

## Text of Adopted Revisions to 19 TAC

### Chapter 228. Requirements for Educator Preparation Programs

#### §228.2. Definitions.

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

- (1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31.
- (2) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (3) ~~(2)~~ Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's degree from an accredited institution of higher education .
- (4) Benchmarks--A record similar to a transcript for each candidate enrolled in an educator preparation program documenting the completion of admission, program, certification, and other requirements.
- (5) ~~(3)~~ Candidate--An individual who has been formally or contingently 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.
- (6) Certification category--A certificate type within a certification class; also known as certification field.
- (7) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; also known as certification field.
- (8) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.
- (9) ~~(4)~~ Clinical teaching--A supervised [minimum 12-week, full-day or 24-week, half-day] educator assignment through an educator preparation program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.
- (10) ~~(5)~~ Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited institution of higher education [university] is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, internship, and practicum are actual hours spent in the required educational activities and experiences.
- (11) Contingency admission--Admission as described in §227.15 of this title (relating to Contingency Admission).
- (12) ~~(6)~~ Cooperating teacher-- For a clinical teacher candidate, an educator who is collaboratively assigned by the educator preparation program (EPP) and campus administrator; who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed cooperating teacher training by the EPP within three weeks of [prior to] being assigned to a clinical teacher; who is currently certified in the certification category for the clinical teaching assignment for which the clinical teacher candidate is seeking certification; who guides, assists, and supports the candidate during the candidate's clinical teaching in areas such as

planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor. [~~The campus-based mentor teacher for the clinical teacher.~~]

- (13) ~~(7)~~ Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more educator certification classes ~~[fields]~~ .
- (14) ~~(8)~~ Entity--The legal entity that is approved to deliver an educator preparation program.
- (15) ~~(9)~~ Field-based experiences--Introductory experiences for a classroom teacher certification candidate involving , at the minimum, reflective observation of Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting.
- (16) ~~(10)~~ Field supervisor--A currently certified educator, hired by the educator preparation program, who preferably has advanced credentials, to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators. A field supervisor shall have at least three years of experience and current certification in the class in which supervision is provided. A field supervisor shall be an accomplished educator as shown by student learning. A field supervisor with experience as a principal and who holds a current certificate that is appropriate for a principal assignment may supervise principal, classroom teacher, master teacher, and reading specialist candidates. A field supervisor with experience as a superintendent and who holds a current certificate that is appropriate for a superintendent assignment may supervise superintendent, principal, classroom teacher, master teacher, and reading specialist candidates. If an individual is not currently certified, an individual must hold at least a master's degree in the academic area or field related to the certification class for which supervision is being provided and comply with the same number, content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours), §232.13 of this title (relating to Number of Required Continuing Professional Education Hours by Classes of Certificates), and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities). A field supervisor shall not be employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum. A mentor, cooperating teacher, or site supervisor, assigned as required by §228.35(e) of this title (relating to Preparation Program Coursework and/or Training), may not also serve as a candidate's field supervisor.
- (17) Formal admission--Admission as described in §227.17 of this title (relating to Formal Admission).
- (18) ~~(11)~~ Head Start Program--The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.
- (19) Initial certification--The first Texas certificate in a class of certificate issued to an individual based on participation in an approved educator preparation program.
- (20) Intern certificate--A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has pass all required content certification examinations and is completing initial requirements for certification through an approved educator preparation program.
- (21) ~~(12)~~ Internship--A paid supervised classroom teacher [~~full-time educator~~] 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 that may lead to completion of a standard certificate. An internship is successful when the field supervisor and supervising campus administrator recommend to the EPP that the candidate should be recommended for a standard certificate.
- (22) ~~(13)~~ Late hire--An individual who has not been accepted into an educator preparation program before the 45th day before the first day of instruction ~~[July 10]~~ ~~[June 15]~~ and who is hired for a teaching assignment by a school after the 45th day before the first day of instruction ~~[July 10]~~ ~~[June 15]~~ or after the school's academic year has begun.

- (23) ~~(14)~~ Mentor--For an internship candidate ~~[a classroom teacher]~~ , an ~~[a certified]~~ educator who is collaboratively assigned by the campus administrator and the educator preparation program (EPP); who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed mentor training by an EPP ~~within three weeks of [prior to]~~ being assigned to the intern; who is currently certified in the certification category in which the internship candidate is seeking certification ; who guides, assists, and supports the candidate ~~[teacher]~~ during the internship ~~[his or her intern year]~~ in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's ~~[teacher's]~~ progress to that candidate's field supervisor ~~[teacher's educator preparation program]~~ .
- (24) ~~(15)~~ Pedagogy--The art and science of teaching, incorporating instructional methods that are developed from scientifically-based research.
- (25) ~~(16)~~ Post-baccalaureate program--An ~~[approved]~~ educator preparation program , delivered by an accredited institution of higher education and approved by the State Board for Educator Certification to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree and are seeking an additional degree ~~[that is approved by the State Board for Educator Certification to recommend candidates for certification]~~ .
- (26) ~~(17)~~ 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 class ~~[field]~~ for which a ~~[professional]~~ certificate in a class other than classroom teacher is sought ~~[such as superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher]~~ .
- (27) Probationary certificate--A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved educator preparation program.
- (28) School day--If not referring to the school day of a particular public or private school, a school day shall be at least seven hours (420 minutes) each day, including intermissions and recesses.
- (29) School year--If not referring to the school year of a particular public or private school, a school year shall provide at least 180 days (75,600 minutes) of instruction for students.
- ~~(18) Professional certification Certification for superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher.]~~
- (30) ~~(19)~~ Site supervisor--For a practicum candidate , an ~~[a certified]~~ educator who has at least three years of experience in the aspect(s) of the ~~[professional]~~ certification class being pursued by the candidate; who is collaboratively assigned by the campus or district administrator and the educator preparation program (EPP); who is currently certified in the certification class in which the practicum candidate is seeking certification; who has completed training by the EPP ~~within three weeks of [prior to]~~ being assigned to a practicum candidate; who is an accomplished educator as shown by student learning ~~[or orientation for site supervision]~~ ; who guides, assists, and supports the candidate during the practicum; and who reports the candidate's progress to the candidate's field supervisor ~~[educator preparation program]~~ .
- ~~(20) Teacher of record An educator employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.]~~
- (31) ~~(21)~~ 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 administrative functions and services.
- (32) ~~(22)~~ Texas Essential Knowledge and Skills (TEKS)--The ~~kindergarten-Grade 12~~ ~~[Kindergarten-Grade 12]~~ state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

## §228.10. Approval Process.

- (a) New entity approval [~~Entity Approval~~]. An entity seeking initial approval to deliver an educator preparation program (EPP) shall submit an application and proposal with evidence indicating the ability to comply with the provisions of this chapter, ~~[and]~~ Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates), Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs), and Chapter 230 of this title (relating to Professional Educator Preparation and Certification). ~~[The proposal shall include the following program approval components: entity commitment to adequate preparation of certification candidates, program standards, and community collaboration; criteria for admission to an EPP; curriculum; program delivery and evaluation; and a plan for ongoing support of the candidates. The proposal must also identify the certificates proposed to be offered by the entity and meet applicable federal statutes or regulations.]~~ The proposal will be reviewed by the Texas Education Agency (TEA) staff and a pre-approval site visit will be conducted. The TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved. A post-approval site visit will be conducted after the first year of the EPP's operation.

(1) The proposal shall include the following program approval components:

- (A) ownership and governance of the EPP;
- (B) criteria for admission to the EPP;
- (C) EPP curriculum;
- (D) EPP coursework and/or training, including ongoing support during clinical teaching, internship, and practicum experiences;
- (E) certification procedures;
- (F) assessment and evaluation of candidates for certification and EPP improvement;
- (G) professional conduct of EPP staff and candidates;
- (H) EPP complaint procedures; and
- (I) required submissions of information, surveys, and other accountability data.

(2) The proposal shall also include identification of the classes and categories of certificates proposed to be offered by the entity.

- (b) Continuing entity approval [~~Entity Approval~~]. An entity approved by the SBEC under this chapter shall be reviewed at least once every five years ~~[under procedures approved by the TEA staff]~~; however, a review may be conducted at any time at the discretion of the TEA staff.

(1) At the time of the review, the entity shall submit to the TEA staff [~~SBEC~~] a status report regarding its compliance with existing standards and requirements for EPPs. An EPP is responsible for establishing procedures and practices sufficient to ensure the security of information against unauthorized or accidental access, disclosure, modification, destruction, or misuse prior to the expiration of the retention period. Evidence of compliance is described in the figure provided in this paragraph ~~[and the entity's original proposal]~~.

[Figure: 19 TAC §228.10\(b\)\(1\)](#) ~~[\[Figure: 19 TAC §228.10\(b\)\(1\)\]](#)~~

(2) Unless specified otherwise, the entity must retain evidence of compliance described in the figure in paragraph (1) of this subsection for a period of five years.

(3) TEA staff shall, at the minimum, use the following risk factors to determine the need for discretionary reviews and the type of five-year reviews:

- (A) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:
  - (i) the seriousness of any violation of a rule, standard, or procedure;
  - (ii) whether the violation resulted in an action being taken against the program;

- (iii) whether the violation was promptly remedied by the program;
  - (iv) the number of alleged violations; and
  - (v) any other matter considered to be appropriate in evaluating the program's compliance history;
- (B) whether the program meets the accountability standards under Texas Education Code, §21.045; and
- (C) whether a program is accredited by other organizations.
- (c) Approval of clinical teaching [~~Clinical Teaching~~] for an alternative certification program [~~Alternative Certification Program~~]. An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by the TEA staff on an application in a form developed by the TEA staff that shall include, at a minimum :
- (1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;
  - (2) selection criteria for clinical teachers;
  - (3) selection criteria for cooperating [~~mentor~~] teachers;
  - (4) description of support and communication between candidates, cooperating teachers [~~mentors~~], and the alternative certification program;
  - (5) description of program supervision; and
  - (6) description of how candidates are evaluated.
- (d) Addition of certificate categories and classes [~~Certificate Fields~~].
- (1) An EPP that is rated "accredited," as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request additional certificate categories [~~fields~~] be approved by TEA staff, by submitting an application in a form developed by the TEA staff that shall include, at a minimum, the curriculum matrix; a description of how the standards for Texas educators are incorporated into the EPP; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in each certification category [~~field~~] being requested. The curriculum matrix must include the standards, framework competencies, applicable Texas Essential Knowledge and Skills, course and/or module names, and the benchmarks or assessments used to measure successful program progress.
  - (2) An EPP rated "accredited" [~~," as provided in §229.4 of this title,~~] and currently approved to offer a [~~content area~~] certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category [~~content field~~] at different grade levels by submitting an application in a form developed by the TEA staff that shall include, at a minimum, a modified curriculum matrix that includes the standards, course and/or module names, and the benchmarks or assessments used to measure successful program progress. The requested additional certificate categories [~~fields~~] must be within the classes of certificates for which the EPP has been previously approved by the SBEC.
  - (3) An EPP that is not rated "accredited" may not apply to offer additional certificate categories [~~fields~~] or classes of certificates.
  - (4) [(2)] An EPP that is rated "accredited" may request the addition of [~~certificate fields in~~] a certificate class [~~of certificates~~] that has not been previously approved by the SBEC, but must present a full proposal on an application in a form developed by the TEA staff for consideration and approval by the SBEC.
- (e) Addition of program locations [~~Program Locations~~]. An EPP that is rated "accredited," [~~as provided in §229.4 of this title,~~] may open additional locations, provided the program informs the SBEC of any additional locations at which the program is providing educator preparation 60 days prior to providing

educator preparation at the location. Additional program locations must operate in accordance with the program components under which the program has been approved to operate.

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

#### **§228.15. Program Consolidation or Closure.**

- (a) An educator preparation program (EPP) that is consolidating or closing must comply with the following procedures to ensure that all issues relevant to EPP consolidation or closure have been addressed.
- (1) The EPP must submit a letter on official letterhead to Texas Education Agency (TEA) staff signed by the legal authority of the EPP that contains a formal statement of consolidation or closing with an effective date of August 31 for consolidation or closure.
  - (2) The EPP must contact candidates currently in the EPP with notification of consolidation or closure and the steps candidates must take in relation to their status. The EPP shall maintain evidence of the attempts to notify each candidate.
  - (3) The EPP must identify and keep current a representative's name, electronic mail address, and telephone number that will be valid for five years after an EPP's closure to provide access to candidate records and responses to former candidate's questions and/or issues. If an EPP is consolidating, the candidate records will transfer to the new EPP.
  - (4) The EPP must complete required State Board for Educator Certification (SBEC) and TEA actions such as required submissions of information, surveys, and other accountability data; removal of security accesses; and reconciliation of certification recommendations.
- (b) The chief operating officer, legal authority, or a member of the governing body of an EPP that fails to comply with the consolidation or closure procedures in this section is not eligible to be recommended to the SBEC for approval as an EPP.
- (c) The chief operating officer, legal authority, or a member of the governing body of an EPP that closes voluntarily due to pending TEA or SBEC action or involuntarily due to SBEC action is not eligible to be recommended to the SBEC for approval as an EPP.
- (d) If an EPP is consolidating and fails to comply with the consolidation procedures in this section, TEA staff may make a recommendation that the SBEC impose sanctions affecting the new EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).

#### **§228.17. Change of Ownership.**

- (a) Any agreement to transfer the control of an educator preparation program (EPP) is considered a change of ownership. The control of an EPP is considered to have changed:
- (1) in the case of ownership by an individual, when more than 50% of the EPP has been sold or transferred;
  - (2) in the case of ownership by a partnership or a corporation, when more than 50% of the owning partnership or corporation has been sold or transferred; or
  - (3) in the case of ownership by a board of directors, officers, shareholders, or similar governing body, when more than 50% of the ownership has changed.
- (b) In order to continue providing educator preparation, the new owners of the EPP shall notify TEA staff of the ownership change in writing within 10 days of the change in ownership.

## §228.20. Governance of Educator Preparation Programs.

- (a) Preparation for the certification of educators may be delivered by an institution of higher education, regional education service center, public school district, or other entity approved by the State Board for Educator Certification (SBEC) under §228.10 of this title (relating to Approval Process).
- (b) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA-recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA-recognized private schools. An advisory committee with members representing as many as possible of the groups identified as collaborators in this subsection shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP). The approved EPP shall inform each member of the advisory committee of [approve] the roles and responsibilities of [each member of] the advisory committee and shall meet a minimum of once [twice] during each academic year.
- (c) The governing body and chief operating officer of an entity approved to deliver educator preparation shall provide sufficient support to enable the EPP to meet all standards set by the SBEC and shall be accountable for the quality of the EPP and the candidates whom the program recommends for certification.
- (d) All EPPs must be implemented as approved by the SBEC as specified in §228.10 of this title.
- (e) An EPP that is rated "accredited" or "accredited-not rated" may amend its program, provided the program informs TEA staff of any amendments 60 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment to its program on a letter signed by the EPP's legally authorized agent or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment. [Proposed amendments to an EPP must be submitted to the TEA staff and be approved prior to implementation. Significant amendments, related to the five program approval components specified in §228.10(a) of this title, must be approved by the SBEC to become effective.]
- (f) An EPP that is not rated "accredited" or "accredited-not rated" may amend its program, provided the program informs TEA staff of any amendments 120 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment on a letter signed by the EPP's legally authorized agent or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment. The EPP will be notified in writing of the approval or denial of its proposal within 60 days following the receipt of the notification [a determination] by the TEA staff [SBEC] .
- (g) Each EPP must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching or internship experience. **If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching experience or prior to or during an internship experience.**

## §228.30. Educator Preparation Curriculum.

- (a) The educator standards adopted by the State Board for Educator Certification (SBEC) shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).
- (b) The curriculum for each educator preparation program shall rely on scientifically-based [scientifically based] research to ensure educator [teacher] effectiveness [and align to the TEKS. Coursework and training should be sustained, rigorous, interactive, student focused, and performance based] .
- (c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class :
  - ~~(1) — reading instruction, including instruction that improves students' content-area literacy;~~
  - (1) ~~(2)~~ the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics) , which include:

- (A) professional ethical conduct, practices, and performance;
- (B) ethical conduct toward professional colleagues; and
- (C) ethical conduct toward students ;
- ~~(3) the skills and competencies captured in the Texas teacher standards, as indicated in Chapter 149 of this title (relating to Commissioner's Rules Concerning Educator Standards), which include:~~
  - ~~(A) instructional planning and delivery;~~
  - ~~(B) knowledge of students and student learning;~~
  - ~~(C) content knowledge and expertise;~~
  - ~~(D) learning environment;~~
  - ~~(E) data driven practice; and~~
  - ~~(F) professional practices and responsibilities;~~
- (2) ~~(4)~~ instruction in detection and education of students with dyslexia, as indicated in the Texas Education Code (TEC), §21.044(b); ~~and~~
- (3) ~~(5)~~ instruction regarding mental health, substance abuse, and youth suicide ~~[in detection of students with mental or emotional disorders]~~ , as indicated in the TEC, §21.044(c-1) ;
- (4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
- (5) the importance of building strong classroom management skills; and
- (6) the framework in this state for teacher and principal evaluation ~~[and (e-2)]~~ .
- (d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:
  - (1) the relevant TEKS, including the English Language Proficiency Standards;
  - (2) reading instruction, including instruction that improves students' content-area literacy;
  - (3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and
  - (4) the skills and competencies captured in the Texas teacher standards in Chapter 149, Subchapter AA, of this title (relating to Teacher Standards), which include:
    - (A) instructional planning and delivery;
    - (B) knowledge of students and student learning;
    - (C) content knowledge and expertise;
    - (D) learning environment;
    - (E) data-driven practice; and
    - (F) professional practices and responsibilities.
- (e) For candidates seeking certification in the principal certification class, the curriculum shall include the skills and competencies captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of this title (relating to Administrator Standards), which include:
  - (1) instructional leadership;
  - (2) human capital;
  - (3) executive leadership;
  - (4) school culture; and

(5) strategic operations.

**§228.35. Preparation Program Coursework and/or Training.**

(a) Coursework and/or training for candidates seeking initial certification in any certification class [~~Training for Candidates Seeking Initial Certification~~].

(1) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the classroom.

(2) Coursework and/or training shall [~~Professional development should~~] be sustained, rigorous, intensive, interactive, candidate-focused, and performance-based [~~and classroom focused~~] .

~~[(3) An EPP shall provide each candidate with a minimum of 300 clock hours of coursework and/or training. A candidate who does not qualify as a late hire who is issued a probationary certificate after September 1, 2012, may not be employed by a school district as a teacher of record until the candidate completes a minimum of 30 clock hours of field-based experience or clinical teaching in which the candidate is actively engaged in instructional or educational activities under supervision at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose, as provided in this section. Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:]~~

~~[(A) a minimum of 30 clock hours of field-based experience. Up to 15 clock hours of this field based experience may be provided by use of electronic transmission or other video or technology based method; and]~~

~~[(B) 80 clock hours of coursework and/or training.]~~

~~[(3) [(4)]~~ All coursework and/or training shall be completed prior to EPP completion and standard certification.

[(4) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of training may be provided by a school district and/or campus that is an approved TEA continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in the Texas Education Code (TEC), §21.451 (Staff Development Requirements) and must be directly related to the certificate being sought.

~~[(5) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock hours of training may be provided by a school district and/or campus that is an approved TEA continuing professional education provider.]~~

[(5) [(4)] [(6)] Each EPP must develop and implement specific criteria and procedures that allow :

(A) military service member or military veteran candidates to credit verified military service, training, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought; and

(B) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or [and/or professional] training is not also counted as a [for] part of the [educator preparation requirements, provided that the experience or training is not also counted as a part of the] internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought.

[(6) [(5)] Coursework and training that is offered online must meet, or the EPP must be making progress toward meeting, criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:

(A) Accreditation by the Distance Education Accrediting Commission;

- (B) Program Design and Teaching Support Certification by Quality Matters;
  - (C) Chapter 4, Subchapter P, of this title (relating to Approval of Distance Education Courses and Programs for Public Institutions); or
  - (D) Chapter 7 of this title (relating to Degree Granting Colleges and Universities Other than Texas Public Institutions).
- (b) Coursework and/or training for candidates seeking initial certification in the classroom teacher certification class. An EPP shall provide each candidate with a minimum of 300 clock-hours of coursework and/or training. Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:
- (1) a minimum of 30 clock-hours of field-based experience. Up to 15 clock-hours of this field-based experience may be provided by use of electronic transmission or other video or technology-based method; and
  - (2) 150 clock-hours of coursework and/or training that allows candidates to demonstrate proficiency in:
    - (A) designing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for diverse learners and encourage higher-order thinking, persistence, and achievement;
    - (B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;
    - (C) ensuring high levels of learning, social-emotional development, and achievement for all students through knowledge of students, proven practices, and differentiated instruction;
    - (D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;
    - (E) organizing a safe, accessible, and efficient classroom;
    - (F) establishing, communicating, and maintaining clear expectations for student behavior;
    - (G) leading a mutually respectful and collaborative class of actively engaged learners;
    - (H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;
    - (I) reflect on his or her practice; and
    - (J) effectively communicating with students, families, colleagues, and community members.
- (c) ~~(b)~~ Coursework and/or training [~~Training~~] for candidates seeking initial certification in a certification class other than classroom teacher [~~Professional Certification~~]. An EPP shall provide coursework and/or training to ensure that the educator is effective in the [~~professional~~] assignment. An EPP shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the educator [~~state~~] standards for the applicable certification class [~~field~~].
- (d) ~~(e)~~ Late hire provisions [~~Hire Provisions~~]. A late hire for a school district teaching position may begin employment under an intern or [~~a~~] probationary certificate before completing the pre-internship requirements of subsection (b) [~~(a)(3)~~] of this section [~~and, if applicable, 15 clock hours of active, supervised experience~~], but shall complete these requirements within 90 school days of assignment.
- (e) ~~(d)~~ Educator preparation program delivery [~~Preparation Program Delivery~~]. An EPP shall provide evidence of ongoing and relevant field-based experiences throughout the EPP in a variety of educational settings with diverse student populations, including observation, modeling, and demonstration of effective practices to improve student learning.
- (1) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 30 clock-hours. The field-based experiences must be completed prior to assignment in an internship

or clinical teaching. ~~[Up to 15 clock hours of field based experience may be provided by use of electronic transmission or other video or technology based method.]~~

(A) Field-based experiences must include 15 clock-hours in which the candidate, under the direction of the EPP ~~[supervision]~~, is actively engaged in instructional or educational activities that include:

(i) ~~[(A)]~~ authentic school settings in a public school accredited by the Texas Education Agency (TEA) ~~[TEA]~~ or other school approved by the TEA for this purpose;

(ii) ~~[(B)]~~ instruction by content certified teachers;

(iii) ~~[(C)]~~ actual students in classrooms/instructional settings with identity-proof provisions;

(iv) ~~[(D)]~~ content or grade-level specific classrooms/instructional settings; and

(v) ~~[(E)]~~ written reflection of the observation.

(B) Up to 15 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method. Field-based experience provided by use of electronic transmission or other video or technology-based method must include:

(i) direction of the EPP;

(ii) authentic school settings in an accredited public or private school;

(iii) instruction by content certified teachers;

(iv) actual students in classrooms/instructional settings with identity-proof provisions;

(v) content or grade-level specific classrooms/instructional settings; and

(vi) written reflection of the observation.

(2) For initial certification in the classroom teacher certification class, each EPP shall also provide at least one of the following:

(A) clinical teaching [as defined in §228.2 of this title.] for a minimum of 14 [12] weeks (no less than 65 full days), with a full day being 100% of the school day; or

(B) clinical teaching for a minimum of 28 [24] weeks (no less than 130 half days, with a half day being 50% of the school day); or

(C) ~~[(B)]~~ internship [as defined in §228.2 of this title.] for a minimum of one full school year for the classroom teacher assignment or assignments that match [matches] the certification category or categories [field] for which the candidate [individual] is prepared by the EPP. [The individual would hold a probationary certificate and be classified as a "teacher" as reported on the campus Public Education Information Management System (PEIMS) data.]

(i) An EPP may permit an internship of up to 30 school days less than the minimum if due to maternity leave, military leave, illness, or late hire date.

(ii) The beginning [and ending] date for an internship is the first [and last] day of instruction with students in [based on the school calendar of] the school or district in which the internship takes place.

(iii) An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. An EPP may permit an additional internship assignment of less than an average of four hours each day if:

- (I) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;
  - (II) the EPP is approved to offer preparation in the certification category required for the additional assignment;
  - (III) the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;
  - (IV) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and
  - (V) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required.
- (iv) A candidate must hold an intern or probationary certificate while participating in an internship. A candidate must meet the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates) to be eligible for an intern or probationary certificate.
- (v) An EPP may recommend an additional internship if:
- (I) the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional internship; or
  - (II) the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional internship.
- (vi) An EPP must provide ongoing support to a candidate as described in subsection (g) of this section for the full term of the initial and any additional internship, unless, prior to the expiration of that term:
- (I) a standard certificate is issued to the candidate during any additional internship under a probationary certificate;
  - (II) the candidate resigns, is non-renewed, or is terminated by the school or district. A candidate must provide the EPP the official notice of resignation or termination within one business day after receipt of the notice from the employing school or district. Within one business day after receipt of the official notice of resignation or termination, an EPP must notify a candidate in writing that the EPP will provide TEA with notice about the resignation or termination and that the intern certificate will be inactivated by the TEA 30 calendar days from the effective date of the resignation or termination. Within one business day after providing the notice to a candidate, an EPP must email the TEA a copy of the notice to the candidate and a copy of the official notice of the resignation or termination;
  - (III) the candidate is discharged or is released from the EPP. An EPP must notify a candidate in writing that the candidate is being discharged or released, that the EPP will provide the employing school or district with notice of the discharge or release, that the EPP will provide TEA with notice about the resignation or termination, and that the intern certificate will be inactivated by the TEA 30 calendar days from the effective date of the discharge or release. Within one business day after providing a candidate with notice of discharge or release, an EPP must provide written notification to the employing school or district of the withdrawal, discharge, or release. Within one business day of providing

notice to the employing school or district, an EPP must email the TEA a copy of the notice of discharge or release and a copy of the notice to the employing school or district; or

(IV) the candidate withdraws from the EPP. A candidate must notify the EPP in writing that the candidate is withdrawing from the EPP. Within one business day after receipt of the withdrawal notice, an EPP must notify a candidate in writing that the EPP will provide the employing school or district with notice of the withdrawal, that the EPP will provide TEA with notice about the withdrawal, and that the intern certificate will be inactivated by the TEA 30 calendar days from the effective date of the withdrawal. Within one business day after providing a candidate with notice of discharge or release, an EPP must provide written notification to the employing school or district of the withdrawal, discharge, or release. Within one business day of providing notice to the employing school or district, an EPP must email the TEA a copy of the notice of withdrawal and a copy of the notice to the employing school or district.

(D) An EPP may request an exception to the clinical teaching option described in this subsection. An exception must include an alternate requirement that will adequately prepare candidates for educator certification and ensure the educator is effective in the classroom. The request for an exception must be submitted in a form developed by the TEA staff which shall include:

- (i) the rationale and support for the alternate clinical teaching option;
- (ii) a full description and methodology of the alternate clinical teaching option;
- (iii) a description of the controls to maintain the delivery of equivalent, quality education; and
- (iv) a description of the ongoing monitoring and evaluation process to ensure that EPP objectives are met.

(E) Exception requests will be reviewed by TEA staff, and the TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the exception should be approved.

(F) Candidates need to experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching, they must be provided through field-based experiences.

(3) ~~(4)~~ An internship or clinical teaching experience for certificates that include early childhood ~~[an Early Childhood Grade 6 candidate]~~ may be completed at a Head Start Program with the following stipulations:

- (A) ~~(1)~~ a certified teacher is available as a trained mentor;
- (B) ~~(2)~~ the Head Start program is affiliated with the federal Head Start program and approved by the TEA;
- (C) ~~(3)~~ the Head Start program teaches three- and four-year-old students; and
- (D) ~~(4)~~ the state's prekindergarten ~~[pre-kindergarten]~~ curriculum guidelines are being implemented.

(4) ~~(ii)~~ An internship or ~~[ ]~~ clinical teaching ~~[, or practicum]~~ experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.

(5) An internship or clinical teaching experience shall not take place in a setting where the candidate:

- (A) has an administrative role over the mentor or cooperating teacher; or

- (B) is related to the field supervisor, mentor, or cooperating teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
- (6) ~~(3)~~ For certification in a class other than classroom teacher ~~[candidates seeking professional certification]~~, each EPP shall provide a practicum ~~[as defined in §228.2 of this title]~~ for a minimum of 160 clock-hours whereby a candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.
- (A) A practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
- (B) A practicum shall not take place in a setting where the candidate:
- (i) has an administrative role over the site supervisor; or
- (ii) is related to the field supervisor or site supervisor by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
- (C) An intern or probationary certificate may be issued to a candidate for a certification class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.37 of this title.
- (i) A candidate for an intern or probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.
- (ii) An EPP may recommend an additional practicum under a probationary certificate if:
- (I) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional practicum; or
- (II) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.
- (D) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate.
- (7) ~~(4)~~ Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for field-based experience, internship, clinical teaching, and/or practicum.
- (A) All Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of field-based experience, internship, clinical teaching, and/or practicum.
- (B) An EPP may file an application with the TEA for approval, subject to periodic review, of a public school, a private school, or a school system located within any state or territory of the United States, as a site for field-based experience ~~[or for video or other technology-based depiction of a school setting]~~. The application shall be in a form developed by the TEA staff and shall include, at a minimum, evidence showing that the instructional standards of the school or school system align with those of the applicable Texas Essential Knowledge and Skills (TEKS) and SBEC certification standards.
- (C) An EPP may file an application with the TEA for approval, subject to periodic review, of a public or private school located within any state or territory of the United States, as a site for an internship, clinical teaching, and/or practicum required by this chapter. The

application shall be in a form developed by the TEA staff and shall include, at a minimum:

- (i) the accreditation(s) held by the school;
- (ii) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable TEKS and SBEC certification standards;
- (iii) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and
- (iv) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.

(D) An EPP may file an application with the TEA ~~[SBEC]~~ for approval, subject to periodic review, of a public or private school located outside the United States, as a site for clinical teaching, internship, or practicum required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum, the same elements required in subparagraph (C) of this paragraph for schools located within any state or territory of the United States, with the addition of a description of the on-site program personnel and program support that will be provided and a description of the school's recognition by the U.S. State Department Office of Overseas Schools.

(f) ~~(e)~~ Mentors, cooperating teachers, and site supervisors ~~[Campus Mentors and Cooperating Teachers]~~. In order to support a new educator and to increase educator ~~[teacher]~~ retention, an EPP shall collaborate with the campus or district administrator to assign each candidate a ~~[campus]~~ mentor during the candidate's ~~[his or her]~~ internship, or assign a cooperating teacher during the candidate's clinical teaching experience, or assign a site supervisor during the candidate's practicum. If an individual who meets the certification category and/or experience criteria for a cooperating teacher, mentor, or site supervisor is not available, the EPP and campus or district administrator shall assign an individual who most closely meets the criteria and document the reason for selecting an individual that does not meet the criteria. The EPP is responsible for providing mentor, ~~[and/or]~~ cooperating teacher, and/or site supervisor training that relies on scientifically-based research, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented.

(g) ~~(f)~~ Ongoing educator preparation program support for initial certification of teachers ~~[Educator Preparation Program Support for Initial Certification of Teachers]~~. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. For each formal observation, the ~~[The]~~ field supervisor shall participate in an individualized pre-observation conference with the candidate, document educational ~~[instructional]~~ practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's cooperating teacher or mentor. Neither the pre-observation conference nor the post-observation conference need to be onsite. For candidates participating in an internship, the field supervisor shall provide a copy of the written feedback to the candidate's supervising campus administrator. Formal observations by the field supervisor conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience. For an internship, the field supervisor shall collaborate with the candidate, mentor, and supervising campus administrator throughout the internship.

(1) Each formal observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.

- (2) An EPP must provide the first formal observation within the first third of all clinical teaching assignments and the first six weeks of all internship assignments.
  - (3) For an internship under an intern certificate or an additional internship described in subsection (e)(2)(C)(v)(I) of this section, an EPP must provide a minimum of three ~~(two)~~ formal observations during the first half ~~[four months]~~ of the internship ~~[assignment]~~ and a minimum of two ~~(one)~~ formal observations ~~[observation]~~ during the last half ~~[five months]~~ of the internship ~~[assignment]~~ .
  - (4) For a first-year internship under a probationary certificate or an additional internship described in subsection (e)(2)(C)(v)(II) of this section, an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment.
  - (5) If an internship under an intern certificate or an additional internship described in subsection (e)(2)(C)(v)(I) of this section involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, an EPP must provide a minimum of three observations in each assignment. For each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship.
  - (6) For a first-year internship under a probationary certificate or an additional internship described in subsection (e)(2)(C)(v)(II) of this section that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, an EPP must provide a minimum of one formal observation in each of the assignments during the first half of the assignment and a minimum of one formal observation in each assignment during the second half of the assignment.
  - (7) ~~(4)~~ For a 14-week, full-day clinical teaching assignment, an EPP must provide a minimum of one formal observation ~~[three observations]~~ during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment ~~[which is a minimum of 12 weeks]~~ . For an all-level clinical teaching assignment in more than one location, a minimum of two formal observations must be provided during the first half of the assignment and a minimum of one formal observation must be provided during the second half of the assignment.
  - (8) For a 28-week, half-day clinical teaching assignment, an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the last half of the assignment.
- (h) ~~(g)~~ Ongoing educator preparation program support for certification in a certification class other than classroom teacher ~~[Educator Preparation Program Support for Professional Certification]~~ . Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter ~~(three weeks)~~ of the assignment. For each formal observation, the ~~[The]~~ field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational ~~[professional]~~ practices observed ; ~~[ ]~~ provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate ; ~~[ ]~~ and provide a copy of the written feedback to the candidate's site supervisor. Neither the pre-observation conference nor the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. The field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.
- (1) Formal observations ~~[Observations]~~ must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.

- (2) At least one of the formal observations must be on the candidate's site in a face-to-face setting.
- (3) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology-based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre- and post-conference.

~~[(2) An EPP must provide the first observation within the first six weeks of all assignments.]~~

- (4) ~~[(3)]~~ An EPP must provide a minimum of one formal observation within the first third of the practicum, one formal observation within the second third of the practicum, and one formal observation within the final third of the practicum [three observations during the term of the practicum] .

(i) ~~[(4)]~~ Exemptions [Exemption] .

- (1) Under the **TEC [Texas Education Code (TEC)]** , §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under the TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience , ~~[or] internship , or [consisting of]~~ clinical teaching.
- (2) Under the TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an EPP or while the person is enrolled in an EPP is exempt from any clinical teaching, internship, or field-based experience program requirement.

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

- (a) To ensure that a candidate for educator certification is prepared to receive a standard certificate, the ~~[entity delivering]~~ educator preparation program (EPP) shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP [educator preparation program (EPP)] .
- (b) An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate content certification examination(s) required for certification, unless a candidate passes the appropriate content certification examination(s) as a requirement for admission to an EPP.
- (c) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP.
- (d) ~~[(b)]~~ An EPP shall determine the readiness of each candidate to take the appropriate certification examination [assessment] of content, pedagogy , and professional responsibilities, including professional ethics and standards of conduct. An EPP shall not grant test approval for a certification examination [the pedagogy and professional responsibilities assessment] until a candidate has met all of the requirements for admission to the EPP [program] and has been contingently or formally admitted [fully accepted] into the EPP.
- (e) ~~[(e)]~~ For the purposes of EPP improvement, an entity shall continuously evaluate the design and delivery of the EPP components [educator preparation curriculum] based on performance data, scientifically-based research practices, and the results of internal and external feedback and assessments.
- (f) ~~[(d)]~~ An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program [completion] .

#### **§228.50. Professional Conduct.**

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

### **§228.60. Implementation Date.**

~~[(a)]~~ The provisions of this chapter that were in effect on the date an educator preparation program (EPP) candidate was admitted to an EPP shall determine the program requirements applicable to that candidate.

~~[(b)]~~ ~~All provisions in this chapter, except the total clock hour training requirement, shall apply to §230.39 of this title (relating to Temporary Teacher Certificates).~~

### **§228.70. Complaints and Investigations Procedures.**

- (a) Purpose. Texas Education Agency (TEA) staff shall maintain a process through which a candidate or former candidate in an educator preparation program (EPP), an applicant for candidacy in an EPP, an employee or former employee of an EPP, a cooperating teacher, a mentor, a site supervisor, or an administrator in a public ~~[school district, charter school]~~ or private school that serves as a site for clinical teaching, internship, or practicum experiences may submit, in accordance with subsection (c)(1) of this section, a complaint about an EPP for investigation and resolution.
- (b) EPP responsibilities.
- (1) The EPP shall adopt and send to TEA staff, for inclusion in the EPP's records, a complaint procedure that requires the EPP to timely attempt to resolve complaints at the EPP level before a complaint is filed with TEA staff.
  - (2) The EPP shall post on its website a link to the TEA complaints website and information regarding how to file a complaint under the EPP's complaint policy.
  - (3) The EPP shall post a notification at all of its physical site(s) used by employees and candidates, in a conspicuous location, information regarding filing a complaint with TEA staff in accordance with subsection (c)(1) of this section.
  - (4) Upon request of an individual, the EPP shall provide information in writing regarding filing a complaint under the EPP's complaint policy and the procedures to submit a complaint to TEA staff in accordance with subsection (c)(1) of this section.
- (c) TEA responsibilities.
- (1) Filing a complaint. TEA staff will develop a complaint form to standardize information received from an individual making a complaint against an EPP. The complaint form will be available on the TEA website. All complaints filed against an EPP must be in writing on the complaint form. The written complaint must clearly state the facts that are the subject of the complaint and must state the measures the complainant has taken to attempt resolution of the complaint with the EPP. Anonymous complaints may not be accepted or investigated.
  - (2) Processing the complaint.
    - (A) TEA staff will record all complaints in the TEA complaints tracking system. Each complaint, no matter the severity, shall be assigned a tracking number.
    - (B) The complaint will be forwarded to the division responsible for educator preparation for further action, including assessing the complaint, providing a severity status and prioritizing the complaint accordingly, and determining jurisdiction.
    - (C) If TEA staff determines that the complaint is not within the State Board for Educator Certification's (SBEC's) jurisdiction, TEA staff shall notify the complainant that the complaint will be closed without action for lack of jurisdiction. TEA staff and the SBEC do not have jurisdiction over complaints related to contractual arrangements with an EPP, commercial issues, obtaining a higher grade or credit for training, or seeking reinstatement to an EPP.
    - (D) If TEA staff determines the complainant knew or should have known about the events giving rise to a complaint more than two years before the earliest date the complainant filed a complaint with either TEA staff or the EPP, TEA staff will notify the complainant that the complaint will be closed without action.

- (E) If a complainant has not exhausted all applicable complaint and appeal procedures that the EPP has established to address complaints, TEA staff may delay initiating an investigation until the EPP's complaint and appeal process is complete.
- (3) Investigating the complaint.
- (A) If TEA staff determines a complaint is within the SBEC's jurisdiction, TEA staff will notify the respondent EPP that a complaint has been made, provide a summary of the allegations in the complaint, and request that the EPP respond to the complaint.
  - (B) TEA staff may request further information from the individual and from the EPP.
  - (C) An EPP shall:
    - (i) cooperate fully with any SBEC investigation; and
    - (ii) respond within 21 business days of receipt to requests for information regarding the complaint(s) and other requests for information from the TEA, except where:
      - (I) TEA staff imposes a different response date; or
      - (II) the EPP is unable to meet the initial response date and requests and receives a different response date from TEA staff.
  - (D) If an EPP fails to comply with subparagraph (C) of this paragraph, the SBEC may amend the complaint to reflect the violation and may deem admitted the violation of SBEC rules and/or Texas Education Code (TEC), Chapter 21, alleged in the original complaint.
- (4) Resolving the complaint.
- (A) Upon completion of an investigation, TEA staff will notify both the individual and the EPP in writing of the findings of the investigation. If TEA staff finds that a violation occurred, the notice will specify the statute and/or rule that was alleged to have been violated.
  - (B) Each party will have ten business days to present additional evidence or to dispute the findings of the investigation.
  - (C) After reviewing any additional evidence, if TEA staff finds that no violation has occurred, the complaint will be closed and TEA staff will notify both parties in writing.
  - (D) After reviewing any additional evidence, if TEA staff finds that the EPP has violated SBEC rules and/or TEC, Chapter 21, the following provisions apply.
    - (i) TEA staff will notify the EPP in writing and specify for each violation the seriousness and extent of the violation, including whether the EPP has been found to have violated that statute and/or rule previously.
    - (ii) Within ten business days of TEA staff notifying the EPP in writing that a violation has occurred, the EPP and TEA staff will collaboratively develop and agree to a timely resolution of each violation. If the parties cannot agree on a resolution within ten business days, TEA staff will unilaterally propose a resolution within ten business days of TEA staff issuing the violation notice.
    - (iii) If the EPP complies with the agreed or proposed resolution, the investigation is closed and results recorded in accordance with subparagraph (E) of this paragraph.
    - (iv) If the EPP does not comply with the agreed or proposed resolution within the timelines set out in the resolution, TEA staff will make a recommendation that the SBEC impose sanctions affecting the EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).

- (v) The EPP shall be entitled to an informal review of the proposed recommendation for sanctions under the conditions and procedures set out in §229.7 of this title (regarding Informal Review of Texas Education Agency Recommendations).
- (E) The final disposition of the complaint will be recorded in the TEA complaints tracking system.