

Item 5:
Adoption of Review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

DISCUSSION AND ACTION

SUMMARY: Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of review of 19 Texas Administrative Code (TAC) Chapter 229, Accountability System for Educator Preparation Programs. The rules being reviewed provide requirements for the accountability system for educator preparation programs (EPPs), including the assignment of an EPP accreditation status, and allow the SBEC to intervene in cases of low performance.

STATUTORY AUTHORITY: Statutory authority for the rule review is the Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 229 is the Texas Education Code (TEC), §§21.041(a), (b)(1), and (d); 21.043(b) and (c); 21.0441(c) and (d); 21.0443, as amended by House Bill (HB) 159, 87th Texas Legislature, Regular Session, 2021; 21.045, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.0451; and 21.0452, as amended by Senate Bill 2066, 87th Texas Legislature, Regular Session, 2021.

PREVIOUS BOARD ACTION: At the December 10, 2021 meeting, the SBEC voted to publish the proposed review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, in the *Texas Register*.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 229 establish the process used for issuing annual accreditation ratings for all EPPs. The TEC, §21.045, states that the SBEC shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs.

The text of 19 TAC Chapter 229 is not included as an attachment to this item due to the volume of rules; however, the rules are viewable on the Texas Education Agency (TEA)'s website at: <https://tea.texas.gov/about-tea/laws-and-rules/sbec-rules-tac/sbec-tac-currently-in-effect/19-tac-chapter-229>

If authorized by the SBEC, the notice of adopted review stating the reasons for adoption continue to exist will be filed with the *Texas Register* following the February 2022 SBEC meeting.

ANTICIPATED REVISIONS TO RULES: No changes to rules in 19 TAC Chapter 229 are anticipated at this time, not precluding any amendments that may be proposed at the same time or at a different time through a separate rulemaking process.

PUBLIC COMMENTS: The TEA filed the notice of proposed review of 19 TAC Chapter 229 with the *Texas Register* following the December 2021 SBEC meeting. The public comment period on the proposed rule review began December 31, 2021, and ended January 31, 2022. Any

comments received will be provided to the SBEC under separate cover prior to the February 11, 2022 meeting. The SBEC will take registered oral and written comments on this item at the February 11, 2022 meeting in accordance with the SBEC board operating policies and procedures.

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Adopt the review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.

Staff Member Responsible:

Mark Olofson, Director, Educator Data, Research, and Strategy

Attachment:

Statutory Citations

ATTACHMENT**Statutory Citations Relating to Review of 19 TAC Chapter 229,
Accountability System for Educator Preparation Programs****Rule Review****Texas Government Code, §2001.039, Agency Review of Existing Rules:**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

19 TAC Chapter 229, Accountability System for Educator Preparation Programs**Texas Education Code, §21.041, Rules; Fees (excerpts):**

- (a) The board may adopt rules as necessary for its own procedures.
- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
- (d) The board may propose a rule adopting a fee for the approval or renewal of approval of an educator preparation program, or for the addition of a certificate or field of certification to the scope of a program's approval. A fee imposed under this subsection 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, §21.043, Access to PEIMS Data (excerpts):

- (b) The agency shall provide educator preparation programs with data based on information reported through the Public Education Information Management System (PEIMS) that enables an educator preparation program to:
 - (1) assess the impact of the program; and

- (2) revise the program as needed to improve the design and effectiveness of the program.
- (c) The agency in coordination with the board shall solicit input from educator preparation programs to determine the data to be provided to educator preparation programs.

Texas Education Code, §21.0441, Admission Requirements for Educator Preparation Programs (excerpts):

- (c) The overall grade point average of each incoming class admitted by an educator preparation program, including an alternative educator preparation program, may not be less than 3.00 on a four-point scale or the equivalent or a higher overall grade point average prescribed by the board. In computing the overall grade point average of an incoming class for purposes of this subsection, a program may:
 - (1) include the grade point average of each person in the incoming class based on all course work previously attempted by the person at a public or private institution of higher education; or
 - (2) include the grade point average of each person in the incoming class based only on the last 60 semester credit hours attempted by the person at a public or private institution of higher education.
- (d) A person seeking career and technology education certification is not included in determining the overall grade point average of an incoming class under Subsection (c).

Texas Education Code, §21.0443, Educator Preparation Program Approval and Renewal, as amended by House Bill (HB) 159, 87th Texas Legislature, Regular Session, 2021:

- (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:
 - (1) incorporate proactive instructional planning techniques throughout course work and across content areas using a framework that:
 - (A) provides flexibility in the ways:
 - (i) information is presented;
 - (ii) students respond or demonstrate knowledge and skills; and
 - (iii) students are engaged;
 - (B) reduces barriers in instruction;
 - (C) provides appropriate accommodations, supports, and challenges; and
 - (D) maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency;
 - (2) integrate inclusive practices for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experience, and student teaching;

- (3) adequately prepare candidates for educator certification; and
 - (4) 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, §21.045, Accountability System for Educator Preparation Programs, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021:

- (a) The board shall propose rules necessary to establish standards to govern the continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:
- (1) results of the certification examinations prescribed under Section 21.048(a);
 - (2) performance based on the appraisal system for beginning teachers adopted by the board;
 - (3) achievement, including improvement in achievement, of all students, including students with disabilities, taught by beginning teachers for the first three years following certification, to the extent practicable;
 - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
 - (5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain:
- (1) the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3);
 - (2) data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences;
 - (3) the following information, disaggregated by race, sex, and ethnicity:
 - (A) the number of candidates who apply;
 - (B) the number of candidates admitted;
 - (C) the number of candidates retained;
 - (D) the number of candidates completing the program;
 - (E) the number of candidates employed as beginning teachers under standard teaching certificates by not later than the first anniversary of completing the program;
 - (F) the amount of time required by candidates employed as beginning teachers under probationary teaching certificates to be issued standard teaching certificates;
 - (G) the number of candidates retained in the profession; and

- (H) any other information required by federal law;
 - (4) the ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
 - (5) any other information necessary to enable the board to assess the effectiveness of the program on the basis of teacher retention and success criteria adopted by the board.
- (c) The board shall propose rules necessary to establish performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a).
- (d) To assist an educator preparation program in improving the design and effectiveness of the program in preparing educators for the classroom, the agency shall provide to each program data that is compiled and analyzed by the agency based on information reported through the Public Education Information Management System (PEIMS) relating to the program.

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, as amended by Senate Bill 2066, 87th Texas Legislature, Regular Session, 2021:

- (a) To assist persons interested in obtaining teaching certification in selecting an educator preparation program and assist school districts in making staffing decisions, the board shall make information regarding educator programs in this state available to the public through the board's Internet website.
- (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);
 - (2) in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:
 - (A) average overall grade point average and average grade point average in specific subject areas; and
 - (B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;
 - (3) the degree to which persons who complete the program are successful in obtaining teaching positions;
 - (4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:
 - (A) students with disabilities; and
 - (B) emergent bilingual students [~~of limited English proficiency~~], as defined by Section 29.052;
 - (5) the activities offered by the program that are designed to prepare teachers to:

- (A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and
 - (B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;
- (6) for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;
 - (7) the percentage of teachers employed under a standard teaching certificate within one year of completing the program;
 - (8) the perseverance of beginning teachers in the profession, as determined on the basis of the number of beginning teachers who maintain status as active contributing members in the Teacher Retirement System of Texas for at least three years after certification in comparison to similar programs;
 - (9) the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom;
 - (10) the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and
 - (11) the results of teacher satisfaction surveys developed under Section 21.045 and given to program participants at the end of the first year of teaching.
- (c) For purposes of Subsection (b)(9), the board shall require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate under this subchapter.
 - (d) For purposes of Subsections (b)(9) and (10), the board shall develop surveys for distribution to program participants and school principals.
 - (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.
 - (f) In addition to other information required to be made available under this section, the board shall provide information identifying employment opportunities for teachers in the various regions of this state. The board shall specifically identify each region of this state in which a shortage of qualified teachers exists.
 - (g) The board may require any person to provide information to the board for purposes of this section.