

Item 11:

Consider and Take Appropriate Action on Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

DISCUSSION AND ACTION

SUMMARY: Texas Education Code (TEC), §21.042, requires the State Board for Educator Certification (SBEC) to submit a written copy of each rule it proposes to adopt to the State Board of Education (SBOE) for review. At its September 2014 meeting, the SBOE reviewed and rejected the proposed revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates. At its October 2014 meeting, the SBEC requested that this item be added to the March 2015 agenda for discussion and possible action. At its March 2015 meeting, the SBEC postponed taking action and requested that this item be added to the June 2015 agenda for discussion and possible action. As part of this item, Texas Education Agency (TEA) staff will provide an update and status to allow the SBEC to consider whether to propose amendments to the rules.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 227, Subchapter A, is the TEC, §§21.031, 21.044(a), 21.0441, 21.049, 21.050(a), and 21.051. The statutory authority for 19 TAC Chapter 227, Subchapter B, is the TEC, §21.041(b)(1) and (4), and Texas Occupations Code, §53.105.

PREVIOUS BOARD ACTION: The SBEC approved the revisions to 19 TAC Chapter 227 for adoption, subject to SBOE review, at the August 1, 2014 meeting. The SBEC discussed the proposed revisions at the October 2014 and March 2015 meetings. The board postponed taking action at the March 2015 meeting and directed TEA staff to bring this item back for discussion and possible action at the June 2015 SBEC meeting.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 227 begin with Subchapter A, Admission to Educator Preparation Programs, which provides for rules that establish requirements for admission to an educator preparation program. Subchapter B, Preliminary Evaluation of Certification Eligibility, provides for rules for the implementation of a preliminary criminal history evaluation, as provided in the Texas Occupations Code, Chapter 53, Subchapter D. The TEC, §21.049, authorizes the SBEC to adopt rules providing for educator certification programs as an alternative to traditional EPPs. The TEC, §21.031, states that the SBEC is established to oversee all aspects of the certification and continuing education of public school educators and to 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.

The proposed revisions to 19 TAC Chapter 227, shown in Attachment II, would update the rules to reflect current law and provide minimum standards with flexibility for all EPP candidates. The proposed revisions reflect discussions held during stakeholder meetings with EPPs on January 14, 2014; February 18, 2014; and March 26, 2014, and regional stakeholder meetings held on

February 27, 2014; March 3, 2014; and March 4, 2014, with district and regional administrators. Additional changes also reflect input received from the staffs at the TEA and the THECB.

General Provisions

Language in §227.1(b) would clarify an educator preparation program's role in an educator's criminal history background check as informational.

Definitions

Language in §227.5 would add a definition of *accredited institution of higher education* for clarity, add the phrase "that must be" to the definition of *educator preparation program*, add a definition of *post-baccalaureate program* that is based on feedback from preparation programs, and remove a phrase from the definition of *contingency admission* to stay in alignment with the acceptance of accredited institutions of higher education. Language would also be amended to remove definitions for words and terms not used in Chapter 227.

Admission Criteria

Language in §227.10(a) would align the acceptance of an accredited institution of higher education. In addition, language would specify the minimum requirements for admission to an EPP for those seeking initial certification. A subject-specific, 15 semester credit hour prerequisite would be added for those seeking admission for mathematics or science certification at or above Grade 7, in accordance with the TEC, §21.0441, added by HB 2012, 83rd Texas Legislature, Regular Session, 2013. The basic skills testing requirement articulated in §227.10(a)(4) would be removed as a requirement.

Language in §227.10(c) would provide for an EPP to admit a candidate who has either completed another EPP or who has been employed for three years in a public school under a temporary or probationary certificate if the candidate seeks certification in a new field.

Formal Admission

As a result of recurring feedback from candidates, proposed new 19 TAC §227.17 would be added to clarify and document when an applicant is considered admitted to an EPP.

Technical Changes

Minor technical edits such as updating cross references would also be made throughout Chapter 227.

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rules by a vote of at least two-thirds of the members of the SBOE present and voting, but may not modify the rules. At its September 19, 2014 meeting, the SBOE reviewed and rejected the proposed revisions to 19 TAC Chapter 227.

At the October 2014 and March 2015 meetings, the SBEC directed TEA staff to bring this item back for discussion and possible action.

FISCAL IMPACT: The TEA staff had determined that there was no additional fiscal impact on state and local governments and there were no additional costs to persons or entities required to comply with the proposed rule actions. In addition, there was no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, was required.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed revisions to Chapter 227 would be the development of clear, minimum EPP admission criteria that would ensure educators are prepared to positively impact the performance of the diverse student population of this state.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed revisions would have no additional procedural and reporting implications.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed revisions would have no additional locally maintained paperwork requirements.

PUBLIC COMMENTS: Following the May 2014 SBEC meeting, the proposed revisions to 19 TAC Chapter 227 were filed with the *Texas Register*, initiating the official public comment period. The SBEC received public comments on the proposed revisions at the August 2014 meeting and were also provided a summary of public comments received prior to the August meeting.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

Staff Member Responsible: Tim Miller, Director
Educator Preparation Programs

Attachments: I. Statutory Citations
II. Text of Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

ATTACHMENT I**Statutory Citations Relating to Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates****Texas Education Code, §21.031, Purpose:**

- (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;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;

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.

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 minimum grade point average requirements prescribed by the board, not to exceed the following:
 - (A) an overall grade point average of at least 2.75 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 2.75 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); and
 - (2) 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.

Texas Education Code, §21.049, Alternative Certification:

- (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.
- (b) The board may not require a person employed as a teacher in an alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 for at least three years to complete an alternative educator certification program adopted under this section before taking the appropriate certification examination.

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 Education Code, §21.051, Rules Regarding Field-Based Experience and Options for Field Experience and Internships:

- (a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.

- (b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities under supervision at:
 - (1) a public school campus accredited or approved for the purpose by the agency; or
 - (2) a private school recognized or approved for the purpose by the agency.
- (c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:
 - (1) the validity of a certification issued before September 1, 2012; or
 - (2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.
- (d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.
- (e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).
- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification.

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.

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.

Texas Education Code, §21.042, Approval of Rules:

The State Board for Educator Certification must submit a written copy of each rule it proposes to adopt to the State Board of Education for review. The State Board of Education may reject a proposed rule by a vote of at least two-thirds of the members of the board present and voting. If the State Board of Education fails to reject a proposal before the 90th day after the date on which it receives the proposal, the proposal takes effect as a rule of the State Board for Educator Certification as provided by Chapter 2001, Government Code. The State Board of Education may not modify a rule proposed by the State Board for Educator Certification.

ATTACHMENT II
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 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 candidates that, ~~collaborate with local school districts~~ pursuant to the Texas Education Code, §22.083, candidates must undergo a criminal history background check ~~to examine the criminal history of all educator preparation candidates~~ prior to employment by local or regional education authorities ~~participation in educator preparation activities that occur in a school~~ .

§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 was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordination 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.
- (3) ~~(2)~~ Candidate--A participant in an educator preparation program seeking certification.
- ~~(3) — Clinical teaching — 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.]~~
- (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~~ .
- (5) 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 fields.
- (6) Post-baccalaureate program--An approved educator preparation program that is designed for individuals who already hold at least a bachelor's degree and that is approved by the State Board for Educator Certification to recommend candidates for certification.
- ~~(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.]~~
- (7) ~~(8)~~ Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited 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 candidates prior to admission to the program, except candidates for career and technology education certification:
- (1) for an undergraduate university program, a candidate shall be enrolled in an EPP ~~[educator preparation program]~~ from an accredited 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, a candidate shall have 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, a candidate seeking initial certification shall meet the following criteria in order to be eligible to enter an EPP, unless otherwise indicated by specific certification requirements indicated in the appropriate State Board for Educator Certification rule codified in the Texas Administrative Code, Title 19, Part 7 ~~[educator preparation program]~~ :
 - (A) an overall grade point average (GPA) of at least 2.5 or at least 2.5 in the last 60 semester credit hours; or
 - (B) documentation and certification from the program director that a candidate's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement. 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
 - (C) ~~[for a program candidate who will be seeking an initial certificate,]~~ a minimum of 12 semester credit hours in the subject-specific content area for the certification sought ~~or 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~~, a passing score on a content certification examination, or a passing score on a content examination administered by a 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;
 - ~~[(4) — 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 the requirements of the Texas Success Initiative (Texas Education Code, §51.3062) under the rules established by the Texas Higher Education Coordinating Board in Part 1, Chapter 4, Subchapter C of this title (relating to Texas Success Initiative);]~~
 - (4) ~~[(5)]~~ for an EPP ~~[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);
 - (5) ~~[(6)]~~ an application and either an interview or other screening instrument to determine the EPP ~~[educator preparation]~~ candidate's appropriateness for the certification sought; and

- (6) ~~(7)~~ any other academic criteria for admission that are published and applied consistently to all EPP [educator preparation] candidates.
- (b) An EPP [educator preparation program] may adopt requirements in addition to those explicitly required in this section.
- (c) An EPP [educator preparation program] may not admit a candidate who has completed another EPP [educator preparation program] in the same certification field ~~[or who has been employed for three years in a public school under a permit or probationary certificate as specified in Chapter 232, Subchapter A, of this title (relating to Types and Classes of Certificates Issued)]~~ .
- (d) An EPP [educator preparation program] may admit a candidate for 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 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) 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 candidate is currently enrolled in and expects to complete the courses and other requirements for obtaining 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 have been met.
- (b) 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 candidate has been awarded a bachelor's [baccalaureate] degree.
- (c) The contingency admission will be valid for only the semester for which the contingency admission was granted and may not be extended for another semester.

§227.17. Formal Admission.

- (a) For an applicant to be formally admitted to an educator preparation program (EPP), the program must notify the applicant by email, letter, or an electronic notification of the offer of admittance.
- (b) The applicant must accept the offer of admission through written or electronic confirmation for the applicant to be considered admitted to the EPP.
- (c) The requirements of this section apply to applications received by an EPP beginning January 1, 2015.

§227.20. Implementation Date.

This subchapter, except for §227.17 of this title (relating to Formal Admission), applies to an educator preparation program's candidates that begin their first course through that program on or after March 1, 2015. [This chapter applies to an educator preparation program candidate who is admitted to an educator preparation program on or after 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.