

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§229.1, 229.2, 229.3, 229.4, 229.6, and 229.9, concerning accountability system for educator preparation programs. The amendments to §§229.1, 229.2, 229.3, 229.4, 229.6, and 229.9 are adopted without changes to the proposed text as published in the August 9, 2024 issue of the Texas Register (49 TexReg 5895) and will not be republished. Chapter 229 establishes the performance standards and procedures for educator preparation program (EPP) accountability. The adopted amendments provide for adjustments to the 2023-2024 *Accountability System for Educator Preparation (ASEP) Manual*; clarify and streamline language and definitions; organize the rule text by subchapter; and include technical updates.

REASONED JUSTIFICATION: EPPs are entrusted to prepare educators for success in the classroom. Texas Education Code (TEC), §21.0443, requires EPPs to adequately prepare candidates for certification. Similarly, TEC, §21.031, requires the SBEC to ensure candidates for certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state. TEC, §21.045, also requires SBEC to establish standards to govern the continuing accountability of all EPPs. The SBEC rules in 19 TAC Chapter 229 establish the process used for issuing annual accreditation ratings for all EPPs to comply with these provisions of the TEC and to ensure the highest level of educator preparation, which is codified in the SBEC Mission Statement.

Following is a description of the topics for the adopted amendments to 19 TAC Chapter 229.

#### *Subchapter A. Accountability System for Educator Preparation Program Procedures*

Adopted new Subchapter A and title further organize the rule text and enable greater flexibility in rulemaking for the SBEC in the future.

##### *§229.1. General Provisions and Purpose of Accountability System for Educator Preparation Programs.*

Update of ASEP Manual:

The adopted amendment to Figure: 19 TAC §229.1(c) updates the ASEP manual as follows:

Updates to the table of contents provide consistent descriptive language for the Principal Survey and Teacher Survey throughout the manual.

Updates to Chapter 1 remove the date to future updates and provide consistent descriptive language for the Principal Survey and Teacher Survey.

Updates to Chapter 3 simplify the description of included individuals to clearly align with 19 TAC §229.4(a)(1)(A). The update also removes the exception language related to the Performance Assessment for School Leaders, as starting in the 2023-2024 academic year. It is included in Indicator 1A, as prescribed by 19 TAC §229.2(27). Updates to the example also remove this exception. Finally, updates are made to the example to minimize the inclusion of test 291 and to remove 2 of the 3 examples, since it has expired and the procedure for combining the results is now rare. This provides clarity to the field about the calculations.

Updates to Chapter 4 provide consistency to how the manual refers to the Appraisal of First-Year Teachers by Administrators, including the parenthetical language "Principal Survey," which is in general usage in the field. This provides clarity to stakeholders. Further updates provide clearer language related to the inclusion criteria for teachers in the survey population, including the requirements of employment at the time of the PEIMS snapshot date and holding of their first certificate. This provides transparency to the field. The worked example is also updated to reflect these changes.

Updates to Chapter 5 replace the term "STAAR progress measure" with "STAAR Annual Growth Points" to follow the language in use in 19 TAC Figure: §97.1001(b). This provides a clear match between the ASEP manual and the data source. The updates clarify the included individuals, adding a requirement of being enrolled or finishing an EPP within five years prior to their first year employed as a certified teacher of record. This follows inclusion criteria for the principal survey and teacher survey and ensures a clear boundary for the included population. The updates also clarify the included subject areas and certificate requirements. This provides transparency as to how these

calculations are conducted. The section about included assessments is updated to match 19 TAC Figure: §97.1001(b), which provides an accurate description of the data. The section about the scoring approach is updated to better describe the process used to do the calculation, based on the data that are available. The worked example is updated based on these changes.

Updates to Chapter 6 specify that beginning in the 2024-2025 academic year, certificate deactivations must meet the requirements in the newly adopted Chapter 228, Requirements for Educator Preparation Programs. This provides transparency to the field about this requirement. Updates also note the timeline for the evaluation of the new observations in adopted new 19 TAC Chapter 228, Subchapter F, Support for Candidates During Required Clinical Experiences, with the new requirements first being used in the 2025-2026 academic year. This includes a requirement that beginning in the 2025-2026 academic year, only candidates that began their clinical experiences after the effective date of the rule would be included in the evaluation. This provides EPPs the opportunity to update their practices while ensuring that the evaluation for this indicator is based on the rules that were in place for the duration of the clinical experience. Additional updates clarify that observations must occur within the date range of the clinical experience, providing clarity to the field. Updates also remove the exclusion of demographic data for indicator 4b. This exclusion is no longer needed because the data is now collected and can be used. This update increases the total amount of data used in the determination of ASEP statuses and aligns indicator 4b with the other indicators. An update to the worked example corrects the language used for clarity.

Updates to Chapter 7 provide consistency to how the manual refers to the Evaluation of Educator Preparation Programs by Teachers, including the parenthetical languages "Teacher Survey," which is in general usage in the field. This provides clarity to stakeholders. Further updates provide clearer language related to the inclusion criteria for teachers in the survey population, including the requirements of employment at the time of the PEIMS snapshot date and holding their first certificate. Updates also remove outdated language. This provides transparency to the field. The worked example is updated to reflect these changes.

Updates to Chapter 8 remove the EPP commendations for the 2023-2024 academic year. This provides a pause while Texas Education Agency (TEA) staff work with the Board and stakeholders to update the commendation system aligned with new requirements in Chapter 228.

Updates to Chapter 9 update the examples to include the language about the surveys updated earlier in the rule. This provides consistency in usage. Updates also provide an additional year for programs to make improvements on specific indicators by increasing the number of years in a row necessary for a negative value to be introduced into the Index system from two consecutive years to three consecutive years. Currently, if a program fails the same indicator for the same demographic group or at the aggregated "all" level for two years in a row, the weight assigned to the point value is -1, which has a greater impact on the overall score than missing in the first year, where the weight assigned is a 0. The update changes the timeline so that if a program were to miss in the second year, the value would also be 0, and if the program were to miss for the third year consecutively, then the negative weight would be introduced. This is aligned with discussion from the Board and recommended by stakeholders. The worked example is updated to reflect this change.

#### Update to Commendations

The update to §229.1(d) simplifies the language related to commendations and notes that commendations are not designated for the 2023-2024 reporting year. This provides a pause while TEA staff work with the Board and stakeholders to update the commendation system aligned with new requirements in Chapter 228.

#### *§229.2. Definitions.*

The adopted amendment to §229.2(5) "Beginning teacher" clarifies the certification status for a beginning teacher. This aligns the definition with the requirements used for the sample population for ASEP indicator 3, which is where the definition is used.

The adopted amendment to §229.2(6) "Candidate" clarifies the enrollment status for a candidate and provides a technical edit to remove a reference that is no longer used. This aligns the definition with how it is used elsewhere in the chapter.

The adopted amendment to §229.2(9) "Clinical teaching" includes a technical cross-reference edit to reflect the newly adopted Chapter 228 to change references from §228.35 to §228.2.

The adopted amendment to §229.2(13) "Cooperating teacher" aligns the wording to reflect the wording in the newly adopted Chapter 228.

The adopted amendment to §229.2(24) "Internship" includes a technical cross-reference edit to reflect the newly adopted Chapter 228 to change references from §228.35 to §228.2.

The adopted amendment to §229.2(25) "Mentor" aligns the wording to reflect the wording in the newly adopted Chapter 228.

The adopted amendment to §229.2(26) strikes the definition of "New Teacher" because it is not used in the rules. Subsequent definitions are renumbered.

The adopted amendment to §229.2(28), (renumbered to adopted §229.2(27)), "Practicum" includes a technical cross-reference edit to reflect the newly adopted Chapter 228 to change references from §228.35 to §228.2.

The adopted amendment to §229.2(30), (renumbered to adopted §229.2(29)), "Site Supervisor" aligns the wording to reflect the wording in the newly adopted Chapter 228.

#### *§229.3. Required Submissions of Information, Surveys, and Other Data.*

The adopted amendment to §229.3(a) removes "new teachers" because there is no longer a separate requirement for "new teachers" and "first-year teachers" related to data collection. The adopted amendment to §229.3(e) and (f) provides consistent language, removing the only use of "participant" in the chapter, and shifts the language from "new" teacher to "first-year" teacher since the survey requirement is now applicable to first-year teachers. This streamlines the language used in the rule and aligns the language in this section with the teacher survey population.

#### *Subchapter B. Accountability System for Educator Preparation Accreditation Statuses*

Adopted new Subchapter B and title further organize the rule text and enable greater flexibility in rulemaking for the SBEC in the future.

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

The adopted amendment to §229.4(a)(1)(B) strikes the exception for the Performance Assessment for School Leaders because it is now expired. The subsequent provisions are relettered.

The adopted amendment to §229.4(a)(3) replaces the term "STAAR Annual Progress Measure" with "STAAR Annual Growth Points" to follow the language in use in 19 TAC Figure: §97.1001(b). The amendment also provides the 2023-2024 academic year as a report only year, because the processes used by TEA to generate the underlying data has shifted, and a report-only year allows the Board and stakeholders to review results from this new model prior to the data being used for accountability.

The adopted amendment to §229.4(a)(4) and §229.4(a)(4)(A) removes the general reference to Chapter 228 and replaces it with the specific reference in §229.4(a)(4)(A)(1) and §229.4(a)(4)(A)(2). This provides a clear timeline for when the evaluation of observations will use the current standard and when the evaluation of the observations will use the updated standard in newly adopted 19 TAC Chapter 228, Subchapter F, with the new requirements first being used in the 2025-2026 academic year. This provides EPPs the opportunity to update their practices while ensuring that the evaluation for this indicator is based on the rules that were in place for the duration of the clinical experience.

The adopted amendment to §229.4(a)(5) updates the language from "new" teacher to "first-year" teacher since the teacher survey population has been updated to match that definition. This provides clarity and streamlines the language used in the rule.

#### *Subchapter C. Accreditation Sanctions*

Adopted new Subchapter C and title further organize the rule text and enable greater flexibility in rulemaking for the SBEC in the future. Section 229.5, currently in effect, is organized under new Subchapter C, but no rule changes were made.

#### *Subchapter D. Continuing Approval Procedures*

Adopted new Subchapter D and title further organize the rule text and enable greater flexibility in rulemaking for the SBEC in the future.

#### *§229.6. Continuing Approval.*

The adopted amendment to §229.6(a) and (b) includes a technical cross-reference edit to reflect the newly adopted Chapter 228.

#### *Subchapter E. Review Procedures*

Adopted new Subchapter E and title further organize the rule text and enable greater flexibility in rulemaking for the SBEC in the future. Sections 229.7 and 229.8, currently in effect, are organized under new Subchapter E, but no rule changes were made.

#### *Subchapter F. Required Fees*

Adopted new Subchapter F and title further organize the rule text and enable greater flexibility in rulemaking for the SBEC in the future.

#### *§229.9. Fees for Educator Preparation Program Approval and Accountability.*

The adopted amendment to §229.9(2) and (3) includes a technical cross-reference edit to reflect the newly adopted Chapter 228.

**SUMMARY OF COMMENTS:** The public comment period on the proposal began August 9, 2024, and ended September 9, 2024. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the September 20, 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comment was received on the proposal.

**Comment:** A representative from Texans for Special Education Reform requested that the questions on the Principal Survey relating to students with disabilities be required to be answered for every teacher, not just those indicated by the principal as having worked directly with students with disabilities. Additionally, the commenter also requested that the survey be revised to better reflect the statutory requirements of TEC, §21.0443(b).

**Response:** The SBEC disagrees. The rationale for the optional nature of these survey sections related to students with disabilities is to allow for flexibility to match the practical experience of new teachers in the field. Most teachers do work with students with disabilities. This is reflected in the survey data, as respondents completed the optional sections on over 80% of surveys. This response rate provides evidence that principals and teachers recognize that it is highly common that they work with students with disabilities, even outside specific assignments. Consequently, EPPs are held accountable for preparing candidates to meet the needs of students with disabilities through these surveys. Retaining the optional nature of these survey sections provides flexibility for the minority of teachers who do not work with students with disabilities.

The State Board of Education (SBOE) took no action on the review of the amendments to §§229.1, 229.2, 229.3, 229.4, 229.6, and 229.9 at the November 22, 2024 SBOE meeting.

**STATUTORY AUTHORITY.** The amendments are adopted under Texas Education Code (TEC), §21.041(a), which allows the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that the SBEC may adopt a fee for the approval and renewal of approval of an EPP, for the addition of a certificate or field of certification, and to provide for the administrative cost of appropriately ensuring the accountability of EPPs; TEC, §21.043(b) and (c), which require SBEC to provide EPPs with data, as determined in coordination with stakeholders, based on information reported through the Public Education Information Management System (PEIMS) that enables an EPP to assess the impact of the program and revise the program as needed to improve; TEC, §21.0441(c) and (d), which require the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that the SBEC shall propose rules to establish standards to govern the approval or renewal of approval of EPPs and certification fields authorized to be offered by an EPP. To be eligible for approval or renewal of approval, an EPP must adequately prepare candidates for educator certification and meet the standards and requirements of the SBEC. The SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. The SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, which states that the board shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that the SBEC shall propose rules for the sanction of EPPs that do not meet accountability standards and shall annually review the accreditation status of each EPP. The costs of technical assistance required under TEC, §21.0451(a)(2)(A), or the costs associated with the appointment of a monitor under TEC, §21.0451(a)(2)(C), shall be paid by the sponsor of the EPP; and TEC, §21.0452, which states that to assist persons interested in obtaining teaching certification in selecting an EPP and assist school districts in making staffing decisions, the SBEC shall make certain specified information regarding EPPs in this state available to the public through the SBEC's Internet website.

**CROSS REFERENCE TO STATUTE.** The amendments implement Texas Education Code, §§21.041(a), (b)(1), and (d); 21.043(b) and (c); 21.0441(c) and (d); 21.0443; 21.045; 21.0451; and 21.0452.

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### **§229.1. General Provisions and Purpose of Accountability System for Educator Preparation Programs.**

- (a) The State Board for Educator Certification (SBEC) is responsible for establishing standards to govern the continuing accountability of all educator preparation programs (EPPs). The rules adopted by the SBEC in this chapter govern the accreditation of each EPP that prepares individuals for educator certification. No candidate shall be recommended for any Texas educator certification class or category except by an EPP that has been approved by the SBEC pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs) and is accredited as required by this chapter.
- (b) The purpose of the accountability system for educator preparation is to assure that each EPP is held accountable for the readiness for certification of candidates completing the programs.
- (c) The relevant criteria, formulas, calculations, and performance standards relevant to subsection (d) of this section and §229.4 of this title (relating to Determination of Accreditation Status) are prescribed in the Texas Accountability System for Educator Preparation (ASEP) Manual provided as a figure in this subsection.

Figure: 19 TAC §229.1(c)

- (d) An accredited EPP that is not under an active SBEC order or otherwise sanctioned by the SBEC may receive commendations for success as prescribed in the figure in subsection (c) of this section. Commendations will not be awarded for the 2023-2024 reporting year.

## §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) 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) ACT®--The college entrance examination from ACT®.
- (4) 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.
- (5) Beginning teacher--For purposes of the Texas Education Code, §21.045(a)(3), and its implementation in this chapter, a classroom teacher with fewer than three years of experience as a certified classroom teacher.
- (6) Candidate--An individual who has been formally or contingently admitted into an educator preparation program (EPP) who has not yet completed or exited the EPP.
- (7) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (8) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title.
- (9) Clinical teaching--An assignment, as described in §228.2 of this title (relating to Definitions).
- (10) Completer--A person who has met all the requirements of an approved educator preparation program. In applying this definition, the fact that a person has or has not been recommended for a standard certificate or passed a certification examination shall not be used as criteria for determining who is a completer.
- (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(c) of this title (relating to Determination of Accreditation Status).
- (12) Content Pedagogy Test--Examination listed in the column labeled "Required Content Pedagogy Test(s)" in Figure 19 TAC §230.21(e).
- (13) Cooperating teacher--An individual, as described in §228.2 of this title (relating to Definitions), who supports a candidate during a candidate's clinical teaching experience.
- (14) Demographic group--Male and female, as to gender; and African American, Hispanic, White, and Other, as to race and ethnicity.
- (15) Educator preparation program--An entity approved by the State Board for Educator Certification to recommend candidates in one or more educator certification classes or categories.
- (16) Educator preparation program data--Data reported to meet requirements under the Texas Education Code, §21.045(b) and §21.0452.
- (17) 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.

- (18) Field supervisor--An individual, as described in §228.2 of this title (relating to Definitions), who is hired by an educator preparation program to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.
- (19) First-year teacher--For purposes of the Texas Education Code, §21.045(a)(2), and its implementation in this chapter, an individual in his or her first year of employment as a classroom teacher.
- (20) GPA--Grade point average.
- (21) GRE®--Graduate Record Examinations®.
- (22) 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.
- (23) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.
- (24) Internship--An assignment, as described in §228.2 of this title (relating to Definitions).
- (25) Mentor--An individual, as described in §228.2 of this title (relating to Definitions), who supports a candidate during a candidate's internship experience.
- (26) Pedagogy Test--Examination listed in the column labeled "Pedagogical Requirement(s)" in Figure: 19 TAC §230.21(e).
- (27) Practicum--An assignment, as described in §228.2 of this title (relating to Definitions).
- (28) SAT®--The college entrance examination from the College Board.
- (29) Site supervisor--An individual, as described in §228.2 of this title (relating to Definitions), who supports a candidate during a candidate's practicum experience.
- (30) 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.

### **§229.3. Required Submissions of Information, Surveys, and Other Data.**

- (a) Educator preparation programs (EPPs), EPP candidates, first-year teachers, beginning teachers, field supervisors, administrators, mentors, site supervisors, and cooperating teachers shall provide to the Texas Education Agency (TEA) staff all data and information required by this chapter, as set forth in subsections (e) and (f) of this section.
- (b) Any individual holding a Texas-issued educator certificate who fails to provide information required by this chapter and the Texas Education Code (TEC), §21.045 and §21.0452, as set forth in subsection (e) of this section, may be subject to sanction of his or her certificate, including the placement of restrictions, inscribed or non-inscribed reprimand, suspension, or revocation.
- (c) Any Texas public school that fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, may be referred to the commissioner of education with a recommendation that sanctions upon its accreditation status be imposed for failure to comply with this section and the TEC, §21.0452.
- (d) Any open-enrollment charter school that fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, may be referred to the commissioner of education with a recommendation that sanctions be imposed for failure to comply with this section and the TEC, §21.0452.
- (e) All required EPP data for an academic year shall be submitted to the TEA staff annually by September 15 following the end of that academic year. All surveys and information required to be submitted pursuant to this chapter by principals shall be submitted by June 15 of any academic year in which an administrator has

had experience with a first-year teacher who was a candidate or completer at an EPP. All surveys and information required to be submitted pursuant to this chapter by first-year teachers shall be submitted by June 15 of the first full academic year after the teacher completed the requirements of an EPP. All surveys and information required to be submitted pursuant to this chapter by EPP candidates shall be submitted by August 31 of the academic year in which the candidate completed the requirements of an EPP.

(f) The following apply to data submissions required by this chapter.

(1) EPPs shall provide data for all candidates as specified in the figure provided in this paragraph.

Figure: 19 TAC §229.3(f)(1)

(2) Candidates in an EPP shall complete a survey, in a form approved by the State Board for Educator Certification (SBEC), evaluating the preparation he or she received in the EPP. Completion and submission to the TEA of the survey is a requirement for completion of an EPP.

(3) Administrators in Texas public schools and open-enrollment charter schools shall complete surveys, in a form to be approved by the SBEC, evaluating the effectiveness of preparation for classroom success based on experience with first-year teachers who were candidates or completers in an EPP.

(4) First-year teachers in a Texas public school, including an open-enrollment charter school, shall complete surveys, in a form to be approved by the SBEC, evaluating the effectiveness of preparation for classroom success.

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STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.041(a), which allows the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that the SBEC may adopt a fee for the approval and renewal of approval of an EPP, for the addition of a certificate or field of certification, and to provide for the administrative cost of appropriately ensuring the accountability of EPPs; TEC, §21.043(b) and (c), which require SBEC to provide EPPs with data, as determined in coordination with stakeholders, based on information reported through the Public Education Information Management System (PEIMS) that enables an EPP to assess the impact of the program and revise the program as needed to improve; TEC, §21.0441(c) and (d), which require the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that the SBEC shall propose rules to establish standards to govern the approval or renewal of approval of EPPs and certification fields authorized to be offered by an EPP. To be eligible for approval or renewal of approval, an EPP must adequately prepare candidates for educator certification and meet the standards and requirements of the SBEC. The SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. The SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, which states that the board shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that the SBEC shall propose rules for the sanction of EPPs that do not meet accountability standards and shall annually review the accreditation status of each EPP. The costs of technical assistance required under TEC, §21.0451(a)(2)(A), or the costs associated with the appointment of a monitor under TEC, §21.0451(a)(2)(C), shall be paid by the sponsor of the EPP; and TEC, §21.0452, which states that to assist persons interested in obtaining teaching certification in selecting an EPP and assist school districts in making staffing decisions, the SBEC shall make certain specified information regarding EPPs in this state available to the public through the SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.041(a), (b)(1), and (d); 21.043(b) and (c); 21.0441(c) and (d); 21.0443; 21.045; 21.0451; and 21.0452.

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

- (a) Accountability performance indicators. The State Board for Educator Certification (SBEC) shall determine the accreditation status of an educator preparation program (EPP) at least annually, based on the following accountability performance indicators, disaggregated by demographic group and other requirements of this chapter and determined with the formulas and calculations included in the figure provided in §229.1(c) of this title (relating to General Provisions and Purpose of Accountability System for Educator Preparation Programs). Data will be used only if the following indicators were included in the accountability system for that academic year. Except for the 2019-2020 and 2020-2021 academic years, when the data described in paragraphs (1)-(5) of this subsection will be reported to EPPs and will not be used to determine accreditation statuses, EPP accreditation statuses shall be based on:
- (1) the EPP candidates' performance on pedagogy tests and content pedagogy tests. The EPP candidates' performance on pedagogy tests and content pedagogy tests shall provide separate accountability performance indicators for EPPs;
    - (A) For both pedagogy tests and content pedagogy tests, the performance standard shall be the percent of individuals admitted after December 26, 2016, who passed an examination within the first two attempts, including those examinations attempted after the individual has completed the EPP or when the EPP has not recommended the individual for a standard certificate. The pass rate is based solely on the examinations approved by the EPP. Examinations taken before admission to the EPP or specific examinations taken for pilot purposes are not included in the pass rate.
    - (B) For pedagogy tests, the performance standard shall be a pass rate of 85%.
    - (C) For content pedagogy tests, the performance standard shall be a pass rate of 75%.

- (2) the results of appraisals of first-year teachers by administrators, based on a survey in a form to be approved by the SBEC. The performance standard shall be 70% of first-year teachers from the EPP who are appraised as "sufficiently prepared" or "well prepared";
  - (3) the growth of students taught by beginning teachers as indicated by the STAAR Annual Growth Points, determined at the student level as described in Figure: 19 TAC §97.1001(b) of Part II of this title (relating to Accountability Rating System), and aggregated at the teacher level as described in Figure: 19 TAC §229.1(c) of this title. The performance standard shall be 70% of beginning teachers from the EPP reaching the individual performance threshold. For the 2023-2024 academic year, this performance standard will be a reporting year only and will not be used to determine accreditation status;
  - (4) the results of data collections establishing EPP compliance with SBEC requirements regarding the frequency, duration, and quality of field supervision to candidates completing clinical teaching or an internship. The frequency and duration of field supervision shall provide one accountability performance indicator, and the quality of field supervision shall provide a separate accountability performance indicator;
    - (A) The performance standard as to the frequency, duration, and required documentation of field supervision shall be that the EPP meets the requirements for 95% of the EPP's candidates. EPPs that do not meet the standard of 95% for the aggregated group or for any disaggregated demographic group but have only one candidate not meet the requirement in the aggregated or any disaggregated group has met the standard for that group.
      - (i) For the 2023-2024 and 2024-2025 academic years, individuals will be evaluated against the frequency and duration requirements in Chapter 228, Subchapter F, of this title (relating to Support for Candidates During Required Clinical Experiences) that were effective August 31, 2024.
      - (ii) Beginning in the 2025-2026 academic year, individuals will be evaluated against the frequency and duration requirements in Chapter 228, Subchapter F, of this title that were effective beginning September 1, 2024.
    - (B) The performance standard for quality shall be 90% of candidates rating the field supervision as "frequently" or "always or almost always" providing the components of structural guidance and ongoing support; and
  - (5) the results from a teacher satisfaction survey, in a form approved by the SBEC, of first-year teachers administered at the end of the first year of teaching as a teacher of record. The performance standard shall be 70% of teachers responding that they were "sufficiently prepared" or "well prepared" by their EPP.
- (b) Accreditation status assignment. All approved EPPs may be assigned an accreditation status based on their performance in the Accountability System for Educator Preparation Programs (ASEP) Index system, as described in Figure: 19 TAC §229.1(c) of this title.
- (1) Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the standard of 85% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title and has been approved by the SBEC to prepare, train, and recommend candidates for certification.
  - (2) 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 ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.
  - (3) Accredited-Warned status.
    - (A) An EPP shall be assigned Accredited-Warned status if the EPP accumulates 80% or greater but less than 85% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title.

- (B) An EPP may be assigned Accredited-Warned status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or Texas Education Code (TEC), Chapter 21.

(4) Accredited-Probation status.

- (A) An EPP shall be assigned Accredited-Probation status if the EPP accumulates less than 80% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title.
- (B) An EPP may be assigned Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.

(5) Not Accredited-Revoked status.

- (A) 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.
- (B) 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.
- (C) An EPP may be assigned Not Accredited-Revoked status if the EPP fails to pay the required ASEP technology fee by the deadline set by TEA as prescribed in §229.9(7) of this title (relating to Fees for Educator Preparation Program Approval and Accountability).
- (D) An EPP may be assigned Not Accredited-Revoked status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.
- (E) 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.
- (F) 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).
- (G) 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.

(c) Small group exception.

- (1) For purposes of accreditation status determination, the performance of an EPP candidate group, aggregated or disaggregated by demographic group, shall be measured against performance standards described in this chapter in any one year in which the number of individuals in the group exceeds 10. The small group exception does not apply to compliance with the frequency and duration of field supervisor observations.
- (2) For an EPP candidate group, aggregated or disaggregated by demographic group, where the group contains 10 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.
- (3) If the current year's EPP candidate group, aggregated or disaggregated by demographic group, contained between one and 10 individuals, that group performance shall be combined with the group performance from the next most recent prior year subsequent to the 2020-2021 academic year for which there was at least one individual, and if the two-year cumulated group contains more than 10 individuals, then the two-year cumulated group performance must be measured

against the standards in the current year. The two-year cumulated group shall not include group performance from years prior to the 2021-2022 academic year.

- (4) If the two-year cumulated EPP candidate group described in subsection (c)(3) of this section, aggregated or disaggregated by demographic group, contains between one and 10 individuals, then the two-year cumulated group performance shall be combined with the next most recent group performance subsequent to the 2020-2021 academic year for which there was at least one individual. The three-year cumulated group performance must be measured against the standards in the current year, regardless of how small the cumulated number of group members may be. When evaluating a three-year cumulated group of fewer than 10 individuals, the candidate group will be measured against the performance standard of the current year, or a performance standard of up to one candidate failing to meet the requirement, whichever is more favorable. The three-year cumulated group performance shall not include group performance from years prior to the 2021-2022 academic year.
- (5) In any reporting year in which the EPP candidate group, aggregated or disaggregated by demographic group, does not meet the necessary number of individuals needed to measure against performance standards for that year, for all indicators, the accreditation status will continue from the prior 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. If an EPP has a status of Accredited-Probation carried over as a result of this subsection, the year in which the EPP has the carried-over status will not count as a consecutively measured year for the purpose of subsection (b)(5)(A) of this section. The SBEC may modify the sanction as the SBEC deems necessary based on subsequent performance, even though that performance is not measured against performance standards for a rating.

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STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.041(a), which allows the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that the SBEC may adopt a fee for the approval and renewal of approval of an EPP, for the addition of a certificate or field of certification, and to provide for the administrative cost of appropriately ensuring the accountability of EPPs; TEC, §21.043(b) and (c), which require SBEC to provide EPPs with data, as determined in coordination with stakeholders, based on information reported through the Public Education Information Management System (PEIMS) that enables an EPP to assess the impact of the program and revise the program as needed to improve; TEC, §21.0441(c) and (d), which require the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that the SBEC shall propose rules to establish standards to govern the approval or renewal of approval of EPPs and certification fields authorized to be offered by an EPP. To be eligible for approval or renewal of approval, an EPP must adequately prepare candidates for educator certification and meet the standards and requirements of the SBEC. The SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. The SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, which states that the board shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that the SBEC shall propose rules for the sanction of EPPs that do not meet accountability standards and shall annually review the accreditation status of each EPP. The costs of technical assistance required under TEC, §21.0451(a)(2)(A), or the costs associated with the appointment of a monitor under TEC, §21.0451(a)(2)(C), shall be paid by the sponsor of the EPP; and TEC, §21.0452, which states that to assist persons interested in obtaining teaching certification in selecting an EPP and assist school districts in making staffing decisions, the SBEC shall make certain specified information regarding EPPs in this state available to the public through the SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.041(a), (b)(1), and (d); 21.043(b) and (c); 21.0441(c) and (d); 21.0443; 21.045; 21.0451; and 21.0452.

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#### **§229.6. Continuing Approval.**

- (a) The continuing approval of an educator preparation program (EPP) to recommend candidates for educator certification, which shall be reviewed pursuant to §228.13 of this title (relating to Continuing Educator Preparation Program Approval), will be based upon the EPP's accreditation status and compliance with the State Board for Educator Certification (SBEC) rules regarding program-approval components specified in §228.11 of this title (relating to New Entity Approval).
- (b) After a continuing approval review pursuant to §228.13 of this title, if the Texas Education Agency (TEA) staff finds that an EPP is in compliance with SBEC rules and/or Texas Education Code (TEC), Chapter 21, the TEA staff shall issue a proposed recommendation for SBEC to approve the renewal of an EPP. After a continuing approval review pursuant to §228.13 of this title or a complaint investigation pursuant to Chapter 228, Subchapter G, of this title (relating to Complaints and Investigations), if the TEA staff finds that an EPP has failed to comply with SBEC rules and/or the TEC, Chapter 21, and the EPP does not obtain compliance within four months, the TEA staff shall recommend that the SBEC sanction the EPP. The TEA staff may recommend that the SBEC action include, but is not limited to, public reprimand, revocation of program approval, or the imposition of conditions upon continuing program approval.
- (c) TEA staff shall provide notice of the proposed recommendation for SBEC action relating to the EPP's continuing approval to recommend candidates for educator certification in the manner provided by §229.7 of this title (relating to Informal Review of Texas Education Agency Recommendations), and an EPP shall be entitled to an informal review of the proposed recommendation, under the conditions and procedures set out in §229.7 of this title, prior to the submission of the recommendation for action to either the SBEC or the State Office of Administrative Hearings (SOAH). If the EPP fails to request an informal review in a timely manner, the proposed recommendation will become a final recommendation.

- (d) Following the informal review, a final recommendation will be issued by the TEA staff. The final recommendation may include changes or additions to the proposed recommendation and such modifications are not subject to another informal review procedure.
- (e) If the final recommendation proposes revocation of approval of an EPP to recommend candidates for educator certification, within 14 calendar days of receipt of the final recommendation, the EPP may agree in writing to accept the final revocation without further proceedings or may request that TEA staff schedule the matter for a hearing before an administrative law judge at the SOAH, as provided by §229.8 of this title (relating to Contested Cases for Accreditation Revocation).
- (f) If the final recommendation does not propose revocation of approval of an EPP to recommend candidates for educator certification, the final recommendation will be submitted to SBEC for consideration and entry of a final order.

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STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.041(a), which allows the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that the SBEC may adopt a fee for the approval and renewal of approval of an EPP, for the addition of a certificate or field of certification, and to provide for the administrative cost of appropriately ensuring the accountability of EPPs; TEC, §21.043(b) and (c), which require SBEC to provide EPPs with data, as determined in coordination with stakeholders, based on information reported through the Public Education Information Management System (PEIMS) that enables an EPP to assess the impact of the program and revise the program as needed to improve; TEC, §21.0441(c) and (d), which require the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that the SBEC shall propose rules to establish standards to govern the approval or renewal of approval of EPPs and certification fields authorized to be offered by an EPP. To be eligible for approval or renewal of approval, an EPP must adequately prepare candidates for educator certification and meet the standards and requirements of the SBEC. The SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. The SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, which states that the board shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that the SBEC shall propose rules for the sanction of EPPs that do not meet accountability standards and shall annually review the accreditation status of each EPP. The costs of technical assistance required under TEC, §21.0451(a)(2)(A), or the costs associated with the appointment of a monitor under TEC, §21.0451(a)(2)(C), shall be paid by the sponsor of the EPP; and TEC, §21.0452, which states that to assist persons interested in obtaining teaching certification in selecting an EPP and assist school districts in making staffing decisions, the SBEC shall make certain specified information regarding EPPs in this state available to the public through the SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.041(a), (b)(1), and (d); 21.043(b) and (c); 21.0441(c) and (d); 21.0443; 21.045; 21.0451; and 21.0452.

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#### **§229.9. Fees for Educator Preparation Program Approval and Accountability.**

An educator preparation program requesting approval and continuation of accreditation status shall pay the applicable fee from the following list.

- (1) New educator preparation program application and approval (nonrefundable)--\$9,000.
- (2) Five-year continuing approval review visit pursuant to §228.13 of this title (relating to Continuing Educator Preparation Program Approval)--\$4,500.
- (3) Discretionary continuing approval review visit pursuant to §228.13 of this title--\$4,500.
- (4) Addition of new certification category or addition of clinical teaching--\$500.
- (5) Addition of each new class of certificate--\$1,000.
- (6) Applications for out-of-state and out-of-country school sites for field-based experiences, clinical teaching, and practicums--\$500.
- (7) Accountability System for Educator Preparation Programs technology fee--\$35 per admitted candidate.