

Item 7:
Adoption of Review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

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. This item presents for SBEC approval the adoption of the review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs. The rules being reviewed provide requirements for the accountability system for educator preparation programs (EPPs), including the assignment of an EPP accreditation status, and allows the SBEC to intervene in cases of low performance.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 229 is the Texas Education Code (TEC), §§21.041(c) and (d), 21.045, 21.0451, and 21.0452.

PREVIOUS BOARD ACTION: The SBEC last adopted the review of 19 TAC Chapter 229 in August 2012, finding that the reasons for initially adopting the rules continue to exist. The SBEC adopted 19 TAC Chapter 229 effective April 18, 2010.

At the February 2014 meeting, the SBEC approved the review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, for filing as proposed.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 229 provide for rules that establish the process used for issuing annual accreditation ratings for all EPPs based on certification test scores of completers and allow the SBEC to intervene in cases of low performance.

House Bill (HB) 2012, Section 9, 83rd Texas Legislature, Regular Session, 2013, requires a review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, and Chapter 228, Requirements for Educator Preparation Programs. Due to its related nature, a review of Chapter 229 was done in conjunction with the review required by HB 2012. As a result, revisions are recommended to the SBEC rules in Chapter 229 and are presented for discussion and action as a separate item in this agenda.

RULE REVIEW: The notice of proposed review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, was filed with the *Texas Register* following the February 2014 SBEC meeting. If authorized by the SBEC, the notice of adopted review will be filed with the *Texas Register* following the May 2014 SBEC meeting. The notice of adopted review will state that the SBEC finds the reasons for adopting 19 TAC Chapter 229 continue to exist. Any public comments received during the review of 19 TAC Chapter 229 will also be addressed

The filing of the notice of adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: The review of 19 TAC Chapter 229 will result in an accountability system for EPPs that would encourage rigorous educator preparation in all approved EPPs.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: Following the February 2014 SBEC meeting, notice of the proposed review of 19 TAC Chapter 229 was filed with the *Texas Register*, initiating the official public comment period for the review. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBEC during the May 2014 meeting, along with any proposed responses.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: A separate item is presented for discussion and action in this agenda to propose revisions to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs; therefore, the current rules in Chapter 229 will not be included as part of this item. A copy of the current rules in Chapter 229 will be available at the meeting.

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

Adopt the review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.

Respectfully submitted,

Michele Moore
Associate Commissioner
Educator Leadership and Quality

Staff Members Responsible: Von Byer, Deputy General Counsel
Legal Services

Sandra Jo Nix, Manager
Educator Preparation

Attachment: Statutory Citations

ATTACHMENT**Statutory Citations Relating to Review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs****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 229, Accountability System for Educator Preparation Programs**Texas Education Code, §21.041, Rules; Fees (excerpts):**

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

Texas Education Code, §21.045, Accountability System for Educator Preparation Programs:

- (a) The board shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to sex and ethnicity:
 - (1) results of the certification examinations prescribed under Section 21.048(a);

- (2) performance based on the appraisal system for beginning teachers adopted by the board;
 - (3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable; and
 - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3), and the following information, disaggregated by sex and ethnicity:
- (1) the number of candidates who apply;
 - (2) the number of candidates admitted;
 - (3) the number of candidates retained;
 - (4) the number of candidates completing the program;
 - (5) the number of candidates employed in the profession after completing the program;
 - (6) the number of candidates retained in the profession; and
 - (7) any other information required by federal law.
- (c) The board shall propose rules establishing performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a). The board may propose rules establishing minimum standards for approval or renewal of approval of:
- (1) educator preparation programs; or
 - (2) certification fields authorized to be offered by an educator preparation program.

Texas Education Code, §21.0451, Sanctions Under Accountability System for Educator Preparation Programs:

- (a) The board shall propose rules for the sanction of educator preparation programs that do not meet accountability standards and shall annually review the accreditation status of each educator preparation program. The rules:
- (1) shall provide for the assignment of the following accreditation statuses:
 - (A) not rated;
 - (B) accredited;
 - (C) accredited-warned;
 - (D) accredited-probation; and
 - (E) not accredited-revoked;
 - (2) may provide for the agency to take any necessary action, including one or more of the following actions:

- (A) requiring the program to obtain technical assistance approved by the agency or board;
 - (B) requiring the program to obtain professional services under contract with another person;
 - (C) appointing a monitor to participate in and report to the board on the activities of the program; and
 - (D) if a program has been rated as accredited-probation under the Accountability System for Educator Preparation for a period of at least one year, revoking the approval of the program and ordering the program to be closed, provided that the board or agency must provide the opportunity for a hearing before the effective date of the closure; and
- (3) shall provide for the agency to revoke the approval of the program and order the program to be closed if the program has been rated as accredited-probation under the Accountability System for Educator Preparation for three consecutive years, provided that the board or agency must provide the opportunity for a hearing before the effective date of the closure.
- (b) Any action authorized or required to be taken against an educator preparation program under Subsection (a) may also be taken with regard to a particular field of certification authorized to be offered by an educator preparation program.
 - (c) A permissive revocation under Subsection (a)(2) or required revocation under Subsection (a)(3) must be effective for a period of at least two years. After two years, the program may seek renewed approval to prepare educators for state certification.
 - (d) The costs of technical assistance required under Subsection (a)(2)(A) or the costs associated with the appointment of a monitor under Subsection (a)(2)(C) shall be paid by the sponsor of the educator preparation program.

Texas Education Code, §21.0452, Consumer Information Regarding Educator Preparation Programs:

- (a) To assist persons interested in obtaining teaching certification in selecting an educator preparation program and assist school districts in making staffing decisions, the board shall make information regarding educator programs in this state available to the public through the board's Internet website.
- (b) The board shall make available at least the following information regarding each educator preparation program:
 - (1) the information specified in Sections 21.045(a) and (b);
 - (2) in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:
 - (A) average overall grade point average and average grade point average in specific subject areas; and
 - (B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;

- (3) the degree to which persons who complete the program are successful in obtaining teaching positions;
 - (4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:
 - (A) students with disabilities; and
 - (B) students of limited English proficiency, as defined by Section 29.052;
 - (5) the activities offered by the program that are designed to prepare teachers to:
 - (A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and
 - (B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;
 - (6) the perseverance of beginning teachers in the profession, as determined on the basis of the number of beginning teachers who maintain status as active contributing members in the Teacher Retirement System of Texas for at least three years after certification in comparison to similar programs;
 - (7) the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom; and
 - (8) the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants.
- (c) For purposes of Subsection (b)(7), the board shall require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate under this subchapter.
 - (d) For purposes of Subsections (b)(7) and (8), the board shall develop surveys for distribution to program participants and school principals.
 - (e) The board may develop procedures under which each educator preparation program receives a designation or ranking based on the information required to be made available under Subsection (b). If the board develops procedures under this subsection, the designation or ranking received by each program must be included in the information made available under this section.
 - (f) In addition to other information required to be made available under this section, the board shall provide information identifying employment opportunities for teachers in the various regions of this state. The board shall specifically identify each region of this state in which a shortage of qualified teachers exists.
 - (g) The board may require any person to provide information to the board for purposes of this section.

House Bill 2012, Section 9, 83rd Texas Legislature, Regular Session, 2013:

Not later than September 1, 2014, the Texas Education Agency, the State Board for Educator Certification, and the Texas Higher Education Coordinating Board shall jointly review existing standards for preparation and admission that are applicable to educator preparation programs, including stakeholder input in the review and development of those standards, and develop and implement modifications necessary to reflect updated standards for the teaching profession.