

Item 11:

Consider and Take Appropriate Action on Agreed Order to Close Intern Teacher ACP Alternative Certification Program

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) the opportunity to approve an agreed order to close Intern Teacher ACP Alternative Certification Program.

STATUTORY AUTHORITY: The continuing approval of educator preparation programs is authorized by the Texas Education Code (TEC), §§21.0443, 21.041, 21.0452, and 21.061; closure of EPPs is authorized by the Texas Education Code (TEC) §21.0451; and the informal disposition of contested cases is authorized by the Texas Government Code §2001.056.

EFFECTIVE DATE: Upon Board approval.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC §21.0443 authorizes the SBEC to adopt rules providing for EPP approval and renewal of approval. TEC §21.061 states that the SBEC is to carry out a process for reviewing and, as necessary, updating standards and requirements for EPPs. The TEC, §21.0451 and 19 Texas Administrative Code §229.4(f)(1) require revocation of the SBEC approval of any EPP that is rated Accredited—Probation for three consecutive academic years, after a contested case hearing. Texas Government Code §2001.056 allows informal disposition of a contested case by stipulation, agreed settlement, consent order, or default.

In 2017, the SBEC found that Intern Teacher ACP had continuing violations of the Board's rules regarding educator preparation programs and issued an order requiring Intern Teacher ACP to address the violations ("2017 Board Order"). Under the terms of the 2017 Board Order, Intern Teacher had to submit a compliance plan with updates every 60 days regarding how it planned to come into compliance, and to submit to a continuing approval review after it had corrected its deficiencies. Until these conditions were fulfilled, Intern Teacher ACP could not regain an Accredited status.

Intern Teacher ACP failed to submit a compliance plan to address its areas of non-compliance or request a continuing approval review to prove that it had corrected its deficiencies. As a result, Intern Teacher ACP received an accreditation status of Accredited—Warned for the 2015–2016 school year, Accredited—Probation (Year 1) for the 2016–2017 school year, and Accredited—Probation (Year 2) for the 2017–2018 school year.

If an educator preparation program has an accreditation status of Probation for three consecutive years, Texas Education Code §21.0451(a)(3) requires the SBEC to issue the educator preparation program an accreditation status of Accredited—Revoked.

Intern Teacher ACP Timeline:

- April 15, 2016—The SBEC assigned Intern Teacher ACP an accreditation status of Accredited for the 2014–2015 academic year.

- March 3, 2017—The SBEC issued the 2017 Board Order, assigning Intern Teacher ACP an accreditation status of Accredited—Warned for the 2015–2016 academic year due to violations of the Texas Administrative Code. Under the terms of the 2017 Board Order, Intern Teacher ACP was to submit a compliance plan that showed the program had corrected the deficiencies in the order to regain an accreditation status of Accredited.
- March 2, 2018—The SBEC assigned Intern Teacher ACP an accreditation status of Accredited—Probation for the 2016–2017 academic year and appointed a monitor.
- April 26, 2019—The SBEC assigned Intern Teacher ACP an accreditation status of Accredited—Probation Year 2 for the 2017–2018 academic year and the monitor remained in place.
- June 17, 2019— TEA staff contacted Intern Teacher ACP and scheduled an on-site compliance review visit in preparation for TEA staff recommending an accreditation status for the 2018–2019 academic year. Under the terms of the 2017 Board Order, before it can receive an accreditation status of Accredited, Intern Teacher ACP must undergo an on-site review to verify that the program has corrected the identified deficiencies in the 2017 Board Order, as well as being compliant on all aspects of current Texas Administrative Code.
- On November 12, 2019, staff informed the program of the pending accreditation rating of Accredited—Probation (Year 3) for the 2018–2019 school year due to continued non-compliance with the 2017 Board Order and discussed options for the program and the upcoming on-site visit. The owner indicated at that time that the program would voluntarily close due to her upcoming retirement and chose to waive the on-site review in November.

Due to Intern Teacher ACP's decision to close voluntarily rather than undergo a continuing approval review, an agreement was drafted that included the following conditions for closure:

- Intern Teacher ACP ceased admitting new candidates on or before January 27, 2020.
- Intern Teacher ACP will close on August 31, 2020.
- Intern Teacher ACP will no longer be required to have a monitor effective August 31, 2020.
- Intern Teacher ACP will notify in writing by March 20, 2020, all currently enrolled candidates as well as candidates who have completed the program but have not been recommended for a standard teacher certificate. The notification must include the steps the individual must take to complete the Intern Teacher ACP program and/or meet all other eligibility requirements for a standard teacher certificate. The notification must also include an August 1, 2020 deadline for an individual who has met all requirements to apply for certification and an August 31, 2020 deadline for Intern Teacher ACP to recommend candidates for certification. Intern Teacher ACP will also notify candidates by March 20, 2020 who will not meet all program requirements before the program closure date and provide directions and transfer forms that will allow candidates to transfer into another program. Intern Teacher ACP will maintain evidence of the attempts to notify each candidate.
- Intern Teacher ACP will post a notice on the home page of its website stating that it is closing on August 31, 2020, and not accepting any new candidates.

- Intern Teacher ACP will identify and keep a representative's name, electronic mail address, and telephone number that will be valid until September 1, 2025, to provide access to candidate records and responses to former candidate's questions and/or issues per 19 TAC §228.15(a)(3).
- Intern Teacher ACP will complete actions required by the SBEC or Staff such as required submissions of information, surveys, and other accountability data; removal of security accesses; and reconciliation of certification recommendations.

As part of the agreement, Intern Teacher ACP waives its rights to a contested case hearing before the State Office of Administrative Hearings and all further appeals, and agrees that the SBEC will assign an accreditation status of Not Accredited—Revoked if the SBEC determines that Intern Teacher ACP has failed to comply with the terms of the agreement. In addition, the Intern Teacher ACP's legal authority, and members of the governing body are ineligible to be recommended to the SBEC for approval as an Educator Preparation Program.

A copy of the entire agreed order was provided to the Board under separate cover prior to the meeting.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the agreed order will be to ensure qualified educator preparation programs and educators in Texas.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the agreed order to close the Intern Teacher ACP Alternative Certification Preparation Program as presented.

Staff Members Responsible:

Tam Jones, Director, Educator Preparation

Laura Moriaty, Director, Legal Services for Educator Leadership and Quality

Attachment:

Statutory Citations

ATTACHMENT**Statutory Citations Relating to an Agreed Order to Close Intern Teacher ACP Alternative Certification Preparation Program****Texas Education Code, §21.041, Rules: Fees**

- (d) The board may propose a rule adopting a fee for the approval or renewal of approval of renewal of an educator preparation program, or for the addition of a certificate or field of certificate to the scope of a program's approval. A fee imposed under this sub-section may not exceed the amount necessary, as determined by the board, to provide for the administrative cost of approving, renewing the approval of, and appropriately ensuring the accountability of educator preparation programs under this subchapter.

Texas Education Code, §21.0443, Educator Preparation Program Approval and Renewal

- (a) The board shall propose rules to establish standards to govern the approval or renewal of approval of:
- (1) educator preparation programs; and
 - (2) certification fields authorized to be offered by an educator preparation program.
- (b) To be eligible for approval or renewal of approval, an educator preparation program must adequately prepare candidates for educator certification and meet the standards and requirements of the board.
- (c) The board shall require that each educator preparation program be reviewed for renewal of approval at least every five years. The board shall adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

Texas Education Code, §21.0451, Sanctions Under Accountability System for Educator Preparation Programs:

- (a) The board shall propose rules necessary for the sanction of educator preparation programs that do not meet accountability standards or comply with state law or rules and shall at least annually review the accreditation status of each educator preparation program. The rules:
- (1) shall provide for the assignment of the following accreditation statuses:
 - (A) not rated;
 - (B) accredited;
 - (C) accredited—warned;
 - (D) accredited—probation; and
 - (E) not accredited—revoked;
 - (2) may provide for the agency to take any necessary action, including one or more of the following actions:
 - (A) requiring the program to obtain technical assistance approved by the agency or board;

- (B) requiring the program to obtain professional services under contract with another person;
 - (C) appointing a monitor to participate in and report to the board on the activities of the program; and
 - (D) if a program has been rated as accredited—probation under the Accountability System for Educator Preparation for a period of at least one year, revoking the approval of the program and ordering the program to be closed, provided that the board or agency has provided the opportunity for a contested case hearing;
- (3) shall provide for the agency to revoke the approval of the program and order the program to be closed if the program has been rated as accredited—probation under the Accountability System for Educator Preparation for three consecutive years, provided that the board or agency has provided the opportunity for a contested case hearing; and
- (4) shall provide the board procedure for changing the accreditation status of a program that:
- (A) does not meet the accreditation standards established under Section 21.045(a); or
 - (B) violates a board or agency regulation.
- (b) Any action authorized or required to be taken against an educator preparation program under Subsection (a) may also be taken with regard to a particular field of certification authorized to be offered by an educator preparation program.
- (c) A revocation must be effective for a period of at least two years. After two years, the program may seek renewed approval to prepare educators for state certification.
- (d) The costs of technical assistance required under Subsection (a)(2)(A) or the costs associated with the appointment of a monitor under Subsection (a)(2)(C) shall be paid by the educator preparation program.

Texas Education Code, §21.0452, Consumer Information Regarding Educator Preparation Programs (excerpt):

- (b) The board shall make available at least the following information regarding each educator preparation program:
- (1) the information specified in Sections 21.045(a) and (b);
- (e) The board may develop procedures under which each educator preparation program receives a designation or ranking based on the information required to be made available under Subsection (b). If the board develops procedures under this subsection, the designation or ranking received by each program must be included in the information made available under this section.

Texas Education Code, §21.061, Review and Updating of Educator Preparation Programs:

The board shall, after consulting with appropriate higher education faculty and public school teachers and administrators and soliciting advice from other interested persons with relevant knowledge and experience, develop and carry out a process for reviewing and, as necessary, updating standards and requirements for educator preparation programs.

Texas Government Code, §2001.056, Informal Disposition of Contested Case:

Unless precluded by law, an informal disposition may be made of a contested case by:

- (1) stipulation;
- (2) agreed settlement;
- (3) consent order; or
- (4) default.