

Item 22:

Discussion of 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training

DISCUSSION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss the provisions in 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training.

STATUTORY AUTHORITY: The statutory authority for 19 TAC §228.2 and §228.35 is the Texas Education Code (TEC), §§21.031, 21.044, 21.045(a), 21.049(a), 21.050(a) and (c), and 21.051.

BOARD RESPONSE: This item is presented for review and comment.

PREVIOUS BOARD ACTION: The SBEC adopted 19 TAC §228.2 effective July 11, 1999, and last amended the section effective October 27, 2014. Section 228.35 was adopted effective December 14, 2008, and last amended effective October 27, 2014.

FUTURE ACTION EXPECTED: Any proposed rule actions would be presented to the SBEC for filing as proposed at a future meeting.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 228 establish requirements for educator preparation programs (EPPs). 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.

Definitions

Effective October 27, 2014, the definition of *field supervisor* in 19 TAC §228.2 requires that a field supervisor be a currently certified educator. The previous version of the definition did not specify that the field supervisor be currently certified. Several stakeholders have since contacted TEA staff to report that the new requirement for field supervisors may have an adverse effect on their programs. TEA staff distributed a survey to EPPs to determine the scope of any adverse effects. This topic was discussed with the Educator Preparation Advisory Committee (EPAC) at its May 2015 meeting. The results of the EPAC discussion and the survey will be shared with the SBEC at the June 2015 meeting.

At the December 2014 and May 2015 EPAC meetings, the EPAC discussed the need to define the length of the school day to clarify the amount of time required for a clinical teaching assignment. At the May 2015 EPAC meeting, the EPAC also discussed the need to amend the definition of *post-baccalaureate program* to differentiate it from the definition of *alternative certification program*.

Preparation Program Coursework and/or Training

At the May 2015 EPAC meeting, the EPAC discussed the minimum number of required field supervisor observations for 12-week, 24-week, and full-year clinical teaching and internship assignments in 19 TAC §228.35. Options suggested included increasing the minimum number of required observations for a 24-week clinical teaching assignment from three to six observations and a full-year internship from three to nine observations. The EPAC also discussed how the observations should be distributed, whether a minimum amount of time between observations needed to be added, and whether to restrict a supervisor from participating in a clinical teaching, internship, or practicum assignment where the supervisor is being mentored or supervised by a subordinate.

In addition, the EPAC discussed the need to add a requirement that any prior or ongoing experience and/or professional training must be from an accredited source in order for the EPP to substitute the experience and/or training for preparation program coursework and/or training requirements.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated would be clear, minimum EPP requirements that ensure educators are prepared to positively impact the performance of the diverse student population of this state.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: None.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

Staff Members Responsible: Tim Miller, Director
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Attachments: I. Statutory Citations
II. Text of 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training

ATTACHMENT I**Statutory Citations Relating to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training****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, §21.044, Educator Preparation:

- (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.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the curriculum for that degree, instruction in detection and education of students with dyslexia. This subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.
- (c) The instruction under Subsection (b) must:
 - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
 - (A) employed by institutions of higher education; and
 - (B) approved by the board; and
 - (2) include information on:
 - (A) characteristics of dyslexia;
 - (B) identification of dyslexia; and
 - (C) effective, multisensory strategies for teaching students with dyslexia.
- (c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in detection of students with mental or emotional disorders.
- (c-2) The instruction under Subsection (c-1) must:
 - (1) be developed by a panel of experts in the diagnosis and treatment of mental or emotional disorders who are appointed by the board; and
 - (2) include information on:

- (A) characteristics of the most prevalent mental or emotional disorders among children;
 - (B) identification of mental or emotional disorders;
 - (C) effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports; and
 - (D) providing, in compliance with Section 38.010, notice and referral to a parent or guardian of a student with a mental or emotional disorder so that the parent or guardian may take appropriate action such as seeking mental health services.
- (d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section 28.027, at a secondary school, a person must:
- (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
 - (2) have at a minimum:
 - (A) an associate degree from an accredited institution of higher education; and
 - (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.
- (e) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1091] In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
- (1) an associate degree or more advanced degree from an accredited institution of higher education;
 - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
 - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (e) [2 Versions: As added by Acts 2013, 83rd Leg., ch. 1282] Each educator preparation program must provide information regarding:
- (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
 - (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;
 - (4) the importance of building strong classroom management skills; and
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that

establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).

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

- (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.

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 (excerpts):

- (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.
- (c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

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.

ATTACHMENT II
Text of 19 TAC

Chapter 228. Requirements for Educator Preparation Programs

§228.2. Definitions.

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

- (1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31.
- (2) 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.
- (3) Candidate--An individual who has been admitted into an educator preparation program, including an individual who has been accepted on a contingency basis; also referred to as an enrollee or participant.
- (4) Clinical teaching--A minimum 12-week, full-day or 24-week, half-day educator assignment through an educator preparation program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.
- (5) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited university is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, internship, and practicum are actual hours spent in the required educational activities and experiences.
- (6) Cooperating teacher--The campus-based mentor teacher for the clinical teacher.
- (7) 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.
- (8) Entity--The legal entity that is approved to deliver an educator preparation program.
- (9) Field-based experiences--Introductory experiences for a certification candidate involving reflective observation of Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting.
- (10) Field supervisor--A currently certified educator, hired by the educator preparation program, who preferably has advanced credentials, to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.
- (11) Head Start Program--The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.
- (12) Internship--A supervised, full-time educator assignment for one full school year at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.
- (13) Late hire--An individual who has not been accepted into an educator preparation program before June 15 and who is hired for a teaching assignment by a school after June 15 or after the school's academic year has begun.
- (14) Mentor--For a classroom teacher, a certified educator assigned by the campus administrator who has completed mentor training; who guides, assists, and supports the teacher during his or her intern year in areas such as planning, classroom management, instruction, assessment, working

- with parents, obtaining materials, district policies; and who reports the teacher's progress to that teacher's educator preparation program.
- (15) Pedagogy--The art and science of teaching, incorporating instructional methods that are developed from scientifically-based research.
 - (16) 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.
 - (17) Practicum--A supervised professional educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that is in a school setting in the particular field for which a professional certificate is sought such as superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher.
 - (18) Professional certification--Certification for superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher.
 - (19) Site supervisor--For a practicum, a certified educator who has experience in the aspect(s) of the professional certification being pursued by the candidate; who has completed training or orientation for site supervision; who guides, assists, and supports the candidate during the practicum; and who reports the candidate's progress to the candidate's educator preparation program.
 - (20) Teacher of record--An educator 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.
 - (21) 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.
 - (22) Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

Statutory Authority: The provisions of this §228.2 issued under the Texas Education Code, §§21.031, 21.044, 21.045(a), 21.050(a) and (c), and 21.051.

Source: The provisions of this §228.2 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective October 12, 2003, 28 TexReg 8608; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective December 26, 2010, 35 TexReg 11239; amended to be effective August 12, 2012, 37 TexReg 5747; amended to be effective October 27, 2014, 39 TexReg 8388.

§228.35. Preparation Program Coursework and/or Training.

- (a) Coursework and/or Training for Candidates Seeking Initial Certification.
 - (1) An educator preparation program (EPP) shall provide coursework and/or training to ensure the educator is effective in the classroom.
 - (2) Professional development should be sustained, intensive, and classroom focused.
 - (3) An EPP shall provide each candidate with a minimum of 300 clock-hours of coursework and/or training. A candidate who does not qualify as a late hire who is issued a probationary certificate after September 1, 2012, may not be employed by a school district as a teacher of record until the candidate completes a minimum of 30 clock-hours of field-based experience or clinical teaching in which the candidate is actively engaged in instructional or educational activities under supervision at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose, as provided in this section. Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:

- (A) a minimum of 30 clock-hours of field-based experience. Up to 15 clock-hours of this field-based experience may be provided by use of electronic transmission or other video or technology-based method; and
 - (B) 80 clock-hours of coursework and/or training.
- (4) All coursework and/or training shall be completed prior to EPP completion and standard certification.
 - (5) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of training may be provided by a school district and/or campus that is an approved TEA continuing professional education provider.
 - (6) Each EPP must develop and implement specific criteria and procedures that allow candidates to substitute prior or ongoing experience and/or professional training for part of the educator preparation requirements, provided that the experience or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, and is directly related to the certificate being sought.
- (b) Coursework and/or Training for Professional Certification. An EPP shall provide coursework and/or training to ensure that the educator is effective in the professional assignment. An EPP shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the state standards for the applicable certification field.
 - (c) Late Hire Provisions. A late hire for a school district teaching position may begin employment under a probationary certificate before completing the pre-internship requirements of subsection (a)(3) of this section and, if applicable, 15 clock-hours of active, supervised experience, but shall complete these requirements within 90 school days of assignment.
 - (d) Educator Preparation Program Delivery. An EPP shall provide evidence of ongoing and relevant field-based experiences throughout the EPP in a variety of educational settings with diverse student populations, including observation, modeling, and demonstration of effective practices to improve student learning.
 - (1) For initial certification, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 30 clock-hours. The field-based experiences must be completed prior to assignment in an internship or clinical teaching. Up to 15 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method. Field-based experiences must include 15 clock-hours in which the candidate, under supervision, is actively engaged in instructional or educational activities that include:
 - (A) authentic school settings in a public school accredited by the TEA or other school approved by the TEA for this purpose;
 - (B) instruction by content certified teachers;
 - (C) actual students in classrooms/instructional settings with identity-proof provisions;
 - (D) content or grade-level specific classrooms/instructional settings; and
 - (E) reflection of the observation.
 - (2) For initial certification, each EPP shall also provide at least one of the following:
 - (A) clinical teaching, as defined in §228.2 of this title, for a minimum of 12 weeks, full day or 24 weeks, half day; or
 - (B) internship, as defined in §228.2 of this title, for a minimum of one full school year for the assignment that matches the certification field for which the individual is prepared by the EPP. The individual would hold a probationary certificate and be classified as a "teacher" as reported on the campus Public Education Information Management System (PEIMS) data. An EPP may permit an internship of up to 30 school days less than the minimum if due to maternity leave, military leave, illness, or late hire date.

- (i) An internship or clinical teaching for an Early Childhood-Grade 6 candidate may be completed at a Head Start Program with the following stipulations:
 - (I) a certified teacher is available as a trained mentor;
 - (II) the Head Start program is affiliated with the federal Head Start program and approved by the TEA;
 - (III) the Head Start program teaches three- and four-year-old students; and
 - (IV) the state's pre-kindergarten curriculum guidelines are being implemented.
 - (ii) An internship, clinical teaching, or practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
- (3) For candidates seeking professional certification, each EPP shall provide a practicum, as defined in §228.2 of this title, for a minimum of 160 clock-hours.
- (4) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for field-based experience, internship, clinical teaching, and/or practicum.
- (A) All Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of field-based experience, internship, clinical teaching, and/or practicum.
 - (B) An EPP may file an application with the TEA for approval, subject to periodic review, of a public school, a private school, or a school system located within any state or territory of the United States, as a site for field-based experience or for video or other technology-based depiction of a school setting. The application shall be in a form developed by the TEA staff and shall include, at a minimum, evidence showing that the instructional standards of the school or school system align with those of the applicable Texas Essential Knowledge and Skills (TEKS) and SBEC certification standards.
 - (C) An EPP may file an application with the TEA for approval, subject to periodic review, of a public or private school located within any state or territory of the United States, as a site for an internship, clinical teaching, and/or practicum required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum:
 - (i) the accreditation(s) held by the school;
 - (ii) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable TEKS and SBEC certification standards;
 - (iii) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and
 - (iv) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.
 - (D) An EPP may file an application with the SBEC for approval, subject to periodic review, of a public or private school located outside the United States, as a site for clinical teaching required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum, the same elements required in subparagraph (C) of this paragraph for schools located within any state or territory of the United States, with the addition of a description of the on-site program personnel and program support that will be provided and a description of the school's recognition by the U.S. State Department Office of Overseas Schools.

- (e) Campus Mentors and Cooperating Teachers. In order to support a new educator and to increase teacher retention, an EPP shall collaborate with the campus administrator to assign each candidate a campus mentor during his or her internship or assign a cooperating teacher during the candidate's clinical teaching experience. The EPP is responsible for providing mentor and/or cooperating teacher training that relies on scientifically-based research, but the program may allow the training to be provided by a school district, if properly documented.
- (f) Ongoing Educator Preparation Program Support for Initial Certification of Teachers. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. The field supervisor shall document instructional practices observed, provide written feedback through an interactive conference with the candidate, and provide a copy of the written feedback to the candidate's campus administrator. Informal observations and coaching shall be provided by the field supervisor as appropriate.
- (1) Each observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.
 - (2) An EPP must provide the first observation within the first six weeks of all assignments.
 - (3) For an internship, an EPP must provide a minimum of two formal observations during the first four months of the assignment and one formal observation during the last five months of the assignment.
 - (4) For clinical teaching, an EPP must provide a minimum of three observations during the assignment, which is a minimum of 12 weeks.
- (g) Ongoing Educator Preparation Program Support for Professional Certification. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. The field supervisor shall document professional practices observed, provide written feedback through an interactive conference with the candidate, and provide a copy of the written feedback to the candidate's site supervisor. Informal observations and coaching shall be provided by the field supervisor as appropriate.
- (1) Observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
 - (2) An EPP must provide the first observation within the first six weeks of all assignments.
 - (3) An EPP must provide a minimum of three observations during the term of the practicum.
- (h) Exemption. Under the Texas Education Code (TEC), §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under the TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience or internship consisting of clinical teaching.

Statutory Authority: The provisions of this §228.35 issued under the Texas Education Code, §§21.031; 21.044; 21.045(a); 21.050(a) and (c); and 21.051.

Source: The provisions of this §228.35 adopted to be effective December 14, 2008, 33 TexReg 10016; amended to be effective December 26, 2010, 35 TexReg 11239; amended to be effective August 12, 2012, 37 TexReg 5747; amended to be effective October 27, 2014, 39 TexReg 8388.