

The State Board for Educator Certification (SBEC) proposes amendments to §229.1 and §229.4, concerning accountability system for educator preparation programs. The proposed amendments to 19 Texas Administrative Code (TAC) Chapter 229 would provide for adjustments to the 2019-2020 Accountability System for Educator Preparation (ASEP) due to Governor Abbott's disaster declaration related to COVID-19; would include an accountability indicator for educator preparation programs (EPPs) based on the improvement in achievement of students taught by beginning teachers; would provide an index for the determination of EPP accreditation status; and would provide updates to the ASEP manual.

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

At the December 2018 SBEC meeting, Texas Education Agency (TEA) staff presented several topics and received direction from the SBEC to inform potential rule changes to Chapter 229 in the future. At that time, TEA staff informed the SBEC that staff would be working to explore opportunities for adjustments to the comprehensive accountability system to increase consistency and transparency. In addition to SBEC input and direction, TEA staff have worked with stakeholders to solicit feedback regarding potential options for the SBEC's consideration.

At the May 2020 SBEC meeting, TEA staff presented draft rule text and the SBEC directed staff to solicit additional stakeholder input on issues related to public comment received regarding the weighting of ASEP Indicator 1b, certification examination results for non-PPR exams, and the indexing system. Staff hosted a meeting with stakeholders on May 15 and gathered feedback on these issues.

Following is a description of the topics for the proposed amendments to 19 TAC Chapter 229. In addition to the detailed descriptions below, the proposed amendments would also remove outdated provisions related to the 2018-2019 academic year; would provide edits to the manual to address the 2019-2020 reporting year; would provide technical clean-up edits for clarification; and would provide relettering/renumbering to conform with the Texas Register style and formatting requirements.

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

Update on Scope of ASEP Manual

The proposed amendment to §229.1(c) would strike the reference to subsection (a) of §229.4 in favor of a broader reference to §229.4 as a whole to clarify that the relevant criteria, formulas, and calculations relevant to all of §229.4 are contained in Figure: 19 TAC §229.1(c).

ASEP Manual

The proposed changes to Figure: 19 TAC §229.1(c) would update the ASEP manual. Updates to the ASEP manual would provide transparency to the field as to the calculations used to determine accreditation statuses. These updates were developed in conference with the Data Working Group. The following is a chapter-by-chapter summary of the proposed changes to Figure: 19 TAC §229.1(c), the ASEP manual.

On the cover page and in the chapters, dates and years would be updated to align with the 2019-2020 reporting year. The table of contents would be updated to match the new page numbers and to be simplified for readability.

Chapter 1 would include a sentence in the About this Manual section describing the new content included in Chapter 9. The sections describing the Educator Preparation Advisory Committee and Educator Preparation Data Workgroup would be removed, as they are authorized by SBEC action, not by the ASEP manual.

Chapter 4 describes the calculations related to the appraisal of first-year teachers by administrators. A sentence noting the pilot year would be removed as it is not necessary for the purpose of the manual. In the Scoring Approach section, sentences describing the development of the scoring approach would be removed as they are not necessary for the purpose of the manual.

Chapter 5 describes the calculations related to the improvement in student achievement indicator. The existing placeholder text would be removed, and the description of how the indicator is calculated would be added. This would include an overview of the indicator, a description of the individuals included in the calculation, a description of the assessments included in the calculation, the scoring approach, special methodological considerations, and a worked example.

Chapter 6 describes the calculations related to the field supervision indicator. A sentence limiting the population would be removed as it is duplicative of rule text. The worked example would be updated to remove the observation date because it is not necessary for the example and to simplify future updates to the manual.

Chapter 7 describes the calculations related to new teacher satisfaction. A sentence noting the pilot year would be removed as it is not necessary for the purpose of the manual. Verb tense would be updated to agree with the pattern elsewhere in the manual.

Chapter 8 describes the calculations related to the EPP commendations. Language would be added to align with newly proposed 19 TAC §229.1(d).

New Chapter 9 would be added and would contain the calculations related to the ASEP Index system. This new chapter would include an overview of the ASEP Index system, a description of the calculation approach, a description of the weights, and a worked example.

At the May 1, 2020 meeting of the SBEC and in the May 15, 2020 stakeholder feedback session, there was discussion about the weighting of Indicator 1b, certification examination results for non-PPR exams. Weights within the ASEP Index have been developed based on stakeholder feedback over the past two years. There has been feedback from EPPs, including alternative certification programs and traditional undergraduate institutions to adjust the weight of Indicator 1b. A plurality of feedback at the May 15, 2020 stakeholder meeting endorsed this recommendation, and subsequently the weight has been adjusted in the manual text. Additionally, at the May 1, 2020 meeting of the SBEC and feedback from stakeholders, there were concerns about the clarity of Chapter 5. The text was updated to better describe the individuals included and to use more consistent language throughout.

Limitation on Eligibility for EPP Commendations

The proposed amendment in §229.1(d) would clarify that EPPs that were under an active SBEC order or other TEA or SBEC sanction would be disqualified from receiving a commendation. This amendment would address comments received from the SBEC at the February 2020 meeting expressing concern that the SBEC sent mixed signals when it simultaneously commended a program that is sanctioned by the SBEC.

§229.4. Determination of Accreditation Status.

The proposed amendment to §229.4(a) would provide that the 2019-2020 academic year data for the performance indicators would be reported to EPPs but not be used for accountability purposes. The governor declared a state of disaster on March 13, 2020, due to the COVID-19 pandemic that caused many campuses, facilities, and services to close during the disaster period and impacted the collection of relevant data and the opportunity for EPPs to meet these accountability measures. This amendment would prevent EPPs from being subject to accountability ratings based on data from the 2019-2020 academic year, which are partial and incomplete. The proposed changes would also include a technical edit to clarify that paragraphs (1)-(5) of §229.4(a) set out the indicators on which EPP accreditation statuses are based.

Exception for Inclusion of Candidates Certified on the Governor's Disaster Waiver

The proposed amendment in §229.4(a)(1)(B) would exempt candidates issued a probationary certificate without the appropriate certification exams under the governor's waiver from the calculation of the ASEP pass rates for the 2020-2021 academic year. This would keep EPPs from being held accountable for the test performance of individuals who have already completed the program long before they test, preventing EPPs from being able to require that the individuals have done sufficient preparation immediately prior to the examination to ensure success on the test.

Technical and Clean-up Amendments

Proposed amendments in §229.4(a)(2) and §229.4(a)(5) would delete outdated provisions designating the 2018-2019 academic year as report-only for data related to these indicators.

Proposed amendments to the definition of the performance standards in §229.4(a)(2), (3), (4)(B), and (5) would provide technical edits to clarify the performance standard for each of these indicators, combining the description of the methodology with the specific percentage required to pass into a single sentence to avoid confusion.

ASEP Indicator Based on Student Growth

A proposed amendment in §229.4(a)(3) would also update the rule text to implement the ASEP Indicator based on student growth. The relevant student-level calculations are completed as part of the Kindergarten-Grade 12 accountability ratings, and the relevant teacher and EPP calculations are described in Figure: 19 TAC §229.1(c). These amendments and methods would update the ASEP system to comply with the statutory mandate in TEC, §21.045(a)(3). Based on feedback from the SBEC and stakeholders, the wording in §229.4(a)(3) has been updated since the May 1, 2020 meeting to stipulate that this indicator will become actionable after two more years of data have become available. In combination with the 2018-2019 data, this would mean that a total of three years of data would be available to the SBEC and EPPs prior to this indicator becoming actionable.

This indicator, the related methodology, the related performance standard, and the related timeline for implementation were developed in conference with the Indicator 3 working group, an ad hoc stakeholder group consisting of representatives from EPPs, educator organizations, representatives from higher education, and other nonprofit groups. TEA also conferred with the Data Working Group in the development of the indicator.

Determination of Accreditation Status

The proposed amendment to §229.4(b) would clarify that for the 2020-2021 academic year, the recommended accreditation status would be the more favorable outcome of the index system described in the proposed new §229.4(b)(1)(A)-(D) or the existing system, relettered to §229.4(b)(2)(A)-(D) for each EPP.

Proposed new §229.4(b)(1) would clarify that beginning in the 2020-2021 academic year, the relevant calculations for the ASEP Index system are contained in the ASEP manual, Figure: 19 TAC §229.1(c), and in compliance with SBEC rules and the TEC. This would provide transparency to the field and policymakers in how the accreditation statuses are assigned.

Proposed new §229.4(b)(1)(A)-(D) would prescribe the new system of the determination of accreditation status assignment. The proposed rule sets 80% of possible points as threshold score for Accredited-Probation status as suggested by stakeholders and in an effort to ensure that the index system created a similar number of programs on Accredited-Probation status to the number on Accredited-Probation status in the current system. The proposed rule sets 85% of possible points as the threshold score for Accredited-Warning status in response to stakeholder comment and to identify programs that are in danger of slipping into Accredited-Probation status in coming years without introducing additional challenges for programs that are effectively engaged in improvement. Specifically, the proposed amendments are as follows.

New §229.4(b)(1)(A) would assign an EPP a status of Accredited if they meet the standard of 85% of the possible points for the academic year in the ASEP Index system. New §229.4(b)(1)(B) would assign an EPP a status of Accredited-Not Rated prior to the accumulation of data necessary for determining a rating. New §229.4(b)(1)(C)(i) would assign an EPP a status of Accredited-Warning if they accumulate 80% or more but less than 85% of the

possible points for the academic year in the ASEP Index system. New §229.4(b)(1)(C)(ii) would maintain the current provisions now reflected in proposed renumbered §229.4(b)(2)(C)(ii) that states an EPP may be assigned a status of Accredited-Warning for violations of rule, order, and/or statute. New §229.4(b)(1)(D)(i) would assign an EPP a status of Accredited-Probation if they accumulate less than 80% of the possible points for the year in the ASEP Index system. New §229.4(b)(1)(D)(ii) would maintain language of proposed renumbered §229.4(b)(2)(D)(ii) stating that an EPP may be assigned a status of Accredited-Probation for violations of rule, order, and/or statute.

Proposed amended and renumbered §229.4(b)(2) would retain the current accreditation status assignment provisions based on the performance standards described in §229.4(a) and in compliance with SBEC rules, orders, and/or TEC, Chapter 21. Per proposed §229.4(b), this method for the determination of accreditation statuses would be assessed in the 2020-2021 academic year, and the recommended accreditation status for the EPP would be the more favorable outcome of this method or the index method in proposed new §229.4(b)(1). The proposed amendment in §229.4(b)(1)-(4) would be renumbered to subsection (b)(2)(A)-(D) for technical formatting purposes.

The proposed amendment would also renumber §229.4(b)(5) to §229.4(b)(3) for technical formatting purposes.

Proposed new §229.4(b)(4) would provide an accreditation status of Not Rated: Declared State of Disaster for the 2019-2020 academic year for all EPPs. This status is based on the governor's declaration of disaster on March 13, 2020, due to COVID-19. This new status would limit the impact of test center closures, local educational agency (LEA) closures, and survey waivers on EPP accreditation statuses. The proposed new subsection would also prescribe that the 2019-2020 Not Rated: Declared State of Disaster status shall not interrupt consecutively measured years or next most recent years and would not be included in any count of years related to the ASEP system. Additionally, the proposed new subsection would prescribe that the ASEP status that each EPP was assigned by the SBEC for the 2018-2019 academic year would be the operative accreditation status for purposes prescribed in 19 TAC Chapter 228, Requirements for Educator Preparation Programs.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Franklin has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be an accountability system that informs the public of the quality of educator preparation provided by each SBEC-approved EPP. There is no anticipated cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins August 21, 2020 and ends September 21, 2020. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). The SBEC will take registered oral and written comments on the proposal at the October 9, 2020 meeting in accordance with the SBEC board operating policies and procedures. All requests for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the Department of Educator Leadership and Quality, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, Attention: Mr. Ryan Franklin, associate commissioner for educator leadership and quality, not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on August 21, 2020.

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.041(a), which allows the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(d), which states that the SBEC may adopt a fee for the approval and renewal of approval of an EPP, for the addition of a certificate or field of certification, and to provide for the administrative cost of appropriately ensuring the accountability of educator preparation programs (EPPs); TEC, §21.043(b) and (c), as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017, which require SBEC to provide EPPs with data, as determined in coordination with stakeholders, based on information reported through the Public Education Information Management System (PEIMS) that enables an EPP to assess the impact of the program and revise the program as needed to improve; TEC, §21.0441(c) and (d), which require the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0443, which states that the SBEC shall propose rules to establish standards to govern the approval or renewal of approval of EPPs and certification fields authorized to be offered by an EPP; to be eligible for approval or renewal of approval, an EPP must adequately prepare candidates for educator certification and meet the standards and requirements of the SBEC; the SBEC shall require that each EPP be reviewed for renewal of approval at least every five years; the SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval; TEC, §21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017, which states that the board shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs; TEC, §21.0451, which states that the SBEC shall propose rules for the sanction of EPPs that do not meet accountability standards and shall annually review the accreditation status of each EPP; the costs of technical assistance required under TEC, 21.0451(a)(2)(A), or the costs associated with the appointment of a monitor under TEC, §21.0451(a)(2)(C), shall be paid by the sponsor of the EPP; and TEC, §21.0452, which states that to assist persons interested in obtaining teaching certification in selecting an EPP and assist school districts in making staffing decisions, the SBEC shall make certain specified information regarding educator programs in this state available to the public through the SBEC's Internet website.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §§21.041(a), (b)(1), and (d); 21.043(b) and (c), as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017; 21.0441(c) and (d); 21.0443; 21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017; 21.0451; and 21.0452.

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

(a) The State Board for Educator Certification (SBEC) is responsible for establishing standards to govern the continuing accountability of all educator preparation programs (EPPs). The rules adopted by the SBEC in this chapter govern the accreditation of each EPP that prepares individuals for educator certification. No candidate shall be recommended for any Texas educator certification class or category except by an EPP that has been approved by the SBEC pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs) and is accredited as required by this chapter.

(b) The purpose of the accountability system for educator preparation is to assure that each EPP is held accountable for the readiness for certification of candidates completing the programs.

(c) The relevant criteria, formulas, calculations, and performance standards relevant to subsection (d) of this section and §229.4 [~~§229.4(a)~~] of this title (relating to Determination of Accreditation Status) are prescribed in the Texas Accountability System for Educator Preparation (ASEP) Manual provided as a figure [~~provided~~] in this subsection. Figure: 19 TAC §229.1(c) [~~Figure: 19 TAC §229.1(e)~~]

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

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

§229.4. Determination of Accreditation Status.

(a) Accountability performance indicators. The State Board for Educator Certification (SBEC) shall determine the accreditation status of an educator preparation program (EPP) at least annually, based on the following accountability performance indicators, disaggregated by demographic group and other requirements of this chapter and determined with the formulas and calculations included in the figure provided in §229.1(c) of this title (relating to General Provisions and Purpose of Accountability System for Educator Preparation Programs). Data will be used only if the following indicators were included in the accountability system for that academic year: [-] Except for the 2019-2020 academic year, when the data described in paragraphs (1)-(5) of this subsection will be reported to EPPs and will not be used to determine accreditation statuses, EPP accreditation statuses shall be based on:

(1) the EPP candidates' performance on examinations of pedagogy and professional responsibilities (PPR) and non-PPR standard certification examinations. The EPP candidates' performance on PPR and non-PPR examinations shall provide separate accountability performance indicators for EPPs.

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

(B) For the 2020-2021 academic year and following, the performance standard shall be the percent of individuals admitted after December 26, 2016, who passed an examination within the first two attempts, including those examinations attempted after the individual has completed the EPP or when the EPP has not recommended the individual for a standard certificate. The pass rate is based solely on the examinations approved by the EPP. Examinations taken before admission to the EPP or specific examinations taken for pilot purposes are not included in the pass rate. Completers who have been issued a probationary certificate under a waiver issued by the governor pursuant to the declaration of disaster on March 13, 2020, are not included in the pass rate for the 2020-2021 academic year.

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

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

(2) the results of appraisals of first-year teachers by administrators, based on a survey in a form to be approved by the SBEC. The performance standard shall be 70% [~~the percentage~~] of first-year teachers from the [~~each~~] EPP who are appraised as "sufficiently prepared" or "well prepared." [~~The performance standard shall be 70%. The 2018-2019 academic year will be a reporting year only and will not be used to determine accreditation status;~~]

(3) the growth of students taught by beginning teachers as indicated by the STAAR Progress Measure, determined at the student level as described in Figure: 19 TAC §97.1001(b) of Part II of this title (relating to Accountability Rating

System), and aggregated at the teacher level as described in Figure: 19 TAC §229.1(c) of this title (relating to General Provisions and Purpose of Accountability System for Educator Preparation Programs). The performance standard shall be 70% of beginning teachers from the EPP reaching the individual performance threshold. The first two academic years for which the Texas Education Agency (TEA) has data necessary to calculate this performance standard following the 2019-2020 academic year will be reporting years only and will not be used to determine accreditation status; ~~[to the extent practicable, as valid data become available and performance standards are developed, the improvement in student achievement of students taught by beginning teachers;]~~

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

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

(B) The performance standard for quality shall be 90% ~~[the percentage]~~ of candidates rating ~~[who rate]~~ the field supervision as "frequently" or "always or almost always" providing the components of structural guidance and ongoing support ~~[-The performance standard shall be 90%]~~ ; and

(5) the results from a teacher satisfaction survey, in a form approved by the SBEC, of new teachers administered at the end of the first year of teaching under a standard certificate. The performance standard shall be 70% ~~[the percentage]~~ of teachers responding ~~[who respond]~~ that they were "sufficiently prepared" or "well prepared" by their EPP. ~~[The performance standard shall be 70%. The 2018-2019 academic year will be a reporting year only and will not be used to determine accreditation status.]~~

(b) Accreditation status assignment. ~~For the 2020-2021 academic year, the assigned accreditation status shall be the better result for the EPP from the system described in paragraph (1) of this subsection and paragraph (2) of this subsection [All approved EPPs shall be assigned an accreditation status based on the accountability performance standards described in subsection (a) of this section and in compliance with SBEC rules and/or TEC, Chapter 21] .~~

~~(1) Beginning in the 2020-2021 academic year, all approved EPPs may be assigned an accreditation status based on their performance in the Accountability System for Educator Preparation Programs (ASEP) Index system, as described in Figure: 19 TAC §229.1(c) of this title.~~

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

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

~~(C) Accredited-Warning status.~~

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

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

~~(D) Accredited-Probation status.~~

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

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

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

~~(A) [(4)] Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the accountability performance standards described in subsection (a) of this section and has been approved by the SBEC to prepare, train, and recommend candidates for certification.~~

~~(B) [(2)] Accredited-Not Rated status. An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the performance standards described in subsection (a) of this section. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.~~

~~(C) [(3)] Accredited-Warning Status.~~

~~(i) [(A)] An EPP shall be assigned Accredited-Warning status if the EPP:~~

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

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

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

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

(D) [(4)] Accredited-Probation status.

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

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

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

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

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

(3) [(5)] Not Accredited-Revoked status.

(A) An EPP shall be assigned Not Accredited-Revoked status and its approval to recommend candidates for educator certification revoked if it is assigned Accredited-Probation status for three consecutively measured years.

(B) An EPP may be assigned Not Accredited-Revoked status if the EPP has been on Accredited-Probation status for one year, and the SBEC determines that revoking the EPP's approval is reasonably necessary to achieve the purposes of the TEC, §21.045 and §21.0451.

(C) An EPP may be assigned Not Accredited-Revoked status if the EPP fails to pay the required ASEP [Accountability System for Educator Preparation Programs (ASEP)] technology fee by the deadline set by TEA as prescribed in §229.9(7) of this title (relating to Fees for Educator Preparation Program Approval and Accountability).

(D) An assignment of Not Accredited-Revoked status and revocation of EPP approval to recommend candidates for educator certification is subject to the requirements of notice, record review, and appeal as described in this chapter.

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

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

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

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

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

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

(c) Small group exception.

(1) For purposes of accreditation status determination, the performance of an EPP candidate group, aggregated or disaggregated by demographic group, shall be measured against performance standards described in this chapter in any one year in which the number of individuals in the group exceeds 10. The small group exception does not apply to compliance with the frequency and duration of field supervisor observations.

(2) For an EPP candidate group, aggregated or disaggregated by demographic group, where the group contains 10 or fewer individuals, the group's performance shall not be counted for purposes of accreditation status determination for that academic year based on only that year's group performance.

(3) If the current year's EPP candidate group, aggregated or disaggregated by demographic group, contained between one and 10 individuals, that group performance shall be combined with the next most recent prior year's group performance for which there was at least one individual, and if the two-year cumulated group contains more than 10 individuals, then the two-year cumulated group performance must be measured against the standards in the current year.

(4) If the two-year cumulated EPP candidate group, aggregated or disaggregated by demographic group, contains between one and 10 individuals, then the two-year cumulated group performance shall be combined with the next most recent group performance for which there was at least one individual. The three-year cumulated group performance must be measured against the standards in the current year, regardless of how small the cumulated number of group members may be.

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