

**Item 23:****Discussion of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.2, Definitions, §229.4, Determination of Accreditation Status, and §229.5, Accreditation Sanctions and Procedures****DISCUSSION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss the provisions in 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.2, Definitions, §229.4, Determination of Accreditation Status, and §229.5, Accreditation Sanctions and Procedures.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC §§229.2, 229.4, and 229.5 is the Texas Education Code (TEC), §§21.041(a), 21.045, 21.0451, 21.0452, and 21.0453.

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

**PREVIOUS BOARD ACTION:** The SBEC adopted 19 TAC §§229.2, 229.4, and 229.5 effective April 18, 2010. Section 229.2 was amended effective October 26, 2014. Section 229.4 and §229.5 were last amended effective March 22, 2015.

**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 TEC, §21.045, states that the SBEC shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs (EPPs). The SBEC rules in 19 TAC Chapter 229 establish the process used for issuing annual accreditation ratings for all EPPs.

**Definitions**

At the May 2015 Educator Preparation Advisory Committee (EPAC) meeting, the EPAC discussed the possible need to amend the definition of *first year in the classroom* in 19 TAC §229.2 if additional requirements were added to the TEC as a result of legislation. *First year in the classroom* is currently defined as the first year of employment.

The EPAC also discussed the current definition of *field supervisor*, adopted effective October 27, 2014, which 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 Texas Education Agency (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 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.

In addition, the EPAC discussed the issues related to the definition of *pass rate* as well as several options to address those issues. The issues include the following:

- The *pass rate* definition does not include test attempts that were approved by the EPP after a candidate completes a program.
- The *pass rate* definition only includes test attempts that lead to a candidate's initial certification, not all tests approved by the EPP.
- The *pass rate* definition only includes the last attempt by a candidate, not all attempts by a candidate.

Some options for Board consideration regarding the definition include the following:

- the results of the first two attempts on all tests approved for candidates who are enrolled or completed a program within the last three years;
- the results of the first two attempts on all tests leading to initial certification that are approved for candidates who are enrolled or completed a program within the last three years; or
- the results of the first two attempts on all tests leading to initial certification that are approved for candidates who have completed a program within the last three years.

Some of the other pass rate topics discussed were expanding the number of test attempts, increasing or decreasing the amount of time after completion that test results would count, and only including the results of Pedagogy and Professional Responsibilities (PPR) examinations.

#### Determination of Accreditation Status

At the May 2015 EPAC meeting, the EPAC discussed the need for setting a performance standard for the results of beginning teacher appraisals by school administrators (principal survey) and the quality of field supervision (candidate exit survey). An initial performance standard of 67% has been used for the pilot and subsequent principal survey data collections. If a program had at least 67% of principals respond that they agree or strongly agree that their beginning teachers were prepared, the program met the performance standard. With this standard, there have been no differences between programs. The EPAC discussed a possible performance standard of 70%, 75%, and 80% to be phased in over the 2016-2017, 2017-2018, and 2018-2019 academic years. A pilot performance standard has not been set for the quality of field supervision, but a similar phase-in approach to this performance standard was discussed by the EPAC. The EPAC recommended that a stakeholder group be convened over the next several months to review the principal and candidate exit survey data and recommend a performance standard for both indicators.

The EPAC also discussed issues related to the small group exception applied to disaggregated candidate groups in 19 TAC §229.4 effective October 26, 2014. Previously, an accumulation rule was in effect for groups disaggregated by gender and ethnicity. If a disaggregated group did not have more than 10 candidates, the group was not counted for purposes of accreditation based on that one-year group performance. If a disaggregated group did not have more than 10 candidates in a two-year period, the group was not counted for purposes of accreditation based on the two-year group performance. The three-year cumulated group performance would count for purposes of accreditation regardless of how small the cumulated number of candidates may

be. Under the current rule, the accumulation rule is only in effect for the aggregated group. A disaggregated group must have more than 20 candidates each year for the group to be counted for accreditation purposes. Options for addressing this issue of accountability for gender and ethnicity include using the same accumulation rule for both types of groups, using an accumulation rule with different small group sizes, and extending the number of years that could accumulate for disaggregated groups.

The EPAC also discussed issues related to small group exceptions applied to the performance of individual certificate fields in 19 TAC §229.4. The rule in effect prior to April 18, 2010, stated that if a program had a certification field that did not meet performance standards for three consecutive years, the program shall no longer admit persons for preparation in that field. If the number of candidates in a certification field group was less than 10 in at least one of the years, the program could request reconsideration of the revocation. When 19 TAC §229.4 went into effect on April 18, 2010, and was amended effective October 26, 2014, the small group exception rule for certification fields became the same as the disaggregated groups described earlier. Options for addressing this issue include readopting the rules that were repealed prior to April 18, 2010, which used the same accumulation rule for groups disaggregated by gender and ethnicity, and extending the number of years that could accumulate for disaggregated groups.

#### Accreditation Sanctions and Procedures

At the May 2015 EPAC meeting, the EPAC discussed issues related to revoking approval for certification fields in 19 TAC §229.5. While performance indicators by certification field are not currently used for accreditation purposes, the approval to offer a certification field shall be revoked if the performance of all candidates admitted to an individual certification field fails to meet performance standards for three consecutive years. However, the rule reference related to how the performance indicator is to be cumulated and counted refers to rules that were in effect prior to April 18, 2010. Options for addressing this issue include using the rules that are currently in effect for disaggregated groups, using the language similar to the repealed rules, and extending the number of years that could accumulate for certification field groups.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** The public and student benefit anticipated would be an accountability system that informs the public of the quality of educator preparation provided by each SBEC-approved EPP.

**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  
Educator Preparation Programs

Michael Vriesenga, Director  
Data and Accountability

**Attachments:** I. Statutory Citations  
II. Text of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.2, Definitions, §229.4, Determination of Accreditation Status, and §229.5, Accreditation Sanctions and Procedures

**ATTACHMENT I****Statutory Citations Relating to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.2, Definitions, §229.4, Determination of Accreditation Status, and §229.5, Accreditation Sanctions and Procedures****Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (a) The board may adopt rules as necessary for its own procedures.

**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.

**Texas Education Code, §21.0453, Information for Candidates for Teacher Certification:**

- (a) The board shall require an educator preparation program to provide candidates for teacher certification with information concerning the following:
  - (1) skills and responsibilities required of teachers;
  - (2) expectations for student performance based on state standards;
  - (3) the current supply of and demand for teachers in this state;
  - (4) the importance of developing classroom management skills; and
  - (5) the state's framework for appraisal of teachers and principals.
- (b) The board may propose rules as necessary for administration of this section, including rules to ensure that accurate and consistent information is provided by all educator preparation programs.



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

**Chapter 229. Accountability System for Educator Preparation Programs**

**§229.2. 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) ACT®--The college entrance examination from ACT®.
- (3) Administrator--For purposes of the surveys and information required by this chapter, an educator whose certification would entitle him or her to be assigned as a principal or assistant principal in Texas, whether or not he or she is currently working in such an assignment.
- (4) 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.
- (5) Beginning teacher--For purposes of this chapter, a classroom teacher with less than three years experience.
- (6) Campus-based mentor--A certified educator assigned by the campus administrator who has completed mentor training; who guides, assists, and supports the beginning teacher; and who reports the beginning teacher's progress to that teacher's educator preparation program.
- (7) 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.
- (8) Certification field-- Academic or career and technical content fields, special education fields, specializations, or professional fields in which an entity is approved to offer certification.
- (9) 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.
- (10) Completer--According to the Higher Education Act, "A person who has met all the requirements of a state-approved educator preparation program." The term completer is no longer used to define the class of educator preparation program candidates subject to a determination of certification examination pass rate.
- (11) Consecutively measured years--Consecutive years for which a group's performance is measured, excluding years in which the small group exception applies, in accordance with §229.4(g) of this title (relating to Determination of Accreditation Status).
- (12) Cooperating teacher--The campus-based mentor teacher for the clinical teacher.
- (13) Demographic group--Male and female, as to gender; the aggregate reporting categories established by the Higher Education Act, as to race and ethnicity. Each educator preparation program will assign a candidate to one gender demographic group and at least one Higher Education Act-established race or ethnicity group.
- (14) 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.

- (15) Educator preparation program data--Data elements reported to meet requirements under the Texas Education Code, §21.045(b).
- (16) Examination--An examination or other test required by statute or any other State Board for Educator Certification rule codified in the Texas Administrative Code, Title 19, Part 7, that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
- (17) 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. A campus mentor or cooperating teacher, assigned as required by §228.35(e) of this title (relating to Preparation Program Coursework and/or Training), may not also serve as a field supervisor.
- (18) First year in the classroom--For purposes of the Texas Education Code, §21.045(a)(4), and its implementation in this chapter, the first year of employment as a classroom teacher.
- (19) GPA--Grade point average.
- (20) GRE®--Graduate Record Examinations®.
- (21) Higher Education Act--Federal legislation consisting of the Higher Education Act of 1965 (20 United States Code, §1070 et seq.) and its subsequent amendments, which requires reports of educator preparation program performance data.
- (22) Institutional report--Educator preparation program data reported to the United States Department of Education and the Texas Education Agency as required under the Higher Education Act.
- (23) 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.
- (24) Pass rate--For each academic year, the percent of tests passed by candidates who have finished all educator preparation program requirements for coursework; training; and internship, clinical teaching, or practicum by the end of that academic year. For purposes of determining the pass rate, candidates shall not be excluded because the candidate has not been recommended for certification, has not passed a certification examination, or is not considered a "completer" for purposes of the Higher Education Act or other applicable law. The pass rate is based solely on the examinations required to obtain certification in the field(s) for which the candidate serves his or her internship, clinical teaching, or practicum. Examinations not required for certification in that field or fields, whether taken before or after admission to an educator preparation program, are not included. The rate reflects a candidate's success only on the last attempt made on the examination by the end of the academic year in which the candidate finishes the coursework; training; and internship, clinical teaching, or practicum program requirements, and does not reflect any attempts made after that year. The formula for calculation of pass rate is the number of successful (i.e., passing) last attempts made by candidates who have finished the specified educator preparation program requirements divided by the total number of last attempts made by those candidates.
- (25) 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.
- (26) SAT®--The college entrance examination from the College Board.
- (27) Scaled score--A conversion of a candidate's raw score on an examination or a version of the examination to a common scale that allows for a numerical comparison between candidates.
- (28) 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.

Source: The provisions of this §229.2 adopted to be effective April 18, 2010, 35 TexReg 2849; amended to be effective October 26, 2014, 39 TexReg 8395.

#### §229.4. Determination of Accreditation Status.

- (a) Accountability performance indicators. The accreditation status of an educator preparation program (EPP) shall be determined at least annually, based on performance standards established in rule by the State Board for Educator Certification (SBEC), with regard to the following EPP accountability performance indicators, disaggregated with respect to gender and ethnicity (according to the aggregate reporting categories for ethnicity established by the Higher Education Act), and other requirements of this chapter:
- (1) the pass rate performance standard of certification examinations of EPP candidates is 80% for the academic year;
  - (2) the results of appraisals of beginning teachers by school administrators, based on an appraisal document and standards that must be independently developed by the Texas Education Agency (TEA) staff and approved by the SBEC;
  - (3) to the extent practicable, as valid data become available and performance standards are developed, the improvement in student achievement of students taught by beginning teachers for the first three years following certification; and
  - (4) the results of data collections establishing EPP compliance with SBEC requirements specified in §228.35(f) of this title (relating to Preparation Program Coursework and/or Training), regarding the frequency, duration, and quality of field supervision of teachers during their internship year. The performance standard is a 95% compliance rate with SBEC requirements as to the frequency, duration, and required documentation of field supervision for each EPP candidate.
- (b) Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the accountability performance standards described in subsection (a) of this section and has been approved by the SBEC to prepare, train, and recommend candidates for certification.
- (c) Accredited-Not Rated status. An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the performance standards described in subsection (a) of this section. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.
- (d) Accredited-Warned status.
- (1) An EPP shall be assigned Accredited-Warned status if the EPP:
    - (A) fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the four performance indicators set forth in subsection (a) of this section in any one year;
    - (B) fails to meet the standards in any two gender or ethnicity demographic groups on any of the four performance indicators set forth in subsection (a) of this section in any one year; or
    - (C) fails to meet the standards for a gender or ethnicity demographic group on any of the four performance indicators set forth in subsection (a) of this section for two consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.
  - (2) An EPP may be assigned Accredited-Warned status if the SBEC determines that the EPP has violated SBEC rules and/or Texas Education Code (TEC), Chapter 21.
- (e) Accredited-Probation status.
- (1) An EPP shall be assigned Accredited-Probation status if the EPP:

- (A) fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the four performance indicators set forth in subsection (a) of this section for two consecutively measured years;
  - (B) fails to meet the standards in any three gender or ethnicity demographic groups on any of the four performance indicators set forth in subsection (a) of this section in any one year; or
  - (C) fails to meet the standards for a gender or ethnicity demographic group on any of the four performance indicators set forth in subsection (a) of this section for three consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.
- (2) An EPP may be assigned Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules and/or TEC, Chapter 21.
- (f) Not Accredited-Revoked status.
- (1) An EPP shall be assigned Not Accredited-Revoked status and its approval to recommend candidates for educator certification revoked if it is assigned Accredited-Probation status for three consecutively measured years.
  - (2) An EPP may be assigned Not Accredited-Revoked status if the EPP has been on Accredited-Probation status for one year, and the SBEC determines that revoking the EPP's approval is reasonably necessary to achieve the purposes of the TEC, §21.045 and §21.0451.
  - (3) An assignment of Not Accredited-Revoked status and revocation of EPP approval to recommend candidates for educator certification is subject to the requirements of notice, record review, and appeal as described in this chapter.
  - (4) A revocation of an EPP approval shall be effective for a period of two years, after which a program may reapply for approval as a new EPP pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs).
  - (5) Upon revocation of EPP approval, the EPP may not admit new candidates for educator certification, but may complete the training of candidates already admitted by the EPP and recommend them for certification. If necessary, TEA staff and other EPPs shall cooperate to assist the previously admitted candidates of the revoked EPP to complete their training.
- (g) Small group exception.
- (1) For purposes of accreditation status determination, the performance of an EPP candidate group, aggregated or disaggregated, shall be measured against performance standards described in this chapter in any one year in which the number of individuals in the group exceeds 20.
  - (2) For an EPP candidate group disaggregated by gender, ethnicity, and certification field, where the group contains 20 or fewer individuals, the group's performance shall not be counted for purposes of accreditation status determination for that academic year.
  - (3) For an EPP candidate group not disaggregated by gender, ethnicity, and certification field, where the group contains 20 or fewer individuals, the group's performance shall not be counted for purposes of accreditation status determination for that academic year based on only that year's group performance.
  - (4) If the preceding year's EPP candidate group, not disaggregated by gender, ethnicity, and certification field, contained 20 or fewer individuals, that group performance shall be combined with the following year's group performance, and if the two-year cumulated group contains more than 20 individuals, then the two-year cumulated group performance must be measured against the standards in that second year.
  - (5) If the two-year cumulated EPP candidate group, not disaggregated by gender, ethnicity, and certification field, contains 20 or fewer individuals, then the two-year cumulated group performance shall be combined with the following year's group performance. The three-year

cumulated group performance must be measured against the standards in that third year, regardless of how small the cumulated number of group members may be.

- (6) In any reporting year in which the EPP candidate group, not disaggregated by gender and ethnicity, or in which the EPP candidate group, disaggregated by certification field, does not meet the necessary number of individuals needed to measure against performance standards for that year, any sanction assigned as a result of an accredited-warned or accredited-probation status in a prior year will continue if that candidate group has not met performance standards since being assigned accredited-warned or accredited-probation status. TEA staff may modify the sanction as TEA staff deems necessary based on subsequent performance, even though that performance is not measured against performance standards for a rating.
- (h) Action plan. An EPP that fails to meet a required performance standard shall develop an action plan addressing the deficiencies and describing the steps the program will take to improve the performance of its candidates, especially regarding the performance standard that was not met. TEA staff may prescribe the information that must be included in the action plan. The action plan must be sent to TEA staff no later than 45 calendar days following notification to the EPP of the failure to meet a performance standard.
- (i) Controlling section. To the extent of any conflict, this section controls over the requirements in §229.21 of this title (relating to Transitional Provisions).

*Statutory Authority: The provisions of this §229.4 issued under the Texas Education Code, §§21.045, 21.0451, 21.0452, and 21.0453.*

*Source: The provisions of this §229.4 adopted to be effective April 18, 2010, 35 TexReg 2849; amended to be effective October 26, 2014, 39 TexReg 8395; amended to be effective March 22, 2015, 40 TexReg 1375.*

#### **§229.5. Accreditation Sanctions and Procedures.**

- (a) The State Board for Educator Certification (SBEC) may assign an educator preparation program (EPP) Accredited-Warned or Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules and/or Texas Education Code, Chapter 21.
- (b) If an EPP has been assigned Accredited-Warned or Accredited-Probation status, or if the SBEC determines that additional action is a necessary condition for the continuing approval of an EPP to recommend candidates for educator certification, the SBEC may take any one or more of the following actions, which shall be reviewed by the SBEC at least annually:
  - (1) require the EPP to obtain technical assistance approved by the Texas Education Agency (TEA) or SBEC;
  - (2) require the EPP to obtain professional services approved by the TEA or SBEC; and/or
  - (3) appoint a monitor to participate in the activities of the EPP and report the activities to the TEA or SBEC.
- (c) Notwithstanding the accreditation status of an EPP, if the performance of all candidates admitted to an individual certification field offered by an EPP fail to meet any of the standards in §229.4(a) of this title (relating to Determination of Accreditation Status) for three consecutive years, the approval to offer that certification field shall be revoked. Any candidates already admitted for preparation in that field may continue in the EPP and be recommended for certification after program completion, but no new candidates shall be admitted for preparation in that field unless and until the SBEC reinstates approval for the EPP to offer that certification field.
- (d) For purposes of determining compliance with subsection (b) of this section, candidate performance in individual certification fields in only the 2012-2013 academic year and subsequent academic years will be considered. To the extent of any conflict, this subsection controls over the requirements in §229.21 of this title (relating to Transitional Provisions).
- (e) Performance indicators by gender and ethnic groups shall not be counted for purposes of subsection (b) of this section, relating to performance standards for individual certification fields. If the number of counted performance indicators for a certification field is 20 or fewer, and the performance indicators fail to meet

any of the standards in §229.4(a) of this title, those performance indicators shall not count that year, but shall be cumulated and counted in the same manner as provided in §229.4(c) and (d) of this title.

- (f) An EPP shall be notified in writing regarding any action proposed to be taken pursuant to this section, or proposed assignment of an accreditation status of Accredited-Warning, Accredited-Probation, or Not Accredited-Revoked. The notice shall state the basis on which the proposed action is to be taken or the proposed assignment of the accreditation status is to be made.
- (g) All costs associated with providing or requiring technical assistance, professional services, or the appointment of a monitor pursuant to this section shall be paid by the EPP to which the services are provided or required, or its sponsor.

*Statutory Authority: The provisions of this §229.5 issued under the Texas Education Code, §§21.045, 21.0451, 21.0452, and 21.0453.*

*Source: The provisions of this §229.5 adopted to be effective April 18, 2010, 35 TexReg 2849; amended to be effective October 26, 2014, 39 TexReg 8395; amended to be effective March 22, 2015, 40 TexReg 1375.*