

## Item 6:

### COVER PAGE

#### Type of Agenda Rule Item:

- ☐ **Discussion Only:** TEA staff will present rule items with an update, potential future rule changes, and/or seek SBEC direction on potential rule changes. TEA staff will draft rule changes from the board's discussion on the item and start preparing rule text for proposal to the board.
- ✓ **Proposal:** First SBEC reading (vote). SBEC members will give input on proposed rule text and will approve rule changes that will go out for public comment as a proposed rule with the *Texas Register*. Important to make substantive changes now because only non-substantive changes can be made at adoption.
- ☐ **Adoption:** Second and final SBEC reading (vote). Only non-substantive changes are permissible at adoption phase. If approved will go to SBOE for review and filed as an SBEC rule with *Texas Register* if SBOE takes no action.

#### Summary:

This item is a proposal of the review 19 TAC Chapter 227, which covers all the requirements that candidates must possess to be considered for admission into an educator preparation program as determined by the Board. This chapter was originally scheduled to be reviewed in December; however, staff recommends accelerating the review to begin the process of implementing legislation as a result of the 85<sup>th</sup> Texas Legislative Session. Staff will provide an update on the anticipated rule changes that will be proposed at the October 2017 SBEC meeting.

#### Statutory Authority:

All of the relevant statutes pertaining to this chapter are listed for you on the agenda title page and the entire statutory language is on Attachment I. This is always helpful in referencing the law the TEA staff was working under when preparing this item.

#### TEA Staff Recommendation:

To approve the proposed review as presented.

#### Relevant SBEC Core Principles:

- *We believe well-prepared educators are essential.*
- *We believe flexible and accessible certification programs, held to the same standards of accountability, are essential.*
- *We believe we must ensure consistency and effectiveness among educator preparation programs.*
- *We believe we must continually improve our policies and processes in response to changing needs.*

## Item 6:

### Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

#### DISCUSSION AND ACTION

**SUMMARY:** Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. The SBEC last adopted the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, in May 2014; however, Texas Education Agency (TEA) staff recommends accelerating the review to begin the process of implementing legislation from the 85th Texas Legislature, Regular Session, 2017. This item presents for SBEC approval the review of Chapter 227. The rules being reviewed provide requirements for admission to educator preparation programs (EPPs) and preliminary evaluation of certification eligibility.

**STATUTORY AUTHORITY:** Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 227, Subchapter A, is the Texas Education Code (TEC), §§21.031; 21.041(b)(1); 21.044(a), (g)(2), and (g)(3); 21.0441; 21.0489(c), as added by Senate Bill (SB) 1839 and House Bill (HB) 2039, 85th Texas Legislature, Regular Session, 2017; 21.049(a); 21.050(a); and Texas Occupations Code (TOC), §§53.151, 53.152, and 53.153, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017. The statutory authority for 19 TAC Chapter 227, Subchapter B, is the TOC, §53.105.

**PREVIOUS BOARD ACTION:** The SBEC last adopted the review of 19 TAC Chapter 227 in May 2014, finding that the reasons for initially adopting the rules continue to exist.

**FUTURE ACTION EXPECTED:** The review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, is scheduled to be presented to the SBEC for adoption at the October 2017 meeting. Any rule changes resulting from the rule review process will be presented to the SBEC for consideration at a future meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters provide for rules that establish requirements for admission to an educator preparation program and preliminary evaluation of certification eligibility. This review is being conducted earlier than scheduled so that recent legislative changes can be incorporated into any other changes that result from public comments received during the review process.

The rules currently in effect in 19 TAC Chapter 227 are shown in Attachment II.

**ANTICIPATED REVISIONS TO RULES:** It is anticipated that TEA staff will present proposed changes to 19 TAC Chapter 227 for discussion and action at a future meeting to clarify the rules, incorporate recent legislative requirements, and incorporate current SBEC policy and procedures. The TEA staff will be collecting stakeholder feedback prior to presenting proposed

rule changes to the SBEC. A high-level overview of potential questions, issues, and concerns about the rules in Chapter 227 is provided in Attachment III.

**RULE REVIEW:** The notice of proposed review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, will be filed with the *Texas Register* following the August 2017 SBEC meeting. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 227 continue to exist. The public comment period will begin September 1, 2017, with the publication of the notice of proposed review of 19 TAC Chapter 227 in the *Texas Register*.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** The review of 19 TAC Chapter 227 will result in clear guidance for applicants and EPPs on requirements for admission to EPPs as well as eligibility for a preliminary evaluation of certification.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** The public comment period on the proposed rule review begins September 1, 2017, and ends October 2, 2017. The SBEC will take registered oral and written comments on this item at the October 6, 2017 meeting in accordance with the SBEC board operating policies and procedures.

**ALTERNATIVES:** None.

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

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

Approve the proposed review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, to be published as proposed in the *Texas Register*.

**Staff Member Responsible:** Tim Miller, Director  
Educator Preparation

**Attachments:**

- I. Statutory Citations
- II. Text of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates
- III. High-Level Overview of Potential Questions, Issues, and Concerns Regarding 19 TAC Chapter 227

**ATTACHMENT I****Statutory Citations Relating to Review of 19 TAC Chapter 227,  
Provisions for Educator Preparation Candidates****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

**19 TAC Chapter 227, Provisions for Educator Preparation Candidates****Texas Education Code, §21.031, Purpose (excerpt):**

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

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

- (b) The board shall propose rules that:
  - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;

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

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year

program. The board shall specify the minimum academic qualifications required for a certificate.

- (g) Each educator preparation program must provide information regarding:
  - (2) the effect of supply and demand forces on the educator workforce in this state;
  - (3) the performance over time of the educator preparation program;

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

- (a) Rules of the board proposed under this subchapter must provide that a person, other than a person seeking career and technology education certification, is not eligible for admission to an educator preparation program, including an alternative educator preparation program, unless the person:
  - (1) except as provided by Subsection (b), satisfies the following minimum grade point average requirements:
    - (A) an overall grade point average of at least 2.50 on a four-point scale or the equivalent on any course work previously attempted at a public or private institution of higher education; or
    - (B) a grade point average of at least 2.50 on a four-point scale or the equivalent for the last 60 semester credit hours attempted at a public or private institution of higher education; and
  - (2) if the person is seeking initial certification:
    - (A) has successfully completed at least:
      - (i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or
      - (ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or
    - (B) has achieved a satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.
- (b) The board's rules must permit an educator preparation program to admit in extraordinary circumstances a person who fails to satisfy a grade point average requirement prescribed by Subsection (a)(1)(A) or (B), provided that:
  - (1) not more than 10 percent of the total number of persons admitted to the program in a year fail to satisfy the requirement under Subsection (a)(1)(A) or (B);
  - (2) each person admitted as described by this subsection performs, before admission, at a satisfactory level on an appropriate subject matter examination for each subject in which the person seeks certification; and

- (3) for each person admitted as described by this subsection, the director of the program determines and certifies, based on documentation provided by the person, that the person's work, business, or career experience demonstrates achievement comparable to the academic achievement represented by the grade point average requirement.
- (c) The overall grade point average of each incoming class admitted by an educator preparation program, including an alternative educator preparation program, may not be less than 3.00 on a four-point scale or the equivalent or a higher overall grade point average prescribed by the board. In computing the overall grade point average of an incoming class for purposes of this subsection, a program may:
  - (1) include the grade point average of each person in the incoming class based on all course work previously attempted by the person at a public or private institution of higher education; or
  - (2) include the grade point average of each person in the incoming class based only on the last 60 semester credit hours attempted by the person at a public or private institution of higher education.
- (d) A person seeking career and technology education certification is not included in determining the overall grade point average of an incoming class under Subsection (c).

**Texas Education Code, §21.0489, Early Childhood Certification, as added by SB 1839 and HB 2039, 85th Texas Legislature, Regular Session, 2017 (excerpt):**

- (c) To be eligible for a certificate established under this section, a person must:
  - (1) either:
    - (A) satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:
      - (i) teaching methods for:
        - (a) using small group instructional formats that focus on building social, emotional, and academic skills;
        - (b) navigating multiple content areas; and
        - (c) managing a classroom environment in which small groups of students are working on different tasks; and
      - (ii) strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or
    - (B) hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by Paragraph (A);
  - (2) perform satisfactorily on an early childhood certificate examination prescribed by the board; and

- (3) satisfy any other requirements prescribed by the board.

**Texas Education Code, §21.049, Alternative Certification (excerpt):**

- (a) To provide a continuing additional source of qualified educators, the board shall propose rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.

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

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

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

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

**Texas Occupations Code, §53.151, Definitions, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017:**

Notwithstanding Section 53.001, in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section 58.001.

**Texas Occupations Code, §53.152, Notice by Entities Providing Educational Programs, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017:**

- (a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:
- (1) the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;
  - (2) the current guidelines issued under Section 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;
  - (3) any other state or local restriction or guideline used by a licensing authority described by Subdivision (2) to determine the eligibility of an individual who has

been convicted of an offense for an occupational license issued by the licensing authority; and

(4) the right to request a criminal history evaluation letter under Section 53.102.

(b) The entity shall provide the notice required under Subsection (a) to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

**Texas Occupations Code, §53.153, Refund and Ordered Payments, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017:**

A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the notice required by Section 53.152 to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

(1) refund the amount of any tuition paid by the individual to the entity; and

(2) pay to the individual an amount equal to the total of the following, as applicable:

(A) the amount of any application fees paid by the individual to the licensing authority; and

(B) the amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.



**ATTACHMENT II**  
**Text of 19 TAC**

**Chapter 227. Provisions for Educator Preparation Candidates**

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

*Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §§21.031; 21.044; 21.0441; 21.045(a); 21.049; 21.050(a); and 21.051.*

**§227.1. General Provisions.**

- (a) It is the responsibility of the education profession as a whole to attract applicants 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:
  - (1) pursuant to the Texas Education Code (TEC), §22.083, candidates must undergo a criminal history background check prior to employment as an educator; and
  - (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 for the past five years.

*Source: The provisions of this §227.1 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198.*

**§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) 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.
- (3) Applicant--An individual seeking admission to an educator preparation program for any class of certificate.
- (4) Candidate--An individual who has been formally or contingently admitted to an educator preparation program; also referred to as an enrollee or participant.
- (5) Certification category--A certificate type within a certification class; also known as certification field.

- (6) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certification), that has defined characteristics; also known as certification field.
- (7) Clinical teaching--An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training).
- (8) Content certification examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program or certification as an educator.
- (9) Contingency admission--Conditional admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria) except graduation and degree conferred from an accredited institution of higher education.
- (10) 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.
- (11) 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).
- (12) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.
- (13) Post-baccalaureate program--An 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 from an accredited institution of higher education and are seeking an additional degree.
- (14) Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited institution of higher education.

*Source: The provisions of this §227.5 adopted to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198.*

#### **§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, prior to admission to the program.
  - (1) For an undergraduate university program, an applicant shall be enrolled in an accredited institution of higher education (IHE).
  - (2) For an alternative certification program or post-baccalaureate program, an applicant shall have, at a minimum, a bachelor's degree earned from and conferred by an accredited IHE.
  - (3) For an undergraduate university program, alternative certification program, or post-baccalaureate program, to be eligible for admission into an EPP, an applicant shall have a grade point average (GPA) of at least 2.5 before admission.
    - (A) The GPA shall be calculated from an official transcript as follows:
      - (i) 2.5 on all coursework previously attempted by the person at an accredited IHE:
        - (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 IHE 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 IHE:
      - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission). If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall use grades from all coursework previously attempted by a person at the most recent accredited institution(s) of higher education, starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or
      - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE (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) documentation and certification from the program director that an applicant's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement; and
    - (ii) in accordance with the Texas Education Code, §21.0441(b), an applicant must pass an appropriate content certification 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 certification examination if the applicant is not seeking admission to the same EPP that previously granted test approval.
  - (C) An applicant who is seeking a career and technical education (CTE) certificate that does not require a degree from an accredited IHE is exempt from the minimum GPA requirement.
  - (D) An applicant who does not meet the minimum GPA requirement and is seeking certification in a class other than classroom teacher must perform at or above a score equivalent to a 2.5 GPA on the Verbal Reasoning, Quantitative Reasoning, and Analytic Writing sections of the GRE® (Graduate Record Examinations) revised General Test. The State Board for Educator Certification will use equivalency scores established by the Educational Testing Service, and the Texas Education Agency (TEA) will publish those equivalency scores annually on the TEA website.
- (4) For an applicant 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:
- (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; or
  - (D) for an applicant who has not previously been admitted into an EPP, a passing score on a content certification examination administered by a TEA-approved vendor. An applicant who has previously been admitted into an EPP may request permission to register for a content certification examination if an applicant is not seeking admission to the same EPP that previously granted test approval.
- (5) An applicant must demonstrate basic skills in reading, written communication, and mathematics by meeting the requirements of the Texas Success Initiative under the rules established by the Texas Higher Education Coordinating Board (THECB) in Part 1, Chapter 4, Subchapter C, of this title (relating to Texas Success Initiative), including one of the requirements established by §4.54 of this title (relating to Exemptions, Exceptions, and Waivers).
  - (6) An applicant must demonstrate the English language proficiency skills as specified in §230.11 of this title (relating to General Requirements).
    - (A) An applicant for CTE certification that does not require a bachelor's degree from an accredited IHE may satisfy the English language proficiency requirement with an associate's degree or high school diploma or the equivalent that was earned at an accredited IHE or an accredited high school in the United States.
    - (B) An applicant to a university undergraduate program that leads to a bachelor's degree may satisfy the English language proficiency requirement by meeting the English language proficiency requirement of the accredited IHE at which the applicant is enrolled.
  - (7) An applicant must submit an application and participate in either an interview or other screening instrument to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought.
  - (8) An applicant must fulfill any other academic criteria for admission that are published and applied consistently to all EPP applicants.
- (b) An EPP may adopt requirements in addition to and not in conflict with those required in this section.
  - (c) An EPP may not admit an applicant who:
    - (1) has been reported as completing all EPP requirements by another EPP in the same certification category or class, unless the applicant only needs certification examination approval; or
    - (2) has been employed for three years in a public school under a permit or probationary certificate as specified in Chapter 230, Subchapter D, 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 may admit an applicant for CTE 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 may admit an applicant 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). An EPP at an entity that is accredited by an accrediting organization recognized by the THECB may use its own foreign credential evaluation service to meet the requirement described in §245.10(a)(2) of this title (relating to Application Procedures), if the entity is in good standing with its accrediting organization.

*Source: The provisions of this §227.10 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198.*

**§227.15. Contingency Admission.**

- (a) An applicant 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 is currently enrolled in and expects to complete the courses and other requirements for obtaining, at a minimum, a bachelor's degree at the end of the semester in which admission to the program is sought;
  - (2) all other 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 effective date of contingency admission shall be included in the offer of contingency admission.
- (c) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's contingency admission.
- (d) An applicant 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 (IHE) has been conferred.
- (e) 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, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A post-baccalaureate or alternative certification program at an IHE may admit an applicant if coursework and training was provided by the same IHE as part of the degree to be conferred.
- (f) 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.

*Source: The provisions of this §227.15 adopted to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198.*

**§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 effective date of formal admission shall be included in the offer of formal admission.
- (e) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's formal admission.
- (f) Except as provided by §227.15 of this title (relating to Contingency Admission), an alternative certification program or post-baccalaureate program, prior to formal admission, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A post-baccalaureate or alternative certification program at an institution of higher education (IHE) may admit an applicant if coursework and training was provided by the same IHE as part of a previous degree that was conferred.

*Source: The provisions of this §227.17 adopted to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198.*

**§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 (IHE):
    - (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 IHE 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 IHE:
    - (A) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission). If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP may use grades from all coursework previously attempted by a person at the most recent accredited IHE(s), starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or
    - (B) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE (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.

*Source: The provisions of this §227.19 adopted to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198.*

**§227.20. Implementation Date.**

This subchapter applies to an applicant who is admitted to an educator preparation program on or after January 1, 2017.

*Source: The provisions of this §227.20 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011 ; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198.*

## Chapter 227. Provisions for Educator Preparation Candidates

### Subchapter B. Preliminary Evaluation of Certification Eligibility

*Statutory Authority: The provisions of this Subchapter B issued under the Texas Education Code, §21.041(b)(1) and (4), and Texas Occupations Code, §53.105.*

#### §227.101. Purpose.

- (a) This subchapter provides rules for the implementation of a preliminary criminal history evaluation as provided in the Texas Occupations Code, Chapter 53, Subchapter D.
- (b) The following words, terms, and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
  - (1) Criminal history--Criminal history record information that relates to convictions and deferred adjudications.
  - (2) Ineligibility--Unsuitability for certification, based on any of the grounds described in §249.12(b) of this title (relating to Administrative Denial; Appeal), as determined by the Texas Education Agency staff.
  - (3) Reasonably available--Provided in writing to Texas Education Agency staff by a requestor.
  - (4) Requestor--A person making a request for preliminary criminal history evaluation pursuant to this subchapter.
  - (5) 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.
- (c) A person who is enrolled or planning to enroll in a State Board for Educator Certification-approved educator preparation program or planning to take a certification examination may request a preliminary criminal history evaluation letter regarding the person's potential ineligibility for certification due to a conviction or deferred adjudication for a felony or misdemeanor offense.

*Source: The provisions of this §227.101 adopted to be effective October 28, 2010, 35 TexReg 9501.*

#### §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) 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.

*Source: The provisions of this §227.103 adopted to be effective October 28, 2010, 35 TexReg 9501; amended to be effective February 28, 2016, 41 TexReg 1238.*

#### **§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 to the email 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.

*Source: The provisions of this §227.105 adopted to be effective October 28, 2010, 35 TexReg 9501; amended to be effective February 28, 2016, 41 TexReg 1238.*

#### **§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 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.

*Source: The provisions of this §227.107 adopted to be effective October 28, 2010, 35 TexReg 9501; amended to be effective February 28, 2016, 41 TexReg 1238.*

**ATTACHMENT III****High-Level Overview of Potential Questions, Issues, and Concerns Regarding 19 TAC Chapter 227, Provisions for Educator Preparation Candidates****Chapter 227, Subchapter A, Admission to Educator Preparation Programs**

- Require a program to notify applicants about the availability of a preliminary criminal history evaluation (House Bill 1508, 85th Texas Legislature, Regular Session, 2017)
- Describe the consequences for a program if it does not notify an applicant about the availability of a preliminary criminal history evaluation (House Bill 1508, 85th Texas Legislature, Regular Session, 2017)
- Determine admission criteria for an individual who already holds a certificate and wants to receive preparation for an EC-3 certificate (Senate Bill 1839 and House Bill 2039, 85th Texas Legislature, Regular Session, 2017)
- Determine admission criteria for an individual who is seeking a Trade and Industrial Workforce Training certificate (House Bill 3349, 85th Texas Legislature, Regular Session, 2017)
- Clarify English language proficiency requirements
- Clarify content certification examination requirements

**Chapter 227, Subchapter B, Preliminary Evaluation of Certification Eligibility**

- No known questions, issues, or concerns