

Item 13:

Consider and Take Appropriate Action on Agreed Order to Close Texas Alternative Certification Program Brownsville (TACPB) Preparation Program

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) the opportunity to approve an agreed order to close Texas Alternative Certification Program Brownsville (TACPB) Preparation 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.

TEA staff completed TACPB's five-year review on April 2, 2018. As a result of the review, TACPB 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 TACPB of the compliance plan requirements, deadline, and the implications if the program moved into year three of a lowered accreditation status. On July 19, 2019, TACPB decided to voluntarily close their program.

Texas ACP Brownsville Timeline:

- April 15, 2016—The SBEC assigned Texas ACP Brownsville an accreditation status of Accredited for the 2014–2015 academic year.
- March 3, 2017—The SBEC assigned Texas ACP Brownsville an accreditation status of Accredited for the 2015–2016 academic year.
- May 18, 2018—The SBEC assigned Texas ACP Brownsville an accreditation status of Accredited–Probation for the 2016–2017 academic year and appointed a monitor due to Field Supervision frequency, duration, and quality not meeting standard and three certification fields not meeting standard: ELAR 7–12; Marketing 8–12; and Science 4–8.
- April 26, 2019—The SBEC assigned Texas ACP Brownsville an accreditation status of Accredited–Probation Year 2 for the 2017–2018 academic year and continued the monitor appointment due to PPR EC–12 Pass Rate for Male demographic group not

meeting standard; Principal Appraisal for All category not meeting standard; and Field Supervision frequency not meeting standard for All category and all demographic groups.

- July 19, 2019—Texas ACP Brownsville staff notified Texas Education Agency staff of their decision to voluntarily close with an effective date of August 31, 2020.

An agreement was drafted that included the following conditions for closure:

- August 19, 2019—Texas ACP Brownsville ceased admitting candidates.
- September 15, 2019—Texas ACP Brownsville will notify all currently enrolled candidates and candidates who have completed the program but who have not been recommended for a standard teacher certificate in writing by September 15, 2019. The notification must include the steps the individual must take to complete the TACP B 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 TACP B to recommend candidates for certification.
- August 1, 2020—Last day for Texas ACP Brownsville candidates to apply for certification.
- August 31, 2020—Last day Texas ACP Brownsville can recommend candidates for certification.
- September 1, 2025—Date until which Texas ACP Brownsville shall maintain a representative's name and contact information to provide access to candidate records and responses to former candidate's questions and/or issues.

As part of the agreement, Texas ACP Brownsville 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 Texas ACP Brownsville has failed to comply with the terms of the agreement. In addition, the Texas ACP Brownsville'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 Texas Alternative Certification Program Brownsville 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 Texas Alternative Certification Program Brownsville (TACPB) 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.