

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§229.1, 229.2, 229.3, 229.4, 229.5, and 229.7, concerning the performance standards and procedures for educator preparation program (EPP) accountability. The proposed amendments would provide for adjustments to the Texas Accountability System for Educator Preparation (ASEP) Manual; would clarify and streamline language; would provide clarity on processes and timelines related to new certification tests, surveys, and observation requirements; would update sources of information for population identification; would increase ASEP communications, would provide time and supports for EPPs with a lowered ASEP status; and would include technical updates.

BACKGROUND INFORMATION AND 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 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. SBEC rules in 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.

The following is a description of the proposed amendments to Chapter 229, Subchapters A, B, C, and E, including the ASEP Manual (Figure: 19 TAC §229.1(c)), and updated data collection requirements (Figure: 19 TAC §229.3(f)(1)).

Subchapter A, Accountability System for Educator Preparation Program Procedures

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

Updates to ASEP Manual

The proposed amendment to Figure: 19 TAC §229.1(c) would update the ASEP Manual as follows:

Updates to Chapter 1 would remove an outdated reference to Chapter 9 and correct the description of Chapter 8.

Updates to Chapter 3 would clarify how a redesigned test would be integrated into pass rates calculations as they begin. The worked examples would be updated to increase clarity about redesigned tests and how they are handled in the pass rates calculations each year.

Updates to Chapter 5 would clarify that EPPs have an opportunity to review their student growth roster and request the removal of individuals. This would align with current practices described in other chapters and provide clarity for EPPs regarding this process. This would also clarify the population included in relation to deactivated certificates.

Updates to Chapter 6 would clarify that, beginning in the 2025-2026 academic year, individuals completing internship, residency, or clinical teaching experiences will be identified using the clinical experience record end date. This would incorporate updated data and provide transparency to EPPs about which candidates will be evaluated each year. These updates would further establish observation frequency requirements as the standard for the 2025-2026 and 2026-2027 reporting years, generalize references to Chapter 228, Requirements for Educator Preparation Programs, Subchapter F, Support for Candidates During Required Clinical Experiences, to facilitate future rulemaking, and incorporate the term reporting year for clarity and consistency.

A technical edit would be made to §229.1(c) to remove reference to a provision repealed effective January 7, 2025.

§229.2. Definitions.

Proposed new §229.2(19) and (23) would add definitions for "governing body" and "legal authority," which are used in Chapter 229, to clarify the responsibilities of leadership roles in an EPP and provide examples of positions at an EPP that are considered leadership roles.

Proposed new §229.2(20) would align language related to the individual who supports a teacher resident with language in §228.2, defining the term as "host teacher."

Proposed new §229.2(22) would align language related to the mentor of a candidate completing an internship with language in §228.2, defining the term as "intern mentor teacher."

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

The proposed amendment to §229.3(a) would align language with the proposed changes to §229.2(20) and (22).

Updates to Required Data Collections

The proposed amendment to Figure: 19 TAC §229.3(f)(1) would add "EPP contact information" to the list of required data to collect the names, email addresses, and phone numbers of the EPP's legal authority, chief operating officer, and governing body chair. It also requires that each individual be separate persons. This requirement would enable robust communication and is consistent with feedback from SBEC.

Technical edits to conform with style would be made throughout the subchapter.

Subchapter B, Accountability System for Educator Preparation Accreditation Statuses

§229.4. Determination of Accreditation Status.

The proposed amendment to §229.4(a) and (a)(4)(A)(i) would remove rules that are no longer applicable to streamline the rule text.

The proposed amendment to §229.4(a)(4)(A)(ii) would clarify the changes to minimum observation requirements in Chapter 228, Subchapter F, that will be effective September 1, 2026. This would provide clarity to the field about which observation requirements are actionable for each evaluation year.

The proposed amendments to §229.4(a)(2) and (5) would allow for the first reporting year that a redesigned survey is distributed in replacement of a prior survey to be a report-only year for the principal and teacher surveys. The principal and teacher surveys will be revised to remain aligned with the Texas Teacher Evaluation and Support System (T-TESS) teacher observation rubric, which is being updated to align with new educator standards. This update would provide for visibility on the outcomes of the new survey to SBEC and EPPs prior to the new survey being actionable for accountability and is responsive to stakeholder input.

The proposed amendment to §229.4(b)(3)(A) would update the assignment of accreditation statuses so that an ASEP Index score that is less than 80% in the first year would be Accredited-Warned status. This would result in EPPs receiving an Accredited-Warned status prior to receiving an Accredited-Probation status. This would provide additional time for EPP improvement and is consistent with feedback from SBEC.

The proposed amendment to §229.4(b)(4)(A) would update the Accredited-Probation status counting to begin in the first year after an Accredited-Warned status was approved when the ASEP Index is below 80%. This would provide additional time for EPP improvement and is consistent with feedback from SBEC.

Technical edits to conform with style would be made throughout the subchapter.

Subchapter C, Accreditation Sanctions

§229.5. Accreditation Sanctions and Procedures.

Proposed new §229.5(b) would require an EPP to complete a continuing EPP review if an EPP receives a status of Accredited-Warned or Accredited-Probation. This update would allow for EPPs to receive additional oversight and support through the Continuing Approval Review system when they fall below the Accredited performance level.

Proposed §229.5(c)-(f) would be relettered to accommodate the addition of proposed new subsection (b).

Technical edits to conform with style would also be made throughout the subchapter.

Subchapter E, Review Procedures

§229.7. Informal Review of Texas Education Agency Recommendations.

The proposed amendment to §229.7(b)(4) would clarify that a required notice of an accreditation status recommendation or change be communicated to the chief operating officer, legal authority, and chair of the governing body. This change would ensure communication of these results and is consistent with feedback from SBEC.

The proposed amendment to §229.7(c) would add "legal authority" to the list of individuals in rule who can request an informal review. This would ensure alignment with several parties being able to request an informal review and is consistent with feedback from SBEC.

Technical edits to conform with style requirements would be made throughout the subchapter.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation and talent development, has determined that for the first five years enforcing or administering the rules, there will be additional costs for EPPs that are required to complete a discretionary continuing educator preparation program review. The proposed rules would require a Continuing Educator Preparation Program Approval Review in a circumstance where approved Accountability System for Educator Preparation status is "Accredited-Warned" or "Accredited-Probation" for the first consecutive year (or first time after previously receiving an Accredited status). The number was modeled off of the results in the 2024-2025 Accountability System for Educator Preparation approved statuses. In 2024-2025, nine programs scored below 80% on the ASEP Index, which is the score that would result in an Accredited-Warned or Accredited-Probation status in the future. Of those nine, five were Accredited in the previous reporting year in which they had an approved status. One of the five was already scheduled for their five-year Continuing Educator Preparation Program Approval Review. This program would have been assessed the fee of \$4,500 for a review regardless of their accreditation status. The other four programs would receive a discretionary review under the proposed rules at a cost of \$4,500. This would amount to \$18,000 in new revenues for the state government and \$18,000 in new costs for EPPs that are complying with the rule's enactment.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, proposed §229.3(f)(1) would create a new regulation for EPPs by requiring new data reporting collections of data related to legal authority, chief operating officer, and governing body chair. This helps ensure that multiple role holders at each EPP receive transparent communications regarding accreditation and governance status changes for their EPP.

Proposed §229.4(b)(3)(A) and §229.4(b)(4)(A) would create a new regulation for EPPs that results in the recommendation of accreditation statuses differently. It would require that an ASEP Index score that is below 80%

in the first-year result in an Accredited-Warned status and an ASEP Index score that is below 80% in years two through four result in an Accredited-Probation status. This update creates more fluency in the accreditation status approval process and ensures that EPPs have adequate time to receive data and improve their program.

Proposed new §229.5(b) would create a new regulation for EPPs by requiring that they complete a Continuing Educator Preparation Program Approval if an EPP receives a status of Accredited-Warned or Accredited-Probation. This responds to stakeholder feedback to ensure that EPPs diagnose issues and are supported in remediating the issues.

PUBLIC BENEFIT AND COST TO PERSONS: Jessica McLoughlin, associate commissioner for educator preparation and talent development, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have a data and reporting impact. New reporting requirements in proposed §229.3(f)(1) would include annual collection of data related to the names, addresses, and phone numbers of an EPP's legal authority, chief operating officer, and governing body chair. This collection is necessary under proposed §229.7(b)(4) and (c). EPPs are already required to create and retain this data locally, and allowing EPPs to report this data to TEA using the Educator Certification Online System would ensure that the appropriate personnel at an EPP receive notice of accreditation and governance findings and allow them to file an informal review on behalf of the EPP. This ensures that TEA is transparent with communications to personnel who make policy decisions for the EPP.

ENVIRONMENTAL IMPACT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins August 14, 2026, and ends September 14, 2026. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/laws-and-rules/sbec-rules-tac/proposed-state-board-educator-certification-rules>. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the September 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

STATUTORY AUTHORITY: The amendments are proposed under TEC, §21.041(a), which allows SBEC to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that 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 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 SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that 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 SBEC. SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, which states that SBEC shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that 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; 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, SBEC shall make certain specified information regarding EPPs in this state available to the public through SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §§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) [Figure: 19 TAC §229.1(e)]

§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) 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.
- (3) Beginning teacher--For purposes of ~~[the]~~ Texas Education Code (TEC), §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.
- (4) 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.
- (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, as described in Chapter 233 of this title.
- (7) Clinical experience--An assignment, as described in §228.2 of this title (relating to Definitions).
- (8) Clinical teaching--An assignment, as described in §228.2 of this title ~~[(relating to Definitions)]~~.

- (9) Completer--A person who has met all the requirements of an approved EPP ~~[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.
- (10) 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).
- (11) Content pedagogy test ~~[Pedagogy Test]~~ --Examination listed in the column labeled "Required Content Pedagogy Test(s)" in Figure: 19 TAC §230.21(e).
- (12) 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.
- (13) Demographic group--Male and female, as to gender; and African American, Hispanic, White, and Other, as to race and ethnicity.
- (14) Educator preparation program--An entity approved by the State Board for Educator Certification (SBEC) to recommend candidates in one or more educator certification classes or categories.
- (15) Educator preparation program data--Data reported to meet requirements under TEC ~~[the Texas Education Code]~~ , §21.045(b) and §21.0452.
- (16) Examination--An examination or other test required by statute, or any other SBEC ~~[State Board for Educator Certification]~~ rule codified in the Texas Administrative Code, Title 19, Part 7, that governs an individual's admission to an EPP ~~[educator preparation program]~~ , certification as an educator, continuation as an educator, or advancement as an educator.
- (17) Field supervisor--An individual, as described in §228.2 of this title ~~[(relating to Definitions)]~~ , who is hired by an EPP ~~[educator preparation program]~~ to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.
- (18) First-year teacher--For purposes of TEC ~~[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.
- (19) Governing body--A group or board of individuals responsible for oversight of EPP policies and activities, including, but not limited to, governance, administration, and accreditation functions. This body includes at minimum the governing body chairperson.
- (20) Host teacher--An individual, as described in §228.2 of this title, who supports a teacher resident candidate during the candidate's teacher residency field placement experience.
- (21) ~~[(19)]~~ Internship--An assignment, as described in §228.2 of this title ~~[(relating to Definitions)]~~ .
- (22) ~~[(20)]~~ Intern mentor teacher ~~[Mentor]~~ --An individual, as described in §228.2 of this title ~~[(relating to Definitions)]~~ , who supports a candidate during a candidate's internship experience.
- (23) Legal authority--The person with final decision-making authority in an EPP such as a dean, director, owner, executive director, superintendent, or program director.
- (24) ~~[(21)]~~ Pedagogy test ~~[Test]~~ --Examination listed in the column labeled "Pedagogical Requirement(s)" in Figure: 19 TAC §230.21(e).
- (25) ~~[(22)]~~ Practicum--An assignment, as described in §228.2 of this title ~~[(relating to Definitions)]~~ .
- (26) ~~[(23)]~~ Reporting year ~~[Year]~~ --September 1 through August 31.
- (27) ~~[(24)]~~ Residency--A supervised educator assignment, as described in §228.2 of this title ~~[(relating to Definitions)]~~ .
- (28) ~~[(25)]~~ 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.

(29) ~~(26)~~ Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the SBEC's ~~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, intern mentor teachers ~~[mentors]~~, site supervisors, host teachers, 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) ~~[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.

STATUTORY AUTHORITY: The amendment is proposed under TEC, §21.041(a), which allows SBEC to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that 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 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 SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that 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 SBEC. SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, which states that SBEC shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that 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; 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, SBEC shall make certain specified information regarding EPPs in this state available to the public through SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§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". The first academic year for

which a redesigned survey is distributed in replacement of a prior survey will be a reporting year only and will not be used to determine accreditation status ;

- (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. For the 2024-2025 and 2025-2026 academic years, the performance standard shall be 60% of beginning teachers from the EPP reaching the individual performance threshold. For the 2026-2027 academic year, the performance standard shall be 65% of beginning teachers from the EPP reaching the individual performance threshold. Beginning in the 2027-2028 academic year, the performance standard shall be 70% of beginning teachers from the EPP reaching the individual performance threshold;
- (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, residency, 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 of this title (relating to Requirements for Educator Preparation Programs) that were effective August 31, 2024.]~~
 - (i) ~~(iii)~~ 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 (relating to Support for Candidates During Required Clinical Experiences) that were effective beginning September 1, 2024.
 - (ii) Beginning in the 2026-2027 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, 2026.
 - (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. The first academic year for which a redesigned survey is distributed in replacement of a prior survey will be a reporting year only and will not be used to determine accreditation status.
- (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 80% ~~[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.

- (A) 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.
- (B) An EPP shall be assigned Accredited-Not Rated status 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.
 - (i) Any sanction assigned as a result of an Accredited-Warning or Accredited-Probation status in the prior year shall continue unless the SBEC modifies the sanction as deemed necessary based on subsequent performance.
 - (ii) If the EPP is assigned a status of Accredited-Not Rated this shall not break a count of consecutively measured years for the purpose of paragraph (5)(A) of this subsection.
- (3) Accredited-Warning status.
 - (A) An EPP shall be assigned Accredited-Warning status if the EPP accumulates less than 80% [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 and it is the first consecutive year in which the EPP had accumulated less than 80% of the possible points.
 - (B) An EPP may be assigned Accredited-Warning 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 and it is greater than the first consecutive year in which the EPP had accumulated less than 80% of the possible points.
 - (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 from the closure date, 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 shall submit a letter as described in §228.21(a)(1) of this title (relating to Program Consolidation or Closure) no later than 14 days after the revocation identifying a closure date. If a letter is not submitted within 14 days after the revocation, the closure date shall be the last day of the current academic year.
- (H) Upon revocation of EPP approval, the EPP shall adhere to the requirements for program closure contained in §228.21 of this title.

(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 subsection (c)(3) or (4) of this section results in an evaluation against the standard and the evaluated cumulated group does not meet the performance standard, the current year candidate group is separately evaluated against the performance standard. If the current year candidate group meets the performance standard, then the failure does not count as an additional consecutively measured year for the purposes of the ASEP Index as described in Figure: 19 TAC §229.1(c) of this title or for §229.5(d) [~~§229.5(e)~~] of this title (relating to Accreditation Sanctions and Procedures). If the current year candidate group does not meet the performance standard, then the failure does count as an additional consecutively measured year for the purposes of the ASEP Index and for §229.5(d) [~~§229.5(e)~~] of this title.

STATUTORY AUTHORITY: The amendment is proposed under TEC, §21.041(a), which allows SBEC to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that 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 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 SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that 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 SBEC. SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, which states that SBEC shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that 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; 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, SBEC shall make certain specified information regarding EPPs in this state available to the public through SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§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.

<rule>

§229.5. Accreditation Sanctions and Procedures.

- (a) The State Board for Educator Certification (SBEC) may assign an educator preparation program (EPP) Accredited-Warned or Accredited-Probation status if ~~the~~ SBEC determines that the EPP has violated SBEC rules and/or Texas Education Code (TEC), Chapter 21.
- (b) If an EPP has been assigned Accredited-Warned or Accredited-Probation status, SBEC shall require the EPP to complete a continuing educator preparation program review, as described in §228.13 of this title (relating to Continuing Educator Preparation Program Approval). If, at the time this status is assigned by SBEC, an EPP is already in the process of a review under §228.13 of this title, the in-process review will satisfy this requirement.
- (c) ~~(b)~~ If an EPP has been assigned Accredited-Warned or Accredited-Probation status, or if the SBEC determines that additional action is a necessary condition for the continuing approval of an EPP to recommend candidates for educator certification, ~~the~~ SBEC may take any one or more of the following actions, which shall be reviewed by ~~the~~ SBEC at least annually:
 - (1) require the EPP to obtain technical assistance approved by the Texas Education Agency (TEA) or SBEC;
 - (2) require the EPP to obtain professional services approved by ~~the~~ TEA or SBEC;
 - (3) require the EPP to provide TEA staff with verification of the EPP's compliance with SBEC rules and/or the TEC;
 - (4) require the EPP to post on its website:
 - (A) accreditation status;
 - (B) notice that ~~the~~ SBEC has instated conditions on the EPP's continuing approval;
 - (C) TEA's continuing approval review report; and/or

- (D) official notification of recommended status;
 - (5) appoint a monitor to participate in the activities of the EPP and report the activities to ~~the~~ TEA or SBEC; and/or
 - (6) require the EPP to develop an action plan addressing the deficiencies and describing the steps the program will take to improve the performance of its candidates. TEA staff may prescribe the information that must be included in the action plan. The action plan must be sent to TEA staff no later than 45 calendar days following notification to the EPP that SBEC has ordered the action plan.
- (d) ~~(e)~~ Notwithstanding the accreditation status of an EPP, if the performance of candidates on an examination required for certification (as listed in Figure: 19 TAC §230.21(e) of this title (relating to Educator Assessment)) in an individual certification class or category offered by an EPP fails to meet the performance standard on the content pedagogy test as described in §229.4(a)(1)(D) of this title (relating to Determination of Accreditation Status) for three consecutive years, the approval to offer that certification class or category shall be revoked.
- (1) For purposes of determining compliance with this subsection ~~[(e) of this section]~~, candidate performance in individual certification classes or categories in only the 2016-2017 academic year and subsequent academic years will be considered.
 - (2) Performance indicators by demographic group shall not be counted for purposes of this subsection ~~[(e) of this section]~~ pertaining to performance standards for individual certification classes or categories. If the aggregated number of individuals counted for a certification class or category is 10 or fewer, the performance on the standard shall be cumulated and counted in the same manner as provided in §229.4(c) of this title.
 - (3) Upon revocation of certification class or category, the EPP shall submit a letter as described in §228.21(a)(1) of this title (relating to Program Consolidation or Closure) no later than 14 days after the revocation identifying a closure date. If a letter is not submitted within 14 days after the revocation, the closure date shall be the last day of the current academic year.
 - (4) Upon revocation of the approval to offer the certification class or category, the EPP shall adhere to the requirements for program closure contained in §228.21 of this title.
- (e) ~~(d)~~ An EPP shall be notified in writing regarding any action proposed to be taken pursuant to this section, or proposed assignment of an accreditation status of Accredited-Warning, Accredited-Probation, or Not Accredited-Revoked. The notice shall state the basis on which the proposed action is to be taken or the proposed assignment of the accreditation status is to be made.
- (f) ~~(e)~~ All costs associated with providing or requiring technical assistance, professional services, or the appointment of a monitor pursuant to this section shall be paid by the EPP to which the services are provided or required, or its sponsor.

STATUTORY AUTHORITY: The amendment is proposed under TEC, §21.041(a), which allows SBEC to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that 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 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 SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that 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 SBEC. SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, which states that SBEC shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that 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; 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, SBEC shall make certain specified information regarding EPPs in this state available to the public through SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§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.

<rule>

§229.7. Informal Review of Texas Education Agency Recommendations.

- (a) Applicability. This section applies only to a notice required under §229.5(e) [~~§229.5(d)~~] of this title (relating to Accreditation Sanctions and Procedures) or under §229.6(c) of this title (relating to Continuing Approval) proposing to:
- (1) require an educator preparation program (EPP) or a particular class or category of certification offered by an EPP to obtain technical assistance as provided by the Texas Education Code (TEC), §21.0451(a)(2)(A);
 - (2) require an EPP or a particular class or category of certification offered by an EPP to obtain professional services as provided by the TEC, §21.0451(a)(2)(B);
 - (3) appoint a monitor for an EPP or a particular class or category of certification offered by an EPP as provided by the TEC, §21.0451(a)(2)(C);
 - (4) assign a change in accreditation status of Accredited-Warning, Accredited-Probation, or Not Accredited-Revoked, as specified in §229.4 of this title (relating to Determination of Accreditation Status);
 - (5) issue a public reprimand or impose conditions on the continuing approval of an EPP to recommend candidates for certification pursuant to §229.6(b) of this title;
 - (6) revoke the approval of an EPP to recommend candidates for certification in a particular class or category of certification; or
 - (7) revoke the approval of an EPP to recommend candidates for certification.
- (b) Notice. Notice of a proposed recommendation for an order or change in accreditation status, subject to this section, shall be made as provided by §229.5(e) of this title [~~§229.5(d)~~] and §229.6(c) of this title, and this section.

- (1) The notice shall attach or make reference to all information on which the proposed recommendation is based.
 - (A) Information maintained on the Texas Education Agency (TEA) and State Board for Educator Certification (SBEC) websites may be referenced by providing a general citation to the information.
 - (B) The TEA and SBEC reports previously sent to the EPP may be referenced by providing the title and date of the report.
 - (C) On request, ~~the~~ TEA shall provide copies of, or reasonable access to, information referenced in the notice.
 - (2) The notice shall state the procedures for requesting an informal review of the proposed recommendation or change in accreditation status under this section, including the name and department of the TEA staff to whom a request for an informal review may be addressed.
 - (3) The notice shall set a deadline for requesting an informal review, which shall not be less than 14 calendar days from the date of receipt of the notice. The notice may be delivered by mail, personal delivery, facsimile, or email.
 - (4) The notice shall be sent by email to the chief operating officer, legal authority, and chair of the governing body.
- (c) Request. The chief operating officer, legal authority, or designee of the EPP may request, in writing, an informal review under this section.
- (1) The request must be properly addressed to the member of the TEA staff identified in the notice under subsection (b)(2) of this section and must be received by TEA staff on or before the deadline specified in subsection (b)(3) of this section.
 - (2) The request must set out the reasons the EPP believes the proposed recommendation or change in accreditation status is incorrect, with citations to include supporting evidence. The EPP may submit any written information to TEA as evidence to support its request, without regard to admissibility under the Texas Rules of Evidence. The request for review shall concisely state, in numbered paragraphs:
 - (A) if alleging the proposed recommendation would violate a statutory provision, the statutory provision violated and the specific facts supporting a conclusion that the statute was violated by the proposed recommendation;
 - (B) if alleging the proposed recommendation would be in excess of the SBEC's statutory authority, the SBEC's statutory authority and the specific facts supporting a conclusion that the proposed recommendation would be in excess of this authority;
 - (C) if alleging the proposed recommendation was made through unlawful procedure, the lawful procedure and the specific facts supporting a conclusion that the proposed recommendation was made through unlawful procedure;
 - (D) if alleging the proposed recommendation is affected by other error of law, the law violated and the specific facts supporting a conclusion that the proposed recommendation violated that law;
 - (E) if alleging the proposed recommendation is not reasonably supported by a preponderance of the evidence, each finding, inference, or conclusion of the proposed recommendation that is unsupported by a preponderance of the evidence, and the evidence that creates a preponderance against the specific finding, inference, or conclusion at issue;
 - (F) if alleging the proposed recommendation is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion, each finding, inference, conclusion, or proposed recommendation affected and the specific facts supporting a conclusion that each is so affected;

- (G) for each violation, error, or defect alleged under subparagraphs (A)-(F) of this paragraph, the substantial rights of the EPP that are prejudiced by such violation, error, or defect;
 - (H) a concise statement of the relief sought by the EPP (petitioner); and
 - (I) the name, mailing address, telephone number, facsimile number, and email address of the petitioner's representative.
- (3) Failure to comply with the requirements of this subsection may result in dismissal of the request for informal review.
- (d) No review requested. If ~~the~~ TEA staff does not receive the EPP's request for an informal review by the deadline set in accordance with subsection (b)(3) of this section, the proposed recommendation will become a final recommendation and will proceed in accordance with subsection (f) of this section.
- (e) Informal review. In response to a request under subsection (c) of this section, TEA staff will review the materials and documents provided by the EPP and issue a final recommendation. The final recommendation may include changes or additions to the proposed recommendation and such modifications are not subject to another informal review.
- (f) Final recommendation.
 - (1) 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 State Office of Administrative Hearings (SOAH), as provided by §229.8 of this title (relating to Contested Cases for Accreditation Revocation).
 - (2) 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 of a final order.
- (g) Other law. Texas Government Code, Chapter 2001, and ~~the~~ TEC, §7.057, do not apply to an informal review under this section.