

Item 5:
**Consider and Take Appropriate Action on Proposed Review
of 19 TAC Chapter 227, Provisions for Educator Preparation
Candidates**

DISCUSSION AND ACTION

SUMMARY: Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the review of 19 Texas Administrative Code (TAC) Chapter 227, Provisions for Educator Preparation Candidates. The rules being reviewed provide requirements for admission to educator preparation programs (EPPs) and preliminary evaluation of certification eligibility.

STATUTORY AUTHORITY: Statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 227, Subchapter A, is the Texas Education Code (TEC), §§21.031; 21.041(b)(1), (4), and (6); 21.044(a) and (g)(2) and (3); 21.0441; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code (TOC), §§53.151-53.153. The statutory authority for 19 TAC Chapter 227, Subchapter B, is the TEC, §21.041(b)(1) and (4), and TOC, §53.105.

FUTURE ACTION EXPECTED: The review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, is scheduled to be presented to the SBEC for adoption at the April 2025 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, establish requirements for admission to an EPP and preliminary evaluation of certification eligibility.

The rules currently in effect in 19 TAC Chapter 227 are shown in the Attachment.

ANTICIPATED REVISIONS TO RULES: None.

PUBLIC COMMENTS: The Texas Education Agency will file the notice of proposed review of 19 TAC Chapter 227 with the *Texas Register*. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 227 continue to exist. The public comment period on the proposed rule review begins March 14, 2025 and ends on April 14, 2025. The SBEC will take registered public comments on this item in accordance with the SBEC board operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

MOTION TO BE CONSIDERED:

Approve the proposed review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, to be published as proposed in the *Texas Register*.

Staff Members Responsible:

Kameryn McCain, Director, EPCE Policy and Planning

Attachment:

Text of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

ATTACHMENT

Chapter 227. Provisions for Educator Preparation Candidates**Subchapter A. Admission to Educator Preparation Programs**

Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §§21.031; 21.041(b)(1), (4), and (6); 21.044(a) and (g)(2) and (3); 21.0441; 21.0489(c); 21.049(a); and 21.050(a); and Texas Occupations Code, §§53.151-53.153.

§227.1. General Provisions.

- (a) It is the responsibility of the education profession as a whole to attract applicants and to retain educators who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) Educator preparation programs (EPPs) shall inform all applicants that:
 - (1) pursuant to the Texas Education Code (TEC), §22.083, candidates must undergo a criminal history background check prior to employment as an educator; and
 - (2) pursuant to the TEC, §22.0835, candidates must undergo a criminal history background check prior to clinical teaching.
- (c) EPPs shall inform all applicants, in writing, of the following:
 - (1) the admission requirements as specified in this chapter;
 - (2) the requirements for program completion as specified in Chapter 228 of this title (relating to Requirements for Educator Preparation Programs); and
 - (3) in accordance with TEC, §21.044(e)(3):
 - (A) the effect of supply and demand forces on the educator workforce in this state; and
 - (B) the performance over time of the EPP for the past five years.
- (d) EPPs shall notify, in writing by mail, personal delivery, facsimile, email, or an electronic notification, each applicant to and enrollee in the EPP of the following regardless of whether the applicant or enrollee has been convicted of an offense:
 - (1) the potential ineligibility of an individual who has been convicted of an offense for issuance of a certificate on completion of the EPP;
 - (2) the current State Board for Educator Certification (SBEC) rules prescribed in §249.16 of this title (relating to Eligibility of Persons with Criminal History for a Certificate under Texas Occupations Code, Chapter 53, and Texas Education Code, Chapter 21); and
 - (3) the right to request a criminal history evaluation letter as provided in Chapter 227, Subchapter B, of this title (relating to Preliminary Evaluation of Certification Eligibility).
- (e) If the SBEC determines that an EPP has failed to provide the notice required by subsection (d) of this section to an individual entitled to receive the notice and that the individual's application for a certificate for which the EPP prepares the individual was denied because the individual has been convicted of an offense prior to the EPP providing notice, the SBEC shall order the EPP to:
 - (1) refund the amount of any tuition paid by the individual to the EPP; and
 - (2) pay to the individual an amount equal to the total of the following, as applicable:
 - (A) the amount of any application fees paid by the individual to the SBEC; and
 - (B) the amount of any examination fees paid by the individual to the SBEC and/or to a provider of examinations required for certification. An EPP is not liable for examination

fees if the examination was not required to be passed to meet the admission requirements of the EPP and/or the EPP did not provide test approval for the examination.

- (f) If the governor of Texas declares a state of disaster consistent with the Texas Government Code, §418.014, Texas Education Agency staff may extend deadlines in this chapter for up to 90 days as necessary to accommodate persons in the affected disaster areas.

Source: The provisions of this §227.1 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198; amended to be effective June 3, 2018, 43 TexReg 3355; amended to be effective December 22, 2019, 44 TexReg 7683.

§227.5. Definitions.

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

- (1) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (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 from an accredited institution of higher education.
- (3) Applicant--An individual seeking admission to an educator preparation program for any class of certificate.
- (4) Candidate--An individual who has been formally or contingently admitted to an educator preparation program; also referred to as an enrollee or participant.
- (5) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (6) 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.
- (7) Clinical teaching--An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training).
- (8) Content certification examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program.
- (9) Content pedagogy examinations--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's certification as an educator.
- (10) Contingency admission--Conditional admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria) except graduation and degree conferred from an accredited institution of higher education.
- (11) Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more classes of certificates.
- (12) Formal admission--Admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria).
- (13) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.

- (14) Post-baccalaureate program--An educator preparation program, delivered by an accredited institution of higher education and approved by the State Board for Educator Certification to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree from an accredited institution of higher education and are seeking an additional degree.
- (15) Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited institution of higher education.
- (16) Undergraduate degree--A bachelor's degree earned from and conferred by an accredited institution of higher education.

Source: The provisions of this §227.5 adopted to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198; amended to be effective June 3, 2018, 43 TexReg 3355; amended to be effective December 22, 2019, 44 TexReg 7683.

§227.10. Admission Criteria.

- (a) The educator preparation program (EPP) delivering educator preparation shall require the following minimum criteria of all applicants seeking initial certification in any class of certificate, unless specified otherwise, prior to admission to the program.
 - (1) For an undergraduate university program, an applicant shall be enrolled in an accredited institution of higher education (IHE).
 - (2) For an alternative certification program or post-baccalaureate program, an applicant shall have, at a minimum, a bachelor's degree earned from and conferred by an accredited IHE.
 - (3) For an undergraduate university program, alternative certification program, or post-baccalaureate program, to be eligible for admission into an EPP, an applicant shall have a grade point average (GPA) of at least 2.5 before admission.
 - (A) The GPA shall be calculated from an official transcript as follows:
 - (i) 2.5 on all coursework previously attempted by the person at an accredited IHE:
 - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or
 - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred (alternative certification program formal admission or post-baccalaureate program formal admission); or
 - (ii) 2.5 in the last 60 semester credit hours on all coursework previously attempted by the person at an accredited IHE:
 - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission). If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall use grades from all coursework previously attempted by a person at the most recent accredited institution(s) of higher education, starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or
 - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE (alternative certification

program formal admission or post-baccalaureate program formal admission).

- (B) In accordance with the Texas Education Code, (TEC), §21.0441(b), an exception to the minimum GPA requirement may be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any incoming class of candidates. An applicant is eligible for this exception if:
- (i) documentation and certification from the program director that an applicant's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement; and
 - (ii) in accordance with the TEC, §21.0441(a)(2)(B), an applicant must pass an appropriate content certification examination as specified in paragraph (4)(C) of this subsection for each subject in which the applicant seeks certification prior to admission. In accordance with the TEC, §21.0441(b), applicants who do not meet the minimum GPA requirement and have previously been admitted into an EPP may request permission to register for an appropriate content certification examination if the applicant is not seeking admission to the same EPP that previously granted test approval for a certification examination in the same certification class.
- (C) An applicant who is seeking a career and technical education (CTE) certificate that does not require a degree from an accredited IHE is exempt from the minimum GPA requirement.
- (D) An applicant who does not meet the minimum GPA requirement and is seeking certification in a class other than classroom teacher must perform at or above a score equivalent to a 2.5 GPA on the Verbal Reasoning, Quantitative Reasoning, and Analytic Writing sections of the GRE® (Graduate Record Examinations) revised General Test. The State Board for Educator Certification will use equivalency scores established by the Educational Testing Service, and the Texas Education Agency (TEA) will publish those equivalency scores annually on the TEA website.
- (4) For an applicant who will be seeking an initial certificate in the classroom teacher class of certificate, the applicant shall have successfully completed, prior to admission, at least:
- (A) a minimum of 12 semester credit hours in the subject-specific content area for the certification sought, unless certification sought is for mathematics or science at or above Grade 7; or
 - (B) 15 semester credit hours in the subject-specific content area for the certification sought if the certification sought is for mathematics or science at or above Grade 7; or
 - (C) a passing score on the appropriate content certification examination as specified in the figure provided in this subparagraph.
- Figure: 19 TAC §227.10(a)(4)(C)
- (5) For an applicant who will be seeking an initial certificate in a class other than classroom teacher, the applicant shall meet the minimum requirements for admission described in Chapter 239 of this title (relating to Student Services Certificates); Chapter 241 of this title (relating to Principal Certificate); and Chapter 242 of this title (relating to Superintendent Certificate). If an applicant has not met the minimum certification, degree, and/or experience requirement(s) for issuance of a standard certificate prior to admission, the EPP shall inform the applicant in writing of any deficiency prior to admission.
- (6) An applicant must demonstrate basic skills in reading, written communication, and mathematics by meeting the requirements of the Texas Success Initiative under the rules established by the Texas Higher Education Coordinating Board (THECB) in Part 1, Chapter 4, Subchapter C, of this title (relating to Texas Success Initiative), including one of the requirements established by §4.54 of this title (relating to Exemptions, Exceptions, and Waivers).

- (7) An applicant must demonstrate the English language proficiency skills as specified in §230.11 of this title (relating to General Requirements).
 - (A) An applicant for CTE certification that does not require a bachelor's degree from an accredited IHE may satisfy the English language proficiency requirement with an associate's degree or high school diploma or the equivalent that was earned at an accredited IHE or an accredited high school in the United States.
 - (B) An applicant to a university undergraduate program that leads to a bachelor's degree may satisfy the English language proficiency requirement by meeting the English language proficiency requirement of the accredited IHE at which the applicant is enrolled.
- (8) An applicant must submit an application and participate in either an interview or other screening instrument to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought.
- (9) An applicant must fulfill any other academic criteria for admission that are published and applied consistently to all EPP applicants.
- (b) An EPP may adopt admission requirements in addition to and not in conflict with those required in this section.
- (c) An EPP may not admit an applicant who:
 - (1) has been reported as completing all EPP requirements by another EPP in the same certification category or class, unless the applicant only needs certification examination approval; or
 - (2) has been employed for three years in a public school under a permit, intern, or probationary certificate as specified in Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), unless the applicant is seeking clinical teaching that may lead to the issuance of an initial standard certificate.
- (d) An EPP may admit an applicant for CTE certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (e) An EPP may admit an applicant for the Trade and Industrial Workforce Training: Grades 6-12 certification who has met the following requirements:
 - (1) has been issued a high school diploma or a postsecondary credential, certificate, or degree;
 - (2) has seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered;
 - (3) holds with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement; and
 - (4) within the period described by paragraph (2) of this subsection, has not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.
- (f) An EPP may admit an applicant who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries). An EPP at an entity that is accredited by an accrediting organization recognized by the THECB may use its own foreign credential evaluation service to meet the requirement described in §245.10(a)(2) of this title (relating to Application Procedures), if the entity is in good standing with its accrediting organization.
- (g) An applicant is eligible to enroll in an EPP for the purpose of completing the course of instruction, defined in §228.35(i)(2) of this title (relating to Preparation Program Coursework and/or Training), that is required for the issuance of an Early Childhood: Prekindergarten-Grade 3 certificate if the individual holds a valid

standard, provisional, or one-year certificate specified in §230.31 of this title (relating to Types of Certificates) in one of the following certificate categories:

- (1) Bilingual Generalist: Early Childhood-Grade 4;
- (2) Bilingual Generalist: Early Childhood-Grade 6;
- (3) Core Subjects: Early Childhood-Grade 6;
- (4) Early Childhood Education;
- (5) Elementary--General;
- (6) Elementary--General (Grades 1-6);
- (7) Elementary--General (Grades 1-8);
- (8) Elementary Early Childhood Education (Prekindergarten-Grade 6);
- (9) Elementary Self-Contained (Grades 1-8);
- (10) English as a Second Language Generalist: Early Childhood-Grade 4;
- (11) English as a Second Language Generalist: Early Childhood-Grade 6;
- (12) Generalist: Early Childhood-Grade 4;
- (13) Generalist: Early Childhood-Grade 6;
- (14) Kindergarten;
- (15) Prekindergarten-Grade 5--General;
- (16) Prekindergarten-Grade 6--General; or
- (17) Teacher of Young Children--General.

Source: The provisions of this §227.10 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198; amended to be effective June 3, 2018, 43 TexReg 3355; amended to be effective December 22, 2019, 44 TexReg 7683; amended to be effective October 15, 2020, 45 TexReg 7249.

§227.15. Contingency Admission.

- (a) An applicant may be accepted into an alternative certification program or post-baccalaureate program on a contingency basis pending receipt of an official transcript showing degree conferred, as specified in §227.10(a)(2) of this title (relating to Admission Criteria), provided that:
 - (1) the applicant is currently enrolled in and expects to complete the courses and other requirements for obtaining, at a minimum, a bachelor's degree at the end of the semester in which admission to the program is sought;
 - (2) all other admission requirements specified in §227.10 of this title have been met;
 - (3) the EPP must notify the applicant of the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification; and
 - (4) the applicant must accept the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.
- (b) The effective date of contingency admission shall be included in the offer of contingency admission.
- (c) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's contingency admission.
- (d) An applicant admitted on a contingency basis may begin program training and may be approved to take a certification examination, but shall not be recommended for an intern or a probationary certificate until the bachelor's degree or higher from an accredited institution of higher education (IHE) has been conferred.

- (e) Except as provided by this section, an alternative certification program or post-baccalaureate program, prior to admission on a contingency basis, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A post-baccalaureate or alternative certification program at an IHE may admit an applicant if coursework and training was provided by the same IHE as part of:
- (1) the degree to be conferred;
 - (2) a prerequisite for a master's degree leading to initial certification; or
 - (3) a different post-baccalaureate program of study.
- (f) The contingency admission will be valid for only the fall, spring, or summer semester for which the contingency admission was granted and may not be extended for another semester. The end of each semester shall be consistent with the common calendar established by the Texas Higher Education Coordinating Board.

Source: The provisions of this §227.15 adopted to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198; amended to be effective June 3, 2018, 43 TexReg 3355; amended to be effective October 15, 2020, 45 TexReg 7249.

§227.17. Formal Admission.

- (a) For an applicant to be formally admitted to an educator preparation program (EPP), the applicant must meet all the admission requirements specified in §227.10 of this title (relating to Admission Criteria).
- (b) For an applicant to be formally admitted to an EPP, the EPP must notify the applicant of the offer of formal admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.
- (c) For an applicant to be considered formally admitted to the EPP, the applicant must accept the offer of formal admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.
- (d) The effective date of formal admission shall be included in the offer of formal admission.
- (e) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's formal admission.
- (f) Except as provided by §227.15 of this title (relating to Contingency Admission), an alternative certification program or post-baccalaureate program, prior to formal admission, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A post-baccalaureate or alternative certification program at an institution of higher education (IHE) may admit an applicant if coursework and training was provided by the same IHE as part of:
 - (1) a previous degree that was conferred;
 - (2) a prerequisite for a master's degree leading to initial certification; or
 - (3) a different post-baccalaureate program of study.

Source: The provisions of this §227.17 adopted to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198; amended to be effective June 3, 2018, 43 TexReg 3355.

§227.19. Incoming Class Grade Point Average.

- (a) The overall grade point average (GPA) of each incoming class admitted between September 1 and August 31 of each year by an educator preparation program (EPP), including an alternative certification program, may not be less than 3.00 on a four-point scale or the equivalent. In computing the overall GPA of an incoming class, an EPP may include:
 - (1) the GPA of each person in the incoming class based on all coursework previously attempted by the person at an accredited institution of higher education (IHE):

- (A) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or
 - (B) from which the most recent bachelor's degree or higher from an accredited IHE was conferred (alternative certification program formal admission or post-baccalaureate program formal admission); or
- (2) the GPA of each person in the incoming class based only on the last 60 semester credit hours of all coursework attempted by the person at an accredited IHE:
- (A) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission). If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP may use grades from all coursework previously attempted by a person at the most recent accredited IHE(s), starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or
 - (B) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE (alternative certification program formal admission or post-baccalaureate program formal admission).
- (b) A person seeking career and technical education certification is not included in determining the overall GPA of an incoming class.

Source: The provisions of this §227.19 adopted to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198.

§227.20. Implementation Date.

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.

Source: The provisions of this §227.20 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective October 18, 2016, 41 TexReg 8198; amended to be effective June 3, 2018, 43 TexReg 3355.

Subchapter B. Preliminary Evaluation of Certification Eligibility

Statutory Authority: The provisions of this Subchapter B issued under the Texas Education Code, §21.041(b)(1) and (4), and Texas Occupations Code, §53.105.

§227.101. Purpose.

- (a) This subchapter provides rules for the implementation of a preliminary criminal history evaluation as provided in the Texas Occupations Code, Chapter 53, Subchapter D.
- (b) The following words, terms, and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Criminal history--Criminal history record information that relates to convictions and deferred adjudications.
 - (2) Ineligibility--Unsuitability for certification, based on any of the grounds described in §249.12(b) of this title (relating to Administrative Denial; Appeal), as determined by the Texas Education Agency staff.
 - (3) Reasonably available--Provided in writing to Texas Education Agency staff by a requestor.
 - (4) Requestor--A person making a request for preliminary criminal history evaluation pursuant to this subchapter.
 - (5) 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.
- (c) A person who is enrolled or planning to enroll in a State Board for Educator Certification-approved educator preparation program or planning to take a certification examination may request a preliminary criminal history evaluation letter regarding the person's potential ineligibility for certification due to a conviction or deferred adjudication for a felony or misdemeanor offense.

Source: The provisions of this §227.101 adopted to be effective October 28, 2010, 35 TexReg 9501.

§227.103. Application.

- (a) A request for preliminary criminal history evaluation must be preceded by payment of the required criminal history evaluation fee specified in §230.101(a)(19) of this title (relating to Schedule of Fees for Certification Services).
- (b) A request for preliminary criminal history evaluation must include the following:
 - (1) a signed and dated application, in the form provided on the Texas Education Agency (TEA) website, containing contact information and the date and description of each offense requested to be evaluated;
 - (2) an attached statement of the circumstances upon which the arrest is based and the disposition relating to each offense to be evaluated;
 - (3) court documentation relating to each offense, including, at a minimum, the formal disposition of the offense(s) and related charge(s) (e.g., Judgment, Order of Probation, Sentence, Deferred Adjudication Order, etc.); and
 - (4) a copy of the receipt for the request for preliminary criminal history evaluation fee.
- (c) All required documents and information specified in subsection (b) of this section must be provided with the request for preliminary criminal history evaluation. Any documents or information not provided in the original request will not be considered reasonably available.
- (d) The preliminary criminal history evaluation will be based solely on the application and court or law enforcement documents provided. Any information not provided by the requestor shall be considered not reasonably available at the time of the request and may be considered at the time the requestor subsequently

applies for a certificate issued by the State Board for Educator Certification. Additional documentation that should be provided, if possible, includes the following:

- (1) the formal charge(s) (e.g., indictment, information, or complaint);
 - (2) evidence that the condition(s) of the court have been met (e.g., completion of probation, receipt for restitution, etc.); and
 - (3) any available law enforcement report(s) describing the offense or the investigation of the offense.
- (e) The application, the statement of circumstances, the required court documentation, and a copy of the receipt for the request for preliminary criminal history evaluation fee must be submitted to the TEA division responsible for educator investigations by United States certified mail, return receipt requested, to the address provided on the application or by facsimile to the facsimile number provided on the application.
- (f) A request for preliminary criminal history evaluation is incomplete unless it includes a copy of the receipt for the request for preliminary criminal history evaluation fee, a completed application, a statement of circumstances, and the required court documentation. The TEA staff will take no action on a request that is incomplete.
- (g) All documents submitted in connection with a request for preliminary criminal history evaluation, whether complete or incomplete, will not be returned to the requestor. All documents will be retained or destroyed by the TEA in accordance with the TEA records retention schedule.

Source: The provisions of this §227.103 adopted to be effective October 28, 2010, 35 TexReg 9501; amended to be effective February 28, 2016, 41 TexReg 1238; amended to be effective June 3, 2018, 43 TexReg 3355.

§227.105. Preliminary Criminal History Evaluation Letter.

- (a) Within 90 calendar days of receipt of a complete request for a preliminary criminal history evaluation, the Texas Education Agency (TEA) staff will notify the requestor, by email to the email address provided on the requestor's application, of the TEA's determination with regard to the requestor's potential ineligibility based on the matters described in the request for preliminary criminal history evaluation.
- (b) The preliminary criminal history evaluation letter will be strictly limited to the facts stated and the documents submitted by the requestor, as of the date of the request. Any documents or information not provided by the requestor will not be considered reasonably available for purposes of evaluating the request. In the event that the requestor subsequently applies for certification by the State Board for Educator Certification, complete fingerprint-based national criminal history information will be required. The TEA staff may conduct a criminal history investigation at that time regarding the offense(s) that were the subject of the request, based on any misstatements, incomplete information, or missing documentation in the request for preliminary criminal history evaluation; additional or subsequent criminal history or inappropriate conduct; or changed circumstances.
- (c) The preliminary criminal history evaluation letter relates only to whether the specific information submitted constitutes grounds for ineligibility. The evaluation letter is not a guarantee of educator certification, admission to an educator preparation program, or employment as an educator.

Source: The provisions of this §227.105 adopted to be effective October 28, 2010, 35 TexReg 9501; amended to be effective February 28, 2016, 41 TexReg 1238.

§227.107. Fee for Request for Preliminary Criminal History Evaluation.

- (a) The fee to request a preliminary criminal history evaluation under this subchapter shall be in an amount sufficient to cover the cost of administration of the evaluation process and as provided in §230.101 of this title (relating to Schedule of Fees for Certification Services).
- (b) A new fee will be required to reactivate a request that is incomplete because of failure to submit the required documentation within 90 calendar days of receipt by the Texas Education Agency of the initial fee.

Source: The provisions of this §227.107 adopted to be effective October 28, 2010, 35 TexReg 9501; amended to be effective February 28, 2016, 41 TexReg 1238.

Figure: 19 TAC §227.10(a)(4)(C)

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
Art			
§233.10	Art: Early Childhood-Grade 12	778 TX PACT Art: Early Childhood-Grade 12	63 out of 100 selected-response items
Career and Technical Education			
§233.13	Technology Education: Grades 6-12	771 TX PACT: Technology Education: Grades 6-12	40 out of 80 selected-response items
§233.13	Family and Consumer Sciences, Composite: Grades 6-12	721 TX PACT: Family and Consumer Sciences, Composite	51 out of 100 selected-response items
§233.13	Human Development and Family Studies: Grades 8-12	721 TX PACT: Family and Consumer Sciences, Composite	51 out of 100 selected-response items
§233.13	Hospitality, Nutrition, and Food Sciences: Grades 8-12	721 TX PACT: Family and Consumer Sciences, Composite	51 out of 100 selected-response items
§233.13	Agriculture, Food, and Natural Resources: Grades 6-12	772 TX PACT: Agriculture, Food, and Natural Resources: Grades 6-12	52 out of 100 selected-response items
§233.13	Business and Finance: Grades 6-12	776 TX PACT: Business and Finance: Grades 6-12	64 out of 100 selected-response items
Computer Science and Technology Applications			
§233.5	Computer Science: Grades 8-12	741 TX PACT Computer Science: Grades 8-12	52 out of 80 selected-response items
§233.5	Technology Applications: Early Childhood-Grade 12	742 TX PACT Technology Applications: Early Childhood-Grade 12	52 out of 80 selected-response items

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
Core Subjects			
§233.2	Early Childhood: Prekindergarten-Grade 3	701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)	(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items
§233.2	Core Subjects: Early Childhood-Grade 6	701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics) or 790 TX PACT Core Subjects: Grades 4-8	(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items (790) 94 out of 160 selected-response items
§233.2	Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6	701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics) or 790 TX PACT Core Subjects: Grades 4-8	(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items (790) 94 out of 160 selected-response items
§233.2	Core Subjects: Grades 4-8	790 TX PACT Core Subjects: Grades 4-8	94 out of 160 selected-response items
§233.2	Core Subjects with Science of Teaching Reading: Grades 4-8	790 TX PACT Core Subjects: Grades 4-8	94 out of 160 selected-response items

Dance			
§233.10	Dance: Grades 6-12	779 TX PACT Dance: Grades 6-12	53 out of 80 selected-response items
English Language Arts and Reading			
§233.3	English Language Arts and Reading: Grades 4-8	717 TX PACT English Language Arts and Reading: Grades 4-8	71 out of 100 selected-response items
§233.3	English Language Arts and Reading with Science of Teaching Reading: Grades 4-8	717 TX PACT English Language Arts and Reading: Grades 4-8	71 out of 100 selected-response items
§233.3	English Language Arts and Reading: Grades 7-12	731 TX PACT English Language Arts and Reading: Grades 7-12	59 out of 100 selected-response items
§233.3	English Language Arts and Reading/Social Studies: Grades 4-8	717 TX PACT English Language Arts and Reading: Grades 4-8 and 718 TX PACT Social Studies: Grades 4-8	(717) 71 out of 100 selected-response items (718) 57 out of 100 selected-response items
§233.3	English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8	717 TX PACT English Language Arts and Reading: Grades 4-8 and 718 TX PACT Social Studies: Grades 4-8	(717) 71 out of 100 selected-response items (718) 57 out of 100 selected-response items

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
Health			
§233.11	Health: Early Childhood-Grade 12	757 TX PACT Health: Early Childhood-Grade 12	57 out of 80 selected-response items
Journalism			
§233.3	Journalism: Grades 7-12	756 TX PACT Journalism: Grades 7-12	45 out of 72 selected-response items
Languages Other Than English			
§233.15	American Sign Language: Early Childhood-Grade 12	784 TX PACT American Sign Language: Early Childhood-Grade 12 (Subtest I) and 785 TX PACT: American Sign Language (ASL): Early Childhood-Grade 12 (Subtest II)	(784) 22 out of 40 selected-response items (785) 23 out of 40 selected-response items (785) 19 out of 32 score points (4 constructed-response items)
§233.15	Arabic: Early Childhood-Grade 12	ACTFL 605 OPI – Arabic and 600 WPT – Arabic	ACTFL 605 OPI – Arabic: Advanced Low; 600 WPT – Arabic: Advanced Low
§233.15	Chinese: Early Childhood-Grade 12	714 TX PACT: LOTE Chinese: Early Childhood-Grade-12	58 out of 80 selected-response items 11 out of 16 score points (2 constructed-response items)
§233.15	French: Early Childhood-Grade 12	710 TX PACT LOTE French: Early Childhood-Grade 12	57 out of 80 selected-response items 10 out of 16 score points (2 constructed-response items)

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
Languages Other Than English (continued)			
§233.15	German: Early Childhood-Grade 12	711 TX PACT LOTE German: Early Childhood-Grade 12	59 out of 80 selected-response items 11 out of 16 score points (2 constructed-response items)
§233.15	Hindi: Early Childhood-Grade 12	ACTFL 622 OPI – Hindi and 623 WPT – Hindi	ACTFL 622 OPI – Hindi: Advanced Low; 623 WPT – Hindi: Advanced Low
§233.15	Italian: Early Childhood-Grade 12	ACTFL 624 OPI – Italian and 625 WPT – Italian	ACTFL 624 OPI – Italian: Advanced Low; 625 WPT – Italian: Advanced Low
§233.15	Japanese: Early Childhood-Grade 12	ACTFL 607 OPI – Japanese and 602 WPT – Japanese	ACTFL 607 OPI – Japanese: Intermediate High; 602 WPT – Japanese: Intermediate High
§233.15	Korean: Early Childhood-Grade 12	ACTFL 630 OPI – Korean and 631 WPT – Korean	ACTFL 630 OPI – Korean: Advanced Low; 631 WPT – Korean: Advanced Low
§233.15	Latin: Early Childhood-Grade 12	712 TX PACT LOTE Latin: Early Childhood-Grade 12	31 out of 50 selected-response items 11 out of 16 score points (2 constructed-response items)

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
Languages Other Than English (continued)			
§233.15	Portuguese: Early Childhood-Grade 12	ACTFL 632 OPI – Portuguese and 633 WPT – Portuguese	ACTFL 632 OPI – Portuguese: Advanced Low; 633 WPT – Portuguese: Advanced Low
§233.15	Russian: Early Childhood-Grade 12	ACTFL 608 OPI – Russian and 603 WPT – Russian	ACTFL 608 OPI – Russian: Intermediate High; 603 WPT – Russian: Intermediate High
§233.15	Spanish: Early Childhood-Grade 12	713 TX PACT LOTE Spanish: Early Childhood-Grade 12	55 out of 80 selected-response items 12 out of 16 score points (2 constructed-response items)
§233.15	Turkish: Early Childhood-Grade 12	ACTFL 626 OPI – Turkish and 627 WPT – Turkish	ACTFL 626 OPI – Turkish: Advanced Low; 627 WPT – Turkish: Intermediate High
§233.15	Vietnamese: Early Childhood-Grade 12	ACTFL 609 OPI – Vietnamese and 604 WPT – Vietnamese	ACTFL 609 OPI – Vietnamese: Advanced Mid; 604 WPT – Vietnamese: Advanced Low
Mathematics and Science			
§233.4	Mathematics: Grades 4-8	715 TX PACT Mathematics: Grades 4-8	58 out of 100 selected-response items
§233.4	Science: Grades 4-8	716 TX PACT Science: Grades 4-8	62 out of 100 selected-response items

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
Mathematics and Science (continued)			
§233.4	Mathematics/Science: Grades 4-8	715 TX PACT Mathematics: Grades 4-8 and 716 TX PACT Science: Grades 4-8	(715) 58 out of 100 selected-response items (716) 62 out of 100 selected-response items
§233.4	Mathematics: Grades 7-12	735 TX PACT Mathematics: Grades 7-12	52 out of 100 selected-response items
§233.4	Science: Grades 7-12	736 TX PACT Science: Grades 7-12	48 out of 100 selected-response items
§233.4	Life Science: Grades 7-12	738 TX PACT Life Science: Grades 7-12	63 out of 100 selected-response items
§233.4	Physical Science: Grades 6-12	737 TX PACT Physical Science: Grades 6-12	61 out of 100 selected-response items
§233.4	Physics/Mathematics Grades 7-12	735 TX PACT: Mathematics: Grades 7-12 and 739 TX PACT: Physics Grades 7-12	(735) 52 out of 100 selected-response items (739) 52 out of 100 selected-response items
§233.4	Mathematics/Physical Science/Engineering: Grades 6-12	735 TX PACT Mathematics: Grades 7-12 and 737 TX PACT Physical Science: Grades 6-12	(735) 52 out of 100 selected-response items (737) 61 out of 100 selected-response items
§233.4	Chemistry: Grades 7-12	740 TX PACT Chemistry: Grades 7-12	62 out of 100 selected-response items
Music			
§233.10	Music: Early Childhood-Grade 12	777 TX PACT Music: Early Childhood-Grade 12	68 out of 100 selected-response items

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
Physical Education			
§233.12	Physical Education: Early Childhood-Grade 12	758 TX PACT Physical Education: Early Childhood-Grade 12	52 out of 80 selected-response items
Social Studies			
§233.3	Social Studies: Grades 4-8	718 TX PACT Social Studies: Grades 4-8	57 out of 100 selected-response items
§233.3	Social Studies: Grades 7-12	732 TX PACT Social Studies: Grades 7-12	62 out of 100 selected-response items
§233.3	History: Grades 7-12	733 TX PACT History: Grades 7-12	57 out of 100 selected-response items
Speech Communications			
§233.3	Speech: Grades 7-12	729 TX PACT Speech: Grades 7-12	40 out of 64 selected-response items 5 out of 8 score points (1 constructed-response item)
Special Education			
§233.8	Special Education: Early Childhood-Grade 12	701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)	(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
Special Education (continued)			
§233.8	Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12	701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)	(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items
Theatre			
§233.10	Theatre: Early Childhood-Grade 12	780 TX PACT Theatre: Early Childhood-Grade 12	48 out of 80 selected-response items