Text of Adopted Revisions to 19 TAC

Chapter 229. Accountability System for Educator Preparation Programs

§229.1. General Provisions and Purpose of Accountability System for Educator Preparation Programs.

(a) The State Board for Educator Certification (SBEC) is responsible for establishing standards to govern the continuing accountability of all educator preparation programs (EPPs). The rules adopted by the SBEC in this chapter govern the accreditation of each EPP that prepares individuals for educator certification. No candidate shall be recommended for any Texas educator certification class or category [~~field~~] except by an EPP that has been approved by the SBEC pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs) and is accredited as required by this chapter.

(b) The purpose of the accountability system for educator preparation is to assure that each EPP is held accountable for the readiness for certification of candidates completing the programs.

(c) An accredited EPP may receive commendations for success in areas identified by the SBEC.

§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.

(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)~~] ACT®--The college entrance examination from ACT®.

(4) [~~(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 degree.~~]

(5) Beginning teacher--For purposes of the Texas Education Code, §21.045(a)(3), and its implementation in 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.~~]

(6) [~~(7)~~] 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.

(7) Certification category--A certificate type within a certification class; also referred to as certification field.

(8) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certification), that has defined characteristics; also referred to as certification field.

[~~(8) Certification field--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-- An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training). [~~A 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) Completer-- [~~According to the Higher Education Act, "~~] A person who has met all the requirements of an approved [~~a state-approved~~] educator preparation program. In applying this definition, the fact that a person has or has not been recommended for a standard certificate or passed a certification examination shall not be used as criteria for determining who is a completer; also referred to as finisher. [~~" 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) Cooperating teacher-- An individual, as described in §228.2 of this title (relating to Definitions), who guides, assists, and supports a candidate during a candidate's clinical teaching assignment. [~~The campus-based mentor teacher for the clinical teacher.~~]

(13) 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) 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 or categories [~~fields~~] .

(15) Educator preparation program data--Data elements reported to meet requirements under the Texas Education Code, §21.045(b) and §21.0452 .

(16) 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) Field supervisor-- An individual, as described in §228.2 of this title (relating to Definitions), who is [~~A currently certified educator,~~] hired by an [~~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 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) First-year teacher [~~First year in the classroom~~] --For purposes of the Texas Education Code, §21.045(a) (2) [~~(4)~~] , and its implementation in this chapter, the first year of employment as a classroom teacher.

(19) GPA--Grade point average.

(20) GRE®--Graduate Record Examinations®.

(21) 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.

(22) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.

[~~(22) 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) Internship-- An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training). [~~A supervised, 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.~~]

(24) Mentor--An individual, as described in §228.2 of this title (relating to Definitions), who guides, assists, and supports a candidate during a candidate's internship assignment.

(25) New teacher--For purposes of the Texas Education Code, §21.045(a)(5), and its implementation in this chapter, the first year of employment as a classroom teacher under a standard certificate.

[~~(24) 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, 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, 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, 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.~~]

(26) [~~(25)~~] Practicum-- An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training). [~~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.~~]

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

(28) Site supervisor--An individual, as described in §228.2 of this title (relating to Definitions), who guides, assists, and supports a candidate during a candidate's practicum assignment.

[~~(27) 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.~~]

(29) [~~(28)~~] 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.

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

(a) Educator preparation programs (EPPs), EPP candidates, first-year teachers, new teachers, beginning teachers, field supervisors, [~~school principals and~~] administrators, [~~campus~~] mentors, site supervisors, and cooperating teachers shall provide to the Texas Education Agency (TEA) staff all data and information required by this chapter, as set forth in subsections [~~subsection~~] (e) and (f) of this section [~~and the Texas Education Code (TEC), §21.045 and §21.0452~~] .

(b) Any individual holding a Texas-issued educator certificate who 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, may 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 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, may 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 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, may 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 by [~~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 an [~~the school~~] administrator has [~~and principal have~~] had experience with a first-year [~~candidate or beginning~~] teacher who was a participant in an EPP. All surveys and information required to be submitted pursuant to this chapter by new teachers shall be submitted by June 15 of the first full academic year after the teacher completed the requirements of an EPP. All surveys and information required to be submitted pursuant to this chapter by EPP candidates shall be submitted by August 31 [~~1~~] of the [~~each~~] academic year in which the candidate completed the requirements of an EPP [~~it is required~~] .

(f) The following apply to data submissions required by this chapter.

(1) EPPs shall provide data for all candidates as specified in the figure provided in this paragraph.

Figure: 19 TAC §229.3(f)(1) [~~Figure: 19 TAC §229.3(f)(1)~~]

(2) Candidates [~~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 TEA [~~SBEC~~] of the survey is a requirement for completion of an EPP [~~issuance of a standard certificate~~] .

(3) Administrators [~~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) Administrators [~~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 based on experience with first-year teachers who were participants in an EPP [~~for each EPP with which the principals or designated administrators have had experience in the previous year~~] .

(5) New teachers in a Texas public school, including an open-enrollment charter school, shall complete surveys, in a form to be approved by the SBEC, evaluating the effectiveness of preparation for classroom success.

§229.4. Determination of Accreditation Status.

(a) Accountability performance indicators. 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 , race, 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~~] :

(A) for the 2016-2017 academic year, the performance standard shall be a pass rate of 80% for all examinations for the academic year . The pass rate is the percent of tests passed by candidates who have finished all EPP requirements for coursework; training; and internship, 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, clinical teaching, or practicum. Examinations not required for certification in that field or fields, whether taken before or after admission to an EPP, 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, 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 EPP requirements divided by the total number of last attempts made by those candidates ;

(B) for the 2017-2018 academic year, the performance standard shall be the percent of individuals who passed an examination within the first two attempts. For purposes of determining the pass rate, individuals shall not be excluded because the individual has not been recommended for a standard certificate. The pass rate is based solely on the examinations approved by the EPP and required to obtain initial certification in the class or category for which the individual serves his or her internship, clinical teaching, or practicum. Examinations not required for certification in that class or category, whether taken before or after admission to an EPP, are not included in the rate. The rate reflects whether or not an individual passed an examination within the first two attempts made on the examination, including those attempted after the individual has completed the EPP. The formula for calculation of pass rate is the number of individuals who have passed an examination on their first or second attempt divided by the number of individuals who passed an examination on their first attempt plus those who passed or failed on their second attempt:

(i) for examinations of pedagogy and professional responsibilities (PPR), the pass rate will be calculated as described in subparagraph (B) of this paragraph and the performance standard shall be:

(I) a pass rate of 80% for the 2016-2017 academic year (reporting year only using the percent of individuals who passed an examination within the first two attempts);

(II) a pass rate of 85% for the 2017-2018 academic year; and

(III) a pass rate of 90% for the 2018-2019 academic year and beyond; and

(ii) for non-PPR examinations, the pass rate will be calculated as described in subparagraph (B) of this paragraph and the performance standard shall be:

(I) a pass rate of 70% for the 2016-2017 academic year (reporting year only using the percent of individuals who passed an examination within the first two attempts);

(II) a pass rate of 75% for the 2017-2018 academic year;

(III) a pass rate of 80% for the 2018-2019 academic year;

(IV) a pass rate of 85% for the 2019-2020 academic year; and

(V) a pass rate of 90% for the 2020-2021 academic year and beyond;

(2) the results of appraisals of first-year [~~beginning~~] teachers by [~~school~~] administrators, based on a survey in a form to be approved by the SBEC. The performance standard shall be the percentage of first-year teachers from each EPP who are appraised as "sufficiently prepared" or "well prepared." The performance standard shall be: [~~an appraisal document and standards that must be independently developed by the Texas Education Agency (TEA) staff and approved by the SBEC;~~]

(A) 70% for the 2016-2017 academic year (reporting year only);

(B) 75% for the 2017-2018 academic year;

(C) 80% for the 2018-2019 academic year;

(D) 85% for the 2019-2020 academic year; and

(E) 90% for the 2020-2021 academic year and beyond;

(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 to candidates completing clinical teaching or an internship [~~of teachers during their internship year~~] .

(A) The performance standard [~~is a 95% compliance rate with SBEC requirements~~] as to the frequency, duration, and required documentation of field supervision shall be: [~~for each EPP candidate.~~]

(i) a 95% compliance rate with SBEC requirements for each EPP candidate completing an internship for the 2016-2017 academic year;

(ii) a 95% compliance rate with SBEC requirements for each EPP candidate completing clinical teaching or an internship for the 2016-2017 academic year (reporting year only); and

(iii) a 95% compliance rate with SBEC requirements for each EPP candidate completing clinical teaching or an internship for the 2017-2018 academic year and beyond; and

(B) The performance standard for quality shall be the percentage of candidates who rate the field supervision as "frequently" or "always or almost always" providing the components of structural guidance and ongoing support. The performance standard shall be:

(i) 85% for the 2016-2017 academic year (reporting year only); and

(ii) 90% for the 2017-2018 academic year and beyond; and

(5) the results from a teacher satisfaction survey, in a form approved by the SBEC, of new teachers administered at the end of the first year of teaching under a standard certificate. The performance standard shall be the percentage of teachers who respond that they were sufficiently prepared or well prepared by their EPP. The performance standard shall be set after a pilot study is completed during the 2016-2017 academic year.

(b) Accredited status. 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) Accredited-Not Rated status. 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.

(1) An EPP shall be assigned Accredited-Warned status if the EPP:

(A) 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;

(B) fails to meet the performance standards in any two gender , race, or ethnicity demographic groups on any of the [~~four performance~~] indicators set forth in subsection (a) of this section in any one year; or

(C) fails to meet the performance standards for a gender , race, or ethnicity demographic group on any of the [~~four performance~~] indicators set forth in subsection (a) of this

section for two consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

(2) An EPP may be assigned Accredited-Warned status if the SBEC determines that the EPP has violated SBEC rules and/or Texas Education Code (TEC), Chapter 21.

(e) Accredited-Probation status.

(1) An EPP shall be assigned Accredited-Probation status if the EPP:

(A) 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 years;

(B) fails to meet the performance standards in any three gender , race, or ethnicity demographic groups on any of the [~~four performance~~] indicators set forth in subsection (a) of this section in any one year; or

(C) fails to meet the performance standards for a gender , race, or ethnicity demographic group on any of the [~~four performance~~] indicators set forth in subsection (a) of this section for three consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

(2) An EPP may be assigned Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules and/or TEC, Chapter 21.

(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 years.

(2) An EPP may be assigned Not Accredited-Revoked status if the EPP has been on Accredited-Probation status for one year, 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 by gender, race, or ethnicity , shall be measured against performance standards described in this chapter in any one year in which the number of individuals in the group exceeds ten [~~20~~] . The small group exception does not apply to compliance with the frequency and duration of field supervisor observations.

[~~(2) For an EPP candidate group 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.~~]

(2) [~~(3)~~] For an EPP candidate group , aggregated or [~~not~~] disaggregated by gender, race, or ethnicity, [~~and certification field,~~] where the group contains ten [~~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.

(3) [~~(4)~~] If the preceding year's EPP candidate group, aggregated or [~~not~~] disaggregated by gender, race, or ethnicity, [~~and certification field,~~] contained ten [~~20~~] or fewer individuals, that group performance shall be combined with the current [~~following~~] year's group performance, and if the two-year cumulated group contains more than ten [~~20~~] individuals, then the two-year cumulated group performance must be measured against the standards in that second year.

(4) [~~(5)~~] If the two-year cumulated EPP candidate group, aggregated or [~~not~~] disaggregated by gender, race, or ethnicity, [~~and certification field,~~] contains ten [~~20~~] or fewer individuals, then the two-year cumulated group performance shall be combined with the current [~~following~~] year's group performance. The three-year cumulated group performance must be measured against the standards in that third year, regardless of how small the cumulated number of group members may be.

(5) [~~(6)~~] In any reporting year in which the EPP candidate group, aggregated or [~~not~~] disaggregated by gender , race, or [~~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. The SBEC [~~TEA staff~~] may modify the sanction as the SBEC [~~TEA staff~~] deems necessary based on subsequent performance, even though that performance is not measured against performance standards for a rating.

(h) Action plan. 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) Controlling section. 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) The State Board for Educator Certification (SBEC) may assign an educator preparation program (EPP) Accredited-Warned or Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules and/or Texas Education Code, Chapter 21.

(b) If an EPP has been assigned Accredited-Warned or Accredited-Probation status, or if the 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.

(c) Notwithstanding the accreditation status of an EPP, if the performance of all candidates admitted to an individual certification class or category [~~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 class or category [~~field~~] shall be revoked. Any candidates already admitted for preparation in that class or category [~~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 class

or category [~~field~~] unless and until the SBEC reinstates approval for the EPP to offer that certification class or category [~~field~~] .

(d) For purposes of determining compliance with subsection (c) [~~(b)~~] of this section, candidate performance in individual certification classes or categories [~~fields~~] in only the 2016-2017 [~~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).~~]

(e) Performance indicators by gender , race, and ethnic groups shall not be counted for purposes of subsection (c) [~~(b)~~] of this section, relating to performance standards for individual certification classes or categories [~~fields~~] . If the aggregated number of individuals counted [~~performance indicators~~] for a certification class or category [~~field~~] is ten [~~20~~] or fewer, and the certification class or category fails [~~performance indicators fail~~] to meet any of the standards in §229.4(a) of this title, the certification class or category [~~those performance indicators~~] shall not count that year, but shall be cumulated and counted in the same manner as provided in §229.4 (g) [~~(c) and (d)~~] of this title.

(f) An EPP shall be notified in writing regarding any action proposed to be taken pursuant to this section, or proposed 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.

(g) 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) 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-approval components specified in §228.10(a) of this title (relating to Approval Process) [~~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) of this title , if the Texas Education Agency (TEA) staff finds that an EPP is in compliance with SBEC rules and/or Texas Education Code (TEC), Chapter 21, the TEA staff shall issue a proposed recommendation for SBEC to approve the renewal of an EPP. After a continuing approval review pursuant to §228.10(b) of this title or a complaint investigation pursuant to §228.70 of this title (relating to Complaints and Investigations Procedures), if the TEA [~~Texas Education Agency (TEA)~~] staff finds that an EPP has failed to comply with SBEC rules and/or the TEC, Chapter 21, and the EPP does not obtain compliance within the timelines established by TEA staff , the TEA staff shall recommend that the SBEC sanction the EPP [~~may issue a proposed recommendation for SBEC action relating to the EPP's approval to recommend candidates for educator certification~~] . The TEA staff may recommend that the [~~proposed recommendation 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 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 Review of Texas Education Agency Recommendations), and an EPP shall be entitled to an informal review of the proposed recommendation, under the conditions and procedures set out in §229.7 of this title, prior to the submission of the recommendation 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 review, a final recommendation will be issued by the TEA staff. The final recommendation may include changes or additions to the proposed recommendation and such modifications are not subject to another informal review procedure.

(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 Review of Texas Education Agency Recommendations.

(a) Applicability. This section applies only to a notice required under §229.5 (f) [~~(e)~~] 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 class or category [~~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 class or category [~~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 class or category [~~field~~] of certification offered by an EPP as provided by the TEC, §21.0451(a)(2)(C);

(4) assign a change in [~~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 §229.6(b) [~~§229.5(e)~~] of this title;

(6) revoke the approval of an EPP to recommend candidates for certification in a particular class or category [~~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 (f) [~~(e)~~] 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 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 review of the proposed recommendation or change in accreditation status under this section, including the name and department of the TEA staff to whom a request for an informal review may be addressed.

(3) The notice shall set a deadline for requesting an informal review, which shall not be less than 14 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 or designee of the EPP may request, in writing, an informal review under this section.

(1) The request must be properly addressed to the member of the TEA staff identified in the notice under subsection (b)(2) of this section and must be received by TEA staff 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 proposed recommendation or change in accreditation status 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) if alleging the proposed recommendation would violate a statutory provision, the statutory provision violated and the specific facts supporting a conclusion that the statute was violated by the proposed recommendation;

(B) if alleging the proposed recommendation would be 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 in excess of this authority;

(C) if alleging the proposed recommendation was made through unlawful procedure, the lawful procedure and the specific facts supporting a conclusion that the proposed recommendation was made through unlawful procedure;

(D) if alleging the proposed recommendation is affected by other error of law, the law violated and the specific facts supporting a conclusion that the proposed recommendation 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;

(F) if alleging the proposed recommendation is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion, each finding, inference, conclusion, or proposed recommendation affected and the specific facts supporting a conclusion that each is 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 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, facsimile number, and email address of the petitioner's representative.

(3) Failure to comply with the requirements of this subsection may [~~shall~~] result in dismissal of the request for informal review.

(d) No review requested. If the TEA staff does not receive the EPP's 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.

(g) Other law. Texas Government Code, Chapter 2001, and the TEC, §7.057, do not apply to an informal review under this section.

§229.8. Contested Cases for Accreditation Revocation.

(a) This section applies only to a final recommendation 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 revocation of approval and closure of an educator preparation program (EPP) and does not apply to a final recommendation proposing the assignment of Accredited-Warned or Accredited-Probation status or ordering any other sanction, including, without limitation, withdrawing approval to offer a specific certification class or category [~~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 the contested case procedures set out in §§249.19-249.40 of this title, and Texas Government Code, Chapter 2001. [~~To the extent that a provision of this section conflicts with a rule or practice of the SOAH, this section shall prevail.~~]

(c) Upon the finality of a decision from the State Board for Educator Certification (SBEC) under the Administrative Procedure Act 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 the SBEC [~~a~~] final order [~~decision by the SBEC~~] ; and

(2) automatically modified to remove authorization for an individual certification class or category [~~field~~] on the effective date of the SBEC [~~a~~] final order [~~decision by the SBEC~~] .

(d) This section satisfies the hearing requirements of the Texas Education Code, §21.0451(a)(2)(D) and (a)(3).

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

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

(1) New educator preparation program application and approval (nonrefundable)--$9,000.

(2) Five-year continuing approval review visit pursuant to §228.10(b) of this title (relating to Approval Process) --$4,500. [~~:~~]

[~~(A) prior to September 1, 2016--$1,500; and~~]

[~~(B) after August 31, 2016--$4,500.~~]

(3) Discretionary continuing approval review visit pursuant to §228.10(b) of this title--$4,500.

(4) Addition of new certification category [~~field~~] or addition of clinical teaching--$500.

(5) Addition of each new class of certificate--$1,000.

(6) Applications for out-of-state and out-of-country school sites for field-based experiences, clinical teaching, internships, and practicums--$500.

(7) Accountability System for Educator Preparation Programs technology fee:

(A) on or after March 15, 2017, and before September 1, 2017--$55 per admitted candidate; and

(B) [(A)] for [For] the [2016-2017 and] 2017-2018 academic year [years] --$55 per admitted candidate; and

(C) [(B)] for [For] the 2018-2019 academic year and beyond--$35 per admitted candidate.

[§229.21. Transitional Provisions.]

[(a) The pass rate performance standard in §229.4(a)(1)(C) of this title (relating to Determination of Accreditation Status) and compliance rate in §229.4(a)(4)(C) of this title apply to the 2012-2013 academic year and subsequent academic years.]

[(b) For purposes of determining compliance with §229.5(b) of this title (relating to Accreditation Sanctions and Procedures), only performance of individual certification fields in the 2012-2013 academic year and subsequent academic years will be considered.]