

## Text of Proposed Revisions to 19 TAC

### Chapter 227. Provisions for Educator Preparation Candidates

#### Subchapter A. Admission to Educator Preparation Programs

##### §227.1. General Provisions.

- (a) It is the responsibility of the education profession as a whole to attract applicants ~~[candidates]~~ and to retain educators who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) Educator preparation programs should inform all applicants that: ~~[collaborate with local school districts]~~
  - (1) pursuant to the Texas Education Code (TEC) , §22.083, candidates must undergo a ~~[to examine the]~~ criminal history background check ~~[of all educator preparation candidates]~~ prior to employment as an educator; and ~~[participation in educator preparation activities that occur in a school.]~~
  - (2) pursuant to the TEC, §22.0835, candidates must undergo a criminal history background check prior to clinical teaching.
- (c) Educator preparation programs (EPPs) shall inform all applicants, in writing, of the following:
  - (1) the admission requirements as specified in this chapter;
  - (2) the requirements for program completion as specified in Chapter 228 of this title (relating to Educator Preparation Requirements); and
  - (3) in accordance with TEC, §21.044(e)(3):
    - (A) the effect of supply and demand forces on the educator workforce in this state; and
    - (B) the performance over time of the EPP.

##### §227.5. Definitions.

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

- (1) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (2) ~~[(1)]~~ Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's ~~[baccalaureate]~~ degree from an accredited institution of higher education .
- (3) Applicant--An individual seeking admission to an educator preparation program.
- (4) ~~[(2)]~~ Candidate-- An individual admitted to ~~[A participant in]~~ an educator preparation program seeking certification.
- (5) ~~[(3)]~~ Clinical teaching-- An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training) ~~[A 12-week full-day teaching practicum in an alternative certification program at a public school accredited by the Texas Education Agency (TEA) or a TEA-recognized private school that may lead to completion of a standard certificate] .~~
- (6) ~~[(4)]~~ Contingency admission--Conditional admission to an educator preparation program, pending graduation and degree conferred from an accredited institution of higher education ~~[a recognized regional accrediting organization as specified in Chapter 230, Subchapter Y, of this title (relating~~

to Definitions); or an accrediting organization recognized by the Texas Higher Education Coordinating Board] .

- (7) ~~[(5)]~~ Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more classes of certificates ~~[educator certification fields]~~ .
- (8) Formal admission--Admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria).
- (9) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.
- (10) Post-baccalaureate program--An educator preparation program, delivered by an accredited institution of higher education, that is designed for individuals who already hold at least a bachelor's degree from an accredited institution of higher education and that must be approved by the State Board for Educator Certification to recommend candidates for certification.
- (11) ~~[(6)]~~ Internship--A one-year supervised professional assignment at a public school accredited by the TEA or a TEA-recognized private school that may lead to completion of a standard certificate.
- ~~[(7)]~~ Practicum ~~Practical work in a particular field; refers to student teaching, clinical teaching, internship, or practicum for a professional certificate that is in the school setting.]~~
- (12) ~~[(8)]~~ Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited institution of higher education ~~[university]~~ .
- ~~[(9)]~~ Student teaching ~~A 12 week full day teaching practicum in a program provided by an accredited university at a public school accredited by the TEA or a TEA recognized private school that may lead to completion of a standard certificate.]~~

#### **§227.10. Admission Criteria.**

- (a) The educator preparation program (EPP) delivering educator preparation shall require the following minimum criteria of all applicants seeking initial certification in any class of certificate, unless specified otherwise, [candidates] prior to admission to the program ~~[, except candidates for career and technology education certification]~~ :
- (1) for an undergraduate university program, an applicant [a candidate] shall be enrolled in an accredited [educator preparation program from an] institution of higher education ~~[that is accredited by a regional accrediting agency, as recognized by the Texas Higher Education Coordinating Board (THECB)]~~ ;
- (2) for an alternative certification program or post-baccalaureate program, an applicant ~~[a candidate]~~ shall have , at a minimum, a bachelor's ~~[baccalaureate]~~ degree earned from and conferred by an accredited institution of higher education ~~[that is recognized by one of the regional accrediting agencies by the THECB, specified in paragraph (1) of this subsection]~~ ;
- (3) for an undergraduate university program, alternative certification program, or post-baccalaureate program, to be eligible for admission, an applicant into an EPP shall have a grade point average (GPA) of at least 2.5 before admission. [a candidate shall meet the following criteria in order to be eligible to enter an educator preparation program:]
- (A) Calculation of GPA: [an overall grade point average (GPA) of at least]
- (i) 2.5 on all coursework previously attempted by the person at an accredited institution of higher education: [or at least]
- (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or

- (II) from which the most recent bachelor's degree or higher from an accredited institution of higher education was conferred (alternative certification program formal admission or post-baccalaureate program formal admission); or
  - (ii) 2.5 in the last 60 semester credit hours on all coursework previously attempted by the person at an accredited institution of higher education: [~~3~~]
    - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or
    - (II) from which the most recent bachelor's degree or higher from an accredited institution of higher education was conferred (alternative certification program formal admission or post-baccalaureate program formal admission).
- (B) An exception to the minimum GPA requirement may be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any incoming class of candidates. An applicant is eligible for this exception if:
  - (i) ~~[(B)]~~ documentation and certification from the program director that an applicant's [a candidate's] work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement [~~3~~]. ~~This exception to the minimum GPA requirement will be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any cohort of candidates~~ ; and
  - (ii) in accordance with the Texas Education Code, §21.0441(b), an applicant must perform at a satisfactory level on an appropriate content matter examination as specified in paragraph (4)(C) and (D) of this subsection for each subject in which the applicant seeks certification prior to admission. Applicants who do not meet the minimum GPA requirement and have previously been admitted into an EPP may request permission to register for an appropriate content matter examination as specified in paragraph (4)(D) of this subsection under procedures approved by Texas Education Agency (TEA) staff.
- (C) An applicant who is seeking a career and technical education (CTE) certificate that does not require a degree from an accredited institution of higher education is exempt from the minimum GPA requirement.
- (4) ~~[(C)]~~ for an applicant [a program candidate] who will be seeking an initial certificate in the classroom teacher class of certificate, the applicant shall have successfully completed, prior to admission, at least: [~~3~~]
  - (A) a minimum of 12 semester credit hours in the subject-specific content area for the certification sought, unless certification sought is for mathematics or science at or above Grade 7; or
  - (B) 15 semester credit hours in the subject-specific content area for the certification sought if the certification sought is for mathematics or science at or above Grade 7; or
  - (C) a passing score on a comparable content certification examination administered by a vendor on the TEA-approved vendor list published by the commissioner of education on the TEA website for the calendar year during which the applicant seeks admission; [~~3~~] or
  - (D) for applicants who have not previously been admitted into an EPP, a passing score on a pre-admission content certification examination administered by a TEA-approved vendor. Applicants who do not meet the minimum GPA requirement and have previously been admitted into an EPP may request permission to register for a pre-admission content

examination under procedures approved by TEA staff ~~[vendor on the Texas Education Agency (TEA) approved vendor list published by the commissioner of education for the calendar year during which the candidate seeks admission]~~ ;

- (5) ~~[(4)]~~ demonstration of ~~[for a program candidate who will be seeking an initial certificate, the candidate shall demonstrate]~~ basic skills in reading, written communication, and mathematics ~~[or by passing the Texas Academic Skills Program® (TASP®) test or the Texas Higher Education Assessment® (THEA®) with a minimum score of 230 in reading, 230 in mathematics, and 220 in writing. In the alternative, a candidate may demonstrate basic skills]~~ by meeting one of the requirements ~~[of the Texas Success Initiative (Texas Education Code, §51.3062) under the rules]~~ established by §4.54 ~~[the Texas Higher Education Coordinating Board in Part 1, Chapter 4, Subchapter C]~~ of this title (relating to Exemptions, Exceptions, and Waivers ~~[Texas Success Initiative]~~ );
- (6) ~~[(5)]~~ demonstration of the English language proficiency ~~[for a program candidate who will be seeking an initial certificate, the candidate shall demonstrate oral communication]~~ skills as specified in §230.11 ~~[(§230.413)]~~ of this title (relating to General Requirements) . An applicant for CTE certification that does not require a bachelor's degree from an accredited institution of higher education may satisfy the English language proficiency requirement with an associate's degree or high school diploma that was earned at an accredited institution of higher education or an accredited high school in the United States ;
- (7) ~~[(6)]~~ an application and either an interview or other screening instrument to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate ~~[educator preparation candidate's appropriateness]~~ for the certification sought; and
- (8) ~~[(7)]~~ any other academic criteria for admission that are published and applied consistently to all EPP applicants ~~[educator preparation candidates]~~ .
- (b) An EPP ~~[educator preparation program]~~ may adopt requirements in addition to and that do not conflict with those explicitly required in this section.
- (c) An EPP ~~[educator preparation program]~~ may not admit an applicant ~~[a candidate]~~ who :
- (1) has been reported as completing all EPP requirements by ~~[completed]~~ another EPP ~~[educator preparation program]~~ in the same certification field , unless the applicant only needs certification examination approval; or
- (2) [who] ~~[who]~~ has been employed for three years in a public school under a permit or probationary certificate as specified in Chapter 230, Subchapter D ~~[Chapter 232, Subchapter A]~~ , of this title (relating to Types and Classes of Certificates Issued) , unless the applicant is seeking clinical teaching that may lead to the issuance of an initial standard certificate .
- (d) An EPP ~~[educator preparation program]~~ may admit an applicant ~~[a candidate]~~ for CTE ~~[career and technology education]~~ certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (e) An EPP ~~[educator preparation program]~~ may admit an applicant ~~[a candidate]~~ who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries).

#### **§227.15. Contingency Admission.**

- (a) An applicant ~~[A candidate]~~ may be accepted into an alternative certification program or post-baccalaureate program on a contingency basis pending receipt of an official transcript showing degree conferred, as specified in §227.10(a)(2) of this title (relating to Admission Criteria), provided that:
- (1) the applicant ~~[candidate]~~ is currently enrolled in and expects to complete the courses and other requirements for obtaining , at a minimum, a bachelor's ~~[baccalaureate]~~ degree at the end of the semester in which admission to the program is sought; ~~[and]~~

- (2) all other ~~[program]~~ admission requirements specified in §227.10 of this title have been met ; ~~;~~
- (3) the EPP must notify the applicant of the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification; and
- (4) the applicant must accept the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.
- (b) The date of contingency admission shall be effective upon the applicant's acceptance of the offer of contingency admission.
- (c) ~~(b)~~ An applicant ~~[A candidate]~~ admitted on a contingency basis may begin program training and may be approved to take a certification examination, but shall not be recommended for a probationary certificate until the bachelor's degree or higher from an accredited institution of higher education ~~[candidate]~~ has been conferred ~~[awarded a baccalaureate degree]~~ .
- (d) Except as provided by this section, an alternative certification program or post-baccalaureate program, prior to admission on a contingency basis, shall not provide coursework, training, pre-admission content examination preparation, and/or examination approval to an applicant that leads to initial certification in any class of certificate.
- (e) ~~(e)~~ The contingency admission will be valid for only the fall, spring, or summer semester for which the contingency admission was granted and may not be extended for another semester. The end of each semester shall be consistent with the common calendar established by the Texas Higher Education Coordinating Board.

#### **§227.17. Formal Admission.**

- (a) For an applicant to be formally admitted to an educator preparation program (EPP), the applicant must meet all the admission requirements specified in §227.10 of this title (relating to Admission Criteria).
- (b) For an applicant to be formally admitted to an EPP, the EPP must notify the applicant of the offer of formal admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.
- (c) For an applicant to be considered formally admitted to the EPP, the applicant must accept the offer of formal admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.
- (d) The date of formal admission shall be effective upon the applicant's acceptance of the offer of formal admission.
- (e) Except as provided by §227.15 of this title (relating to Contingency Admission), an alternative certification program or post-baccalaureate program shall not provide coursework, training, pre-admission content examination preparation, and/or examination approval to an applicant that leads to initial certification in any class of certificate.

#### **§227.19. Incoming Class Grade Point Average.**

- (a) The overall grade point average (GPA) of each incoming class admitted between September 1 and August 31 of each year by an educator preparation program (EPP), including an alternative certification program, may not be less than 3.00 on a four-point scale or the equivalent. In computing the overall GPA of an incoming class, an EPP may include:
  - (1) the GPA of each person in the incoming class based on all coursework previously attempted by the person at an accredited institution of higher education:
    - (A) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or
    - (B) from which the most recent bachelor's degree or higher from an accredited institution of higher education was conferred (alternative certification program formal admission or post-baccalaureate program formal admission); or

- (2) the GPA of each person in the incoming class based only on the last 60 semester credit hours of all coursework attempted by the person at an accredited institution of higher education:
- (A) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or
- (B) from which the most recent bachelor's degree or higher from an accredited institution of higher education was conferred (alternative certification program formal admission or post-baccalaureate program formal admission).
- (b) A person seeking career and technical education certification is not included in determining the overall GPA of an incoming class.

**§227.20. Implementation Date.**

This subchapter ~~[chapter]~~ applies to an applicant ~~[educator preparation program candidate]~~ who is admitted to an educator preparation program on or after March 1, 2016 ~~[January 1, 2009]~~ .

## **Subchapter B. Preliminary Evaluation of Certification Eligibility**

### **§227.103. Application.**

- (a) A request for preliminary criminal history evaluation must be preceded by payment of the required criminal history evaluation fee specified in §230.101(a)(20) [~~§230.436(22)~~] of this title (relating to Schedule of Fees for Certification Services).
- (b) A request for preliminary criminal history evaluation must include the following:
  - (1) a signed and dated application, in the form provided on the Texas Education Agency (TEA) website, containing contact information and the date and description of each offense requested to be evaluated;
  - (2) an attached statement of the circumstances upon which the arrest is based and the disposition relating to each offense to be evaluated;
  - (3) court documentation relating to each offense, including, at a minimum, the formal disposition of the offense(s) and related charge(s) (e.g., Judgment, Order of Probation, Sentence, Deferred Adjudication Order, etc.); and
  - (4) a copy of the receipt for the request for preliminary criminal history evaluation fee.
- (c) All required documents and information specified in subsection (b) of this section must be provided with the request for preliminary criminal history evaluation. Any documents or information not provided in the original request will not be considered reasonably available.
- (d) The preliminary criminal history evaluation will be based solely on the application and court or law enforcement documents provided. Any information not provided by the requestor shall be considered not reasonably available at the time of the request and may be considered at the time the requestor subsequently applies for a certificate issued by the State Board for Educator Certification. Additional documentation that should be provided, if possible, includes the following:
  - (1) the formal charge(s) (e.g., indictment, information, or complaint);
  - (2) evidence that the condition(s) of the court have been met (e.g., completion of probation, receipt for restitution, etc.); and
  - (3) any available law enforcement report(s) describing the offense or the investigation of the offense.
- (e) The application, the statement of circumstances, the required court documentation, and a copy of the receipt for the request for preliminary criminal history evaluation fee must be submitted to the TEA division responsible for educator investigations by United States certified mail, return receipt requested, to the address provided on the application or by facsimile to the facsimile number provided on the application.
- (f) A request for preliminary criminal history evaluation is incomplete unless it includes a copy of the receipt for the request for preliminary criminal history evaluation fee, a completed application, a statement of circumstances, and the required court documentation. The TEA staff will take no action on a request that is incomplete.
- (g) All documents submitted in connection with a request for preliminary criminal history evaluation, whether complete or incomplete, will not be returned to the requestor. All documents will be retained or destroyed by the TEA in accordance with the TEA records retention schedule.

### **§227.105. Preliminary Criminal History Evaluation Letter.**

- (a) Within 90 calendar days of receipt of a complete request for a preliminary criminal history evaluation, the Texas Education Agency (TEA) staff will notify the requestor, by email [~~e-mail~~] to the email [~~e-mail~~] address provided on the requestor's application, of the TEA's determination with regard to the requestor's potential ineligibility based on the matters described in the request for preliminary criminal history evaluation.

- (b) The preliminary criminal history evaluation letter will be strictly limited to the facts stated and the documents submitted by the requestor, as of the date of the request. Any documents or information not provided by the requestor will not be considered reasonably available for purposes of evaluating the request. In the event that the requestor subsequently applies for certification by the State Board for Educator Certification, complete fingerprint-based national criminal history information will be required. The TEA staff may conduct a criminal history investigation at that time regarding the offense(s) that were the subject of the request, based on any misstatements, incomplete information, or missing documentation in the request for preliminary criminal history evaluation; additional or subsequent criminal history or inappropriate conduct; or changed circumstances.
- (c) The preliminary criminal history evaluation letter relates only to whether the specific information submitted constitutes grounds for ineligibility. The evaluation letter is not a guarantee of educator certification, admission to an educator preparation program, or employment as an educator.

**§227.107. Fee for Request for Preliminary Criminal History Evaluation.**

- (a) The fee to request a preliminary criminal history evaluation under this subchapter shall be in an amount sufficient to cover the cost of administration of the evaluation process and as provided in §230.101 [~~§230.436~~] of this title (relating to Schedule of Fees for Certification Services).
- (b) A new fee will be required to reactivate a request that is incomplete because of failure to submit the required documentation within 90 calendar days of receipt by the Texas Education Agency of the initial fee.