacher; 3) time of contact; and 4) documentation provided.
Annual Performance Report disaggregated by gender and ethnicity: (Appendix - demographics chart)	Report by Program	Report by State	Description of Data	Required Submission Date and Method of Reporting
				19 TAC §229.3, <u>Required Submissions of Information, Surveys, and Other Data</u>
1. Number of EPP applicants	√		Report submitted by the EPP and included on the consumer information section of the TEA website.	EPP will upload a data file or enter all elements of this section into ASEP system by September 15 for the preceding academic year.
2. Number of EPP candidates admitted	√		Report submitted by the EPP and included on the consumer information section of the TEA website.	EPP will upload a data file or enter all elements of this section into ASEP system by September 15 for the preceding academic year.
3. Number of candidates retained in the EPP	√		Report submitted by the EPP and included on the consumer information section of the TEA website.	EPP will upload a data file or enter all elements of this section into ASEP system by September 15 for the preceding academic year.

Annual Performance Report disaggregated by gender and ethnicity: (Appendix - demographics chart)	Report by Program	Report by State	Description of Data	Required Submission Date and Method of Reporting
4. Number of candidates completing all EPP requirements		√	Report submitted by the EPP and included on the consumer information section of the TEA website.	EPP will upload a data file or enter all elements of this section into ASEP system by September 15 for the preceding academic year.
5. Number of EPP candidates retained in the profession		√	Report submitted by the EPP and included on the consumer information section of the TEA website.	EPP will upload a data file or enter all elements of this section into ASEP system by September 15 for the preceding academic year.
6. Number of EPP candidates employed		√	Report included on the consumer information section of the TEA website.	TEA staff will generate a report utilizing ASEP system and Public Education Information Management System (PEIMS) data.
7. All information required by federal law	√		Report submitted by the EPP and included on the consumer information section of the TEA website.	EPP will upload a data file or enter all elements of this section into ASEP system by September 15 for the preceding academic year.
Consumer Information to be Posted on the TEA website:	Report by Program	Report by State	Description of Data	Required Submission Date and Method of Reporting
				19 TAC §229.3, <u>Required Submissions of Information, Surveys, and Other Data</u>
1. EPP status based on adherence to the standards		√	<u>Accountability Status:</u> standards disaggregated by gender and ethnicity. (see Appendix) To be posted on the TEA website in the consumer information section for each EPP.	All information will be posted annually on the TEA website in the consumer information section.
2. Annual Performance Report of each EPP	√	√	Seven data elements submitted by EPPs as required by TEC, §21.045(b). Information to be posted on the TEA website in the consumer information section for each EPP.	EPP will upload file or enter all elements of this section into ASEP system by September 15 for the preceding academic year. All information will be posted annually on the TEA website in the consumer information section.
3. Quality of persons admitted to the EPP:	√		To be posted on the TEA website in the consumer information section for each EPP.	All information will be posted on the TEA website in the consumer information section.

Consumer Information to be Posted on the TEA website:	Report by Program	Report by State	Description of Data	Required Submission Date and Method of Reporting
a. Individual overall GPA	√		Required and calculated by EPP.	EPP will enter into the ASEP system by September 15 for the preceding academic year. For assistance in calculating the GPA: http://www.onlineconversion.com/grade_point_average.htm . EPP will upload a data file or enter all elements of this section into ASEP system by September 15 for the preceding academic year.
b. Individual GPA in specific subject area	√		Required and calculated for core subject areas per No Child Left Behind (NCLB) requirements.	EPP will enter into the ASEP system by September 15 for the preceding academic year. For assistance in calculating the GPA: http://www.onlineconversion.com/grade_point_average.htm .
c. Average overall GPA for the EPP		√		ASEP system will calculate the overall average GPA by EPP by September 15 for the preceding academic year.
d. Average overall GPA in subject areas by EPP		√		ASEP system will calculate the overall average GPA by EPP.
* EPP will report ONE of the following of rows e through I for each candidate.				
e. Individual total GRE® score and date	√		EPP will need to report the total score and the date. The GRE® has been updated and will require dates.	EPP will enter into data fields in the ASEP system by September 15 for the preceding academic year.
f. Individual total SAT® score and date	√		EPP will need to report the total score and the date. The SAT® has been updated and will require dates.	EPP will enter into data fields in the ASEP system by September 15 for the preceding academic year.
g. Individual ACT® score and date	√		EPP will need to report the total score and the date. The ACT® has been updated and will require dates.	EPP will enter into data fields in the ASEP system by September 15 for the preceding academic year.
h. Individual Texas Academic Skills Program® (TASP®)/Texas Higher Education Assessment® (THEA®) score and date	√			EPP will enter into data fields in the ASEP system by September 15 for the preceding academic year.

Consumer Information to be Posted on the TEA website:	Report by Program	Report by State	Description of Data	Required Submission Date and Method of Reporting
i. <input type="checkbox"/> None of the above		√		EPP will enter the number of candidates who qualify under the Texas Success Initiative (Texas Education Code, §51.3062) into the ASEP system by September 15 for the preceding academic year.
j. Average total GRE® score per EPP		√		EPP will enter into the ASEP system by September 15 for the preceding academic year. ASEP system will calculate the overall average GRE® by date and by EPP
k. Average total SAT® score per EPP		√		EPP will enter into the ASEP system by September 15 for the preceding academic year. ASEP system will calculate the overall average SAT® by date and by EPP
l. Average total ACT® score per EPP		√		EPP will enter into the ASEP system by September 15 for the preceding academic year. ASEP system will calculate the overall average ACT® by date and by EPP
m. Average total TASP®/THEA® score per EPP		√		EPP will enter into the ASEP system by September 15 for the preceding academic year. ASEP system will calculate the overall average TASP®/THEA® by EPP.
4. Candidates who are counted as finishing the EPP for pass rate purposes and who are successful in obtaining teaching positions		√	To be posted on the TEA website in the consumer information section for each EPP.	TEA will report candidates by EPP who have been issued a certificate and are identified in PEIMS as teacher of record.
5. Preparation of general education and special education teachers to effectively teach:			To be posted on the TEA website in the consumer information section for each EPP.	EPP assurances of compliance and the number of training/coursework hours will be entered into the ASEP system by September 15 for the preceding academic year.
a. Students with disabilities	√			EPP will provide assurances of compliance in the ASEP system by September 15 for the preceding academic year.
b. Students of limited English proficiency	√			EPP will provide assurances of compliance in the ASEP system by September 15 for the preceding academic year.
6. Activities offered by EPP to prepare teachers:			To be posted on the TEA website in the consumer information section for each EPP.	Data will be entered annually for the preceding academic year.

Consumer Information to be Posted on the TEA website:	Report by Program	Report by State	Description of Data	Required Submission Date and Method of Reporting
a. Integrate technology effectively into curricula and instruction including activities consistent with the principles of universal design for learning	√			EPP will provide assurances of compliance and the number of training/coursework hours in the ASEP system by September 15 for the preceding academic year.
b. Integrate technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement	√			EPP will provide assurances of compliance and the number of training/coursework hours in the ASEP system by September 15 for the preceding academic year.
7. Perseverance of beginning teachers in the profession for at least three years after certification as active members in the Teacher Retirement System of Texas (TRS)		√	To be posted on the TEA website in the consumer information section for each EPP.	TEA will obtain candidates by EPP who have been issued a certificate and are identified in PEIMS as teacher of record and the TRS. Results will be posted annually for the preceding academic year.
8. Results of exit surveys from EPP participants at the completion of the program that evaluate the program's effectiveness in preparing participants to succeed in the classroom		√	To be posted on the TEA website in the consumer information section for each EPP.	EPP participants will respond to an online survey presented at the time they apply for certification. Results will be posted annually by August 1 for the preceding academic year.
9. Results of surveys from school principals that evaluate the EPP's effectiveness in preparing participants to succeed in the classroom		√	To be posted on the TEA website in the consumer information section for each EPP.	Principals or designated administrators will complete by June 15, for the preceding academic year, individual teacher performance surveys for each beginning teacher who participated in an EPP. The online survey will be administered and collected by TEA. Results will be posted on the TEA website under consumer information.
10. Identify employment opportunities for teachers in the various regions of the state including shortage areas		√		TEA will provide employment information in various regions of Texas. TEA will identify teacher shortage areas. The information will be provided on the TEA website. Information will be updated annually for the preceding academic year.

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174,] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section I: Educator Preparation Program Information				
1. Admission Data:			EPPs report if they require the following criteria for admitting participants:	EPP will enter the data into a data field in the <u>Institutional and Program Report Card (IPRC) [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
a. Application	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
b. Fee/payment	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
c. Transcript	√	<input checked="" type="checkbox"/>		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
d. Fingerprint check	√	<input checked="" type="checkbox"/>		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
e. Background check	√	<input checked="" type="checkbox"/>		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
f. Experience in a classroom working with students	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
g. Minimum number of clock-hours completed	√	<input checked="" type="checkbox"/>		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
h. Minimum high school GPA	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174,] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section I: Educator Preparation Program Information				
i. Minimum undergraduate GPA	√	[X]		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
j. Minimum GPA in content area coursework	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
k. Minimum GPA in professional education coursework	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
l. Minimum ACT® score	√	[X]		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
m. Minimum SAT® score	√	[X]		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
n. Minimum GRE® score	√	[X]		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
o. Minimum basic skills test score	√	[X]		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
p. Subject area/academic content test or other subject matter verification	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
q. Minimum Miller Analogies Test score	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174,] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section I: Educator Preparation Program Information				
r. Recommendation(s)	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
s. Essay or personal statement	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
t. Interview	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
u. Resume	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
v. Baccalaureate degree or higher	√	[x]		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
w. Job offer from school/district	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
x. Personality test (e.g. Myers-Briggs Assessment)	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
y. Other (specify: _____)	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
2. EPP Website	√			EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174,] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section I: Educator Preparation Program Information				
3. Time when individuals are formally admitted to the initial teacher certification program (freshman, sophomore, junior or senior year)	√			EPP will enter the data into a data field in the <u>IPRC</u> <u>[ASEP]</u> system. All data must be completed by a <u>date established by Title II</u> <u>[October 1]</u> for the preceding academic year.
4. Does your EPP conditionally admit candidates?	√			EPP will enter the data into a data field in the <u>IPRC</u> <u>[ASEP]</u> system. All data must be completed by a <u>date established by Title II</u> <u>[October 1]</u> for the preceding academic year.
5. Number of candidates enrolled by gender and ethnicity	√			EPP will enter the data into a data field in the <u>IPRC</u> <u>[ASEP]</u> system. All data must be completed by a <u>date established by Title II</u> <u>[October 1]</u> for the preceding academic year.
6. Supervised clinical experience:	√			EPP will enter the data into a data field in the <u>IPRC</u> <u>[ASEP]</u> system. All data must be completed by a <u>date established by Title II</u> <u>[October 1]</u> for the preceding academic year.
a. Average number of clock-hours prior to student/clinical teaching	√	<input checked="" type="checkbox"/>		EPP will enter the data into a data field in the <u>IPRC</u> <u>[ASEP]</u> system. All data must be completed by a <u>date established by Title II</u> <u>[October 1]</u> for the preceding academic year.
b. Number of clock-hours required for student/clinical teaching	√	<input checked="" type="checkbox"/>		EPP will enter the data into a data field in the <u>IPRC</u> <u>[ASEP]</u> system. All data must be completed by a <u>date established by Title II</u> <u>[October 1]</u> for the preceding academic year.
c. Number of full-time equivalent faculty in supervised clinical experience during this academic year (Institution of Higher Education <u>[IHE]</u> and Pre K-12)	√			EPP will enter the data into a data field in the <u>IPRC</u> <u>[ASEP]</u> system. All data must be completed by a <u>date established by Title II</u> <u>[October 1]</u> for the preceding academic year.
d. Number of candidates in supervised clinical experience during the academic year	√	<input checked="" type="checkbox"/>		EPP will enter the data into a data field in the <u>IPRC</u> <u>[ASEP]</u> system. All data must be completed by a <u>date established by Title II</u> <u>[October 1]</u> for the preceding academic year.

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174,] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section I: Educator Preparation Program Information				
7. Number of candidates who have been certified as teachers by subject and certification for three years	√	√		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> . TEA will extract the data and send to the certification testing vender.
8. Total number of initial teacher certification program completers for three years	√	√		EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> . TEA will extract the data and send to the certification testing vender.
Section II: Goals and Assurances				
1. Annual quantifiable goals for increasing the number of prospective teachers trained in teacher shortage areas			EPPs will provide quantifiable goals with assurances.	EPP will enter the data into a data field in the <u>IPRC [ASEP]</u> system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
a. Math	√			
b. Science	√			
c. Special Education	√			
d. Instruction of limited English proficient (LEP) students	√			Title II [TEA] will collect data regarding English language learner (ELL) students and also assurances of compliance. EPPs will enter this data into the <u>IPRC [ASEP]</u> system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
e. Other (specify: _____)	√			

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174,] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section II: Goals and Assurances			EPPs will provide quantifiable goals with assurances.	EPP will enter the data into a data field in the <u>IPRC</u> [<u>ASEP</u>] system. All data must be completed by a <u>date established by Title II</u> [<u>October 1</u>] for the preceding academic year.
2. Assurances:				
a. Training provided to prospective teachers. Responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends.	√			EPPs will enter data into the <u>IPRC</u> [<u>ASEP</u>] system by a <u>date established by Title II</u> [<u>October 1</u>] for the preceding academic year.
b. Training provided to prospective teachers is closely linked with the needs of schools and the instructional decisions new teachers face in the classroom.	√			EPPs will enter data into the <u>IPRC</u> [<u>ASEP</u>] system by a <u>date established by Title II</u> [<u>October 1</u>] for the preceding academic year.
c. Prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects.	√			EPPs will enter data into the <u>IPRC</u> [<u>ASEP</u>] system by a <u>date established by Title II</u> [<u>October 1</u>] for the preceding academic year.
d. General education teachers receive training in providing instruction to students with disabilities.	√			EPPs will enter data into the <u>IPRC</u> [<u>ASEP</u>] system by a <u>date established by Title II</u> [<u>October 1</u>] for the preceding academic year.
e. General education teachers receive training in providing instruction to limited English proficient students.	√			EPPs will enter data into the <u>IPRC</u> [<u>ASEP</u>] system by a <u>date established by Title II</u> [<u>October 1</u>] for the preceding academic year.
f. General education teachers receive training in providing instruction to students from low-income families.	√			EPPs will enter data into the <u>IPRC</u> [<u>ASEP</u>] system by a <u>date established by Title II</u> [<u>October 1</u>] for the preceding academic year.

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section II: Goals and Assurances			EPPs will provide quantifiable goals with assurances.	EPP will enter the data into a data field in the IPRC [ASEP] system. All data must be completed by a <u>date established by Title II [October 1]</u> for the preceding academic year.
g. Prospective teachers receive training on how to effectively teach in urban and rural schools, as applicable.	√			EPPs will enter data into the IPRC [ASEP] system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
Section III: Pass rates and scaled scores			Based on only teacher certification tests.	
1. Assessment of pass rates for the academic year		√		Certification test vendor will provide reports by EPP.
2. Summary pass rates for three years		√		Certification test vendor will provide reports by EPP
Section IV: Statement and Designation as Low-Performing				
1. EPP approval		√	TEA will determine the status of an EPP.	TEA will determine the status of an EPP through the implementation of the standards specified in 19 TAC §229.4(a)(1)-(4), for the preceding academic year.
2. EPP accredited		√		TEA will determine the status of an EPP through the implementation of the standards specified in 19 TAC §229.4(a)(1)-(4), for the preceding academic year.
Section V: Use of Technology - Prepare teachers to:			TEA will collect data and post on the TEA website in the consumer information section of the website.	
1. Integrate technology effectively into curricula and instruction.	√	[√]		EPPs will enter data regarding the use of technology into the IPRC [ASEP] system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
2. Use technology effectively to collect data to improve teaching and learning.	√	[√]		EPPs will enter data regarding the use of technology into the IPRC [ASEP] system by a <u>date established by Title II [October 1]</u> for the preceding academic year.

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174,] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section V: Use of Technology - Prepare teachers to:			TEA will collect data and post on the TEA website in the consumer information section of the website.	
3. Use technology effectively to manage data to improve teaching and learning.	√	[X]		EPPs will enter data regarding the use of technology into the <u>IPRC [ASEP]</u> system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
4. Use technology effectively to analyze data to improve teaching and learning.	√	[X]		EPPs will enter data regarding the use of technology into the <u>IPRC [ASEP]</u> system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
Section VI: Teacher Training			TEA will collect data and post on the TEA website in the consumer information section of the website.	
1. Teach students with disabilities effectively.	√	√		EPPs will enter data regarding students with disabilities into the <u>IPRC [ASEP]</u> system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
2. Participate as a member of an individualized education program team.	√	√		EPPs will enter data regarding students with disabilities into the <u>IPRC [ASEP]</u> system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
3. Teach students who are limited English proficient effectively.	√	√		EPPs will enter data regarding the teaching of students who have limited English proficiency into the <u>IPRC [ASEP]</u> system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
4. Teach students with disabilities effectively.	√	√		EPPs will enter data regarding teaching students who have learning disabilities into the <u>IPRC [ASEP]</u> system by a <u>date established by Title II [October 1]</u> for the preceding academic year.
5. Participate as a member of an individualized education program team.	√	√		EPPs will enter data regarding teaching students who have learning disabilities into the <u>IPRC [ASEP]</u> system by a <u>date established by Title II [October 1]</u> for the preceding academic year.

Data Elements Reported to the Higher Education Opportunity Act (HEOA):	Report by Program	Report by State	Description of Data	[SB 174,] Texas Education Code (TEC), §21.045(b)(7), Federal Reporting HEOA and Title II Reporting Web site https://title2.ed.gov/default.asp
Section VI: Teacher Training			TEA will collect data and post on the TEA website in the consumer information section of the website.	
6. Teach students who are limited English proficient effectively.	√	√		EPPs will enter data regarding the teaching of students who have limited English proficiency into the <u>I</u> PRC <u>A</u> SEP system by a <u>date established by Title II</u> [October 1] for the preceding academic year.

Appendix

Demographics Guidelines

~~[Starting with the 2009-2010 academic year,]~~ ASEP will collect ethnicity and race information for candidates using the 1977 categories as well as using the new federal categories developed in 1997 as required by the United States Department of Education (USDE). The new federal category system requires that ethnicity and race be collected separately. It allows individuals to select multiple races. It requires all responses to be collected, but when reporting aggregate data to the USDE, a different set of categories is used for aggregate reporting. Beginning with [ln] the 2010-2011 academic year, Educator Preparation programs will report this information using the new categories only. The new categories are as follows:

Ethnicity	Race
Hispanic or Latino	American Indian or Alaska Native
Not Hispanic or Latino	Asian
	Black or African American
	Hawaiian or other Pacific Islander
	White

Aggregate Reporting Categories
Hispanic or Latino
American Indian or Alaska Native
Asian
Black or African American
Hawaiian or Other Pacific Islander
White
Two or more races