Item 6:

Adoption of Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

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 the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates. The rules being reviewed provide requirements for admission to educator preparation programs and preliminary evaluation of certification eligibility.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 227, Subchapter A, is the Texas Education Code (TEC), §§21.031, 21.044(a), 21.045(a), 21.049, 21.050(a), and 21.051. The statutory authority for 19 TAC Chapter 227, Subchapter B, is the TEC, §21.041(b)(1) and (4), and Texas Occupations Code, §53.105.

PREVIOUS BOARD ACTION: The SBEC last adopted the review of 19 TAC Chapter 227 in May 2008, finding that the reasons for initially adopting the rules in Subchapter A continue to exist. A majority of the rules in 19 TAC Chapter 227, Subchapter A, were amended effective December 14, 2008. Section 227.5 and §227.15 were adopted effective December 14, 2008. The SBEC adopted 19 TAC Chapter 227, Subchapter B, effective October 28, 2010.

The review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, was presented to the SBEC for discussion in February 2012.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters provide for rules that establish requirements for admission to an educator preparation program and preliminary evaluation of certification eligibility.

The rules currently in effect in 19 TAC Chapter 227 are shown in Attachment II.

RULE REVIEW: The notice of proposed review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, was filed with the *Texas Register* following the February 2012 SBEC meeting. If authorized by the SBEC, the notice of adopted review will be filed with the *Texas Register* following the June 2012 SBEC meeting. The notice of adopted review will state that the SBEC finds the reasons for adopting 19 TAC Chapter 227 continue to exist. Any public comments received during the review of 19 TAC Chapter 227 will also be filed.

The filing of the notice of adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: The review of 19 TAC Chapter 227 will result in clear, minimum educator preparation program criteria that would ensure educators are prepared to positively impact the performance of the diverse student population of this state.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: Following the February 2012 SBEC meeting, notice of the proposed review of 19 TAC Chapter 227 was filed with the *Texas Register* initiating the official public comment period for the review. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBEC during the June 2012 meeting.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

> Adopt the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates.

Respectfully submitted,

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Associate Commissioner
Educator Leadership and Quality

Staff Member Responsible: Janice Lopez, Ph.D., Director
Educator Certification and Standards

Attachments: I. Statutory Citations
II. Text of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

ATTACHMENT I

Statutory Citations Relating to Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

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 227, Provisions for Educator Preparation Candidates

Texas Education Code, §21.031, Purpose:

(a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

(b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

Texas Education Code, §21.041, Rules; Fees (excerpts):

(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;

(4) specify the requirements for the issuance and renewal of an educator certificate;

Texas Education Code, §21.044, Educator Preparation, as amended by Senate Bill (SB) 866 and SB 1620, 82nd Texas Legislature, 2011 (excerpt):

(a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.

Texas Education Code, §21.045, Accountability System for Educator Preparation Programs (excerpt):

(a) The board shall propose rules establishing standards to govern the approval and continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to 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 students taught by beginning teachers for the first three years following certification, to the extent practicable; and

(4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to beginning teachers during their first year in the classroom.

Texas Education Code, §21.049, Alternative Certification:

(a) To provide a continuing additional source of qualified educators, the board shall propose rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.

(b) The board may not require a person employed as a teacher in an alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 for at least three years to complete an alternative educator certification program adopted under this section before taking the appropriate certification examination.

Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate; Internship (excerpt):

(a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.

Texas Education Code, §21.051, Rules Regarding Field-Based Experience and Options for Field Experience and Internships, as amended by SB 8, 82nd Texas Legislature, First Called Session, 2011:

(a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.

(b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities under supervision at:

(1) a public school campus accredited or approved for the purpose by the agency; or

(2) a private school recognized or approved for the purpose by the agency.

(c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:

(1) the validity of a certification issued before September 1, 2012; or

(2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.

(d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.

(e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).

(f) The board shall propose rules providing flexible options for persons for any field-based [~~field~~] experience or internship required for certification.

Texas Occupations Code, §53.105, Fees:

A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

ATTACHMENT II
Text of 19 TAC

Chapter 227. Provisions for Educator Preparation Candidates

Subchapter A. Admission to Educator Preparation Programs

Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §§21.031; 21.044; 21.045(a); 21.049; 21.050(a); and 21.051.

§227.1. General Provisions.

(a) It is the responsibility of the education profession as a whole to attract candidates and to retain educators who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

(b) Educator preparation programs should collaborate with local school districts pursuant to the Texas Education Code, §22.083, to examine the criminal history of all educator preparation candidates prior to participation in educator preparation activities that occur in a school.

Source: The provisions of this §227.1 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011.

§227.5. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a baccalaureate degree.

(2) Candidate--A participant in an educator preparation program seeking certification.

(3) Clinical teaching--A 12-week full-day teaching practicum in an alternative certification program at a public school accredited by the Texas Education Agency (TEA) or a TEA-recognized private school that may lead to completion of a standard certificate.

(4) Contingency admission--Conditional admission to an educator preparation program, pending graduation and degree conferred from a recognized regional accrediting organization as specified in Chapter 230, Subchapter Y, of this title (relating to Definitions); or an accrediting organization recognized by the Texas Higher Education Coordinating Board.

(5) Educator preparation program--An entity approved by the State Board for Educator Certification to recommend candidates in one or more educator certification fields.

(6) Internship--A one-year supervised professional assignment at a public school accredited by the TEA or a TEA-recognized private school that may lead to completion of a standard certificate.

(7) Practicum--Practical work in a particular field; refers to student teaching, clinical teaching, internship, or practicum for a professional certificate that is in the school setting.

(8) Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited university.

(9) Student teaching--A 12-week full-day teaching practicum in a program provided by an accredited university at a public school accredited by the TEA or a TEA-recognized private school that may lead to completion of a standard certificate.

Source: The provisions of this §227.5 adopted to be effective December 14, 2008, 33 TexReg 10011.

§227.10. Admission Criteria.

(a) The educator preparation program delivering educator preparation shall require the following minimum criteria of all candidates prior to admission to the program, except candidates for career and technology education certification:

(1) for an undergraduate university program, a candidate shall be enrolled in an educator preparation program from an institution of higher education that is accredited by a regional accrediting agency, as recognized by the Texas Higher Education Coordinating Board (THECB);

(2) for an alternative certification program or post-baccalaureate program, a candidate shall have a baccalaureate degree earned from and conferred by an institution of higher education that is recognized by one of the regional accrediting agencies by the THECB, specified in paragraph (1) of this subsection;

(3) for an undergraduate university program, alternative certification program, or post-baccalaureate program, a candidate shall meet the following criteria in order to be eligible to enter an educator preparation program:

(A) an overall grade point average (GPA) of at least 2.5 or at least 2.5 in the last 60 semester credit hours; or

(B) documentation and certification from the program director that a candidate's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement. This exception to the minimum GPA requirement will be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any cohort of candidates; and

(C) for a program candidate who will be seeking an initial certificate, a minimum of 12 semester credit hours in the subject-specific content area for the certification sought, a passing score on a content certification examination, or a passing score on a content examination administered by a vendor on the Texas Education Agency (TEA)-approved vendor list published by the commissioner of education for the calendar year during which the candidate seeks admission;

(4) for a program candidate who will be seeking an initial certificate, the candidate shall demonstrate basic skills in reading, written communication, and mathematics or by passing the Texas Academic Skills Program® (TASP®) test or the Texas Higher Education Assessment® (THEA®) with a minimum score of 230 in reading, 230 in mathematics, and 220 in writing. In the alternative, a candidate may demonstrate basic skills by meeting the requirements of the Texas Success Initiative (Texas Education Code, §51.3062) under the rules established by the Texas Higher Education Coordinating Board in Part 1, Chapter 4, Subchapter C of this title (relating to Texas Success Initiative);

(5) for a program candidate who will be seeking an initial certificate, the candidate shall demonstrate oral communication skills as specified in §230.413 of this title (relating to General Requirements);

(6) an application and either an interview or other screening instrument to determine the educator preparation candidate's appropriateness for the certification sought; and

(7) any other academic criteria for admission that are published and applied consistently to all educator preparation candidates.

(b) An educator preparation program may adopt requirements in addition to those explicitly required in this section.

(c) An educator preparation program may not admit a candidate who has completed another educator preparation program in the same certification field or who has been employed for three years in a public school under a permit or probationary certificate as specified in Chapter 232, Subchapter A, of this title (relating to Types and Classes of Certificates Issued).

(d) An educator preparation program may admit a candidate for career and technology education certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

(e) An educator preparation program may admit a candidate who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries).

Source: The provisions of this §227.10 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011.

§227.15. Contingency Admission.

(a) A candidate may be accepted into an alternative certification program or post-baccalaureate program on a contingency basis pending receipt of an official transcript showing degree conferred, as specified in §227.10(a)(2) of this title (relating to Admission Criteria), provided that:

(1) the candidate is currently enrolled in and expects to complete the courses and other requirements for obtaining a baccalaureate degree at the end of the semester in which admission to the program is sought; and

(2) all other program admission requirements have been met.

(b) A candidate admitted on a contingency basis may begin program training and may be approved to take a certification examination, but shall not be recommended for a probationary certificate until the candidate has been awarded a baccalaureate degree.

(c) The contingency admission will be valid for only the semester for which the contingency admission was granted and may not be extended for another semester.

Source: The provisions of this §227.15 adopted to be effective December 14, 2008, 33 TexReg 10011.

§227.20. Implementation Date.

This chapter applies to an educator preparation program candidate who is admitted to an educator preparation program on or after January 1, 2009.

Source: The provisions of this §227.20 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10011.

Subchapter B. Preliminary Evaluation of Certification Eligibility

Statutory Authority: The provisions of this Subchapter B issued under the Texas Education Code, §21.041(b)(1) and (4), and Texas Occupations Code, §53.105.

§227.101. Purpose.

(a) This subchapter provides rules for the implementation of a preliminary criminal history evaluation as provided in the Texas Occupations Code, Chapter 53, Subchapter D.

(b) The following words, terms, and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Criminal history--Criminal history record information that relates to convictions and deferred adjudications.

(2) Ineligibility--Unsuitability for certification, based on any of the grounds described in §249.12(b) of this title (relating to Administrative Denial; Appeal), as determined by the Texas Education Agency staff.

(3) Reasonably available--Provided in writing to Texas Education Agency staff by a requestor.

(4) Requestor--A person making a request for preliminary criminal history evaluation pursuant to this subchapter.

(5) Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.

(c) A person who is enrolled or planning to enroll in a State Board for Educator Certification-approved educator preparation program or planning to take a certification examination may request a preliminary criminal history evaluation letter regarding the person's potential ineligibility for certification due to a conviction or deferred adjudication for a felony or misdemeanor offense.

Source: The provisions of this §227.101 adopted to be effective October 28, 2010, 35 TexReg 9501.

§227.103. Application.

(a) A request for preliminary criminal history evaluation must be preceded by payment of the required criminal history evaluation fee specified in §230.436(22) of this title (relating to Schedule of Fees for Certification Services).

(b) A request for preliminary criminal history evaluation must include the following:

(1) a signed and dated application, in the form provided on the Texas Education Agency (TEA) website, containing contact information and the date and description of each offense requested to be evaluated;

(2) an attached statement of the circumstances upon which the arrest is based and the disposition relating to each offense to be evaluated;

(3) court documentation relating to each offense, including, at a minimum, the formal disposition of the offense(s) and related charge(s) (e.g., Judgment, Order of Probation, Sentence, Deferred Adjudication Order, etc.); and

(4) a copy of the receipt for the request for preliminary criminal history evaluation fee.

(c) All required documents and information specified in subsection (b) of this section must be provided with the request for preliminary criminal history evaluation. Any documents or information not provided in the original request will not be considered reasonably available.

(d) The preliminary criminal history evaluation will be based solely on the application and court or law enforcement documents provided. Any information not provided by the requestor shall be considered not

reasonably available at the time of the request and may be considered at the time the requestor subsequently applies for a certificate issued by the State Board for Educator Certification. Additional documentation that should be provided, if possible, includes the following:

(1) the formal charge(s) (e.g., indictment, information, or complaint);

(2) evidence that the condition(s) of the court have been met (e.g., completion of probation, receipt for restitution, etc.); and

(3) any available law enforcement report(s) describing the offense or the investigation of the offense.

(e) The application, the statement of circumstances, the required court documentation, and a copy of the receipt for the request for preliminary criminal history evaluation fee must be submitted to the TEA division responsible for educator investigations by United States certified mail, return receipt requested, to the address provided on the application or by facsimile to the facsimile number provided on the application.

(f) A request for preliminary criminal history evaluation is incomplete unless it includes a copy of the receipt for the request for preliminary criminal history evaluation fee, a completed application, a statement of circumstances, and the required court documentation. The TEA staff will take no action on a request that is incomplete.

(g) All documents submitted in connection with a request for preliminary criminal history evaluation, whether complete or incomplete, will not be returned to the requestor. All documents will be retained or destroyed by the TEA in accordance with the TEA records retention schedule.

Source: The provisions of this §227.103 adopted to be effective October 28, 2010, 35 TexReg 9501.

§227.105. Preliminary Criminal History Evaluation Letter.

(a) Within 90 calendar days of receipt of a complete request for a preliminary criminal history evaluation, the Texas Education Agency (TEA) staff will notify the requestor, by e-mail to the e-mail address provided on the requestor's application, of the TEA's determination with regard to the requestor's potential ineligibility based on the matters described in the request for preliminary criminal history evaluation.

(b) The preliminary criminal history evaluation letter will be strictly limited to the facts stated and the documents submitted by the requestor, as of the date of the request. Any documents or information not provided by the requestor will not be considered reasonably available for purposes of evaluating the request. In the event that the requestor subsequently applies for certification by the State Board for Educator Certification, complete fingerprint-based national criminal history information will be required. The TEA staff may conduct a criminal history investigation at that time regarding the offense(s) that were the subject of the request, based on any misstatements, incomplete information, or missing documentation in the request for preliminary criminal history evaluation; additional or subsequent criminal history or inappropriate conduct; or changed circumstances.

(c) The preliminary criminal history evaluation letter relates only to whether the specific information submitted constitutes grounds for ineligibility. The evaluation letter is not a guarantee of educator certification, admission to an educator preparation program, or employment as an educator.

Source: The provisions of this §227.105 adopted to be effective October 28, 2010, 35 TexReg 9501.

§227.107. Fee for Request for Preliminary Criminal History Evaluation.

(a) The fee to request a preliminary criminal history evaluation under this subchapter shall be in an amount sufficient to cover the cost of administration of the evaluation process and as provided in §230.436 of this title (relating to Schedule of Fees for Certification Services).

(b) A new fee will be required to reactivate a request that is incomplete because of failure to submit the required documentation within 90 calendar days of receipt by the Texas Education Agency of the initial fee.

Source: The provisions of this §227.107 adopted to be effective October 28, 2010, 35 TexReg 9501.