

## Item 17:

### Discussion of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

#### 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. As part of this item, Texas Education Agency (TEA) staff will provide an update and status to allow the SBEC to discuss possible revisions to the rules as the result of recent legislative changes, SBEC input, stakeholder input, and input received from staff at TEA.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 228 is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (2); 21.044, as amended by House Bill (HB) 2205 and Senate Bill (SB) 674, 84th Texas Legislature, Regular Session, 2015; 21.0443, as added by HB 2205, 84th Texas Legislature, Regular Session, 2015; 21.045, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015; 21.0453; 21.0454, as added by HB 2205, 84th Texas Legislature, Regular Session, 2015; 21.0455, as added by HB 2205, 84th Texas Legislature, Regular Session, 2015; 21.048, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015; 21.049; 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 §§228.1, 228.2, 228.10, 228.20, 228.30, 228.40, 228.50, and 228.60 effective July 11, 1999, and last amended the sections effective October 27, 2014. Section 228.35 was adopted effective December 14, 2008, and last amended effective October 27, 2014. Section 228.70 was adopted effective March 22, 2015.

**FUTURE ACTION EXPECTED:** Any proposed revisions to 19 TAC Chapter 228 would be presented to the SBEC for filing as proposed at the February 2016 SBEC meeting.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** The SBEC rules in 19 TAC Chapter 228 establish requirements for educator preparation programs (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 TEC, §21.049, authorizes the SBEC to adopt rules providing for educator certification programs as an alternative to traditional EPPs.

#### SBEC Input

At the January 2015 SBEC Work Session, the SBEC members received three presentations on educator quality. The Texas Teaching Commission, the Council for the Accreditation of Educator Preparation, and the National Council on Teacher Quality provided state and national perspectives on educator quality. SBEC members provided feedback to TEA staff on those

presentations. Specifically, as it relates to 19 TAC Chapter 228, the SBEC requested policy options that focus on raising EPP standards, improving teacher preparation programs, and providing solutions to correct current problems in Texas EPPs. Proposed revisions to 19 TAC Chapter 228 would address this request.

### General Provisions

Additional topics may be presented at the December meeting as stakeholder input continues to be provided.

### Definitions

Possible revisions to 19 TAC §228.2 would include:

- amending the definition of *field supervisor* to clarify that a field supervisor's certification must be in the certification classes or categories in which they provide supervision and to allow for other credentials and activities to substitute for a current certificate. These revisions are not currently included in the draft rule text because they are not currently a recommendation from TEA staff;
- amending the definition of *post-baccalaureate program* to differentiate it from the definition of *alternative certification program*;
- adding definitions of *accredited institution of higher education*, *benchmarks*, *certification category*, *certification class*, *classroom teacher*, *contingency admission*, *formal admission*, *school day*, and *school year*;
- amending the definition of *candidate* to clarify that a candidate must be admitted to an EPP on a contingent or formal basis as defined in Chapter 227, Provisions for Educator Preparation Candidates;
- amending the definitions of *clinical teaching*, *internship*, and *practicum* to reflect possible revisions in Chapter 228;
- amending the definitions of *cooperating teacher*, *mentor*, and *site supervisor* to reflect possible revisions in Chapter 228;
- removing the definition of *professional certification* and referring to the specific classes of certification throughout Chapter 228; and
- removing definitions that are not used in Chapter 228.

Additional topics may be presented at the December SBEC meeting as stakeholder input continues to be provided.

### Approval Process

Possible revisions to 19 TAC §228.10 would include:

- amending the new entity approval process to include all the requirements of Chapter 227, Provisions for Educator Preparation Candidates, Chapter 229, Accountability System for Educator Preparation Programs, and Chapter 230, Professional Educator Preparation and Certification, as well as specific sections of Chapter 228;
- amending the new entity approval process to include a calendar of program activities for the duration of the school year that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, and training requirements prior to a clinical teaching or internship experience; and
- amending the continuing entity approval process to include the EPP risk model and risk factors in accordance with TEC, §21.0454, as added by HB 2205, 84th Texas Legislature, Regular Session, 2015.

Additional topics may be presented at the December SBEC meeting as stakeholder input continues to be provided.

### Program Consolidation or Closure

Possible revisions to 19 TAC §228 would include adding §228.15 to describe the procedures an EPP would need to follow for closure or consolidation. These procedures would include:

- submitting a letter on official letterhead to TEA staff signed by the legal authority of the EPP that contains a formal statement of consolidation or closing with an effective date of August 31 for consolidation or closure;
- contacting candidates currently in the EPP with notification of consolidation or closure and steps candidates must take in relation to their status;
- maintaining evidence of attempts to notify each candidate;
- providing and updating a representative's name, electronic mail address, and telephone number that will be valid for five years after the EPP's closure to provide access to candidate records and responses to former candidate's questions and/or issues;
- completing required TEA actions such as required submissions of information, surveys, and other accountability data; removal of security accesses; and reconciliation of probationary and standard certification recommendations. If an EPP is consolidating, the candidate records will transfer to the new EPP;
- the chief operating officer, legal authority, or a member of the governing body of an EPP that fails to comply with the consolidation or closure procedures in this chapter is not eligible to be recommended to the SBEC for approval as an EPP;
- The chief operating officer, legal authority, or a member of the governing body of an EPP that closes voluntarily due to pending TEA or SBEC action or involuntarily due to SBEC action is not eligible to be recommended to the SBEC for approval as an EPP; and

- If an EPP is consolidating and fails to comply with the consolidation procedures in this chapter, TEA staff may make a recommendation that the SBEC impose sanctions affecting the new EPP's accreditation status.

Additional revisions may be presented at the December SBEC meeting as stakeholder input continues to be provided.

#### Governance of Educator Preparation Programs

Possible revisions to 19 TAC §228.20 would include:

- decreasing the minimum number of times an advisory committee shall meet each academic year from two to one;
- clarifying that the EPP shall inform each member of the advisory committee of the roles and responsibilities of the committee; and
- clarifying that an amendment to an EPP must be approved by the SBEC if more than half of program components are being amended or if more than half of the certification classes or certification categories are effected by the amendment.

Additional topics may be presented at the December SBEC meeting as stakeholder input continues to be provided.

#### Educator Preparation Curriculum

Possible revisions to 19 TAC §228.30 would include:

- clarifying which of the existing curriculum requirements are for all classes of certificates and which requirements are appropriate for a specific class of certificate;
- amending the curriculum requirements for the classroom teacher class of certificate to include the English Language Proficiency Standards and, for certificate fields that include early childhood, the Prekindergarten Guidelines;
- revising the curriculum requirements for all classes of certificates to include the information required by TEC, §21.044, as amended by HB 2012, 83rd Texas Legislature, Regular Session, 2013; and TEC, §21.0453, as added by HB 2318, 83rd Texas Legislature, Regular Session, 2013;
- amending the curriculum requirements to include mental health, substance abuse, and youth suicide training as required by TEC, §21.044, as amended by SB 674, 84th Texas Legislature, Regular Session, 2015; and
- revising the curriculum requirements for the principal classes of certificate to include the skills and competencies captured in the Texas principal standards as indicated in 19 TAC Chapter 149, Commissioner's Rules Concerning Educator Standards.

The TEC, §21.044, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015, requires all programs that provide training in certification areas that require a bachelor's degree to include training on the instruction of dyslexia. Changes to 19 TAC Chapter 228 are not necessary because the current rules as written comply with the change in law. Additional topics may be presented at the December SBEC meeting as stakeholder input continues to be provided.

### Preparation Program Coursework and/or Training

Possible revisions to 19 TAC §228.35 would include:

- clarifying that coursework and training must adequately prepare candidates for educator certification;
- clarifying that coursework and training must be sustained, rigorous, intensive, interactive, candidate-focused, and performance-based;
- clarifying which of the existing coursework and training requirements are for all classes of certificates and which requirements are appropriate for a specific class of certificate;
- clarifying that previous training that an EPP may substitute for preparation requirements must have been provided by an approved EPP or an approved continuing professional education provider;
- clarifying that internship candidates who are considered late hires must complete 30 hours of field-based experiences within the first 90 school days of the internship assignment;
- clarifying that an EPP must approve a field-based experience prior to a candidate's participation in a field-based experience;
- clarifying the field-based experience provisions so that the standards are similar for onsite experiences and experiences provided by use of electronic transmission or other video or technology-based method;
- revising the requirements to require online EPPs to meet standards for online coursework and training;
- revising the internship, clinical teaching, and practicum provisions to prohibit an assignment in a setting where the candidate:
  - has an administrative role over the mentor, cooperating teacher, or site supervisor;  
or
  - is related to the field supervisor, mentor, cooperating teacher, or site supervisor;
- revising the clinical teaching provisions to:
  - allow for a clinical teaching experience that requires:
    - 50 hours of field-based experiences prior to clinical teaching with no more than 10 hours of field-based experiences being simply observation; and
    - a minimum of 14 weeks that includes 400 clock hours during clinical teaching with at least 25 clock hours each week and four clock hours each day;

- clarify that a full day is 100% of the day and a half day is 50% of the day; and
- require the field supervisor to provide a copy of the written observation feedback to the cooperating teacher but not to the campus administrator;
- revising the internship provisions to:
  - allow for an internship assignment of less than a full day if the assignment meets the definition of classroom teacher and the employing school or district notifies the EPP in writing prior to the beginning of the assignment that the assignment is less than a full day; and
  - require the field supervisor to provide a copy of the written observation feedback to the mentor teacher and supervising campus administrator;
- revising the practicum provisions to require that a site supervisor who is trained by the EPP be assigned to a practicum candidate;
- amending the ongoing support for teacher candidates provisions to:
  - emphasize collaboration among the field supervisor, candidate, cooperating teacher/mentor, and supervising campus administrator;
  - for each formal observation, require an individualized and synchronous pre- and post-observation conference;
  - increase the number of observations for a 24-week half-day clinical teaching experience from three to four;
  - increase the number of observations for a year-long internship experience from three to five and allow for the fifth observation to be waived if there is written consensus among the candidate, field supervisor, mentor, and supervising campus administrator; and
  - clarify when observations need to occur;
- amending the ongoing support for school counselor, school librarian, principal, superintendent, educational diagnostician, reading specialist, and master teacher candidates provisions to:
  - emphasize collaboration between the field supervisor, candidate, and site supervisor;
  - require an individualized and synchronous pre- and post-observation conference for each formal observation;
  - require at least one of the observations to be conducted by the field supervisor on the candidate's site in a face-to-face setting;
  - clarify that if a formal observation is not conducted on the candidate's site in a face-to-face setting, the observation must be provided by use of electronic transmission or other video or technology-based method; and
  - clarify when observations need to occur.

Additional topics may be presented at the December SBEC meeting as stakeholder input continues to be provided.

### Assessment and Evaluation of Candidates for Certification and Program Improvement

Possible revisions to 19 TAC §228.40 would include:

- clarifying that unless a candidate demonstrates content knowledge on a content certification examination prior to being admitted to an EPP, an EPP is responsible for providing coursework and training that adequately prepares a candidate to pass the content certification examination(s) required for certification;
- revising this section to allow an EPP to prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP as long as the appropriate minimum semester credit hour criteria for the category has been met by the candidate and the candidate requests the new category in writing;
- clarifying that an EPP shall determine the readiness of each candidate to take the appropriate content certification exam(s);
- clarifying that an EPP shall not grant test approval for a content certification examination until a candidate has been contingently or formally admitted into a program; and
- revising this section to limit an EPP from approving a candidate to take a certification examination more than five times without the candidate receiving a waiver from the limitation from the SBEC in accordance with TEC, §21.048, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015.

Additional topics may be presented at the December SBEC meeting as stakeholder input continues to be provided.

#### Complaints and Investigations Procedures

Possible revisions to 19 TAC §228.40 would include:

- clarifying that a mentor, cooperating teacher, site supervisor, or administrator must be employed or have been employed at a site that serves as a site for clinical teaching, internship, or practicum experiences to be eligible to file a complaint against an EPP; and
- in accordance with the TEC, §21.0451(a), as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015, amending the language to broaden the authority of the SBEC to investigate EPPs for violations of state law or rules from TEC Chapter 21 and the SBEC rules to all state laws and rules.

The TEC, §21.0455, as added by HB 2205, 84th Texas Legislature, Regular Session, 2015, requires the SBEC to propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the TEA. HB 2205 also requires an EPP to notify candidates for teacher certification of this complaint process. Changes to 19 TAC Chapter 228 are not necessary because the current rules as written comply with the change in law. Additional topics may be presented at the December SBEC meeting as stakeholder input continues to be provided.

Remaining Sections

No input has been received regarding the professional conduct and implementation date sections since they were last amended effective October 27, 2014. However, topics may be presented at the December SBEC meeting if input is provided.

**FISCAL IMPACT:** An assessment of fiscal impact can be made after the SBEC gives guidance to TEA staff.

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

**PROCEDURAL AND REPORTING IMPLICATIONS:** An assessment of procedural and reporting implications can be made after the SBEC gives guidance to TEA staff.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** An assessment of locally maintained paperwork requirements can be made after the SBEC gives guidance to TEA staff.

**PUBLIC COMMENTS:** None.

**ALTERNATIVES:** None.

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

**Staff Members Responsible:** Tim Miller, Director  
Educator Preparation, Testing, and Program Accountability

Sandra Jo Nix, Program Manager  
Educator Preparation

**Attachments:** I. Statutory Citations  
II. Draft Text of Proposed Changes to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

**ATTACHMENT I****Statutory Citations Relating to 19 TAC Chapter 228, Requirements for Educator Preparation Programs****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;
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;

**Texas Education Code, §21.044, Educator Preparation, as amended by Senate Bill 674 and House Bill 2205, 84th Texas Legislature, Regular Session, 2015 (excerpts):**

- (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 training required to obtain that certificate ~~[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 regarding mental health, substance abuse, and youth suicide. The instruction required must:

- (1) be provided through a program selected from the list of recommended best practice-based programs established under Section 161.325, Health and Safety Code; and
- (2) include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports [~~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.]~~

(g) 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.

**Texas Education Code, §21.0443, Educator Preparation Program Approval and Renewal, as added by House Bill 2205, 84th Texas Legislature, Regular Session, 2015:**

(a) The board shall propose rules to establish standards to govern the approval or renewal of approval of:

(1) educator preparation programs; and

(2) certification fields authorized to be offered by an educator preparation program.

(b) To be eligible for approval or renewal of approval, an educator preparation program must adequately prepare candidates for educator certification and meet the standards and requirements of the board.

- (c) The board shall require that each educator preparation program be reviewed for renewal of approval at least every five years. The board shall adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

**Texas Education Code, §21.045, Accountability System for Educator Preparation Programs, as amended by House Bill 2205, 84th Texas Legislature, Regular Session, 2015:**

- (a) The board shall propose rules necessary to establish [~~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 race, 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 candidates completing student teaching, clinical teaching, or an internship; and
  - (5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching [~~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:
- (1) the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3);
  - (2) data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences;
  - (3) [~~and~~] the following information, disaggregated by race, sex, and ethnicity:
    - (A) [(4)] the number of candidates who apply;
    - (B) [(2)] the number of candidates admitted;
    - (C) [(3)] the number of candidates retained;
    - (D) [(4)] the number of candidates completing the program;
    - (E) [(5)] the number of candidates employed as beginning teachers under standard teaching certificates by not later than the first anniversary of [~~in the profession after~~] completing the program;
    - (F) the amount of time required by candidates employed as beginning teachers under probationary teaching certificates to be issued standard teaching certificates;
    - (G) [(6)] the number of candidates retained in the profession; and
    - (H) [(7)] any other information required by federal law;

- (4) the ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
  - (5) any other information necessary to enable the board to assess the effectiveness of the program on the basis of teacher retention and success criteria adopted by the board.
- (c) The board shall propose rules necessary to establish ~~[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, §21.0453, 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.

**Texas Education Code, §21.0454, Risk Factors for Educator Preparation Program; Risk-Assessment Model, as added by House Bill 2205, 84th Texas Legislature, Regular Session, 2015:**

- (a) The board shall propose rules necessary to develop a set of risk factors to use in assessing the overall risk level of each educator preparation program. The set of risk factors must include:
- (1) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:
    - (A) the seriousness of any violation of a rule, standard or procedure;
    - (B) whether the violation resulted in an action being taken against the program;
    - (C) whether the violation was promptly remedied by the program;
    - (D) the number of alleged violations; and
    - (E) any other matter considered to be appropriate in evaluating the program's compliance history; and
  - (2) whether the program meets the accountability standards under Section 21.045.

- (b) The set of risk factors developed by the board may include whether an educator preparation program is accredited by other organizations.
- (c) The board shall use the set of risk factors to guide the agency in conducting monitoring, inspections, and compliance audits of educator preparation programs, including evaluations associated with renewals under Section 21.0443.

**Texas Education Code, §21.0455, Complaints Regarding Educator Preparation Programs, as added by House Bill 2205, 84th Texas Legislature, Regular Session, 2015:**

- (a) The board shall propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an educator preparation program to the agency.
- (b) The board by rule shall require an educator preparation program to notify candidates for teacher certification of the complaint process adopted under Subsection (a). The notice must include the name, mailing address, telephone number, and Internet website address of the agency for the purpose of directing complaints to the agency. The educator preparation program shall provide for that notification:
  - (1) on the Internet website of the educator preparation program, if the program maintains a website; and
  - (2) on a sign prominently displayed in program facilities.
- (c) The board shall post the complaint process adopted under Subsection (a) on the agency's Internet website.
- (d) The board has no authority to arbitrate or resolve contractual or commercial issues between an educator preparation program and a candidate for teacher certification.

**Texas Education Code, §21.048, Certification Examinations, as amended by House Bill 2205, 84th Texas Legislature, Regular Session, 2015:**

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.
- (a-1) The board may not require that more than 45 days elapse before a person may retake an examination. A person may not retake an examination more than four times, unless the board waives the limitation for good cause as prescribed by the board.
- (a-2) For purposes of the limitation imposed by Subsection (a-1) on the number of administrations of an examination, a person who initially took an examination before September 1, 2015, may retake the examination up to four times after that date, regardless of the number of times that the person attempted to perform satisfactorily on the examination before that date. This subsection expires September 1, 2018.
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.

- (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.
- (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless [;]  
[(4)] the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057 [;-of  
(2) — the educator has failed the examination more than five times.]

**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 (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**  
**Draft Text of Proposed Revisions to 19 TAC 228**

**§228.1. General Provisions.**

- (a) To ensure the highest level of educator preparation and practice, the State Board for Educator Certification (SBEC) recognizes that the preparation of educators must be the joint responsibility of educator preparation programs (EPPs) and the Early Childhood-Grade 12 public and private schools of Texas. Collaboration in the development, delivery, and evaluation of educator preparation is required.
- (b) Consistent with the Texas Education Code, §21.049, the SBEC's rules governing educator preparation are designed to promote flexibility and creativity in the design of EPPs to accommodate the unique characteristics and needs of different regions of the state as well as the diverse population of potential educators.
- (c) All EPPs are subject to the same standards of accountability, as required under Chapter 229 of this title (relating to Accountability System 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 or private ~~[-or charter]~~ school or institution of higher education, September 1 through August 31.
- (2) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (3) ~~[(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.
- (4) Benchmarks--A record similar to a transcript for each candidate enrolled in an educator preparation program documenting the completion of admission, program, certification, and other requirements.
- (5) ~~[(3)]~~ Candidate--An individual who has been formally or contingently 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.
- (6) Certification Category--A certificate type within a certification class; also known as certification field.
- (7) Certification Class--A certificate, as described in §230.33 of this title (relating to Classes of Certification), that has defined characteristics and includes the following: superintendent, principal, classroom teacher, school counselor, school librarian, educational diagnostician, reading specialist, master teacher, and/or instructional aide.
- (8) ~~[(5)]~~ Classroom teacher--An educator, as defined in the Texas Education Code, §5.001, who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting.
- (9) ~~[(4)]~~ Clinical teaching--A supervised ~~[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) ~~[(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 institution of higher education [~~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.

- (11) Contingency admission--Admission as described in §227.15 of this title (relating to Contingency Admission).
- (12) [~~(6)~~] Cooperating teacher-- For a clinical teacher candidate, a currently certified educator assigned by the campus administrator who has completed cooperating teacher training by the educator preparation program (EPP); who guides, assists, and supports the candidate during the candidate's clinical teaching in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's educator preparation program. [~~The campus-based mentor teacher for the clinical teacher.~~]
- (13) [~~(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 classes [~~fields~~].
- (14) [~~(8)~~] Entity--The legal entity that is approved to deliver an educator preparation program.
- (15) [~~(9)~~] Field-based experiences--Introductory experiences for a teacher certification candidate involving reflective observation of Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting.
- (16) [~~(10)~~] Field supervisor--A currently certified educator, hired by the [~~educator preparation program~~] EPP, who preferably has advanced credentials, to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.
- (17) Formal admission--Admission as described in §227.17 of this title (relating to Formal Admission).
- (18) [~~(11)~~] Head Start Program--The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.
- (19) [~~(12)~~] Internship--A supervised[~~, full-time~~]-classroom teacher [~~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.
- (20) [~~(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.
- (21) [~~(14)~~] Mentor--For an internship candidate [~~a classroom teacher~~], a currently certified educator assigned by the campus administrator who has completed mentor training by the EPP; who guides, assists, and supports the candidate [~~teacher~~] during the internship [~~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 candidate's [~~teacher's~~] progress to that candidate's [~~teacher's~~] educator preparation program.
- (22) [~~(15)~~] Pedagogy--The art and science of teaching, incorporating instructional methods that are developed from scientifically-based research.
- (23) [~~(16)~~] Post-baccalaureate program--An [~~approved~~] educator preparation program, delivered by an accredited institution of higher education, that is designed for individuals who already hold at least a bachelor's degree and that must be [~~is~~] approved by the State Board for Educator Certification to recommend candidates for certification.
- (24) [~~(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 class for which a [~~professional~~] certificate in a certification class other than classroom teacher or instructional aide is sought [~~such as superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher~~].

- (25) School day--A school day, as defined in the Texas Education Code, §25.082, shall be at least seven hours (420 minutes) each day, including intermissions and recesses.
- (26) School year--A school year, as defined in the Texas Education Code, §25.081, shall provide at least 180 days (75,600 minutes) of instruction for students.
- ~~[(18) Professional certification--Certification for superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher.]~~
- (27) ~~[(19)]~~ Site supervisor--For a practicum candidate, a currently 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 by the EPP; 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.]~~
- (28) ~~[(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.
- (29) ~~[(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.

#### §228.10. Approval Process.

- (a) New Entity Approval. An entity seeking initial approval to deliver an educator preparation program (EPP) shall submit an application and proposal with evidence indicating the ability to comply with the provisions of this chapter, ~~and~~ Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates), Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs), and Chapter 230 of this title (relating to Professional Educator Preparation and Certification). ~~The proposal shall include the following program approval components: entity commitment to adequate preparation of certification candidates, program standards, and community collaboration; criteria for admission to an EPP; curriculum; program delivery and evaluation; and a plan for ongoing support of the candidates. The proposal must also identify the certificates proposed to be offered by the entity and meet applicable federal statutes or regulations.~~ The proposal will be reviewed by the Texas Education Agency (TEA) staff and a pre-approval site visit will be conducted. The TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved. A post-approval site visit will be conducted after the first year of the EPP's operation. The proposal shall include the following program approval components:
- (1) governance of the EPP;
  - (2) criteria for admission to the EPP;
  - (3) EPP curriculum;
  - (4) EPP coursework and/or training, including ongoing support during clinical teaching, internship, and practicum experiences;
  - (5) probationary and standard certification procedures;
  - (6) assessment and evaluation of candidates for certification and EPP improvement;
  - (7) professional conduct of EPP staff and candidates;
  - (8) EPP complaint procedures;
  - (9) required submissions of information, surveys, and other accountability data;
  - (10) identification of the classes and categories of certificates proposed to be offered by the entity;

- (11) a calendar of program activities for the duration of the school year that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, and training requirements prior to a clinical teaching or internship experience; and
- (12) compliance with applicable federal and state statutes or regulations.
- (b) Continuing Entity Approval. An entity approved by the SBEC under this chapter shall be reviewed at least once every five years under procedures approved by the TEA staff; however, a review may be conducted at any time at the discretion of the TEA staff. At the time of the review, the entity shall submit to the TEA staff [SBEC] a status report regarding its compliance with existing standards for EPPs and the entity's original proposal. TEA staff shall, at the minimum, use the following risk factors to determine the need for discretionary reviews and the type of five-year reviews:
- (1) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:
- (A) the seriousness of any violation of a rule, standard, or procedure;
- (B) whether the violation resulted in an action being taken against the program;
- (C) whether the violation was promptly remedied by the program;
- (D) the number of alleged violations; and
- (E) any other matter considered to be appropriate in evaluating the program's compliance history; and
- (2) whether the program meets the accountability standards under Texas Education Code, §21.045.
- (c) Approval of Clinical Teaching for an Alternative Certification Program. An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by the TEA staff:
- (1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;
- (2) selection criteria for clinical teachers;
- (3) selection criteria for mentor teachers;
- (4) description of support and communication between candidates, mentors, and the alternative certification program;
- (5) description of program supervision; and
- (6) description of how candidates are evaluated.
- (d) Addition of Certificate Categories [Fields].
- (1) An EPP that is rated "accredited," as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request additional certificate categories [fields] be approved by TEA staff, by submitting the curriculum matrix; a description of how the standards for Texas educators are incorporated into the EPP; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in each certification category [field] being requested. The curriculum matrix must include the standards, framework competencies, applicable Texas Essential Knowledge and Skills, course and/or module names, and the benchmarks or assessments used to measure successful program progress.
- (2) An EPP rated "accredited" [as provided in §229.4 of this title,] and currently approved to offer a [content area] certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category [content field] at different grade levels by submitting a modified curriculum matrix that includes the standards, course and/or module names, and the benchmarks or assessments used to measure successful program progress. The requested additional certificate categories [fields] must be within the classes of certificates for which the EPP has been previously approved by the SBEC.

- (3) An EPP that is not rated "accredited" may not apply to offer additional certificate ~~categories~~ [fields] or classes of certificates.
- (4) [(2)] An EPP that is rated "accredited" may request the addition of certificate ~~categories~~ [fields] in a class of certificates that has not been previously approved by the SBEC, but must present a full proposal for consideration and approval by the SBEC.
- (e) Addition of Program Locations. An EPP that is rated "accredited," as provided in §229.4 of this title, may open additional locations, provided the program informs the SBEC of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location. Additional program locations must operate in accordance with the program components under which the program has been approved to operate.
- (f) Contingency of Approval. Approval of an EPP by the SBEC or by the TEA staff, including each specific certificate category [field], is contingent upon approval by other lawfully established governing bodies such as the Texas Higher Education Coordinating Board, boards of regents, or school district boards of trustees. Continuing EPP approval is contingent upon compliance with superseding state and federal law.

#### **§228.15. Program Consolidation or Closure.**

- (a) An educator preparation program (EPP) that is consolidating or closing must comply with the following procedures to ensure that all issues relevant to EPP consolidation or closure have been addressed.
- (1) Submit a letter on official letterhead to Texas Education Agency (TEA) staff signed by the legal authority of the EPP that contains a formal statement of consolidation or closing with an effective date of August 31 for consolidation or closure.
- (2) Contact candidates currently in the EPP with notification of consolidation or closure and steps candidates must take in relation to their status. Maintain evidence of attempts to notify each candidate.
- (3) Identify and keep current a representative's name, electronic mail address, and telephone number that will be valid for five years after an EPP's closure to provide access to candidate records and responses to former candidate's questions and/or issues. If an EPP is consolidating, the candidate records will transfer to the new EPP.
- (4) Complete required TEA actions such as required submissions of information, surveys, and other accountability data; removal of security accesses; and reconciliation of probationary and standard certification recommendations.
- (b) The chief operating officer, legal authority, or a member of the governing body of an EPP that fails to comply with the consolidation or closure procedures in this chapter is not eligible to be recommended to the State Board for Educator Certification (SBEC) for approval as an EPP.
- (c) The chief operating officer, legal authority, or a member of the governing body of an EPP that closes voluntarily due to pending TEA or SBEC action or involuntarily due to SBEC action is not eligible to be recommended to the SBEC for approval as an EPP.
- (d) If an EPP is consolidating and fails to comply with the consolidation procedures in this chapter, TEA staff may make a recommendation that the SBEC impose sanctions affecting the new EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).

#### **§228.20. Governance of Educator Preparation Programs.**

- (a) Preparation for the certification of educators may be delivered by an institution of higher education, regional education service center, public school district, or other entity approved by the State Board for Educator Certification (SBEC) under §228.10 of this title (relating to Approval Process).

- (b) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA-recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA-recognized private schools. An advisory committee with members representing as many as possible of the groups identified as collaborators in this subsection shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP). The approved EPP shall inform each member of the advisory committee of [approve] the roles and responsibilities of [each member of] the advisory committee and shall meet a minimum of once [twice] during each academic year.
- (c) The governing body and chief operating officer of an entity approved to deliver educator preparation shall provide sufficient support to enable the EPP to meet all standards set by the SBEC and shall be accountable for the quality of the EPP and the candidates whom the program recommends for certification.
- (d) All EPPs must be implemented as approved by the SBEC as specified in §228.10 of this title.
- (e) Proposed amendments to an EPP must be submitted to the TEA staff and be approved prior to implementation. Significant amendments, related to the [five] program-approval components specified in §228.10(a) of this title, must be approved by the SBEC to become effective. An amendment is considered significant if more than half of components are being amended or if more than half of the certification classes or categories are effected by the amendment. The EPP will be notified in writing of the approval or denial of its proposal within 60 days following a determination by the SBEC.

### §228.30. Educator Preparation Curriculum.

- (a) The educator standards adopted by the State Board for Educator Certification (SBEC) shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).
- (b) The curriculum for each educator preparation program shall rely on scientifically-based research to ensure educator [teacher] effectiveness [and align to the TEKS. Coursework and training should be sustained, rigorous, interactive, student focused, and performance based].
- (c) The following subject matter shall be included in the curriculum for candidates seeking [initial] certification in any certification class:
- ~~[(1) — reading instruction, including instruction that improves students' content area literacy;]~~
- (1) [~~(2)~~] the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics);
- ~~[(3) — the skills and competencies captured in the Texas teacher standards, as indicated in Chapter 149 of this title (relating to Commissioner's Rules Concerning Educator Standards), which include:]~~
- ~~[(A) — instructional planning and delivery;]~~
- ~~[(B) — knowledge of students and student learning;]~~
- ~~[(C) — content knowledge and expertise;]~~
- ~~[(D) — learning environment;]~~
- ~~[(E) — data driven practice; and]~~
- ~~[(F) — professional practices and responsibilities;]~~
- (2) [~~(4)~~] instruction in detection and education of students with dyslexia, as indicated in the Texas Education Code (TEC), §21.044(b); [and]
- (3) [~~(5)~~] instruction regarding mental health, substance abuse, and youth suicide ~~in detection of students with mental or emotional disorders~~ , as indicated in the TEC, §21.044(c-1) ; [and (c-2)];
- (4) 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;

- (5) the importance of building strong classroom management skills; and
- (6) the framework in this state for teacher and principal evaluation.
- (d) The following subject matter shall be included in the curriculum for candidates seeking certification in the classroom teacher certification class:
  - (1) the relevant TEKS, including the English Language Proficiency Standards;
  - (2) reading instruction, including instruction that improves students' content-area literacy;
  - (3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and
  - (4) the skills and competencies captured in the Texas teacher standards, as indicated in Chapter 149, Subchapter AA, of this title (relating to Teacher Standards), which include:
    - (A) instructional planning and delivery;
    - (B) knowledge of students and student learning;
    - (C) content knowledge and expertise;
    - (D) learning environment;
    - (E) data-driven practice; and
    - (F) professional practices and responsibilities.
- (e) For candidates seeking certification in the principal certification class, the curriculum shall include the skills and competencies captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of this title (relating to Administrator Standards), which include:
  - (1) instructional leadership;
  - (2) human capital;
  - (3) executive leadership;
  - (4) school culture; and
  - (5) strategic operations.

### **§228.35. Preparation Program Coursework and/or Training.**

- (a) Coursework and/or Training for Candidates Seeking [~~Initial~~] Certification in Any Certification Class.
  - (1) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the classroom.
  - (2) Coursework and/or training shall [~~Professional development should~~] be sustained, rigorous, intensive, interactive, candidate-focused, and performance-based [~~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.]~~

- (3) ~~(4)~~ All coursework and/or training shall be completed prior to EPP completion and standard certification.
- (4) ~~(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.
- (5) ~~(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, ~~and the training was provided by an approved EPP.~~
- (6) Coursework and training that is offered online must meet one or more of the following:
- (i) Accreditation by the Distance Education Accrediting Commission;
  - (ii) Program Design and Teaching Support Certification by Quality Matters;
  - (iii) Compliance with 19 TAC Chapter 4, Subchapter P (rules governing online, hybrid/blended, electronic-to-groups); or
  - (iv) Compliance with 19 TAC Chapter 7 (rules governing degree granting colleges and universities other than Texas public institutions).
- (b) Coursework and/or Training for Candidates Seeking Certification in the Classroom Teacher Certification Class. An EPP shall provide each candidate with a minimum of 300 clock-hours of coursework and/or training. Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:
- (1) 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
  - (2) 80 clock-hours of coursework and/or training.
- (c) ~~(b)~~ Coursework and/or Training for Candidates Seeking Certification in the Superintendent, Principal, School Counselor, School Librarian, Educational Diagnostician, Reading Specialist, and Master Teacher ~~[for Professional]~~ Certification Classes . 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 class ~~[field]~~ .
- (d) ~~(e)~~ 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 (b)(1) and (2) ~~[(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.
- (e) ~~(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 in the classroom teacher certification class , 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.]~~
  - (A) Field-based experiences must include 15 clock-hours in which the candidate, ~~[under supervision]~~ with approval of the EPP prior to the candidate's participation in the field-based experience, is actively engaged in instructional or educational activities that include:

- (i) ~~(A)~~ authentic school settings in a public school accredited by the TEA or other school approved by the TEA for this purpose;
  - (ii) ~~(B)~~ instruction by content certified teachers;
  - (iii) ~~(C)~~ actual students in classrooms/instructional settings with identity-proof provisions;
  - (iv) ~~(D)~~ content or grade-level specific classrooms/instructional settings; and
  - (v) ~~(E)~~ written reflection of the observation.
- (B) 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 experience provided by use of electronic transmission or other video or technology-based method must include:
- (i) approval by the EPP prior to the candidate's participation in the field-based experience;
  - (ii) authentic school settings in a public school;
  - (iii) instruction by content certified teachers;
  - (iv) actual students in classrooms/instructional settings with identity-proof provisions;
  - (v) content or grade-level specific classrooms/instructional settings; and
  - (vi) written reflection of the observation.
- (2) For ~~initial~~ certification in the classroom teacher certification class, 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 of full days, with a full day being 100% of the school day; ~~[or]~~
  - (B) clinical teaching for a minimum of 24 weeks of half days, with a half day being 50% of the school day; ~~[or]~~
  - (C) clinical teaching for a minimum of 14 weeks, including a total of at least 400 clock hours of teaching experience, with at least 25 clock hours each week, and at least 4 clock hours each day. At least 50 clock hours of field-based experiences are required prior to clinical teaching with no more than 10 of those hours being simply observation; or
  - (D) ~~(B)~~ internship ~~[, as defined in §228.2 of this title,]~~ for a minimum of one full school year for ~~the~~ a classroom teacher assignment that matches the certification category ~~[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.
    - (i) 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.
    - (ii) An EPP may permit an internship of less than a full day if the assignment meets the definition of classroom teacher and the employing school or district notifies the EPP in writing prior to the beginning of the assignment that the assignment is less than a full day.
- (3) ~~(4)~~ An internship or clinical teaching experience for certificates that include early childhood and prekindergarten ~~[an Early Childhood-Grade 6 candidate]~~ may be completed at a Head Start Program with the following stipulations:
- (A) ~~(4)~~ a certified teacher is available as a trained mentor;

- (B) ~~(H)~~ the Head Start program is affiliated with the federal Head Start program and approved by the TEA;
- (C) ~~(H)~~ the Head Start program teaches three- and four-year-old students; and
- (D) ~~(V)~~ the state's prekindergarten ~~pre-kindergarten~~ curriculum guidelines are being implemented.
- (4) ~~(ii)~~ An internship or [ ] clinical teaching ~~[, or practicum]~~ experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
- (5) An internship or clinical teaching experience shall not take place in a setting where the candidate:
- (A) has an administrative role over the mentor or cooperating teacher; or
- (B) is related to the field supervisor, mentor, or cooperating teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
- (6) ~~(3)~~ For certification in the Superintendent, Principal, School Counselor, School Librarian, Educational Diagnostician, Reading Specialist, and Master Teacher certification classes ~~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. A practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting. A practicum shall not take place in a setting where the candidate:
- (A) has an administrative role over the site supervisor; or
- (B) is related to the field supervisor or site supervisor by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
- (7) ~~(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.
- (f) ~~(e)~~ [Campus] Mentors, ~~and~~ Cooperating Teachers, and Site Supervisors. In order to support a new educator and to increase educator ~~teacher~~ retention, an EPP shall collaborate with the campus or district administrator to assign each candidate a ~~campus~~ mentor during the candidate's ~~his or her~~ internship, ~~or~~ assign a cooperating teacher during the candidate's clinical teaching experience, or assign a site supervisor during the candidate's practicum. The EPP is responsible for providing mentor, ~~and/or~~ cooperating teacher, ~~and/or site supervisor~~ training that relies on scientifically-based research, but the program may allow the training to be provided by a school or district, if properly documented.
- (g) ~~(f)~~ Ongoing Educator Preparation Program Support for ~~Initial~~ Certification of Teachers. Supervision of each candidate who has not successfully completed a clinical teaching or internship assignment shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained by the EPP 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. For each formal observation, [F] the field supervisor shall participate in an individualized and synchronous pre-observation conference with the candidate, document educational ~~instructional~~ practices observed, provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate, and provide a copy of the written feedback to the candidate's cooperating teacher or mentor. For candidates participating in an internship, the field supervisor shall provide a copy of the written feedback to the candidate's supervising campus administrator. Informal observations and coaching shall be provided by the field supervisor as appropriate. The field supervisor shall collaborate with the candidate, mentor/cooperating teacher, and supervising campus administrator throughout the clinical teaching/internship experience.
- (1) Each formal 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 formal 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 50% ~~four months~~ of the assignment and two ~~one~~ formal observations ~~observation~~ during the last 50% ~~five months~~ of the assignment. If there is written consensus among the candidate, field supervisor, mentor, and supervising campus administrator, the fifth observation may be waived.
  - (4) For a 12-week or 14-week clinical teaching assignment, an EPP must provide a minimum of one formal ~~three~~ observation[s] during the first 50% of the assignment and a minimum of two formal observations during the last 50% of the assignment ~~, which is a minimum of 12 weeks~~.
  - (5) For a 24-week clinical teaching assignment, an EPP must provide a minimum of two formal observations during the first 50% of the assignment and two formal observations during the last 50% of the assignment.
- (h) ~~(g)~~ Ongoing Educator Preparation Program Support for Certification of Superintendents, Principals, School Counselors, School Librarians, Educational Diagnosticians, Reading Specialists, and Master Teachers ~~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 by the EPP 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 25% ~~three weeks~~ of the assignment. For each formal observation, [F] the field supervisor shall participate in an individualized and synchronous pre-observation conference with the candidate, document educational ~~instructional~~ practices observed, provide written feedback through an individualized, synchronous, and interactive post-observation 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. The field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.

- (1) Formal observations [~~Observations~~] must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
  - (2) At least one of the observations must be on the candidate's site in a face-to-face setting;
  - (3) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the observation must be provided by use of electronic transmission or other video or technology-based method.
  - (4) ~~(3)~~ An EPP must provide a minimum of one observation within the first 50% of the practicum and a minimum of two observations [~~three observations~~] during the last 50% [~~term~~] of the practicum.
- (i) [~~(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, ~~an~~ internship, ~~or~~ ~~consisting of~~ clinical teaching.

#### **§228.40. Assessment and Evaluation of Candidates for Certification and Program Improvement.**

- (a) To ensure that a candidate for educator certification is prepared to receive a standard certificate, the [~~entity delivering~~] educator preparation program (EPP) shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP [~~educator preparation program (EPP)~~].
- (b) Unless a candidate demonstrates content knowledge on a content certification examination, as defined in §227.10 of this title (relating to Admission Criteria), prior to being admitted to an EPP, an EPP is responsible for providing coursework and training that adequately prepares a candidate to pass the content certification examination(s) required for certification.
- (c) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the certificate for which the candidate was initially admitted to the EPP as long as the appropriate minimum semester credit hour criteria for the certificate has been met by the candidate.
- (d) [~~(b)~~] An EPP shall determine the readiness of each candidate to take the appropriate certification examination [~~assessment~~] of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct. An EPP shall not grant test approval for content or [~~the~~] pedagogy and professional responsibilities certification examination [~~assessment~~] until a candidate has met all of the requirements for admission to the program and has been contingently or formally admitted [~~fully accepted~~] into the EPP.
- (e) [~~(e)~~] For the purposes of EPP improvement, an entity shall continuously evaluate the design and delivery of the educator preparation curriculum based on performance data, scientifically-based research practices, and the results of internal and external feedback and assessments.
- (f) [~~(d)~~] An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after program completion.
- (g) An EPP shall not approve a candidate to retake a certification examination more than four times without the candidate receiving a waiver from the limitation from the SBEC in accordance with TEC, §21.048.

#### **§228.50. Professional Conduct.**

During the period of preparation, the educator preparation program shall ensure that the individuals preparing candidates and the candidates themselves adhere to Chapter 247 of this title (relating to Educators' Code of Ethics).

#### **§228.60. Implementation Date.**

- (a) The provisions of this chapter that were in effect on the date an educator preparation program (EPP) candidate was admitted to an EPP shall determine the program requirements applicable to that candidate.

- (b) All provisions in this chapter, except the total clock-hour training requirement, shall apply to §230.39 of this title (relating to Temporary Teacher Certificates).

**§228.70. Complaints and Investigations Procedures.**

- (a) Purpose. Texas Education Agency (TEA) staff shall maintain a process through which a candidate or former candidate in an educator preparation program (EPP), an applicant for candidacy in an EPP, an employee or former employee of an EPP, a cooperating teacher, a mentor, a site supervisor, or an administrator in a public [school district, charter school] or private school that serves as a site for clinical teaching, internship, or practicum experiences may submit, in accordance with subsection (c)(1) of this section, a complaint about an EPP for investigation and resolution.
- (b) EPP responsibilities.
- (1) The EPP shall adopt and send to TEA staff, for inclusion in the EPP's records, a complaint procedure that requires the EPP to timely attempt to resolve complaints at the EPP level before a complaint is filed with TEA staff.
  - (2) The EPP shall post on its website a link to the TEA complaints website and information regarding how to file a complaint under the EPP's complaint policy.
  - (3) The EPP shall post a notification at all of its physical site(s) used by employees and candidates, in a conspicuous location, information regarding filing a complaint with TEA staff in accordance with subsection (c)(1) of this section.
  - (4) Upon request of an individual, the EPP shall provide information in writing regarding filing a complaint under the EPP's complaint policy and the procedures to submit a complaint to TEA staff in accordance with subsection (c)(1) of this section.
- (c) TEA responsibilities.
- (1) Filing a complaint. TEA staff will develop a complaint form to standardize information received from an individual making a complaint against an EPP. The complaint form will be available on the TEA website. All complaints filed against an EPP must be in writing on the complaint form. The written complaint must clearly state the facts that are the subject of the complaint and must state the measures the complainant has taken to attempt resolution of the complaint with the EPP. Anonymous complaints may not be accepted or investigated.
  - (2) Processing the complaint.
    - (A) TEA staff will record all complaints in the TEA complaints tracking system. Each complaint, no matter the severity, shall be assigned a tracking number.
    - (B) The complaint will be forwarded to the division responsible for educator preparation for further action, including assessing the complaint, providing a severity status and prioritizing the complaint accordingly, and determining jurisdiction.
    - (C) If TEA staff determines that the complaint is not within the State Board for Educator Certification's (SBEC's) jurisdiction, TEA staff shall notify the complainant that the complaint will be closed without action for lack of jurisdiction. TEA staff and the SBEC do not have jurisdiction over complaints related to contractual arrangements with an EPP, commercial issues, obtaining a higher grade or credit for training, or seeking reinstatement to an EPP.
    - (D) If TEA staff determines the complainant knew or should have known about the events giving rise to a complaint more than two years before the earliest date the complainant filed a complaint with either TEA staff or the EPP, TEA staff will notify the complainant that the complaint will be closed without action.
    - (E) If a complainant has not exhausted all applicable complaint and appeal procedures that the EPP has established to address complaints, TEA staff may delay initiating an investigation until the EPP's complaint and appeal process is complete.

- (3) Investigating the complaint.
- (A) If TEA staff determines a complaint is within the SBEC's jurisdiction, TEA staff will notify the respondent EPP that a complaint has been made, provide a summary of the allegations in the complaint, and request that the EPP respond to the complaint.
  - (B) TEA staff may request further information from the individual and from the EPP.
  - (C) An EPP shall:
    - (i) cooperate fully with any SBEC investigation; and
    - (ii) respond within 21 business days of receipt to requests for information regarding the complaint(s) and other requests for information from the TEA, except where:
      - (I) TEA staff imposes a different response date; or
      - (II) the EPP is unable to meet the initial response date and requests and receives a different response date from TEA staff.
  - (D) If an EPP fails to comply with subparagraph (C) of this paragraph, the SBEC may amend the complaint to reflect the violation and may deem admitted the violation of state law or rule ~~SBEC rules and/or Texas Education Code (TEC), Chapter 21~~, alleged in the original complaint.
- (4) Resolving the complaint.
- (A) Upon completion of an investigation, TEA staff will notify both the individual and the EPP in writing of the findings of the investigation. If TEA staff finds that a violation occurred, the notice will specify the statute and/or rule that was alleged to have been violated.
  - (B) Each party will have ten business days to present additional evidence or to dispute the findings of the investigation.
  - (C) After reviewing any additional evidence, if TEA staff finds that no violation has occurred, the complaint will be closed and TEA staff will notify both parties in writing.
  - (D) After reviewing any additional evidence, if TEA staff finds that the EPP has violated state law or rule ~~SBEC rules and/or TEC, Chapter 21~~, the following provisions apply.
    - (i) TEA staff will notify the EPP in writing and specify for each violation the seriousness and extent of the violation, including whether the EPP has been found to have violated that statute and/or rule previously.
    - (ii) Within ten business days of TEA staff notifying the EPP in writing that a violation has occurred, the EPP and TEA staff will collaboratively develop and agree to a timely resolution of each violation. If the parties cannot agree on a resolution within ten business days, TEA staff will unilaterally propose a resolution within ten business days of TEA staff issuing the violation notice.
    - (iii) If the EPP complies with the agreed or proposed resolution, the investigation is closed and results recorded in accordance with subparagraph (E) of this paragraph.
    - (iv) If the EPP does not comply with the agreed or proposed resolution within the timelines set out in the resolution, TEA staff will make a recommendation that the SBEC impose sanctions affecting the EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).

- (v) The EPP shall be entitled to an informal review of the proposed recommendation for sanctions under the conditions and procedures set out in §229.7 of this title (regarding Informal Review of Texas Education Agency Recommendations).
- (E) The final disposition of the complaint will be recorded in the TEA complaints tracking system.