

**ATTACHMENT I**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 229. Accountability System for Educator Preparation Programs**

**Subchapter A. Accountability System for Educator Preparation Program Procedures**

**§229.1. General Provisions and Purpose of Accountability System for Educator Preparation Programs.**

- (a) The State Board for Educator Certification (SBEC) is responsible for establishing standards to govern the continuing accountability of all educator preparation programs (EPPs). The rules adopted by the SBEC in this chapter govern the accreditation of each EPP that prepares individuals for educator certification. No candidate shall be recommended for any Texas educator certification class or category except by an EPP that has been approved by the SBEC pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs) and is accredited as required by this chapter.
- (b) The purpose of the accountability system for educator preparation is to assure that each EPP is held accountable for the readiness for certification of candidates completing the programs.
- (c) The relevant criteria, formulas, calculations, and performance standards relevant to subsection (d) of this section and §229.4 of this title (relating to Determination of Accreditation Status) are prescribed in the *Texas Accountability System for Educator Preparation (ASEP) Manual* provided as a figure in this subsection.

Figure: 19 TAC §229.1(c) [Figure: 19 TAC §229.1(e)]

- (d) An accredited EPP that is not under an active SBEC order or otherwise sanctioned by the SBEC may receive commendations for success as [in the following four dimensions identified by the SBEC and] prescribed in the figure in subsection (c) of this section . Commendations will not be awarded for the 2023-2024 reporting year. [;]

[(1) — Rigorous and Robust Preparation;

(2) — Preparing the Educators Texas Needs;

(3) — Preparing Educators for Long-Term Success; and

(4) — Innovative Educator Preparation.]

**§229.2. Definitions.**

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

- (1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31.
- (2) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (3) ACT®--The college entrance examination from ACT®.
- (4) Administrator--For purposes of the surveys and information required by this chapter, an educator whose certification would entitle him or her to be assigned as a principal or

assistant principal in Texas, whether or not he or she is currently working in such an assignment.

- (5) Beginning teacher--For purposes of the Texas Education Code, §21.045(a)(3), and its implementation in this chapter, a classroom teacher with fewer than three years of experience as a certified classroom teacher.
- (6) Candidate--An individual who has been formally or contingently admitted into an educator preparation program (EPP) who has not yet completed or exited the EPP. [~~is also referred to as a participant.~~]
- (7) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (8) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title.
- (9) Clinical teaching--An assignment, as described in §228.2 [~~§228.35~~] of this title (relating to Definitions [~~Preparation Program Coursework and/or Training~~]).
- (10) Completer--A person who has met all the requirements of an approved educator preparation program. In applying this definition, the fact that a person has or has not been recommended for a standard certificate or passed a certification examination shall not be used as criteria for determining who is a completer.
- (11) Consecutively measured years--Consecutive years for which a group's performance is measured, excluding years in which the small group exception applies, in accordance with §229.4(c) of this title (relating to Determination of Accreditation Status).
- (12) Content Pedagogy Test--Examination listed in the column labeled "Required Content Pedagogy Test(s)" in Figure 19 TAC §230.21(e).
- (13) Cooperating teacher--An individual, as described in §228.2 of this title (relating to Definitions), who [~~guides, assists, and~~] supports a candidate during a candidate's clinical teaching experience [~~assignment~~].
- (14) Demographic group--Male and female, as to gender; and African American, Hispanic, White, and Other, as to race and ethnicity.
- (15) Educator preparation program--An entity approved by the State Board for Educator Certification to recommend candidates in one or more educator certification classes or categories.
- (16) Educator preparation program data--Data reported to meet requirements under the Texas Education Code, §21.045(b) and §21.0452.
- (17) Examination--An examination or other test required by statute, or any other State Board for Educator Certification rule codified in the Texas Administrative Code, Title 19, Part 7, that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
- (18) Field supervisor--An individual, as described in §228.2 of this title (relating to Definitions), who is hired by an educator preparation program to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.

- (19) First-year teacher--For purposes of the Texas Education Code, §21.045(a)(2), and its implementation in this chapter, an individual in his or her first year of employment as a classroom teacher.
- (20) GPA--Grade point average.
- (21) GRE®--Graduate Record Examinations®.
- (22) Higher Education Act--Federal legislation consisting of the Higher Education Act of 1965 (20 United States Code, §1070 et seq.) and its subsequent amendments, which requires reports of educator preparation program performance data.
- (23) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.
- (24) Internship--An assignment, as described in §228.2 [~~§228.35~~] of this title (relating to Definitions [~~Preparation Program Coursework and/or Training~~]).
- (25) Mentor--An individual, as described in §228.2 of this title (relating to Definitions), who [~~guides, assists, and~~] supports a candidate during a candidate's internship experience [~~assignment~~].
- ~~[(26) New teacher--For purposes of the Texas Education Code, §21.045(a)(5), and its implementation in this chapter, an individual in his or her first year of employment as a classroom teacher under a standard certificate.]~~
- (26) [~~(27)~~] Pedagogy Test--Examination listed in the column labeled "Pedagogical Requirement(s)" in Figure: 19 TAC §230.21(e).
- (27) [~~(28)~~] Practicum--An assignment, as described in §228.2 [~~§228.35~~] of this title (relating to Definitions [~~Preparation Program Coursework and/or Training~~]).
- (28) [~~(29)~~] SAT®--The college entrance examination from the College Board.
- (29) [~~(30)~~] Site supervisor--An individual, as described in §228.2 of this title (relating to Definitions), who [~~guides, assists, and~~] supports a candidate during a candidate's practicum experience [~~assignment~~].
- (30) [~~(31)~~] 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.

### **§229.3. Required Submissions of Information, Surveys, and Other Data.**

- (a) Educator preparation programs (EPPs), EPP candidates, first-year teachers, [~~new teachers,~~] beginning teachers, field supervisors, administrators, mentors, site supervisors, and cooperating teachers shall provide to the Texas Education Agency (TEA) staff all data and information required by this chapter, as set forth in subsections (e) and (f) of this section.
- (b) Any individual holding a Texas-issued educator certificate who fails to provide information required by this chapter and the Texas Education Code (TEC), §21.045 and §21.0452, as set forth in subsection (e) of this section, may be subject to sanction of his or her certificate, including the placement of restrictions, inscribed or non-inscribed reprimand, suspension, or revocation.
- (c) Any Texas public school that fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, may be referred to the commissioner of education with a recommendation that sanctions upon its accreditation status be imposed for failure to comply with this section and the TEC, §21.0452.

- (d) Any open-enrollment charter school that fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, may be referred to the commissioner of education with a recommendation that sanctions be imposed for failure to comply with this section and the TEC, §21.0452.
- (e) All required EPP data for an academic year shall be submitted to the TEA staff annually by September 15 following the end of that academic year. All surveys and information required to be submitted pursuant to this chapter by principals shall be submitted by June 15 of any academic year in which an administrator has had experience with a first-year teacher who was a candidate or completer at ~~[participant in]~~ an EPP. All surveys and information required to be submitted pursuant to this chapter by first-year [new] teachers shall be submitted by June 15 of the first full academic year after the teacher completed the requirements of an EPP. All surveys and information required to be submitted pursuant to this chapter by EPP candidates shall be submitted by August 31 of the academic year in which the candidate completed the requirements of an EPP.
- (f) The following apply to data submissions required by this chapter.
- (1) EPPs shall provide data for all candidates as specified in the figure provided in this paragraph.  
Figure: 19 TAC §229.3(f)(1)
  - (2) Candidates in an EPP shall complete a survey, in a form approved by the State Board for Educator Certification (SBEC), evaluating the preparation he or she received in the EPP. Completion and submission to the TEA of the survey is a requirement for completion of an EPP.
  - (3) Administrators in Texas public schools and open-enrollment charter schools shall complete surveys, in a form to be approved by the SBEC, evaluating the effectiveness of preparation for classroom success based on experience with first-year teachers who were candidates or completers ~~[participants]~~ in an EPP.
  - (4) First-year [New] teachers in a Texas public school, including an open-enrollment charter school, shall complete surveys, in a form to be approved by the SBEC, evaluating the effectiveness of preparation for classroom success.

## **Subchapter B. Accountability System for Educator Preparation Accreditation Statuses**

### **§229.4. Determination of Accreditation Status.**

- (a) Accountability performance indicators. The State Board for Educator Certification (SBEC) shall determine the accreditation status of an educator preparation program (EPP) at least annually, based on the following accountability performance indicators, disaggregated by demographic group and other requirements of this chapter and determined with the formulas and calculations included in the figure provided in §229.1(c) of this title (relating to General Provisions and Purpose of Accountability System for Educator Preparation Programs). Data will be used only if the following indicators were included in the accountability system for that academic year. Except for the 2019-2020 and 2020-2021 academic years, when the data described in paragraphs (1)-(5) of this subsection will be reported to EPPs and will not be used to determine accreditation statuses, EPP accreditation statuses shall be based on:
- (1) the EPP candidates' performance on pedagogy tests and content pedagogy tests. The EPP candidates' performance on pedagogy tests and content pedagogy tests shall provide separate accountability performance indicators for EPPs;

(A) For both pedagogy tests and content pedagogy tests, the performance standard shall be the percent of individuals admitted after December 26, 2016, who passed an examination within the first two attempts, including those examinations attempted after the individual has completed the EPP or when the EPP has not recommended the individual for a standard certificate. The pass rate is based solely on the examinations approved by the EPP. Examinations taken before admission to the EPP or specific examinations taken for pilot purposes are not included in the pass rate.

~~[(B) For the 2021-2022 and 2022-2023 academic years, the Performance Assessment for School Leaders (PASL) shall be treated as a content pedagogy test.]~~

~~(B) [(C)]~~ For pedagogy tests, the performance standard shall be a pass rate of 85%.

~~(C) [(D)]~~ For content pedagogy tests, the performance standard shall be a pass rate of 75%.

- (2) the results of appraisals of first-year teachers by administrators, based on a survey in a form to be approved by the SBEC. The performance standard shall be 70% of first-year teachers from the EPP who are appraised as "sufficiently prepared" or "well prepared";
- (3) the growth of students taught by beginning teachers as indicated by the STAAR Annual Growth Points ~~[Progress Measure]~~, determined at the student level as described in Figure: 19 TAC §97.1001(b) of Part II of this title (relating to Accountability Rating System), and aggregated at the teacher level as described in Figure: 19 TAC §229.1(c) of this title. The performance standard shall be 70% of beginning teachers from the EPP reaching the individual performance threshold. For the 2023-2024 academic year, [The first two academic years for which the Texas Education Agency (TEA) has data necessary to calculate] this performance standard [following the 2019-2020 academic year] will be a reporting year [years] only and will not be used to determine accreditation status;
- (4) the results of data collections establishing EPP compliance with SBEC requirements ~~[specified in §228.35(g) of this title (relating to Preparation Program Coursework and/or Training)]~~ regarding the frequency, duration, and quality of field supervision to candidates completing clinical teaching or an internship. The frequency and duration of field supervision shall provide one accountability performance indicator, and the quality of field supervision shall provide a separate accountability performance indicator;
- (A) The performance standard as to the frequency, duration, and required documentation of field supervision shall be that the EPP meets the requirements ~~[of documentation of §228.35(g) of this title]~~ for 95% of the EPP's candidates. EPPs that [who] do not meet the standard of 95% for the aggregated group or for any disaggregated demographic group but have only one candidate not meet the requirement in the aggregated or any disaggregated group has met the standard for that group.
- (i) For the 2023-2024 and 2024-2025 academic years, individuals will be evaluated against the frequency and duration requirements in Chapter 228, Subchapter F, of this title (relating to Support for Candidates During Required Clinical Experiences) that were effective August 31, 2024.
- (ii) Beginning in the 2025-2026 academic year, individuals will be evaluated against the frequency and duration requirements in Chapter 228, Subchapter F, of this title that were effective beginning September 1, 2024.

- (B) The performance standard for quality shall be 90% of candidates rating the field supervision as "frequently" or "always or almost always" providing the components of structural guidance and ongoing support; and
  - (5) the results from a teacher satisfaction survey, in a form approved by the SBEC, of first-year ~~[new]~~ teachers administered at the end of the first year of teaching as a teacher of record ~~[under a standard certificate]~~. The performance standard shall be 70% of teachers responding that they were "sufficiently prepared" or "well prepared" by their EPP.
- (b) Accreditation status assignment. All approved EPPs may be assigned an accreditation status based on their performance in the Accountability System for Educator Preparation Programs (ASEP) Index system, as described in Figure: 19 TAC §229.1(c) of this title.
- (1) Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the standard of 85% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title and has been approved by the SBEC to prepare, train, and recommend candidates for certification.
  - (2) Accredited-Not Rated status. An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.
  - (3) Accredited-Warned status.
    - (A) An EPP shall be assigned Accredited-Warned status if the EPP accumulates 80% or greater but less than 85% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title.
    - (B) An EPP may be assigned Accredited-Warned status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or Texas Education Code (TEC), Chapter 21.
  - (4) Accredited-Probation status.
    - (A) An EPP shall be assigned Accredited-Probation status if the EPP accumulates less than 80% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title.
    - (B) An EPP may be assigned Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.
  - (5) Not Accredited-Revoked status.
    - (A) An EPP shall be assigned Not Accredited-Revoked status and its approval to recommend candidates for educator certification revoked if it is assigned Accredited-Probation status for three consecutively measured years.
    - (B) An EPP may be assigned Not Accredited-Revoked status if the EPP has been on Accredited-Probation status for one year, and the SBEC determines that revoking the EPP's approval is reasonably necessary to achieve the purposes of the TEC, §21.045 and §21.0451.
    - (C) An EPP may be assigned Not Accredited-Revoked status if the EPP fails to pay the required ASEP technology fee by the deadline set by TEA as prescribed in §229.9(7) of this title (relating to Fees for Educator Preparation Program Approval and Accountability).

- (D) An EPP may be assigned Not Accredited-Revoked status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.
  - (E) An assignment of Not Accredited-Revoked status and revocation of EPP approval to recommend candidates for educator certification is subject to the requirements of notice, record review, and appeal as described in this chapter.
  - (F) A revocation of an EPP approval shall be effective for a period of two years, after which a program may reapply for approval as a new EPP pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs).
  - (G) Upon revocation of EPP approval, the EPP may not admit new candidates for educator certification but may complete the training of candidates already admitted by the EPP and recommend them for certification. If necessary, TEA staff and other EPPs shall cooperate to assist the previously admitted candidates of the revoked EPP to complete their training.
- (c) Small group exception.
- (1) For purposes of accreditation status determination, the performance of an EPP candidate group, aggregated or disaggregated by demographic group, shall be measured against performance standards described in this chapter in any one year in which the number of individuals in the group exceeds 10. The small group exception does not apply to compliance with the frequency and duration of field supervisor observations.
  - (2) For an EPP candidate group, aggregated or disaggregated by demographic group, where the group contains 10 or fewer individuals, the group's performance shall not be counted for purposes of accreditation status determination for that academic year based on only that year's group performance.
  - (3) If the current year's EPP candidate group, aggregated or disaggregated by demographic group, contained between one and 10 individuals, that group performance shall be combined with the group performance from the next most recent prior year subsequent to the 2020-2021 academic year for which there was at least one individual, and if the two-year cumulated group contains more than 10 individuals, then the two-year cumulated group performance must be measured against the standards in the current year. The two-year cumulated group shall not include group performance from years prior to the 2021-2022 academic year.
  - (4) If the two-year cumulated EPP candidate group described in subsection (c)(3) of this section, aggregated or disaggregated by demographic group, contains between one and 10 individuals, then the two-year cumulated group performance shall be combined with the next most recent group performance subsequent to the 2020-2021 academic year for which there was at least one individual. The three-year cumulated group performance must be measured against the standards in the current year, regardless of how small the cumulated number of group members may be. When evaluating a three-year cumulated group of fewer than 10 individuals, the candidate group will be measured against the performance standard of the current year, or a performance standard of up to one candidate failing to meet the requirement, whichever is more favorable. The three-year cumulated group performance shall not include group performance from years prior to the 2021-2022 academic year.
  - (5) In any reporting year in which the EPP candidate group, aggregated or disaggregated by demographic group, does not meet the necessary number of individuals needed to measure against performance standards for that year, for all indicators, the accreditation

status will continue from the prior year. Any sanction assigned as a result of an accredited-warned or accredited-probation status in a prior year will continue if that candidate group has not met performance standards since being assigned accredited-warned or accredited-probation status. If an EPP has a status of Accredited-Probation carried over as a result of this subsection, the year in which the EPP has the carried over status will not count as a consecutively measured year for the purpose of subsection (b)(5)(A) of this section. The SBEC may modify the sanction as the SBEC deems necessary based on subsequent performance, even though that performance is not measured against performance standards for a rating.

### **Subchapter C. Accreditation Sanctions**

#### **§229.5. Accreditation Sanctions and Procedures.**

- (a) The State Board for Educator Certification (SBEC) may assign an educator preparation program (EPP) Accredited-Warned or Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules and/or Texas Education Code (TEC), Chapter 21.
- (b) If an EPP has been assigned Accredited-Warned or Accredited-Probation status, or if the SBEC determines that additional action is a necessary condition for the continuing approval of an EPP to recommend candidates for educator certification, the SBEC may take any one or more of the following actions, which shall be reviewed by the SBEC at least annually:
  - (1) require the EPP to obtain technical assistance approved by the Texas Education Agency (TEA) or SBEC;
  - (2) require the EPP to obtain professional services approved by the TEA or SBEC;
  - (3) require the EPP to provide TEA staff with verification of the EPP's compliance with SBEC rules and/or the TEC;
  - (4) require the EPP to post on its website:
    - (A) accreditation status;
    - (B) notice that the SBEC has instated conditions on the EPP's continuing approval;
    - (C) TEA's continuing approval review report; and/or
    - (D) official notification of recommended status;
  - (5) appoint a monitor to participate in the activities of the EPP and report the activities to the TEA or SBEC; and/or
  - (6) require the EPP to develop an action plan addressing the deficiencies and describing the steps the program will take to improve the performance of its candidates. TEA staff may prescribe the information that must be included in the action plan. The action plan must be sent to TEA staff no later than 45 calendar days following notification to the EPP that SBEC has ordered the action plan.
- (c) Notwithstanding the accreditation status of an EPP, if the performance of candidates on an examination required for certification (as listed in Figure: 19 TAC §230.21(e) of this title (relating to Educator Assessment)) in an individual certification class or category offered by an EPP fails to meet the performance standard on the content pedagogy test as described in §229.4(a)(1)(D) of this title (relating to Determination of Accreditation Status) for three consecutive years, the approval to offer that certification class or category shall be revoked. Any candidates already admitted for preparation in that class or category may continue in the EPP and be recommended for certification after program completion, but no new candidates shall be



admitted for preparation in that class or category unless and until the SBEC reinstates approval for the EPP to offer that certification class or category.

- (1) For purposes of determining compliance with subsection (c) of this section, candidate performance in individual certification classes or categories in only the 2016-2017 academic year and subsequent academic years will be considered.
- (2) Performance indicators by demographic group shall not be counted for purposes of subsection (c) of this section pertaining to performance standards for individual certification classes or categories. If the aggregated number of individuals counted for a certification class or category is 10 or fewer, the performance on the standard shall be cumulated and counted in the same manner as provided in §229.4(c) of this title.
- (3) For EPPs that failed to meet the standard described in subsection (c) of this section for a certification class or category in the 2018-2019 academic year that meet the requirements based on their 2020-2021 data, the 2020-2021 academic year shall represent a break in consecutively measured years for the purpose of subsection (c) of this section.
- (d) An EPP shall be notified in writing regarding any action proposed to be taken pursuant to this section, or proposed assignment of an accreditation status of Accredited-Warned, Accredited-Probation, or Not Accredited-Revoked. The notice shall state the basis on which the proposed action is to be taken or the proposed assignment of the accreditation status is to be made.
- (e) All costs associated with providing or requiring technical assistance, professional services, or the appointment of a monitor pursuant to this section shall be paid by the EPP to which the services are provided or required, or its sponsor.

#### **Subchapter D. Continuing Approval Procedures**

##### **§229.6. Continuing Approval.**

- (a) The continuing approval of an educator preparation program (EPP) to recommend candidates for educator certification, which shall be reviewed pursuant to §228.13 [~~§228.10(b)~~] of this title (relating to Continuing Educator Preparation Program Approval [~~Approval Process~~]), will be based upon the EPP's accreditation status and compliance with the State Board for Educator Certification (SBEC) rules regarding program-approval components specified in §228.11 [~~§228.10(a)~~] of this title (relating to New Entity Approval [~~Approval Process~~]).
- (b) After a continuing approval review pursuant to §228.13 [~~§228.10(b)~~] of this title, if the Texas Education Agency (TEA) staff finds that an EPP is in compliance with SBEC rules and/or Texas Education Code (TEC), Chapter 21, the TEA staff shall issue a proposed recommendation for SBEC to approve the renewal of an EPP. After a continuing approval review pursuant to §228.13 [~~§228.10(b)~~] of this title or a complaint investigation pursuant to Chapter 228, Subchapter G, of this title (relating to Complaints and Investigations) [~~§228.70 of this title (relating to Complaints and Investigations Procedures)~~], if the TEA staff finds that an EPP has failed to comply with SBEC rules and/or the TEC, Chapter 21, and the EPP does not obtain compliance within four months, the TEA staff shall recommend that the SBEC sanction the EPP. The TEA staff may recommend that the SBEC action include, but is not limited to, public reprimand, revocation of program approval, or the imposition of conditions upon continuing program approval.
- (c) TEA staff shall provide notice of the proposed recommendation for SBEC action relating to the EPP's continuing approval to recommend candidates for educator certification in the manner provided by §229.7 of this title (relating to Informal Review of Texas Education Agency Recommendations), and an EPP shall be entitled to an informal review of the proposed recommendation, under the conditions and procedures set out in §229.7 of this title, prior to the

submission of the recommendation for action to either the SBEC or the State Office of Administrative Hearings (SOAH). If the EPP fails to request an informal review in a timely manner, the proposed recommendation will become a final recommendation.

- (d) Following the informal review, a final recommendation will be issued by the TEA staff. The final recommendation may include changes or additions to the proposed recommendation and such modifications are not subject to another informal review procedure.
- (e) If the final recommendation proposes revocation of approval of an EPP to recommend candidates for educator certification, within 14 calendar days of receipt of the final recommendation, the EPP may agree in writing to accept the final revocation without further proceedings or may request that TEA staff schedule the matter for a hearing before an administrative law judge at the SOAH, as provided by §229.8 of this title (relating to Contested Cases for Accreditation Revocation).
- (f) If the final recommendation does not propose revocation of approval of an EPP to recommend candidates for educator certification, the final recommendation will be submitted to SBEC for consideration and entry of a final order.

### **Subchapter E. Review Procedures**

#### **§229.7. Informal Review of Texas Education Agency Recommendations.**

- (a) Applicability. This section applies only to a notice required under §229.5(d) of this title (relating to Accreditation Sanctions and Procedures) or under §229.6(c) of this title (relating to Continuing Approval) proposing to:
  - (1) require an educator preparation program (EPP) or a particular class or category of certification offered by an EPP to obtain technical assistance as provided by the Texas Education Code (TEC), §21.0451(a)(2)(A);
  - (2) require an EPP or a particular class or category of certification offered by an EPP to obtain professional services as provided by the TEC, §21.0451(a)(2)(B);
  - (3) appoint a monitor for an EPP or a particular class or category of certification offered by an EPP as provided by the TEC, §21.0451(a)(2)(C);
  - (4) assign a change in accreditation status of Accredited-Warning, Accredited-Probation, or Not Accredited-Revoked, as specified in §229.4 of this title (relating to Determination of Accreditation Status);
  - (5) issue a public reprimand or impose conditions on the continuing approval of an EPP to recommend candidates for certification pursuant to §229.6(b) of this title;
  - (6) revoke the approval of an EPP to recommend candidates for certification in a particular class or category of certification; or
  - (7) revoke the approval of an EPP to recommend candidates for certification.
- (b) Notice. Notice of a proposed recommendation for an order or change in accreditation status, subject to this section, shall be made as provided by §229.5(d) and §229.6(c) of this title, and this section.
  - (1) The notice shall attach or make reference to all information on which the proposed recommendation is based.

- (A) Information maintained on the Texas Education Agency (TEA) and State Board for Educator Certification (SBEC) websites may be referenced by providing a general citation to the information.
  - (B) The TEA and SBEC reports previously sent to the EPP may be referenced by providing the title and date of the report.
  - (C) On request, the TEA shall provide copies of, or reasonable access to, information referenced in the notice.
- (2) The notice shall state the procedures for requesting an informal review of the proposed recommendation or change in accreditation status under this section, including the name and department of the TEA staff to whom a request for an informal review may be addressed.
- (3) The notice shall set a deadline for requesting an informal review, which shall not be less than 14 calendar days from the date of receipt of the notice. The notice may be delivered by mail, personal delivery, facsimile, or email.
- (c) Request. The chief operating officer or designee of the EPP may request, in writing, an informal review under this section.
- (1) The request must be properly addressed to the member of the TEA staff identified in the notice under subsection (b)(2) of this section and must be received by TEA staff on or before the deadline specified in subsection (b)(3) of this section.
  - (2) The request must set out the reasons the EPP believes the proposed recommendation or change in accreditation status is incorrect, with citations to include supporting evidence. The EPP may submit any written information to TEA as evidence to support its request, without regard to admissibility under the Texas Rules of Evidence. The request for review shall concisely state, in numbered paragraphs:
    - (A) if alleging the proposed recommendation would violate a statutory provision, the statutory provision violated and the specific facts supporting a conclusion that the statute was violated by the proposed recommendation;
    - (B) if alleging the proposed recommendation would be in excess of the SBEC's statutory authority, the SBEC's statutory authority and the specific facts supporting a conclusion that the proposed recommendation would be in excess of this authority;
    - (C) if alleging the proposed recommendation was made through unlawful procedure, the lawful procedure and the specific facts supporting a conclusion that the proposed recommendation was made through unlawful procedure;
    - (D) if alleging the proposed recommendation is affected by other error of law, the law violated and the specific facts supporting a conclusion that the proposed recommendation violated that law;
    - (E) if alleging the proposed recommendation is not reasonably supported by a preponderance of the evidence, each finding, inference, or conclusion of the proposed recommendation that is unsupported by a preponderance of the evidence, and the evidence that creates a preponderance against the specific finding, inference, or conclusion at issue;
    - (F) if alleging the proposed recommendation is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of

discretion, each finding, inference, conclusion, or proposed recommendation affected and the specific facts supporting a conclusion that each is so affected;

- (G) for each violation, error, or defect alleged under subparagraphs (A)-(F) of this paragraph, the substantial rights of the EPP that are prejudiced by such violation, error, or defect;
  - (H) a concise statement of the relief sought by the EPP (petitioner); and
  - (I) the name, mailing address, telephone number, facsimile number, and email address of the petitioner's representative.
- (3) Failure to comply with the requirements of this subsection may result in dismissal of the request for informal review.
- (d) No review requested. If the TEA staff does not receive the EPP's request for an informal review by the deadline set in accordance with subsection (b)(3) of this section, the proposed recommendation will become a final recommendation and will proceed in accordance with subsection (f) of this section.
- (e) Informal review. In response to a request under subsection (c) of this section, TEA staff will review the materials and documents provided by the EPP and issue a final recommendation. The final recommendation may include changes or additions to the proposed recommendation and such modifications are not subject to another informal review.
- (f) Final recommendation.
- (1) If the final recommendation proposes revocation of approval of an EPP to recommend candidates for educator certification, within 14 calendar days of receipt of the final recommendation, the EPP may agree in writing to accept the final revocation without further proceedings or may request that TEA staff schedule the matter for a hearing before an administrative law judge at the State Office of Administrative Hearings (SOAH), as provided by §229.8 of this title (relating to Contested Cases for Accreditation Revocation).
  - (2) If the final recommendation does not propose revocation of approval of an EPP to recommend candidates for educator certification, the final recommendation will be submitted to SBEC for consideration of a final order.
- (g) Other law. Texas Government Code, Chapter 2001, and the TEC, §7.057, do not apply to an informal review under this section.

#### **§229.8. Contested Cases for Accreditation Revocation.**

- (a) This section applies only to a final recommendation issued under §229.5 of this title (relating to Accreditation Sanctions and Procedures) or §229.6 of this title (relating to Continuing Approval) that proposes revocation of approval and closure of an educator preparation program (EPP), or withdraws approval to offer a specific certification class or category, and does not apply to a final recommendation proposing the assignment of Accredited-Warned or Accredited-Probation status or ordering any other sanction, including, without limitation, public reprimand, imposing conditions upon continuing approval, requiring technical assistance, requiring professional services, or appointing a monitor.
- (b) If an EPP declines to sign a final recommendation, or if the EPP fails to respond timely to a notice of a proposed recommendation, Texas Education Agency (TEA) staff may proceed with the filing of a contested case with the State Office of Administrative Hearings (SOAH) in

accordance with the contested case procedures set out in §§249.19-249.40 of this title, and Texas Government Code, Chapter 2001.

- (c) Upon the finality of a decision from the State Board for Educator Certification (SBEC) under the Administrative Procedure Act ordering the EPP closed under this subsection in keeping with §249.39 of this title (relating to Final Decisions and Orders), the approval of an EPP to provide educator preparation is:
  - (1) automatically revoked, void, and of no further force or effect on the effective date of the SBEC final order; and
  - (2) automatically modified to remove authorization for an individual certification class or category on the effective date of the SBEC final order.
- (d) This section satisfies the hearing requirements of the Texas Education Code, §21.0451(a)(2)(D) and (a)(3).

### **Subchapter F. Required Fees**

#### **§229.9. Fees for Educator Preparation Program Approval and Accountability.**

An educator preparation program requesting approval and continuation of accreditation status shall pay the applicable fee from the following list.

- (1) New educator preparation program application and approval (nonrefundable)--\$9,000.
- (2) Five-year continuing approval review visit pursuant to §228.13 [~~§228.10(b)~~] of this title (relating to Continuing Educator Preparation Program Approval [~~Approval Process~~])--\$4,500.
- (3) Discretionary continuing approval review visit pursuant to §228.13 [~~§228.10(b)~~] of this title--\$4,500.
- (4) Addition of new certification category or addition of clinical teaching--\$500.
- (5) Addition of each new class of certificate--\$1,000.
- (6) Applications for out-of-state and out-of-country school sites for field-based experiences, clinical teaching, and practicums--\$500.
- (7) Accountability System for Educator Preparation Programs technology fee--\$35 per admitted candidate.