

## Chapter 228. Requirements for Educator Preparation Programs

### §228.1. General Provisions.

- (a) To ensure the highest level of educator preparation and practice, the State Board for Educator Certification (SBEC) recognizes that the preparation of educators must be the joint responsibility of educator preparation programs (EPPs) and the Early Childhood-Grade 12 public and private schools of Texas. Collaboration in the development, delivery, and evaluation of educator preparation is required.
- (b) Consistent with the Texas Education Code, §21.049, the SBEC's rules governing educator preparation are designed to promote flexibility and creativity in the design of EPPs to accommodate the unique characteristics and needs of different regions of the state as well as the diverse population of potential educators.
- (c) All EPPs are subject to the same standards of accountability, as required under Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs).
- (d) If the governor declares a state of disaster consistent with the Texas Government Code, §418.014, Texas Education Agency staff may extend deadlines in this chapter for up to 90 days and decrease clinical teaching, internship, and practicum assignment minimums by up to 20 percent as necessary to accommodate persons in the affected disaster areas.
- (e) For purposes of educator preparation training under §228.35 of this title (relating to Preparation Program Coursework and/or Training) during the 2020-2021 academic year, actual school settings and authentic school settings may include campuses with a traditional, in-person setting that are temporarily functioning in a virtual setting, and face-to-face settings for formal observations may include synchronous virtual settings or asynchronous virtual settings.

*Statutory Authority: The provisions of this §228.1 issued under the Texas Education Code, §§21.031; 21.041(b)(1); 21.044; 21.0442(c); 21.0443; 21.0453; 21.0454; 21.0455; 21.046(b); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(b) and (c); and 21.051; and the Texas Occupations Code, §55.007.*

*Source: The provisions of this §228.1 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 20, 2018, 43 TexReg 8091; amended to be effective October 15, 2020, 45 TexReg 7254.*

### §228.2. Definitions.

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

- (1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31.
- (2) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (3) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's degree from an accredited institution of higher education.
- (4) Benchmarks--A record similar to a transcript for each candidate enrolled in an educator preparation program documenting the completion of admission, program, certification, and other requirements.
- (5) Campus supervisor--A school administrator or designee responsible for the annual performance appraisal of an intern.

- (6) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.
- (7) Candidate coach--A person as defined in §228.33(b)(1)-(3) of this title (relating to Intensive Pre-Service) who participates in a minimum of four observation/feedback coaching cycles provided by program supervisors, completes a Texas Education Agency-approved observation training or has completed a minimum of 150 hours of observation/feedback training, and has current certification in the class in which supervision is provided.
- (8) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (9) 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.
- (10) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.
- (11) Clinical teaching--A supervised educator assignment through an educator preparation program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.
- (12) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited institution of higher education is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, internship, and practicum are actual hours spent in the required educational activities and experiences.
- (13) Contingency admission--Admission as described in §227.15 of this title (relating to Contingency Admission).
- (14) Cooperating teacher--For a clinical teacher candidate, an educator who is collaboratively assigned by the educator preparation program (EPP) and campus administrator; who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed cooperating teacher training, including training in how to coach and mentor teacher candidates, by the EPP within three weeks of being assigned to a clinical teacher; who is currently certified in the certification category for the clinical teaching assignment for which the clinical teacher candidate is seeking certification; who guides, assists, and supports the candidate during the candidate's clinical teaching in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor.
- (15) Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more educator certification classes.
- (16) Entity--The legal entity that is approved to deliver an educator preparation program.
- (17) Field-based experiences--Introductory experiences for a classroom teacher certification candidate involving, at the minimum, reflective observation of Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting.
- (18) Field supervisor--A currently certified educator, hired by the educator preparation program, who preferably has advanced credentials, to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators. A field supervisor shall have at least three years of experience and current certification in the class in which supervision is provided. A field supervisor shall be an accomplished educator as shown by student learning. A field supervisor with experience as a campus-level administrator and who holds a current certificate that is appropriate for a principal assignment may also supervise classroom teacher,

master teacher, and reading specialist candidates. A field supervisor with experience as a district-level administrator and who holds a current certificate that is appropriate for a superintendent assignment may also supervise principal candidates. If an individual is not currently certified, an individual must hold at least a master's degree in the academic area or field related to the certification class for which supervision is being provided and comply with the same number, content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities). A field supervisor shall not be employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum. A mentor, cooperating teacher, or site supervisor, assigned as required by §228.35(f) of this title (relating to Preparation Program Coursework and/or Training), may not also serve as a candidate's field supervisor.

- (19) Formal admission--Admission as described in §227.17 of this title (relating to Formal Admission).
- (20) Head Start Program--The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.
- (21) Initial certification--The first Texas certificate in a class of certificate issued to an individual based on participation in an approved educator preparation program.
- (22) Intensive Pre-Service--An educator assignment supervised by an educator preparation program accredited and approved by the State Board for Educator Certification prior to a candidate meeting the requirements for issuance of intern and probationary certificates.
- (23) Intern certificate--A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has passed all required content pedagogy certification examinations and is completing initial requirements for certification through an approved educator preparation program.
- (24) Internship--A paid supervised classroom teacher assignment for one full school year at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.
- (25) Late hire--An individual who has not been accepted into an educator preparation program before the 45th day before the first day of instruction and who is hired for a teaching assignment by a school after the 45th day before the first day of instruction or after the school's academic year has begun.
- (26) Mentor--For an internship candidate, an educator who is collaboratively assigned by the campus administrator and the educator preparation program (EPP); who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed mentor training, including training in how to coach and mentor teacher candidates, by an EPP within three weeks of being assigned to the intern; who is currently certified in the certification category in which the internship candidate is seeking certification; who guides, assists, and supports the candidate during the internship in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor.
- (27) Pedagogy--The art and science of teaching, incorporating instructional methods that are developed from scientifically-based research.
- (28) Post-baccalaureate program--An educator preparation program, delivered by an accredited institution of higher education and approved by the State Board for Educator Certification to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree and are seeking an additional degree.
- (29) Practicum--A supervised educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that is in a school

setting in the particular class for which a certificate in a class other than classroom teacher is sought.

- (30) Probationary certificate--A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved educator preparation program.
- (31) School day--If not referring to the school day of a particular public or private school, a school day shall be at least seven hours (420 minutes) each day, including intermissions and recesses.
- (32) School year--If not referring to the school year of a particular public or private school, a school year shall provide at least 180 days (75,600 minutes) of instruction for students.
- (33) Site supervisor--For a practicum candidate, an educator who has at least three years of experience in the aspect(s) of the certification class being pursued by the candidate; who is collaboratively assigned by the campus or district administrator and the educator preparation program (EPP); who is currently certified in the certification class in which the practicum candidate is seeking certification; who has completed training by the EPP, including training in how to coach and mentor candidates, within three weeks of being assigned to a practicum candidate; who is an accomplished educator as shown by student learning; who guides, assists, and supports the candidate during the practicum; and who reports the candidate's progress to the candidate's field supervisor.
- (34) Students with disabilities--A student who is eligible to participate in a school district's special education program under Texas Education Code, §29.003, is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or is covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).
- (35) Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.
- (36) Texas Essential Knowledge and Skills (TEKS)--The kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

*Statutory Authority: The provisions of this §228.2 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; §21.045(a), 21.0453; 21.0454; 21.0455; 21.046(b); 21.048(a), 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.004 and §55.007.*

*Source: The provisions of this §228.2 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective October 12, 2003, 28 TexReg 8608; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective December 26, 2010, 35 TexReg 11239; amended to be effective August 12, 2012, 37 TexReg 5747; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280; amended to be effective December 20, 2018, 43 TexReg 8091; amended to be effective October 20, 2019, 44 TexReg 5903; amended to be effective October 15, 2020, 45 TexReg 7255; amended to be effective September 1, 2022, 47 TexReg 2750.*

#### **§228.10. Approval Process.**

- (a) New entity approval. An entity seeking initial approval to deliver an educator preparation program (EPP) shall submit an application and proposal with evidence indicating the ability to comply with the provisions of this chapter, Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates), Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs), and Chapter 230 of this title (relating to Professional Educator Preparation and Certification). The proposal will be reviewed by the Texas Education Agency (TEA) staff and a pre-approval site visit will be conducted. The TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved. A post-approval site visit will be conducted after the first year of the EPP's operation.

- (1) The proposal shall include the following program approval components:
    - (A) ownership and governance of the EPP;
    - (B) criteria for admission to the EPP;
    - (C) EPP curriculum;
    - (D) EPP coursework and/or training, including ongoing support during clinical teaching, internship, and practicum experiences;
    - (E) certification procedures;
    - (F) assessment and evaluation of candidates for certification and EPP improvement;
    - (G) professional conduct of EPP staff and candidates;
    - (H) EPP complaint procedures;
    - (I) required submissions of information, surveys, and other accountability data; and
    - (J) as required under Texas Education Code (TEC), §21.0443(b)(1) and (2), proactive instructional planning techniques throughout the course work for candidates and across content areas and inclusive practices for all students, including students with disabilities, throughout coursework and clinical experience for candidates.
  - (2) The proposal shall also include identification of the classes and categories of certificates proposed to be offered by the entity.
- (b) Continuing entity approval. An entity approved by the SBEC under this chapter shall be reviewed at least once every five years; however, a review may be conducted at any time at the discretion of the TEA staff.
- (1) At the time of the review, the entity shall submit to the TEA staff a status report regarding its compliance with existing standards and requirements for EPPs. An EPP is responsible for establishing procedures and practices sufficient to ensure the security of information against unauthorized or accidental access, disclosure, modification, destruction, or misuse prior to the expiration of the retention period. Evidence of compliance is described in the figure provided in this paragraph.  
[Figure: 19 TAC §228.10\(b\)\(1\)](#)
  - (2) Unless specified otherwise, the entity must retain evidence of compliance described in the figure in paragraph (1) of this subsection for a period of five years.
  - (3) TEA staff shall, at the minimum, use the following risk factors to determine the need for discretionary reviews and the type of five-year reviews:
    - (A) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:
      - (i) the seriousness of any violation of a rule, standard, or procedure;
      - (ii) whether the violation resulted in an action being taken against the program;
      - (iii) whether the violation was promptly remedied by the program;
      - (iv) the number of alleged violations; and
      - (v) any other matter considered to be appropriate in evaluating the program's compliance history;
    - (B) whether the program meets the accountability standards under TEC, §21.045; and
    - (C) whether a program is accredited by other organizations.
- (c) Approval of clinical teaching for an alternative certification program. An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following

elements of the program for approval by the TEA staff on an application in a form developed by the TEA staff that shall include, at a minimum:

- (1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;
  - (2) selection criteria for clinical teachers;
  - (3) selection criteria for cooperating teachers;
  - (4) description of support and communication between candidates, cooperating teachers, and the alternative certification program;
  - (5) description of program supervision; and
  - (6) description of how candidates are evaluated.
- (d) Addition of certificate categories and classes.
- (1) An EPP that is rated "accredited," as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request additional certificate categories be approved by TEA staff, by submitting an application in a form developed by the TEA staff that shall include, at a minimum, the curriculum matrix; a description of how the standards for Texas educators are incorporated into the EPP; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in each certification category being requested. The curriculum matrix must include the standards, framework competencies, applicable Texas Essential Knowledge and Skills, course and/or module names, and the benchmarks or assessments used to measure successful program progress.
  - (2) An EPP rated "accredited" and currently approved to offer a certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category at different grade levels by submitting an application in a form developed by the TEA staff that shall include, at a minimum, a modified curriculum matrix that includes the standards, course and/or module names, and the benchmarks or assessments used to measure successful program progress. The requested additional certificate categories must be within the classes of certificates for which the EPP has been previously approved by the SBEC.
  - (3) An EPP that is not rated "accredited" may not apply to offer additional certificate categories or classes of certificates.
  - (4) An EPP that is rated "accredited" may request the addition of a certificate class that has not been previously approved by the SBEC, but must present a full proposal on an application in a form developed by the TEA staff for consideration and approval by the SBEC.
- (e) Addition of program locations. An EPP that is rated "accredited," may open additional locations, provided the program informs the SBEC of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location. Additional program locations must operate in accordance with the program components under which the program has been approved to operate.
- (f) Contingency of approval. Approval of an EPP by the SBEC, including each specific certificate class and category, is contingent upon approval by other lawfully established governing bodies such as the Texas Higher Education Coordinating Board, boards of regents, or school district boards of trustees. Continuing EPP approval is contingent upon compliance with superseding state and federal law.
- (g) Notwithstanding any other provisions of this section, a program that is approved to offer certificates that the SBEC has replaced with new certificates, which require a science of teaching reading assessment, may be approved to offer the certificates by submitting on or before December 1, 2020, a request to offer the new certificates in a form developed by the TEA staff. This request must include at a minimum an attestation signed by the program's legal authority of the program's intent to modify its curriculum by January 1, 2021, as necessary to prepare candidates for the new certificate. Programs may be approved to offer the new certificates only for the route(s) for which they are approved to offer the existing certificates. A program that does not file a request for approval to offer the new certificates on or before December 1,

2020, may apply for authorization using the process described in subsection (d) of this section. The eligible certificates are as follows:

- (1) a program approved to offer Core Subjects: Early Childhood-6 may request to offer Core Subjects with Science of Teaching Reading: Early Childhood-6;
- (2) a program approved to offer Core Subjects: Grades 4-8 may request to offer Core Subjects with Science of Teaching Reading: Grades 4-8;
- (3) a program approved to offer English Language Arts and Reading: Grades 4-8 may request to offer English Language Arts and Reading with Science of Teaching Reading: Grades 4-8; and
- (4) a program approved to offer English Language Arts and Reading/Social Studies: Grades 4-8 may request to offer English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8.

*Statutory Authority: The provisions of this §228.10 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; §21.045(a), 21.0453; 21.0454; 21.0455; 21.046(b); 21.048(a), 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.004 and §55.007.*

*Source: The provisions of this §228.10 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective October 12, 2003, 28 TexReg 8608; amended to be effective August 9, 2007, 32 TexReg 4755; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280; amended to be effective October 15, 2020, 45 TexReg 7255; amended to be effective September 1, 2022, 47 TexReg 2750.*

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

- (a) An educator preparation program (EPP) that is consolidating or closing must comply with the following procedures to ensure that all issues relevant to EPP consolidation or closure have been addressed.
  - (1) The EPP must submit a letter on official letterhead to Texas Education Agency (TEA) staff signed by the legal authority of the EPP that contains a formal statement of consolidation or closing with an effective date of August 31 for consolidation or closure.
  - (2) The EPP must contact candidates currently in the EPP with notification of consolidation or closure and the steps candidates must take in relation to their status. The EPP shall maintain evidence of the attempts to notify each candidate.
  - (3) The EPP shall not admit candidates or recommend candidates for an intern or probationary certificate within one year of the August 31 closure date.
  - (4) The EPP must identify and keep current a representative's name, electronic mail address, and telephone number that will be valid for five years after an EPP's closure to provide access to candidate records and responses to former candidate's questions and/or issues. If an EPP is consolidating, the candidate records will transfer to the new EPP.
  - (5) The EPP must complete required State Board for Educator Certification (SBEC) and TEA actions, including required submissions of information, surveys, and other accountability data; removal of security accesses; reconciliation of certification recommendations; and payment of the Accountability System for Educator Preparation Programs technology fee as specified in §229.9(7) of this title (relating to Fees for Educator Preparation Program Approval and Accountability).
- (b) The chief operating officer, legal authority, or a member of the governing body of an EPP that fails to comply with the consolidation or closure procedures in this section is not eligible to be recommended to the SBEC for approval as an EPP.
- (c) The chief operating officer, legal authority, or a member of the governing body of an EPP that closes voluntarily due to pending TEA or SBEC action or involuntarily due to SBEC action is not eligible to be recommended to the SBEC for approval as an EPP.

- (d) If an EPP is consolidating and fails to comply with the consolidation procedures in this section, TEA staff may make a recommendation that the SBEC impose sanctions affecting the new EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).
- (e) If an EPP violates any of the requirements as prescribed in subsection (a)(1)-(5) of this section, TEA staff will recommend revocation of the EPP's continuing approval to recommend candidates in accordance with §229.6(c) of this title.

*Statutory Authority: The provisions of this §228.15 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; §21.045(a), 21.0453; 21.0454; 21.0455; 21.046(b); 21.048(a), 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.007.*

*Source: The provisions of this §228.15 adopted to be effective December 27, 2016, 41 TexReg 10280; amended to be effective October 15, 2020, 45 TexReg 7255.*

#### **§228.17. Change of Ownership and Name Change.**

- (a) An educator preparation program (EPP) that changes ownership shall notify the Texas Education Agency (TEA) staff of the change of ownership in writing within 10 days of the change.
- (b) A change of ownership is any agreement to transfer the control of an EPP. The control of an EPP is considered to have changed:
  - (1) in the case of ownership by an individual, when more than 50% of the EPP has been sold or transferred;
  - (2) in the case of ownership by a partnership or a corporation, when more than 50% of the owning partnership or corporation has been sold or transferred; or
  - (3) in the case of ownership by a board of directors, officers, shareholders, or similar governing body, when more than 50% of the ownership has changed.
- (c) An EPP may not change its name unless it has notified TEA of a change of ownership within the preceding 90 days and has an SBEC accreditation status of "Accredited" or "Accredited--Not Rated." The EPP shall notify TEA staff of the name change in writing.
- (d) TEA staff shall recommend an accreditation status of "Accredited--Probation" in accordance with §229.4(e)(2) of this title (relating to Determination of Accreditation Status) for any EPP that fails to notify TEA staff timely regarding a change in ownership or a change of program name.

*Statutory Authority: The provisions of this §228.17 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; 21.0453; 21.0454; 21.0455; 21.046(b); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(b) and (c); and 21.051; and the Texas Occupations Code, §55.007.*

*Source: The provisions of this §228.17 adopted to be effective October 20, 2019, 44 TexReg 5903.*

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

- (a) Preparation for the certification of educators may be delivered by an institution of higher education, regional education service center, public school district, or other entity approved by the State Board for Educator Certification (SBEC) under §228.10 of this title (relating to Approval Process).
- (b) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA-recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA-recognized private schools. An advisory committee with members representing as many as possible of the groups identified as collaborators in this subsection shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP). The approved EPP shall inform each member of the advisory committee of the roles and responsibilities of the advisory committee and shall meet a minimum of once during each academic year.

- (c) The governing body and chief operating officer of an entity approved to deliver educator preparation shall provide sufficient support to enable the EPP to meet all standards set by the SBEC and shall be accountable for the quality of the EPP and the candidates whom the program recommends for certification.
- (d) All EPPs must be implemented as approved by the SBEC as specified in §228.10 of this title.
- (e) An EPP that is rated "accredited" or "accredited-not rated" may amend its program, provided the program informs TEA staff of any amendments 60 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment to its program on a letter signed by the EPP's legally authorized agent or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment.
- (f) An EPP that is not rated "accredited" or "accredited-not rated" may amend its program, provided the program informs TEA staff of any amendments 120 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment on a letter signed by the EPP's legally authorized agent or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment. The EPP will be notified in writing of the approval or denial of its proposal within 60 days following the receipt of the notification by the TEA staff.
- (g) Each EPP must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching or internship experience. If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching experience or prior to or during an internship experience.
- (h) All EPPs shall have a published exit policy for dismissal of candidates that is reviewed and signed by candidates upon admission.

*Statutory Authority: The provisions of this §228.20 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; §21.045(a), 21.0453; 21.0454; 21.0455; 21.046(b); 21.048(a), 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.007.*

*Source: The provisions of this §228.20 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280; amended to be effective October 15, 2020, 45 TexReg 7255.*

### **§228.30. Educator Preparation Curriculum.**

- (a) The educator standards adopted by the State Board for Educator Certification shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).
- (b) The curriculum for each educator preparation program shall rely on scientifically-based research to ensure educator effectiveness.
- (c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:
  - (1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics), which include:
    - (A) professional ethical conduct, practices, and performance;
    - (B) ethical conduct toward professional colleagues; and
    - (C) ethical conduct toward students;
  - (2) instruction in detection and education of students with dyslexia, as indicated in the Texas Education Code (TEC), §21.044(b);

- (3) instruction regarding mental health, substance abuse, and youth suicide, as indicated in the TEC, §21.044(c-1). Instruction acquired from the list of recommended best practice-based programs or from an accredited institution of higher education or an alternative certification program as part of a degree plan shall be implemented as required by the provider of the best practice-based program or research-based practice;
  - (4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
  - (5) the importance of building strong classroom management skills;
  - (6) the framework in this state for teacher and principal evaluation;
  - (7) appropriate relationships, boundaries, and communications between educators and students;
  - (8) instruction in digital learning, virtual instruction, and virtual learning, as defined in TEC, §21.001, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
    - (A) be aligned with the latest version of the International Society for Technology in Education's (ISTE) standards as appears on the ISTE website;
    - (B) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and
    - (C) include resources to address any deficiencies identified by the digital literacy evaluation; and
  - (9) instruction regarding students with disabilities, the use of proactive instructional planning techniques, and evidence-based inclusive instructional practices, as required under TEC, §21.044(a-1).
- (d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:
- (1) the relevant TEKS, including the English Language Proficiency Standards;
  - (2) reading instruction, including instruction that improves students' content-area literacy;
  - (3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and
  - (4) the skills and competencies as prescribed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards) and captured in the Texas teacher standards in Chapter 149, Subchapter AA, of Part 2 of this title (relating to Teacher Standards).
- (e) For candidates seeking certification in the principal certification class, the curriculum shall include the skills and competencies as prescribed in Chapter 241 of this title (relating to Certification as Principal) and captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of Part 2 of this title (relating to Administrator Standards).
- (f) The following educator content standards from Chapter 235 of this title shall be included in the curriculum for candidates who hold a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the candidates who are seeking the Early Childhood: Prekindergarten-Grade 3 certificate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3:
- (1) Child Development provisions of the Early Childhood: Prekindergarten-Grade 3 Content Standards;
  - (2) Early Childhood-Grade 3 Pedagogy and Professional Responsibilities Standards; and
  - (3) Science of Teaching Reading Standards.

*Statutory Authority: The provisions of this §228.30 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; §21.045(a), 21.0453; 21.0454; 21.0455; 21.046(b); 21.048(a), 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.004 and §55.007.*

*Source: The provisions of this §228.30 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective October 12, 2003, 28 TexReg 8608; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280; amended to be effective December 20, 2018, 43 TexReg 8091; amended to be effective October 15, 2020, 45 TexReg 7255; amended to be effective September 1, 2022, 47 TexReg 2750.*

### §228.33. Intensive Pre-Service.

- (a) To offer intensive pre-service, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an intern certificate:
  - (1) a four-week minimum intensive program;
  - (2) a minimum of 12 instructional days with one hour of supervised instruction per day;
  - (3) a minimum of four face-to-face observation/feedback coaching cycles provided by qualified coaches with observations that are a minimum of 15 minutes and coaching meetings that are a minimum of 30 minutes; and
  - (4) the requirements regarding coursework and/or training for a candidate seeking initial certification in the classroom teacher certification class as specified in §228.35(b)(1) and (2) of this title (relating to Preparation Program Coursework and/or Training).
- (b) An EPP offering intensive pre-service shall ensure that:
  - (1) a candidate coach participates in a minimum of four observation/feedback coaching cycles provided by program supervisors and ongoing training;
  - (2) a candidate coach completes a TEA-approved observation training or has completed a minimum of 150 hours of observation/feedback training; and
  - (3) a candidate coach shall have a current certification in the class in which supervision is provided.
- (c) A candidate participating in intensive pre-service will be eligible for an intern certificate by completing:
  - (1) the requirements as prescribed in §230.36(f) of this title (relating to Intern Certificates);
  - (2) programmatic requirements under subsection(a)(1)-(4) of this section;
  - (3) the requirements of the following proficiencies in §150.1002 of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet all of the following performance level measures:
    - (A) Developing performance level on Planning Dimension 1.1: Standards and Alignment;
    - (B) Developing performance level on Planning Dimension 1.2: Data and Assessment;
    - (C) Developing performance level on Instruction Dimension 2.1: Achieving Expectations;
    - (D) Developing performance level on Instruction Dimension 2.2: Content Knowledge and Expertise;
    - (E) Developing performance level on Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;
    - (F) Developing performance level on Learning Environment Dimension 3.2: Managing Student Behavior;
    - (G) Developing performance level on Learning Environment Dimension 3.3: Classroom Culture;

- (H) Proficient performance level on Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;
  - (I) Developing performance level on Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and
  - (J) Developing performance level on Professional Practices and Responsibilities Dimension 4.3: Professional Development.
- (d) A candidate participating in intensive pre-service will be eligible for a probationary certificate as prescribed in §230.37(f) of this title (relating to Probationary Certificates).
- (e) The provisions in this subchapter apply to an applicant who is admitted to an EPP intensive pre-service on or after January 1, 2020.

*Statutory Authority: The provisions of this §228.33 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; 21.0453; 21.0454; 21.0455; 21.046(b); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(b) and (c); and 21.051; and the Texas Occupations Code, §55.007.*

*Source: The provisions of this §228.33 adopted to be effective October 20, 2019, 44 TexReg 5903.*

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

- (a) Coursework and/or training for candidates seeking initial certification in any certification class.
- (1) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the classroom.
  - (2) Coursework and/or training shall be sustained, rigorous, intensive, interactive, candidate-focused, and performance-based.
  - (3) All coursework and/or training shall be completed prior to EPP completion and standard certification.
  - (4) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of training may be provided by a school district and/or campus that is an approved Texas Education Agency (TEA) continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in the Texas Education Code (TEC), §21.451 (Staff Development Requirements) and must be directly related to the certificate being sought.
  - (5) Each EPP must develop and implement specific criteria and procedures that allow:
    - (A) military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought; and
    - (B) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought.
  - (6) Coursework and training that is offered online must meet, or the EPP must be making progress toward meeting, criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:
    - (A) Accreditation or Certification by the Distance Education Accrediting Commission;
    - (B) Program Design and Teaching Support Certification by Quality Matters;

- (C) Part 1, Chapter 4, Subchapter P, of this title (relating to Approval of Distance Education Courses and Programs for Public Institutions); or
  - (D) Part 1, Chapter 7 of this title (relating to Degree Granting Colleges and Universities Other than Texas Public Institutions).
- (b) Coursework and/or training for candidates seeking initial certification in the classroom teacher certification class. An EPP shall provide each candidate with a minimum of 300 clock-hours of coursework and/or training. An EPP shall provide a minimum of 200 clock-hours of coursework and/or training for a candidate seeking a Trade and Industrial Workforce Training certificate as specified by §233.14(e) of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)). Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:
- (1) a minimum of 30 clock-hours of field-based experience. Up to 15 clock-hours of this field-based experience may be provided by use of electronic transmission or other video or technology-based method; and
  - (2) 150 clock-hours of coursework and/or training as prescribed in §228.30(d)(4) of this title (relating to Educator Preparation Curriculum) that allows candidates to demonstrate proficiency in:
    - (A) designing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for diverse learners and encourage higher-order thinking, persistence, and achievement;
    - (B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;
    - (C) ensuring high levels of learning, social-emotional development, and achievement for all students through knowledge of students, proven practices, and differentiated instruction;
    - (D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;
    - (E) organizing a safe, accessible, and efficient classroom;
    - (F) establishing, communicating, and maintaining clear expectations for student behavior;
    - (G) leading a mutually respectful and collaborative class of actively engaged learners;
    - (H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;
    - (I) reflect on his or her practice; and
    - (J) effectively communicating with students, families, colleagues, and community members.
- (c) Coursework and/or training for candidates seeking initial certification in a certification class other than classroom teacher. An EPP shall provide coursework and/or training to ensure that the educator is effective in the assignment. An EPP shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the educator standards for the applicable certification class.
- (d) Late hire provisions. A late hire for a school district teaching position may begin employment under an intern or probationary certificate before completing the pre-internship requirements of subsection (b) of this section, but shall complete these requirements within 90 school days of assignment.
- (e) Educator preparation program delivery. An EPP shall provide evidence of ongoing and relevant field-based experiences throughout the EPP in a variety of educational settings with diverse student populations, including observation, modeling, and demonstration of effective practices to improve student learning.
- (1) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 30 clock-hours. The field-based experiences must be completed prior to assignment in an internship or clinical teaching.

- (A) Field-based experiences must include 15 clock-hours in which the candidate, under the direction of the EPP, is actively engaged in instructional or educational activities that include:
- (i) authentic school settings in a public school accredited by the TEA or other school approved by the TEA for this purpose;
  - (ii) instruction by content certified teachers;
  - (iii) actual students in classrooms/instructional settings with identity-proof provisions;
  - (iv) content or grade-level specific classrooms/instructional settings; and
  - (v) written reflection of the observation.
- (B) Up to 15 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method. Field-based experience provided by use of electronic transmission or other video or technology-based method must include:
- (i) direction of the EPP;
  - (ii) authentic school settings in an accredited public or private school;
  - (iii) instruction by content certified teachers;
  - (iv) actual students in classrooms/instructional settings with identity-proof provisions;
  - (v) content or grade-level specific classrooms/instructional settings; and
  - (vi) written reflection of the observation.
- (C) Up to 15 clock-hours of field-based experience may be satisfied by serving as a long-term substitute. A long-term substitute is an individual who has been hired by a school or district to work at least 30 consecutive days in an assignment as a classroom teacher. Experience may occur after the candidate's admission to an EPP or during the two years before the date the candidate is admitted to the EPP. The candidate's experience in instructional or educational activities must be documented by the EPP and must be obtained at a public or private school accredited or approved for the purpose by the TEA.
- (2) For initial certification in the classroom teacher certification class, each EPP shall also provide at least one of the following.
- (A) Clinical Teaching. A candidate must have a clinical teaching assignment for each subject area in which the candidate is seeking initial certification.
- (i) For a candidate seeking initial certification in only one subject area, the following provisions apply.
    - (I) Clinical teaching must meet one of the following requirements:
      - (-a-) a minimum of 14 weeks (no fewer than 70 full days), with a full day being 100% of the school day; or
      - (-b-) a minimum of 28 weeks (no fewer than 140 half days), with a half day being 50% of the school day.
    - (II) A clinical teaching assignment as described in subclause (I)(-a-) of this clause shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and duty-free lunch periods.

- (ii) For a candidate seeking initial certification in more than one subject area, the primary teaching assignment must meet the requirements of clause (i)(I)(-a-) of this subparagraph. Additional clinical teaching assignments in other subject areas may be less than an average of four hours each day during the 14 weeks of clinical teaching if:
    - (I) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;
    - (II) the EPP is approved to offer preparation in the certification category required for the additional assignment;
    - (III) the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;
    - (IV) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and
    - (V) the campus administrator agrees to assign a qualified cooperating teacher appropriate to each assignment.
  - (iii) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.
  - (iv) An EPP may permit a full day clinical teaching assignment up to 5 full days fewer than the minimum and a half day clinical teaching assignment up to 10 half days fewer than the minimum if due to maternity leave, military leave, illness, or bereavement.
- (B) Internship. An internship must be for a minimum of one full school year for the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.
- (i) An EPP may permit an internship of up to 30 school days fewer than the minimum if due to maternity leave, military leave, illness, bereavement, or if the late hire date is after the first day of the school year.
  - (ii) The beginning date for an internship for the purpose of field supervision is the first day of instruction with students in the school or district in which the internship takes place.
  - (iii) An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and duty-free lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day if:
    - (I) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;
    - (II) the EPP is approved to offer preparation in the certification category required for the additional assignment;
    - (III) the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;

- (IV) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and
  - (V) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required.
- (iv) A candidate must hold an intern or probationary certificate while participating in an internship. A candidate must meet the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates) to be eligible for an intern or probationary certificate.
- (v) An EPP may recommend an additional internship if:
- (I) the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional internship; or
  - (II) the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional internship.
- (vi) An EPP must provide ongoing support to a candidate as described in subsection (g) of this section for the full term of the initial and any additional internship, unless, prior to the expiration of that term:
- (I) a standard certificate is issued to the candidate during any additional internship under a probationary certificate;
  - (II) the candidate resigns, is non-renewed, or is terminated by the school or district; or
  - (III) the candidate is discharged or is released from the EPP; or
  - (IV) the candidate withdraws from the EPP; or
  - (V) the internship assignment does not meet the requirements described in this subparagraph.
- (vii) If the candidate leaves the internship assignment for any of the reasons identified in clause (vi)(II)-(V) of this subparagraph:
- (I) the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment; and
  - (II) TEA must receive the certificate deactivation request with all related documentation from the EPP within two calendar weeks of the candidate's last day of the assignment in a format determined by TEA.
- (viii) The EPP must communicate the requirements in clause (vii) of this subparagraph to candidates and campus or district personnel prior to the assignment start date.
- (ix) An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.

- (x) An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).
- (3) An EPP may request an exception to the clinical teaching option described in this subsection.
- (A) Submission of Exception Request. The request for an exception must include an alternate requirement that will adequately prepare candidates for educator certification and ensure the educator is effective in the classroom. The request for an exception must be submitted in a form developed by the TEA staff that shall include:
    - (i) the rationale and support for the alternate clinical teaching option;
    - (ii) a full description and methodology of the alternate clinical teaching option;
    - (iii) a description of the controls to maintain the delivery of equivalent, quality education; and
    - (iv) a description of the ongoing monitoring and evaluation process to ensure that EPP objectives are met.
  - (B) Review, Approval, and Revocation of Exception Request.
    - (i) Exception requests will be reviewed by TEA staff, and the TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the exception should be approved. The SBEC may:
      - (I) approve the request;
      - (II) approve the request with conditions;
      - (III) deny approval of the request; or
      - (IV) defer action on the request pending receipt of further information.
    - (ii) If the SBEC approves the request with conditions, the EPP must meet the conditions specified in the request. If the EPP does not meet the conditions, the approval is revoked.
    - (iii) If the SBEC approves the request, the EPP must submit a written report of outcomes resulting from the clinical teaching exception to the TEA by September 15 of each academic year. If the EPP does not timely submit the report, the approval is revoked.
    - (iv) If the SBEC does approve the exception or an approval is revoked, an EPP must wait at least six months from the date of the denial or revocation before submitting a new request.
- (4) Candidates participating in an internship or a clinical teaching assignment need to experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching or an internship, they must be provided through field-based experiences.
- (5) An internship or clinical teaching experience for certificates that include early childhood may be completed at a Head Start Program with the following stipulations:
- (A) a certified teacher is available as a trained mentor;
  - (B) the Head Start program is affiliated with the federal Head Start program and approved by the TEA;

- (C) the Head Start program teaches three- and four-year-old students; and
  - (D) the state's prekindergarten curriculum guidelines are being implemented.
- (6) An internship or clinical teaching experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
- (7) An internship or clinical teaching experience shall not take place in a setting where the candidate:
- (A) has an administrative role over the mentor or cooperating teacher; or
  - (B) is related to the field supervisor, mentor, or cooperating teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
- (8) For certification in a class other than classroom teacher, each EPP shall provide a practicum for a minimum of 160 clock-hours whereby a candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.
- (A) A practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
  - (B) A practicum may not take place exclusively during a summer recess.
  - (C) A practicum shall not take place in a setting where the candidate:
    - (i) has an administrative role over the site supervisor; or
    - (ii) is related to the field supervisor or site supervisor by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
  - (D) An intern or probationary certificate may be issued to a candidate for a certification class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title and §230.37 of this title.
    - (i) A candidate for an intern or probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.
    - (ii) An EPP may recommend an additional practicum under a probationary certificate if:
      - (I) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional practicum; or
      - (II) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.
  - (E) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.
- (9) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for field-based experience, internship, clinical teaching, and/or practicum.

- (A) All Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of field-based experience, internship, clinical teaching, and/or practicum.
- (B) An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title (relating to Fees for Educator Preparation Program Approval and Accountability), with the TEA for approval, subject to periodic review, of a public school, a private school, or a school system located within any state or territory of the United States, as a site for field-based experience. The application shall be in a form developed by the TEA staff and shall include, at a minimum, evidence showing that the instructional standards of the school or school system align with those of the applicable Texas Essential Knowledge and Skills (TEKS) and SBEC certification standards.
- (C) An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located within any state or territory of the United States, as a site for clinical teaching or practicum required by this chapter.
  - (i) The clinical teaching or practicum site may be approved for a candidate who must complete requirements outside the state of Texas due to the following reasons if they occur following admission to the EPP:
    - (I) military assignment of candidate or spouse;
    - (II) illness of candidate or family member for whom the candidate is the primary caretaker;
    - (III) candidate becomes the primary caretaker for a family member residing out of state; or
    - (IV) candidate or spouse transfer of employment.
  - (ii) The application shall identify the circumstances that necessitate the request to complete clinical teaching or a practicum outside of the state of Texas and be in a form developed by the TEA staff and shall include, at a minimum:
    - (I) the accreditation(s) held by the school;
    - (II) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable TEKS and SBEC certification standards;
    - (III) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and
    - (IV) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.
- (D) An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located outside the United States, as a site for clinical teaching or a practicum required by this chapter.
  - (i) The site may be approved for a candidate who must complete requirements outside the United States due to the following reasons if they occur following admission to the EPP:
    - (I) military assignment of candidate or spouse;
    - (II) illness of candidate or family member for whom the candidate is the primary caretaker;

- (III) candidate becomes the primary caretaker for a family member residing out of country; or
- (IV) candidate or spouse transfer of employment.
- (ii) The application shall identify the circumstances that necessitate the request to complete clinical teaching or a practicum outside of the United States and be in a form developed by the TEA staff and shall include, at a minimum, the same provisions required in subparagraph (C)(ii) of this paragraph for schools located within any state or territory of the United States, with the addition of a description of the on-site program personnel and program support that will be provided and a description of the school's recognition by the U.S. State Department Office of Overseas Schools.
- (f) Mentors, cooperating teachers, and site supervisors. In order to support a new educator and to increase educator retention, an EPP shall collaborate with the campus or district administrator to assign each candidate a mentor during the candidate's internship, assign a cooperating teacher during the candidate's clinical teaching experience, or assign a site supervisor during the candidate's practicum. If an individual who meets the certification category and/or experience criteria for a cooperating teacher, mentor, or site supervisor is not available, the EPP and campus or district administrator shall assign an individual who most closely meets the criteria and document the reason for selecting an individual that does not meet the criteria. The EPP is responsible for providing mentor, cooperating teacher, and/or site supervisor training that relies on scientifically-based research, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented.
- (g) Ongoing educator preparation program support for initial certification of teachers. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. For each formal observation, whether in-person or virtual, the field supervisor shall participate in an individualized pre-observation conference with the candidate, document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's cooperating teacher or mentor. Neither the pre-observation conference nor the post-observation conference need to be onsite. For candidates participating in an internship, the field supervisor shall provide a copy of the written feedback to the candidate's supervising campus administrator. Formal observations by the field supervisor conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience. For an internship, the field supervisor shall collaborate with the candidate, mentor, and supervising campus administrator throughout the internship.
  - (1) Each formal in-person observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.
  - (2) Each formal virtual observation must be:
    - (A) at least 45 minutes in length;
    - (B) conducted by the field supervisor;
    - (C) followed by a post-observation conference within 72 hours of the educational activity; and
    - (D) conducted through use of an unedited electronic transmission, video, or technology-based method.
  - (3) An EPP must provide the first formal observation within the first third of all clinical teaching assignments and the first six weeks of all internship assignments.

- (4) For an internship under an intern certificate or an additional internship described in subsection (e)(2)(B)(v)(I) of this section:
  - (A) an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship; and
  - (B) at least three of the minimum formal observations must be in-person.
- (5) For a first-year internship under a probationary certificate or an additional internship described in subsection (e)(2)(B)(v)(II) of this section:
  - (A) an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment;
  - (B) at least two of the minimum formal observations must be in-person; and
  - (C) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations.
- (6) If an internship under an intern certificate or an additional internship described in subsection (e)(2)(B)(v)(I) of this section involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:
  - (A) an EPP must provide a minimum of three observations in each assignment;
  - (B) for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;
  - (C) at least two of the minimum formal observations must be in-person for each assignment; and
  - (D) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.
- (7) For a first-year internship under a probationary certificate or an additional internship described in subsection (e)(2)(B)(v)(II) of this section that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:
  - (A) an EPP must provide a minimum of one formal observation in each of the assignments during the first half of the assignment and a minimum of one formal observation in each assignment during the second half of the assignment;
  - (B) at least two of the minimum formal observations must be in-person for each assignment; and
  - (C) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.
- (8) For a 14-week, full-day clinical teaching assignment, an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment. For an all-level clinical teaching assignment in more than one location or in an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, a minimum of two formal observations must be provided during the first half of the assignment and a minimum of one formal observation must be provided during the second half of the assignment. For either of these assignments:

- (A) at least two of the minimum formal observations must be in-person for each assignment; and
  - (B) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.
- (9) For a 28-week, half-day clinical teaching assignment or a full-day clinical teaching assignment that exceeds 14 weeks and extends beyond one semester:
- (A) an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the last half of the assignment; and
  - (B) at least two of the minimum formal observations must be in-person for each assignment.
- (h) Ongoing educator preparation program support for certification in a certification class other than classroom teacher. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter of the assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's site supervisor. Neither the pre-observation conference nor the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. The field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.
- (1) An EPP must provide a minimum of one formal observation within the first third of the practicum, one formal observation within the second third of the practicum, and one formal observation within the final third of the practicum.
  - (2) The three required formal observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
  - (3) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology-based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre- and post-conference.
- (i) Coursework and/or training for candidates seeking Early Childhood: Prekindergarten-Grade 3 certification.
- (1) In support of the educator standards that are the curricular basis of the Early Childhood: Prekindergarten-Grade 3 certificate, an EPP shall integrate the following concepts and themes throughout the coursework and training:
    - (A) using planning and teaching practices that support student learning in early childhood, including:
      - (i) demonstrating knowledge and skills to support child development (birth-age eight) in the following areas:
        - (I) brain development;
        - (II) physical development;
        - (III) social-emotional learning; and
        - (IV) cultural development;

- (ii) demonstrating knowledge and skills of effective, research supported, developmentally appropriate instructional approaches to support young students' learning, including, but not limited to:
    - (I) intentional instruction with clear learning goals;
    - (II) project-based learning;
    - (III) child-directed inquiry;
    - (IV) learning through play; and
    - (V) integration of knowledge across content areas;
  - (iii) demonstrating knowledge and skills in implementing instruction tailored to the variability in learners' needs, including, but not limited to, small group instruction;
  - (iv) demonstrating knowledge and skills in early literacy development and pedagogy, including:
    - (I) demonstrating effective ways to support language development, particularly oral language development, including, but not limited to, growth in academic vocabulary, comprehension, and inferencing abilities; and
    - (II) demonstrating effective ways to support early literacy development, including letter knowledge, phonological awareness, early writing, and decoding;
  - (v) demonstrating knowledge and skills in early mathematics and science development and pedagogy;
  - (vi) demonstrating knowledge and skills in developing and implementing pedagogical approaches for students who are English learners and/or bilingual; and
  - (vii) demonstrating knowledge and skills in developing and implementing pedagogical approaches for students who have or are at risk for developmental delays and disabilities;
- (B) assessing the success of instruction and student learning through developmentally appropriate assessment, including:
- (i) demonstrating knowledge of multiple forms of assessment, the information that each form of assessment can provide about a student's learning and development, and how to conceive, construct, and/or select an assessment aligned to standards that can demonstrate student learning to stakeholders;
  - (ii) demonstrating knowledge in how to use assessments to inform instruction to support student growth; and
  - (iii) demonstrating knowledge and application of children's developmental continuum in the analysis of assessment results utilizing a variety of assessment types to gain a full understanding of students' current development and assets;
- (C) creating developmentally appropriate learning environments, including:
- (i) demonstrating knowledge and skills in supporting learners' development of self-regulation and executive function (e.g., behavior, attention, goal setting, cooperation);
  - (ii) demonstrating knowledge and skills in designing, organizing, and facilitating spaces for learning, particularly small group learning, in both indoor and outdoor contexts; and

- (iii) demonstrating knowledge and skills in developing learning environments that support English learners' development, including structures to support language development and communication;
- (D) working with families, students, and the community through:
  - (i) teacher agency and teacher leadership;
  - (ii) research-based family engagement practices;
  - (iii) understanding the capabilities of students through parent and community input; and
  - (iv) the development and modeling of responsive relationships with children; and
- (E) using a diversity and equity framework, such as:
  - (i) demonstrating knowledge and skills in creating early learning communities that capitalize on the cultural knowledge and strengths children bring to the classroom;
  - (ii) demonstrating knowledge and skills in creating an early learning environment that reflects the communities in which they work; and
  - (iii) demonstrating knowledge and skills in how to access the knowledge children and families bring to school.
- (2) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the applicant to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 with a minimum of 150 clock-hours of coursework and/or training that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title (relating to Elementary School Certificate Standards and that is based on the concepts and themes specified in subsection (i)(1) of this section. A clinical teaching, internship, or practicum assignment is not required for completion of program requirements.
- (3) An EPP shall provide each candidate who holds a valid standard, provisional, or one year classroom teacher certificate specified in §230.31 of this title in a certificate category that does not allow the candidate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 coursework and/or training as specified in subsections (a) and (b) of this section that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title and that is based on the concepts and themes specified in subsection (i)(1) of this section, a clinical experience as specified in subsection (e)(2) of this section, a mentor or cooperating teacher as specified in subsection (f) of this section, and ongoing support as specified in subsection (g) of this section.
- (j) Coursework and/or training for candidates seeking a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certification.
  - (1) An EPP must provide a minimum of 300 hours of coursework and/or training related to the educator standards for that certificate adopted by the SBEC.
  - (2) An EPP shall provide a clinical experience of at least 350 clock-hours in a supervised educator assignment in a public school accredited by the TEA or other school approved by the TEA for this purpose. A TVI certification candidate must demonstrate proficiency in each of the educator standards for the certificate being sought during the clinical experience. A clinical experience is successful when the field supervisor recommends to the EPP that the TVI certification candidate should be recommended for a TVI supplemental certification.
    - (A) An EPP will provide guidance, assistance, and support for the TVI certification candidate by assigning a cooperating teacher and/or providing individual or group consultation. The EPP is responsible for providing training to cooperating teachers and/or consultation providers.

- (B) An EPP will collaborate with the program coordinator for the Texas School for the Blind and Visually Impaired Statewide Mentor Program to assign a TVI mentor for the TVI certification candidate. The Texas School for the Blind and Visually Impaired Statewide Mentor Program is responsible for providing training for all TVI mentors.
- (C) An EPP will provide ongoing support for the TVI certification candidate. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter of the assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational practices observed; and provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate. Neither the pre-observation conference nor the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate.
  - (i) Formal observations must be at least 135 minutes in duration in total throughout the clinical experience and must be conducted by the field supervisor.
  - (ii) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology-based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre- and post-conference.
  - (iii) An EPP must provide a minimum of one formal observation within the first third of the clinical experience, one formal observation within the second third of the clinical experience, and one formal observation within the final third of the clinical experience.
- (k) Candidates employed as certified educational aides.
  - (1) Clinical Teaching Assignment. Candidates employed as certified educational aides may satisfy their clinical teaching assignment requirements through their instructional duties.
    - (A) If an EPP permits candidates employed as certified educational aides, as defined by Chapter 230, Subchapter E, of this title (relating to Educational Aide Certificate), to satisfy the clinical teaching assignment requirements through their instructional duties, the clinical teaching assignment must be for a minimum of 490 hours (14-week equivalent).
    - (B) An EPP may permit an educational aide employed in a clinical teaching to be excused from up to 35 of the required hours due to maternity leave, military leave, or illness.
    - (C) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.
  - (2) Coursework and Training. An EPP must provide coursework and/or training as specified in subsections (a) and (b) of this section, a clinical experience as specified in subsection (e) of this section, a cooperating teacher as specified in subsection (f) of this section, and ongoing support as specified in subsection (g) of this section. An EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during

the second third of the assignment, and a minimum of one formal observation during the last third of the assignment.

(l) Exemptions.

- (1) Under the TEC, §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under the TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience, internship, or clinical teaching.
- (2) Under the TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an EPP or while the person is enrolled in an EPP is exempt from any clinical teaching, internship, or field-based experience program requirement.

*Statutory Authority: The provisions of this §228.25 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; §21.045(a), 21.0453; 21.0454; 21.0455; 21.046(b); 21.048(a), 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.004 and §55.007.*

*Source: The provisions of this §228.35 adopted to be effective December 14, 2008, 33 TexReg 10016; amended to be effective December 26, 2010, 35 TexReg 11239; amended to be effective August 12, 2012, 37 TexReg 5747; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280; amended to be effective December 20, 2018, 43 TexReg 8091; amended to be effective October 20, 2019, 44 TexReg 5903; amended to be effective October 15, 2020, 45 TexReg 7255; amended to be effective September 1, 2022, 47 TexReg 2750.*

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

- (a) To ensure that a candidate for educator certification is prepared to receive a standard certificate, the educator preparation program (EPP) shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP.
- (b) An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for certification, unless that content pedagogy test is used for admission purposes.
- (c) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP.
- (d) An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct. An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP. An EPP may make test approval contingent on a candidate completing additional coursework and/or training to show that the candidate is prepared to pass the test if the candidate is seeking test approval from the EPP in an area where the standards and/or test changed since the candidate completed the EPP or if the candidate has returned to the EPP for test approval five or more years following the academic year of completion.
- (e) For the purposes of EPP improvement, an entity shall continuously evaluate the design and delivery of the EPP components based on performance data, scientifically-based research practices, and the results of internal and external feedback and assessments.
- (f) An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program.

*Statutory Authority: The provisions of this §228.40 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; §21.045(a), 21.0453; 21.0454; 21.0455; 21.046(b); 21.048(a), 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.007.*

*Source: The provisions of this §228.40 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280; amended to be effective October 20, 2019, 44 TexReg 5903; amended to be effective October 15, 2020, 45 TexReg 7255.*

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

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

*Statutory Authority: The provisions of this §228.50 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044(a), (b), (c-1), and (g); 21.0443; 21.045(a); 21.0453; 21.0454; 21.0455; 21.048(a); 21.0487(c)(2)(B); 21.049; 21.050(a) and (c); and 21.051.*

*Source: The provisions of this §228.50 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280.*

### **§228.60. Implementation Date.**

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

*Statutory Authority: The provisions of this §228.60 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044(a), (b), (c-1), and (g); 21.0443; 21.045(a); 21.0453; 21.0454; 21.0455; 21.048(a); 21.0487(c)(2)(B); 21.049; 21.050(a) and (c); and 21.051.*

*Source: The provisions of this §228.60 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective December 26, 2010, 35 TexReg 11239; amended to be effective October 27, 2014, 39 TexReg 8388; amended to be effective December 27, 2016, 41 TexReg 10280.*

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

- (a) Purpose. Texas Education Agency (TEA) staff shall maintain a process through which a candidate or former candidate in an educator preparation program (EPP), an applicant for candidacy in an EPP, an employee or former employee of an EPP, a cooperating teacher, a mentor, a site supervisor, or an administrator in a public or private school that serves as a site for clinical teaching, internship, or practicum experiences may submit, in accordance with subsection (c)(1) of this section, a complaint about an EPP for investigation and resolution.
- (b) EPP responsibilities.
  - (1) The EPP shall adopt and send to TEA staff, for inclusion in the EPP's records, a complaint procedure that requires the EPP to timely attempt to resolve complaints at the EPP level before a complaint is filed with TEA staff.
  - (2) The EPP shall post on its website a link to the TEA complaints website and information regarding how to file a complaint under the EPP's complaint policy.
  - (3) The EPP shall post a notification at all of its physical site(s) used by employees and candidates, in a conspicuous location, information regarding filing a complaint with TEA staff in accordance with subsection (c)(1) of this section.
  - (4) Upon request of an individual, the EPP shall provide information in writing regarding filing a complaint under the EPP's complaint policy and the procedures to submit a complaint to TEA staff in accordance with subsection (c)(1) of this section.
- (c) TEA responsibilities.

- (1) Filing a complaint. TEA staff will develop a complaint form to standardize information received from an individual making a complaint against an EPP. The complaint form will be available on the TEA website. All complaints filed against an EPP must be in writing on the complaint form. The written complaint must clearly state the facts that are the subject of the complaint and must state the measures the complainant has taken to attempt resolution of the complaint with the EPP. Anonymous complaints may not be accepted or investigated.
- (2) Processing the complaint.
  - (A) TEA staff will record all complaints in the TEA complaints tracking system. Each complaint, no matter the severity, shall be assigned a tracking number.
  - (B) The complaint will be forwarded to the division responsible for educator preparation for further action, including assessing the complaint, providing a severity status and prioritizing the complaint accordingly, and determining jurisdiction.
  - (C) If TEA staff determines that the complaint is not within the State Board for Educator Certification's (SBEC's) jurisdiction, TEA staff shall notify the complainant that the complaint will be closed without action for lack of jurisdiction. TEA staff and the SBEC do not have jurisdiction over complaints related to contractual arrangements with an EPP, commercial issues, obtaining a higher grade or credit for training, or seeking reinstatement to an EPP.
  - (D) If TEA staff determines the complainant knew or should have known about the events giving rise to a complaint more than two years before the earliest date the complainant filed a complaint with either TEA staff or the EPP, TEA staff will notify the complainant that the complaint will be closed without action.
  - (E) If a complainant has not exhausted all applicable complaint and appeal procedures that the EPP has established to address complaints, TEA staff may delay initiating an investigation until the EPP's complaint and appeal process is complete.
- (3) Investigating the complaint.
  - (A) If TEA staff determines a complaint is within the SBEC's jurisdiction, TEA staff will notify the respondent EPP that a complaint has been made, provide a summary of the allegations in the complaint, and request that the EPP respond to the complaint.
  - (B) TEA staff may request further information from the individual and from the EPP.
  - (C) An EPP shall:
    - (i) cooperate fully with any SBEC investigation; and
    - (ii) respond within 21 business days of receipt to requests for information regarding the complaint(s) and other requests for information from the TEA, except where:
      - (I) TEA staff imposes a different response date; or
      - (II) the EPP is unable to meet the initial response date and requests and receives a different response date from TEA staff.
  - (D) If an EPP fails to comply with subparagraph (C) of this paragraph, the SBEC may amend the complaint to reflect the violation and may deem admitted the violation of SBEC rules and/or Texas Education Code (TEC), Chapter 21, alleged in the original complaint.
- (4) Resolving the complaint.
  - (A) Upon completion of an investigation, TEA staff will notify both the individual and the EPP in writing of the findings of the investigation. If TEA staff finds that a violation occurred, the notice will specify the statute and/or rule that was alleged to have been violated.

- (B) Each party will have ten business days to present additional evidence or to dispute the findings of the investigation.
- (C) After reviewing any additional evidence, if TEA staff finds that no violation has occurred, the complaint will be closed and TEA staff will notify both parties in writing.
- (D) After reviewing any additional evidence, if TEA staff finds that the EPP has violated SBEC rules and/or TEC, Chapter 21, the following provisions apply.
  - (i) TEA staff will notify the EPP in writing and specify for each violation the seriousness and extent of the violation, including whether the EPP has been found to have violated that statute and/or rule previously.
  - (ii) Within ten business days of TEA staff notifying the EPP in writing that a violation has occurred, the EPP and TEA staff will collaboratively develop and agree to a timely resolution of each violation. If the parties cannot agree on a resolution within ten business days, TEA staff will unilaterally propose a resolution within ten business days of TEA staff issuing the violation notice.
  - (iii) If the EPP complies with the agreed or proposed resolution, the investigation is closed and results recorded in accordance with subparagraph (E) of this paragraph.
  - (iv) If the EPP does not comply with the agreed or proposed resolution within the timelines set out in the resolution, TEA staff will make a recommendation that the SBEC impose sanctions affecting the EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).
  - (v) The EPP shall be entitled to an informal review of the proposed recommendation for sanctions under the conditions and procedures set out in §229.7 of this title (regarding Informal Review of Texas Education Agency Recommendations).
- (E) The final disposition of the complaint will be recorded in the TEA complaints tracking system.

*Statutory Authority: The provisions of this §228.70 issued under the Texas Education Code, §§21.031; 21.041(b)(1) and (2); 21.044(a), (b), (c-1), and (g); 21.0443; 21.045(a); 21.0453; 21.0454; 21.0455; 21.048(a); 21.0487(c)(2)(B); 21.049; 21.050(a) and (c); and 21.051.*

*Source: The provisions of this §228.70 adopted to be effective March 22, 2015, 40 TexReg 1372; amended to be effective December 27, 2016, 41 TexReg 10280.*