

Item 15:**Consider and Take Appropriate Action on Agreed Order for Teaching via E-Learning (TEACH) Alternative Certification Preparation Program****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) the opportunity to approve an agreed order for Teaching via E-Learning (TEACH) Alternative Certification Preparation Program to continue to operate with conditions.

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 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 the SBEC is to carry out a process for reviewing and, as necessary, updating standards and requirements for EPPs. TEC §21.0451 and 19 Texas Administrative Code (TAC) §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.

TEA staff completed TEACH's five-year review on June 13, 2018. As a result of the review, TEACH was required to submit a compliance plan to TEA by August 31, 2019 that addressed the areas of noncompliance found in the five-year review. TEA staff reminded TEACH of the compliance plan requirements and deadline for addressing the deficiencies identified in the review report.

Teaching via E-Learning (TEACH) Timeline:

- June 13, 2018—TEA staff sent TEACH the results of the five-year continuing approval review including a report and compliance plan that listed numerous discrepancies identified in the review report with a due date of August 31, 2019 to address the discrepancies.
- June 27, 2018—TEACH staff met in person with TEA staff to discuss the accreditation letter and the response needed in the action plan after reviewing each discrepancy in the report.
- July 18, 2018—TEA staff came to TEACH at their request to review curriculum on-site
- September 1, 2019—TEACH sent information about where to find the discrepancies addressed in the compliance plan through the program's online portal.

- September 17, 2019—TEACH was contacted with the preliminary recommendation of revocation of approval for TEACH based on TEACH's failure to respond and address the identified discrepancies in the review report by August 31, 2019.
- October 1, 2019—TEACH submitted their request for informal review before the October 2, 2019 deadline.
- October 15, 2019—TEACH was contacted by TEA staff to acknowledge receipt of request for informal review.
- October 25, 2019—TEACH was contacted by TEA staff of the results of the informal review and to discuss entering into an agreed order imposing conditions on the continuing approval of TEACH to operate in accordance with 19 TAC §229.6(b).

An agreed order was drafted that included the following conditions for continuing approval to operate:

- December 6, 2019—TEACH will not admit a new candidate into the program until a curriculum matrix has been approved by TEA staff for the candidate's certification category.
- March 25, 2020—TEACH will submit curriculum matrices for each certificate category to TEA staff on or before March 25, 2020. Any certificate category for which TEACH does not have a TEA-approved curriculum matrix by May 25, 2020 will be immediately revoked without further review, hearing, or opportunity for appeal.
- TEACH will post notice on the home page of its website stating it is unable to accept new candidates for any certification field for which TEACH has not received approval of the curriculum matrix from TEA staff. The website post will include the title: Not Accepting New Candidates.
- May 25, 2020—TEACH must correct all deficiencies identified in the Review Report and submit all appropriate documentary evidence to TEA staff for approval. Any deficiency not corrected by TEACH and approved by TEA staff will result in TEA staff making an immediate recommendation to SBEC of revocation of the EPP's continuing approval to recommend candidates in accordance with 19 TAC §229.6(e), without any opportunity for an informal review under 19 TAC §229.6(c) or §229.7.

As part of the agreement, if TEACH violates any provisions of this Order, TEA staff will immediately recommend revocation of the EPP's continuing approval to recommend candidates in accordance with 19 TAC §229.6(c), without any opportunity for an informal review under 19 TAC §229.6(c) or §229.7.

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 for Training via E-Learning (TEACH) 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 for Teach via E-Learning (TEACH)
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.