

The State Board for Educator Certification (SBEC) proposes amendments to §§229.1, 229.4, and 229.5, concerning accountability system for educator preparation programs. Chapter 229 establishes the performance standards and procedures for educator preparation program (EPP) accountability. The proposed amendments would provide for adjustments to the 2020-2021 *Accountability System for Educator Preparation (ASEP) Manual* due to the ongoing public health situation; implement House Bill (HB) 159, 87th Texas Legislature, Regular Session, 2021, to add students with disabilities to the student achievement ASEP performance indicator regarding student performance; provide additional clarity for certificate category calculations; and provide updates to the *ASEP Manual*.

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

At the April 2021 meeting, Texas Education Agency (TEA) staff presented draft rule text and received direction from the SBEC related to potential rule changes in Chapter 229. The SBEC directed staff to receive additional feedback on certificate category pass rates. Staff hosted a meeting with the Educator Preparation Advisory Committee (EPAC) on May 21, 2021, to receive feedback on the proposed text.

Following is a description of the proposed amendments to 19 TAC Chapter 229, including the Figure: 19 TAC §229.1(c), which is the *ASEP Manual*.

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

Update of ASEP Manual:

The proposed amendment to Figure: 19 TAC §229.1(c) would provide the following updates to the *ASEP Manual*:

Updates to Chapter 3 would include language to exclude candidates issued a probationary certificate under the condition of the waiver issued by the governor. These candidates are removed from the calculation per 19 TAC §229.4(a)(1)(D), therefore, this update clarifies this removal in the *ASEP Manual*. Chapter 3 would also be updated to align with the pass rate approach for the 2020-2021 academic year (AY), per 19 TAC §229.4(a)(1)(B). This update aligns the *ASEP Manual* with existing rule language. Chapter 3 would further be updated with clarification about the Core Subjects Adjustment, which is no longer needed due to changes in how data is reported to TEA but is still used for historic data. A new section, Disaggregation at the Certification or Category Level, would be added to the *ASEP Manual*, providing clarity on the calculations for proposed new 19 TAC §229.5(c). These changes were prompted by feedback from the SBEC and stakeholders, as noted in the description of changes to 19 TAC §229.5(c) below. The old section, The Disaggregation at the Test Level, would be removed. Finally, updates to the worked examples would be made, removing old examples and providing new ones, to align with the text updates. The updates include a new example pertaining to 19 TAC §229.5(c).

Updates to Chapter 5 would implement HB 159, 87th Texas Legislature, Regular Session, 2021, to clarify that all students, including students with disabilities, would be used in the calculation of the standard.

Updates to Chapter 8 would provide the new focus area for the Innovative EPP commendation. This focus area was approved by the EPP commendation committee at its meeting on April 29, 2021.

Updates to Chapter 9 would remove the date reference to streamline the text.

Updates throughout the *ASEP Manual* would correct date references and correct minor technical errors as well as provide transparency to the field as to the calculations used to determine accreditation statuses.

§229.4. Determination of Accreditation Status.

The proposed amendment in §229.4(a) would prescribe that due to the governor's ongoing disaster declaration, the 2020-2021 AY data for the performance indicators would be reported to EPPs but not be used for accountability purposes. Given that the governor declared a disaster during which many campuses, facilities, and services were closed, impacting the ability of EPPs to meet these accountability measures, this amendment would prevent EPPs from receiving accountability ratings based on data that are partial or incomplete.

Determination of Accreditation Status

The proposed amendment to §229.4(b), (b)(1), and (b)(2) would delay the implementation of the previously adopted index system. This would continue to provide a year in which the recommended accreditation status would be the more favorable outcome of the index system described in the §229.4(b)(1)(A)-(D) or the existing system in §229.4(b)(2)(A)-(D) for each EPP. This would align with the previous approach to the implementation timeline as being the year immediately following the end of the *Not Rated: Declared State of Disaster* accreditation status.

The proposed amendment to §229.4(b)(4) would extend the accreditation status of *Not Rated: Declared State of Disaster* to the 2020-2021 reporting year for all EPPs. This status is based on the governor's declaration of disaster on March 13, 2020, due to COVID-19. This status would limit the continued impact of test center closures and local education agency (LEA) closures on EPP accreditation statuses. The proposed amendment to §229.4(b)(4) would prescribe that the ASEP status that each EPP was assigned by the SBEC for the 2018-2019 reporting year would be the operative accreditation status for purposes prescribed in 19 TAC Chapter 228, Requirements for Educator Preparation Programs, for 2019-2020 and 2020-2021 AYs.

Proposed new §229.4(b)(4)(D) would prescribe that EPPs that were not assigned an ASEP status of *Accredited* for the 2018-2019 AY and that meet the requirements to be assigned an ASEP status of *Accredited* for the 2020-2021 AY, as described in §229.4(b)(1)(A) or (2)(A), would provide for a break in consecutively measured years or next most recent years as prescribed in §229.4(b)(1)-(3), and would allow an EPP to be eligible for commendations as described in §229.1(d). Proposed new §229.4(b)(4)(D) would allow an EPP that has made program improvements during the pandemic that would have resulted in an *Accredited* status if ASEP was not paused to break from the 2018-2019 ASEP status for purposes of determining future ASEP accreditation status based on consecutive years of poor performance and be eligible for a commendation.

A technical edit would be made to a cross reference in §229.4(a)(3) to apply *Texas Register* style requirements.

§229.5. Accreditation Sanctions and Procedures.

The proposed amendment to §229.5(c) would clarify that the determination of pass rates evaluated at the level of a certification class or category is calculated at the exam level, and that all exams required for certification, as listed in Figure: 19 TAC §230.21(e), are included. This amendment would require EPPs to meet the performance standard for all non-PPR exams required for certification within a certification class or category. This aligns with the requirements for candidates to be certified.

At the May 21, 2021 meeting of the EPAC, there was discussion about the update to §229.5(c). Stakeholders noted the importance of using all tests available and ensuring specifically that results from the Science of Teaching Reading (STR) exam were able to be used. The group discussed a number of options, including combining pass rates and having each pass rate count separately. Stakeholders also noted that candidates are required to pass all exams for certification and that expectations for EPPs should be aligned. Proposed amendments in §229.5(c) and Chapter 3 of the *ASEP Manual* would provide for this alignment.

Proposed new §229.5(c)(3) would prescribe that EPPs that failed to meet the performance standard in subsection (c) regarding performance on a certification examination in the 2018-2019 AY and that would meet the requirements for the 2020-2021 AY will provide a break in consecutively measured years for that class or category for the purposes of determining future consecutive years of poor performance. This would allow an EPP that has made program improvements in a certificate class or category that would have resulted in a reset if the calculation was not paused to break from the 2018-2019 consecutively measured years.

The proposed amendment in §229.5(c) would provide technical edits to renumber and reletter subsections (d) and (e) to paragraphs (1) and (2) and subsections (f) and (g) to subsections (d) and (e).

FISCAL IMPACT: Emily Garcia, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five-year period the proposal is in effect, there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposal.

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 not 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 Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: The 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, it would limit an existing regulation by removing accountability requirements for EPPs for the 2020-2021 academic year due to the ongoing disaster declaration. EPPs will not be held accountable for performance metrics during this time as outlined in this proposed rule.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The public benefit anticipated as a result of the proposal would be an accountability system that informs the public of the quality of educator preparation provided by each SBEC-approved EPP. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

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

PUBLIC COMMENTS: The public comment period on the proposal begins August 20, 2021, and ends September 20, 2021. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). The SBEC will take registered oral and written comments on the proposal at the October 1, 2021 meeting in accordance with the SBEC board operating policies and procedures. All requests for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the Department of Educator Preparation, Certification, and Enforcement, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, Attention: Ms. Emily Garcia, associate commissioner for educator preparation, certification, and enforcement, not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on August 20, 2021.

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.041(a), which allows the State Board of Educator Certification (SBEC) to adopt rules as necessary for its own procedures;

TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that the SBEC may adopt a fee for the approval and renewal of approval of an educator preparation program, for the addition of a certificate or field of certification, and to provide for the administrative cost of appropriately ensuring the accountability of educator preparation program (EPPs); TEC, §21.043(b) and (c), which require the SBEC to provide EPPs with data, as determined in coordination with stakeholders, based on information reported through the Public Education Information Management System (PEIMS) that enables an EPP to assess the impact of the program and revise the program as needed to improve; TEC, §21.0441(c) and (d), which require the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that the SBEC shall propose rules to establish standards to govern the approval or renewal of approval of EPPs and certification fields authorized to be offered by an EPP. To be eligible for approval or renewal of approval, an EPP must adequately prepare candidates for educator certification and meet the standards and requirements of the SBEC. The SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. The SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021, which states that the SBEC shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that the SBEC shall propose rules for the sanction of EPPs that do not meet accountability standards and shall annually review the accreditation status of each EPP. The costs of technical assistance required under TEC, §21.0451(a)(2)(A), or the costs associated with the appointment of a monitor under TEC, §21.0451(a)(2)(C), shall be paid by the sponsor of the EPP; TEC, §21.0452, which states that to assist persons interested in obtaining teaching certification in selecting an EPP and to assist school districts in making staffing decisions, the SBEC shall make certain specified information regarding EPPs in this state available to the public through the SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.041(a), (b)(1), and (d); 21.043(b) and (c), 21.0441(c) and (d); 21.0443; 21.045, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.0451; and 21.0452.

<rule>

§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)]

(d) An accredited EPP that is not under an active SBEC order or otherwise sanctioned by the SBEC may receive commendations for success in the following four dimensions identified by the SBEC and prescribed in the figure in subsection (c) of this section:

- (1) Rigorous and Robust Preparation;
- (2) Preparing the Educators Texas Needs;
- (3) Preparing Educators for Long-Term Success; and
- (4) Innovative Educator Preparation.

§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 [year] , 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 examinations of pedagogy and professional responsibilities (PPR) and non-PPR standard certification examinations. The EPP candidates' performance on PPR and non-PPR examinations shall provide separate accountability performance indicators for EPPs ; [-]

(A) For both PPR and non-PPR examinations, the performance standard shall be calculated based on the percentage of individuals admitted after December 26, 2016, who passed an examination within the first two attempts. For purposes of determining the pass rate, an individual shall not be excluded because the individual has not been recommended for a standard certificate. The pass rate is based solely on the examinations approved by the EPP and required to obtain initial certification in the class or category for which the individual serves his or her internship, clinical teaching, or practicum. Examinations not required for certification in that class or category, whether taken before or after admission to an EPP, are not included in the rate. The formula for calculation of pass rate is the number of individuals who have passed an examination on their first or second attempt, including any attempts after the candidate completed the EPP, divided by the number of individuals who passed an examination on their first attempt plus those who passed or failed on their second attempt.

(B) For the 2020-2021 academic year and following, 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. Completers who have been issued a probationary certificate under a waiver issued by the governor pursuant to the declaration of disaster on March 13, 2020, are not included in the pass rate for the 2020-2021 academic year.

(C) For examinations of PPR, the pass rate will be calculated as described in subparagraph (A) of this paragraph for the 2018-2019 and 2019-2020 academic years and subparagraph (B) of this paragraph beginning with the 2020-2021 academic year. The performance standard shall be a pass rate of 85%.

(D) For non-PPR examinations, the pass rate will be calculated as described in subparagraph (A) of this paragraph for the 2018-2019 and 2019-2020 academic years and subparagraph (B) of this paragraph beginning with the 2020-2021 academic year. The performance standard shall be a pass rate of 75%.

(2) the results of appraisals of first-year teachers by administrators, based on a survey in a form to be approved by the SBEC. The performance standard shall be 70% of first-year teachers from the EPP who are appraised as "sufficiently prepared" or "well prepared [-]" ;

(3) the growth of students taught by beginning teachers as indicated by the STAAR Progress Measure, 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 [~~(relating to General Provisions and Purpose of Accountability System for Educator Preparation Programs)~~] . The performance standard shall be 70% of beginning teachers from the EPP reaching the individual performance threshold. The first two academic years for which the Texas Education Agency (TEA) has data necessary to calculate this performance standard following the 2019-2020 academic year will be reporting years only and will not be used to determine accreditation status;

(4) the results of data collections establishing EPP compliance with SBEC requirements specified in §228.35(g) of this title (relating to Preparation Program Coursework and/or Training), regarding the frequency, duration, and quality of field supervision to candidates completing clinical teaching or an internship. The frequency and duration of field supervision shall provide one accountability performance indicator, and the quality of field supervision shall provide a separate accountability performance indicator ; [-]

(A) The performance standard as to the frequency, duration, and required documentation of field supervision shall be that the EPP meets the requirements of documentation of §228.35(g) of this title for 95% of the EPP's candidates.

(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 new teachers administered at the end of the first year of teaching under a standard certificate. The performance standard shall be 70% of teachers responding that they were "sufficiently prepared" or "well prepared" by their EPP.

(b) Accreditation status assignment. For the 2021-2022 [2020-2021] academic year, the assigned accreditation status shall be the better result for the EPP from the system described in paragraph (1) of this subsection and paragraph (2) of this subsection.

(1) Beginning in the 2021-2022 [~~2020-2021~~] academic year, 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.

(A) Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the standard of 85% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title and has been approved by the SBEC to prepare, train, and recommend candidates for certification.

(B) Accredited-Not Rated status. An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.

(C) Accredited-Warning status.

(i) An EPP shall be assigned Accredited-Warning status if the EPP accumulates 80% or greater but less than 85% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title.

(ii) 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.

(D) Accredited-Probation status.

(i) 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.

(ii) 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.

(2) Through the 2021-2022 [~~2020-2021~~] academic year, all approved EPPs may be assigned an accreditation status as follows.

(A) Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the accountability performance standards described in subsection (a) of this section and has been approved by the SBEC to prepare, train, and recommend candidates for certification.

(B) Accredited-Not Rated status. An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the performance standards described in subsection (a) of this section. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.

(C) Accredited-Warning Status.

(i) An EPP shall be assigned Accredited-Warning status if the EPP:

(I) fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the indicators set forth in subsection (a) of this section in any one year;

(II) fails to meet the performance standards in two demographic groups on an indicator set forth in subsection (a) of this section in any one year; or

(III) fails to meet the performance standards for a demographic group on any of the indicators set forth in subsection (a) of this section for two consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

(ii) An EPP may be assigned Accredited-Warning status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.

(D) Accredited-Probation status.

(i) An EPP shall be assigned Accredited-Probation status if the EPP:

(I) fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the indicators set forth in subsection (a) of this section for two consecutively measured years;

(II) fails to meet the performance standards in three demographic groups on an indicator set forth in subsection (a) of this section in any one year; or

(III) fails to meet the performance standards for a demographic group on any of the indicators set forth in subsection (a) of this section for three consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

(ii) 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.

(3) 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 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.

(E) A revocation of an EPP approval shall be effective for a period of two years, after which a program may reapply for approval as a new EPP pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs).

(F) Upon revocation of EPP approval, the EPP may not admit new candidates for educator certification but may complete the training of candidates already admitted by the EPP and recommend them for certification. If necessary, TEA staff and other EPPs shall cooperate to assist the previously admitted candidates of the revoked EPP to complete their training.

(4) Not Rated: Declared State of Disaster status.

(A) Due to the governor's declaration of disaster on March 13, 2020, in accordance with Texas Government Code, §418.014, all EPPs shall be assigned a status of Not Rated: Declared State of Disaster for the 2019-2020 and 2020-2021 academic years [year] .

(B) The assignment of Not Rated: Declared State of Disaster shall not interrupt consecutively measured years or next most recent prior years as prescribed in this chapter. The assignment of Not Rated: Declared State of Disaster shall not be included in any count of years prescribed in this chapter.

(C) For the purposes of §228.10 of this title (relating to Approval Process), §228.17(c) of this title (relating to Change of Ownership and Name Change), and §228.20 of this title (relating to Governance of Educator Preparation Programs), the status the SBEC assigned an EPP for the 2018-2019 academic year shall be the operative accreditation status.

(D) For EPPs with an assigned status other than Accredited for the 2018-2019 academic year that meet the requirements for a status of Accredited as described in subsection (b)(1)(A) or (b)(2)(A) of this section based on their 2020-2021 data:

(i) the 2020-2021 academic year shall represent a break in consecutively measured years or next most recent prior years as prescribed in subsection (b)(1)-(3) of this section; and

(ii) the EPP shall be eligible for commendations as described in §229.1(d) of this title for the 2020-2021 academic year.

(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 next most recent prior year's group performance 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.

(4) If the two-year cumulated EPP candidate group, 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 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.

(5) In any reporting year in which the EPP candidate group, aggregated or disaggregated by demographic group, does not meet the necessary number of individuals needed to measure against performance standards for that year, for all indicators, the accreditation status will continue from the prior year. Any sanction assigned as a result of an accredited-warned or accredited-probation status in a prior year will continue if that candidate group has not met performance standards since being assigned accredited-warned or accredited-probation status. The SBEC may

modify the sanction as the SBEC deems necessary based on subsequent performance, even though that performance is not measured against performance standards for a rating.

§229.5. Accreditation Sanctions and Procedures.

(a) The State Board for Educator Certification (SBEC) may assign an educator preparation program (EPP) Accredited-Warned or Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules and/or Texas Education Code, Chapter 21.

(b) If an EPP has been assigned Accredited-Warned or Accredited-Probation status, or if the SBEC determines that additional action is a necessary condition for the continuing approval of an EPP to recommend candidates for educator certification, the SBEC may take any one or more of the following actions, which shall be reviewed by the SBEC at least annually:

- (1) require the EPP to obtain technical assistance approved by the Texas Education Agency (TEA) or SBEC;
- (2) require the EPP to obtain professional services approved by the TEA or SBEC;
- (3) appoint a monitor to participate in the activities of the EPP and report the activities to the TEA or SBEC; and/or
- (4) 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.

(c) 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 non-PPR examinations 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. Any candidates already admitted for preparation in that class or category may continue in the EPP and be recommended for certification after program completion, but no new candidates shall be admitted for preparation in that class or category unless and until the SBEC reinstates approval for the EPP to offer that certification class or category.

(1) [(4)] For purposes of determining compliance with subsection (c) 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) [(5)] Performance indicators by demographic group shall not be counted for purposes of subsection (c) 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) For EPPs that failed to meet the standard described in subsection (c) of this section for a certification class or category in the 2018-2019 academic year that meet the requirements based on their 2020-2021 data, the 2020-2021 academic year shall represent a break in consecutively measured years for the purpose of subsection (c) of this section.

(d) [(6)] 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-Warned, 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.

(e) [(7)] 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.