

Item 17:

Consider and Take Appropriate Action to Amend Agreed Final Order for South Texas Transition to Teaching Alternative Certification Program (STTT)

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) the opportunity to amend an agreed final order for South Texas Transition to Teaching Alternative Certification Program (STTT).

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 the SBEC is to carry out a process for reviewing and, as necessary, updating standards and requirements for EPPs.

At the December 6, 2019 SBEC meeting, the Board approved an agreed order with South Texas Transition to Teaching Alternative Certification Program (STTT), outlining conditions for continuing approval. The conditions addressed program deficiencies from the July 3, 2018 five-year review that the program was unable to demonstrate compliance by the August 31, 2019 deadline. The SBEC-approved agreed order, attached in Exhibit A, included the following conditions for continuing approval to operate:

- December 6, 2019—STTT 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—STTT will submit curriculum matrices for each certificate category to TEA staff on or before March 25, 2020. Any certificate category for which STTT does not have a TEA approved curriculum matrix by May 25, 2020 will be immediately revoked without further review, hearing, or opportunity for appeal.
- STTT agrees that before recommending a candidate for an intern, probationary, probationary extension, or standard certificate, STTT will present TEA staff with documentary evidence of the candidate's hours of coursework and training completed and receive approval from TEA staff to recommend the candidate. STTT may not recommend a candidate for a certificate without written approval from TEA staff.
- STTT will post notice on the home page of its website stating it is unable to accept new candidates for any certification field for which STTT 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—STTT 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 STTT 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.

STTT has complied with all aspects of the agreed order. STTT submitted curriculum matrices that were approved by Staff for all but four certificate categories, which TEA revoked in accordance with the terms of the agreed order. STTT has corrected all the identified deficiencies and submitted the appropriate documentary evidence in a timely manner.

TEA staff therefore recommends that the SBEC amend the agreed order, included in Attachment II, in the following areas:

- Allow STTT to recommend candidates for certification without prior TEA approval for the areas that have TEA approved curriculum, and
- Allow STTT to remove the statement from their website that they are “Not Accepting New Candidates.”

Given the existing agreed order was not crafted in such a way to automatically execute the above conditions, this amendment to the agreed order is necessary.

There is a separate item in this agenda to provide the SBEC the opportunity to approve the five-year review of continuing approval for STTT.

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 amended agreed final order for South Texas Transition to Teaching Alternative Certification Program as presented.

Staff Members Responsible:

Tam Jones, Director, Educator Preparation

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

Attachments:

- I. Statutory Citations
- II. Amendment to the South Texas Transition to Teaching Alternative Certification Program Agreed Final Order

Exhibit A:

Fully Executed SBEC Final Agreed Order for South Texas Transition to Teaching Alternative Certification Program

ATTACHMENT I**Statutory Citations Relating to an Agreed Order for South Texas Transition to Teaching (STTT) 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.

ATTACHMENT II**Amendment to the Agreed Order for South Texas Transition to Teaching (STTT)
Alternative Certification Preparation Program**

IN THE MATTER	§	BEFORE THE STATE BOARD
	§	
OF	§	FOR
	§	
SOUTH TEXAS TRANSITION TO TEACHING ACP	§	EDUCATOR CERTIFICATION

AMENDEMENT TO THE AGREED FINAL ORDER

On the 24th day of July, 2020, the State Board for Educator Certification ("SBEC") reconsidered the matter of the accreditation of South Texas Transition to Teaching Alternative Certification Program ("STTT").

This Agreed Order is executed pursuant to the authority of the Administrative Procedure Act, Tex. Gov't. Code §2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the SBEC and STTT (collectively, "Parties") agree to make this Amendment to the Agreed Final Order that the SBEC entered on December 6, 2019.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Parties entered into the Agreed Order that was approved by the SBEC on December 6, 2019 ("Agreed Order"), which is attached hereto as Exhibit A.
2. Under the terms of the Agreed Order, before recommending a candidate for an intern, probationary, probationary extension, or standard certificate, STTT is required to present TEA staff with documentary evidence of the candidate's hours of coursework and training completed and receive approval from TEA staff to recommend the candidate. STTT may not recommend a candidate for a certificate without written approval from TEA staff.
3. Also under the Agreed Order, STTT is required to post notice on the home page of its website stating that it is unable to accept new candidates for any certification field for which STTT has not received approval of the curriculum matrix from TEA staff, and the website post must include the title: Not Accepting New Candidates.

4. The Parties want to amend the Agreed Order to allow STTT to recommend candidates for a certificate without prior written approval from TEA staff, and to remove the requirement that STTT include a post on its website titled “Not Accepting New Candidates.”
5. The Parties intend all other provisions of the Agreed Order to remain in effect and enforceable as if set out in full herein.

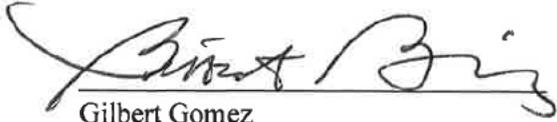
CONCLUSIONS OF LAW

1. SITT is subject to the jurisdiction of the SBEC and is required to comply with 19 Texas Administrative Code, Chapters 227, 228, 229, 230, 231, 234, 241, and 247 and Texas Education Code §§21.044, 21.0441, 21.0443, 21.045, 21.0451, 21.0452, 21.0454, 21.0455, 21.046, 21.048, and 21.049.
2. The Board is authorized, pursuant to 19 Texas Administrative Code Chapter 229 and Texas Education Code §21.0443 to revoke or refuse to renew its approval of an educator preparation program, and to put conditions on its continuing approval of a program.
3. The SBEC and STTT agree to the amendments set out set forth herein and in the Agreed Order in lieu of formal revocation proceedings.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The Agreed Order is hereby amended to remove the requirement that STTT present TEA staff with documentary evidence of the candidate's hours of coursework and training completed and receive approval from TEA staff to recommend the candidate.
2. The Agreed Order is hereby further amended to remove the requirements that STTT post notice on the home page of its website stating that it is unable to accept new candidates for any certification field for which STTT has not received approval of the curriculum matrix from TEA staff, and that the website post must include the title: Not Accepting New Candidates.
3. STTT may recommend candidates for a certificate without prior written approval from TEA staff.
4. STTT may not accept new candidates for any certification field for which STTT has not received approval of the curriculum matrix from TEA staff.
5. All other provisions of the Agreed Order shall remain in force and unchanged, as if set out in full and incorporated herein.

SIGNED this 30th day of June, 2020



Gilbert Gomez
Chief Operating Officer and Legal Authority
South Texas Transition to Teaching ACP

On behalf of the State Board for Educator Certification:

SIGNED this _____ day of _____, 2020

DR. ART CAVAZOS
Board President
State Board for Educator Certification

EXHIBIT A

Fully Executed SBEC Final Agreed Order for South Texas Transition to Teaching Alternative Certification Program

Item 14
December 6, 2019
SBEC Meeting

<p>IN THE MATTER</p> <p>OF</p> <p>SOUTH TEXAS TRANSITION TO TEACHING ACP</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>BEFORE THE STATE BOARD</p> <p>FOR</p> <p>EDUCATOR CERTIFICATION</p>
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AGREED FINAL ORDER

On the 6 day of December, 2019, the State Board for Educator Certification ("SBEC") considered the matter of the accreditation of South Texas Transition to Teaching Alternative Certification Program ("STTT").

This Agreed Order is executed pursuant to the authority of the Administrative Procedure Act, Tex. Gov't. Code §2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the SBEC and STTT (collectively, "Parties") agree to resolve this matter by this Agreed Final Order ("Order").

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

- (1) On July 3, 2018, Texas Education Agency ("TEA") staff sent STTT the results of the five-year continuing approval review including a report and a compliance plan (collectively, "Review Report," attached as Exhibit A). The Review Report listed numerous discrepancies that TEA staff had identified in the course of the continuing approval review and set out requirements for STTT to meet in order to address those discrepancies on or before August 31, 2019. To date, STTT has not provided TEA staff with any documents to demonstrate that STTT has fulfilled the compliance plan and addressed the identified deficiencies.
- (2) On September 2, 2019, TEA staff made the preliminary recommendation of revocation of approval for STTT based on STTT's failure to respond and address the identified deficiencies in the Review Report by August 31, 2019.
- (3) On October 3, 2019, STTT and Texas Education Agency agreed to enter into an agreed order imposing conditions on the continuing approval of STTT in accordance with 19 Texas Administrative Code §229.6(b).
- (4) Upon the effective date of this Order, the Parties agree that STTT 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. This includes the following certificate categories:
 - a. Core Subjects EC-6;
 - b. English Language Arts and Reading 4-8;
 - c. English Language Arts and Reading/Social Studies 4-8;

- d. Math 4-8; Math/Science 4-8;
 - e. Science 4-8;
 - f. Social Studies 4-8;
 - g. English Language Arts and Reading 7-12;
 - h. Life Science 7-12;
 - i. Math 7-12;
 - j. Physical Science 6-12;
 - k. Science 7-12;
 - l. Social Studies 7-12;
 - m. Physical Education EC-12;
 - n. Special Education EC-12;
 - o. Bilingual Education Supplemental-Spanish; and
 - p. English as a Second Language Supplemental.
- (5) The Parties agree that STTT will submit curriculum matrices for each certificate category to TEA staff on or before March 25, 2020. Any certificate category for which TEA has not approved a curriculum matrix by May 25, 2020 will be immediately revoked without further review, hearing, or opportunity for appeal.
- (6) The Parties agree that before recommending a candidate for an intern, probationary, probationary extension, or standard certificate, STTT will present TEA staff with documentary evidence of the candidate's hours of coursework and training completed and receive approval from TEA staff to recommend the candidate. STTT may not recommend a candidate for a certificate without written approval from TEA staff.
- (7) The Parties agree that STTT will post notice on the home page of its website stating that it is unable to accept new candidates for any certification field for which STTT has not received approval of the curriculum matrix from TEA staff. The website post will include the title: Not Accepting New Candidates.
- (8) The Parties agree that on or before May 25, 2020, STTT 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 STTT 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 Texas Administrative Code §229.6(e), without any opportunity for an informal review under 19 Texas Administrative Code §229.6(c) or §229.7.

- (9) The Parties agree that if STTT 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 Texas Administrative Code §229.6(c), without any opportunity for an informal review under 19 Texas Administrative Code §229.6(c) or §229.7.

CONCLUSIONS OF LAW

- (1) STTT is subject to the jurisdiction of the SBEC and is required to comply with 19 Texas Administrative Code, Chapters 227, 228, 229, 230, 231, 234, 241, and 247 and Texas Education Code §§21.044, 21.0441, 21.0443, 21.045, 21.0451, 21.0452, 21.0454, 21.0455, 21.046, 21.048, and 21.049.
- (2) The Board is authorized, pursuant to 19 Texas Administrative Code Chapter 229 and Texas Education Code §21.0443 to revoke or refuse to renew its approval of an educator preparation program, and to put conditions on its continuing approval of a program.
- (3) The SBEC and STTT agree to the actions set forth herein in lieu of formal revocation proceedings.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

- (1) Upon the effective date of this Order, STTT 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. This includes the following certificate categories:
- a. Core Subjects EC-6;
 - b. English Language Arts and Reading 4-8;
 - c. English Language Arts and Reading/Social Studies 4-8;
 - d. Math 4-8; Math/Science 4-8;
 - e. Science 4-8;
 - f. Social Studies 4-8;
 - g. English Language Arts and Reading 7-12;
 - h. Life Science 7-12;
 - i. Math 7-12;
 - j. Physical Science 6-12;
 - k. Science 7-12;
 - l. Social Studies 7-12;

- m. Physical Education EC-12;
 - n. Special Education EC-12;
 - o. Bilingual Education Supplemental-Spanish; and
 - p. English as a Second Language Supplemental.
- (2) The Parties agree that STTT will submit curriculum matrices for each certificate category to TEA staff on or before March 25, 2020. Any certificate category for which TEA has not approved a curriculum matrix by May 25, 2020, will be immediately revoked without further review, hearing, or opportunity for appeal.
- (3) Before recommending a candidate for an intern, probationary, probationary extension, or standard certificate, STTT will present TEA staff with documentary evidence of the candidate's hours of coursework and training completed and receive approval from TEA staff to recommend the candidate. STTT may not recommend a candidate for a certificate without written approval from TEA staff.
- (4) STTT will post notice on the home page of its website stating that it is unable to accept new candidates for any certification field for which STTT has not received approval of the curriculum matrix from TEA staff. The website post will include the title: Not Accepting New Candidates.
- (5) On or before May 25, 2020, STTT 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 STTT 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 Texas Administrative Code §229.6(e), without any opportunity for an informal review under 19 Texas Administrative Code §229.6(c) or §229.7.
- (6) If STTT 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 Texas Administrative Code §229.6(e), without any opportunity for an informal review under 19 Texas Administrative Code §229.6(c) or §229.7.
- (7) The SBEC shall determine whether STTT's performance under this agreement is acceptable and shall revoke STTT's continuing approval and assign an accreditation status of Not Accredited-Revoked if the SBEC determines that STTT has failed to comply with the terms of this agreement.
- (8) STTT waives its rights to a contested case hearing before the State Office of Administrative Hearings for the revocation of certification categories, waives any right to seek removal or modification of the revocation of certification categories noted herein, any right to seek removal or modification of the terms of this order, and any right to seek judicial review of this order.

SIGNED this 28 day of October, 2019



Gilbert Gomez
Chief Operating Officer and Legal Authority
South Texas Transition to Teaching ACP

On behalf of the State Board for Educator Certification:

SIGNED this 6 day of December, 2019



JIEL DRUESEDOW
Board President
State Board for Educator Certification