

## Chapter 228. Requirements for Educator Preparation Programs

*Statutory Authority: The provisions of this Chapter 228 issued under the Texas Education Code, §§21.031, 21.041(b)(1) and (2), 21.044, 21.045(a), 21.049(a), 21.050(a) and (c), and 21.051.*

### §228.1. General Provisions.

- (a) To ensure the highest level of educator preparation and practice, the State Board for Educator Certification (SBEC) recognizes that the preparation of educators must be the joint responsibility of educator preparation programs (EPPs) and the Early Childhood-Grade 12 public and private schools of Texas. Collaboration in the development, delivery, and evaluation of educator preparation is required.
- (b) Consistent with the Texas Education Code, §21.049, the SBEC's rules governing educator preparation are designed to promote flexibility and creativity in the design of EPPs to accommodate the unique characteristics and needs of different regions of the state as well as the diverse population of potential educators.
- (c) All EPPs are subject to the same standards of accountability, as required under Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs).

*Source: The provisions of this §228.1 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388.*

### §228.2. 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) 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 bachelor's degree.
- (3) Candidate--An individual who has been admitted into an educator preparation program, including an individual who has been accepted on a contingency basis; also referred to as an enrollee or participant.
- (4) Clinical teaching--A minimum 12-week, full-day or 24-week, half-day educator assignment through an educator preparation program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.
- (5) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited university is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, internship, and practicum are actual hours spent in the required educational activities and experiences.
- (6) Cooperating teacher--The campus-based mentor teacher for the clinical teacher.
- (7) Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more educator certification fields.
- (8) Entity--The legal entity that is approved to deliver an educator preparation program.
- (9) Field-based experiences--Introductory experiences for a certification candidate involving reflective observation of Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting.

- (10) Field supervisor--A currently certified educator, hired by the educator preparation program, who preferably has advanced credentials, to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.
- (11) Head Start Program--The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.
- (12) Internship--A supervised, full-time educator assignment for one full school year at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.
- (13) Late hire--An individual who has not been accepted into an educator preparation program before June 15 and who is hired for a teaching assignment by a school after June 15 or after the school's academic year has begun.
- (14) Mentor--For a classroom teacher, a certified educator assigned by the campus administrator who has completed mentor training; who guides, assists, and supports the teacher during his or her intern year in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the teacher's progress to that teacher's educator preparation program.
- (15) Pedagogy--The art and science of teaching, incorporating instructional methods that are developed from scientifically-based research.
- (16) Post-baccalaureate program--An approved educator preparation program that is designed for individuals who already hold at least a bachelor's degree and that is approved by the State Board for Educator Certification to recommend candidates for certification.
- (17) Practicum--A supervised professional educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that is in a school setting in the particular field for which a professional certificate is sought such as superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher.
- (18) Professional certification--Certification for superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and/or master teacher.
- (19) Site supervisor--For a practicum, a certified educator who has experience in the aspect(s) of the professional certification being pursued by the candidate; who has completed training or orientation for site supervision; who guides, assists, and supports the candidate during the practicum; and who reports the candidate's progress to the candidate's educator preparation program.
- (20) Teacher of record--An educator 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.
- (21) 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.
- (22) Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

*Statutory Authority: The provisions of this §228.2 issued under the Texas Education Code, §§21.031, 21.044, 21.045(a), 21.050(a) and (c), and 21.051.*

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## §228.10. Approval Process.

- (a) **New Entity Approval.** An entity seeking initial approval to deliver an educator preparation program (EPP) shall submit an application and proposal with evidence indicating the ability to comply with the provisions of this chapter and Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates). The proposal shall include the following program approval components: entity commitment to adequate preparation of certification candidates, program standards, and community collaboration; criteria for admission to an EPP; curriculum; program delivery and evaluation; and a plan for ongoing support of the candidates. The proposal must also identify the certificates proposed to be offered by the entity and meet applicable federal statutes or regulations. The proposal will be reviewed by the Texas Education Agency (TEA) staff and a pre-approval site visit will be conducted. The TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved.
- (b) **Continuing Entity Approval.** An entity approved by the SBEC under this chapter shall be reviewed at least once every five years under procedures approved by the TEA staff; however, a review may be conducted at any time at the discretion of the TEA staff. At the time of the review, the entity shall submit to the SBEC a status report regarding its compliance with existing standards for EPPs and the entity's original proposal.
- (c) **Approval of Clinical Teaching for an Alternative Certification Program.** An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by the TEA staff:
  - (1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;
  - (2) selection criteria for clinical teachers;
  - (3) selection criteria for mentor teachers;
  - (4) description of support and communication between candidates, mentors, and the alternative certification program;
  - (5) description of program supervision; and
  - (6) description of how candidates are evaluated.
- (d) **Addition of Certificate Fields.**
  - (1) An EPP that is rated "accredited," as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request additional certificate fields be approved by TEA staff, by submitting the curriculum matrix; a description of how the standards for Texas educators are incorporated into the EPP; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in each certification field being requested. The curriculum matrix must include the standards, framework competencies, applicable Texas Essential Knowledge and Skills, course and/or module names, and the benchmarks or assessments used to measure successful program progress. An EPP rated "accredited," as provided in §229.4 of this title, and currently approved to offer a content area certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved content field at different grade levels by submitting a modified curriculum matrix that includes the standards, course and/or module names, and the benchmarks or assessments used to measure successful program progress. The requested additional certificate fields must be within the classes of certificates for which the EPP has been previously approved by the SBEC. An EPP that is not rated "accredited" may not apply to offer additional certificate fields or classes of certificates.
  - (2) An EPP that is rated "accredited" may request the addition of certificate fields in a class of certificates that has not been previously approved by the SBEC, but must present a full proposal for consideration and approval by the SBEC.
- (e) **Addition of Program Locations.** An EPP that is rated "accredited," as provided in §229.4 of this title, may open additional locations, provided the program informs the SBEC of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location.

Additional program locations must operate in accordance with the program components under which the program has been approved to operate.

- (f) Contingency of Approval. Approval of an EPP by the SBEC or by the TEA staff, including each specific certificate field, is contingent upon approval by other lawfully established governing bodies such as the Texas Higher Education Coordinating Board, boards of regents, or school district boards of trustees. Continuing EPP approval is contingent upon compliance with superseding state and federal law.

*Statutory Authority: The provisions of this §228.10 issued under the Texas Education Code, §§21.031(a), 21.041(b)(1) and (2), 21.044, 21.045(a), and 21.049.*

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#### **§228.20. Governance of Educator Preparation Programs.**

- (a) Preparation for the certification of educators may be delivered by an institution of higher education, regional education service center, public school district, or other entity approved by the State Board for Educator Certification (SBEC) under §228.10 of this title (relating to Approval Process).
- (b) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA-recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA-recognized private schools. An advisory committee with members representing as many as possible of the groups identified as collaborators in this subsection shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP). The approved EPP shall approve the roles and responsibilities of each member of the advisory committee and shall meet a minimum of twice during each academic year.
- (c) The governing body and chief operating officer of an entity approved to deliver educator preparation shall provide sufficient support to enable the EPP to meet all standards set by the SBEC and shall be accountable for the quality of the EPP and the candidates whom the program recommends for certification.
- (d) All EPPs must be implemented as approved by the SBEC as specified in §228.10 of this title.
- (e) Proposed amendments to an EPP must be submitted to the TEA staff and be approved prior to implementation. Significant amendments, related to the five program-approval components specified in §228.10(a) of this title, must be approved by the SBEC to become effective. The EPP will be notified in writing of the approval or denial of its proposal within 60 days following a determination by the SBEC.

*Source: The provisions of this §228.20 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388.*

#### **§228.30. Educator Preparation Curriculum.**

- (a) The educator standards adopted by the State Board for Educator Certification (SBEC) shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).
- (b) The curriculum for each educator preparation program shall rely on scientifically based research to ensure teacher effectiveness and align to the TEKS. Coursework and training should be sustained, rigorous, interactive, student-focused, and performance-based. The following subject matter shall be included in the curriculum for candidates seeking initial certification:
  - (1) reading instruction, including instruction that improves students' content-area literacy;
  - (2) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics);
  - (3) the skills and competencies captured in the Texas teacher standards, as indicated in Chapter 149 of this title (relating to Commissioner's Rules Concerning Educator Standards), which include:

- (A) instructional planning and delivery;
  - (B) knowledge of students and student learning;
  - (C) content knowledge and expertise;
  - (D) learning environment;
  - (E) data-driven practice; and
  - (F) professional practices and responsibilities;
- (4) instruction in detection and education of students with dyslexia, as indicated in the Texas Education Code (TEC), §21.044(b); and
  - (5) instruction in detection of students with mental or emotional disorders, as indicated in the TEC, §21.044(c-1) and (c-2).

*Source: The provisions of this §228.30 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective October 12, 2003, 28 TexReg 8608; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388.*

**§228.35. Preparation Program Coursework and/or Training.**

- (a) Coursework and/or Training for Candidates Seeking Initial Certification.
  - (1) An educator preparation program (EPP) shall provide coursework and/or training to ensure the educator is effective in the classroom.
  - (2) Professional development should be sustained, intensive, and classroom focused.
  - (3) An EPP shall provide each candidate with a minimum of 300 clock-hours of coursework and/or training. A candidate who does not qualify as a late hire who is issued a probationary certificate after September 1, 2012, may not be employed by a school district as a teacher of record until the candidate completes a minimum of 30 clock-hours of field-based experience or clinical teaching in which the candidate is actively engaged in instructional or educational activities under supervision at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose, as provided in this section. Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:
    - (A) a minimum of 30 clock-hours of field-based experience. Up to 15 clock-hours of this field-based experience may be provided by use of electronic transmission or other video or technology-based method; and
    - (B) 80 clock-hours of coursework and/or training.
  - (4) All coursework and/or training shall be completed prior to EPP completion and standard certification.
  - (5) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of training may be provided by a school district and/or campus that is an approved TEA continuing professional education provider.
  - (6) Each EPP must develop and implement specific criteria and procedures that allow candidates to substitute prior or ongoing experience and/or professional training for part of the educator preparation requirements, provided that the experience or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, and is directly related to the certificate being sought.
- (b) Coursework and/or Training for Professional Certification. An EPP shall provide coursework and/or training to ensure that the educator is effective in the professional assignment. An EPP shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the state standards for the applicable certification field.

- (c) Late Hire Provisions. A late hire for a school district teaching position may begin employment under a probationary certificate before completing the pre-internship requirements of subsection (a)(3) of this section and, if applicable, 15 clock-hours of active, supervised experience, but shall complete these requirements within 90 school days of assignment.
- (d) Educator Preparation Program Delivery. An EPP shall provide evidence of ongoing and relevant field-based experiences throughout the EPP in a variety of educational settings with diverse student populations, including observation, modeling, and demonstration of effective practices to improve student learning.
  - (1) For initial certification, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 30 clock-hours. The field-based experiences must be completed prior to assignment in an internship or clinical teaching. Up to 15 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method. Field-based experiences must include 15 clock-hours in which the candidate, under supervision, is actively engaged in instructional or educational activities that include:
    - (A) authentic school settings in a public school accredited by the TEA or other school approved by the TEA for this purpose;
    - (B) instruction by content certified teachers;
    - (C) actual students in classrooms/instructional settings with identity-proof provisions;
    - (D) content or grade-level specific classrooms/instructional settings; and
    - (E) reflection of the observation.
  - (2) For initial certification, each EPP shall also provide at least one of the following:
    - (A) clinical teaching, as defined in §228.2 of this title, for a minimum of 12 weeks, full day or 24 weeks, half day; or
    - (B) internship, as defined in §228.2 of this title, for a minimum of one full school year for the assignment that matches the certification field for which the individual is prepared by the EPP. The individual would hold a probationary certificate and be classified as a "teacher" as reported on the campus Public Education Information Management System (PEIMS) data. An EPP may permit an internship of up to 30 school days less than the minimum if due to maternity leave, military leave, illness, or late hire date.
      - (i) An internship or clinical teaching for an Early Childhood-Grade 6 candidate may be completed at a Head Start Program with the following stipulations:
        - (I) a certified teacher is available as a trained mentor;
        - (II) the Head Start program is affiliated with the federal Head Start program and approved by the TEA;
        - (III) the Head Start program teaches three- and four-year-old students; and
        - (IV) the state's pre-kindergarten curriculum guidelines are being implemented.
      - (ii) An internship, clinical teaching, or practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
  - (3) For candidates seeking professional certification, each EPP shall provide a practicum, as defined in §228.2 of this title, for a minimum of 160 clock-hours.
  - (4) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for field-based experience, internship, clinical teaching, and/or practicum.
    - (A) All Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC)

are approved by the TEA for purposes of field-based experience, internship, clinical teaching, and/or practicum.

- (B) An EPP may file an application with the TEA for approval, subject to periodic review, of a public school, a private school, or a school system located within any state or territory of the United States, as a site for field-based experience or for video or other technology-based depiction of a school setting. The application shall be in a form developed by the TEA staff and shall include, at a minimum, evidence showing that the instructional standards of the school or school system align with those of the applicable Texas Essential Knowledge and Skills (TEKS) and SBEC certification standards.
- (C) An EPP may file an application with the TEA for approval, subject to periodic review, of a public or private school located within any state or territory of the United States, as a site for an internship, clinical teaching, and/or practicum required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum:
  - (i) the accreditation(s) held by the school;
  - (ii) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable TEKS and SBEC certification standards;
  - (iii) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and
  - (iv) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.
- (D) An EPP may file an application with the SBEC for approval, subject to periodic review, of a public or private school located outside the United States, as a site for clinical teaching required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum, the same elements required in subparagraph (C) of this paragraph for schools located within any state or territory of the United States, with the addition of a description of the on-site program personnel and program support that will be provided and a description of the school's recognition by the U.S. State Department Office of Overseas Schools.
- (e) Campus Mentors and Cooperating Teachers. In order to support a new educator and to increase teacher retention, an EPP shall collaborate with the campus administrator to assign each candidate a campus mentor during his or her internship or assign a cooperating teacher during the candidate's clinical teaching experience. The EPP is responsible for providing mentor and/or cooperating teacher training that relies on scientifically-based research, but the program may allow the training to be provided by a school district, if properly documented.
- (f) Ongoing Educator Preparation Program Support for Initial Certification of Teachers. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. The field supervisor shall document instructional practices observed, provide written feedback through an interactive conference with the candidate, and provide a copy of the written feedback to the candidate's campus administrator. Informal observations and coaching shall be provided by the field supervisor as appropriate.
  - (1) Each observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.
  - (2) An EPP must provide the first observation within the first six weeks of all assignments.
  - (3) For an internship, an EPP must provide a minimum of two formal observations during the first four months of the assignment and one formal observation during the last five months of the assignment.

- (4) For clinical teaching, an EPP must provide a minimum of three observations during the assignment, which is a minimum of 12 weeks.
- (g) Ongoing Educator Preparation Program Support for Professional Certification. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. The field supervisor shall document professional practices observed, provide written feedback through an interactive conference with the candidate, and provide a copy of the written feedback to the candidate's site supervisor. Informal observations and coaching shall be provided by the field supervisor as appropriate.
  - (1) Observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
  - (2) An EPP must provide the first observation within the first six weeks of all assignments.
  - (3) An EPP must provide a minimum of three observations during the term of the practicum.
- (h) Exemption. Under the Texas Education Code (TEC), §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under the TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience or internship consisting of clinical teaching.

*Statutory Authority: The provisions of this §228.35 issued under the Texas Education Code, §§21.031; 21.044; 21.045(a); 21.050(a) and (c); and 21.051.*

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#### **§228.40. Assessment and Evaluation of Candidates for Certification and Program Improvement.**

- (a) To ensure that a candidate for educator certification is prepared to receive a standard certificate, the entity delivering educator preparation shall establish benchmarks and structured assessments of the candidate's progress throughout the educator preparation program (EPP).
- (b) An EPP shall determine the readiness of each candidate to take the appropriate certification assessment of pedagogy and professional responsibilities, including professional ethics and standards of conduct. An EPP shall not grant test approval for the pedagogy and professional responsibilities assessment until a candidate has met all of the requirements for admission to the program and has been fully accepted into the EPP.
- (c) For the purposes of EPP improvement, an entity shall continuously evaluate the design and delivery of the educator preparation curriculum based on performance data, scientifically-based research practices, and the results of internal and external feedback and assessments.
- (d) An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after program completion.

*Source: The provisions of this §228.40 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388.*

#### **§228.50. Professional Conduct.**

During the period of preparation, the educator preparation program shall ensure that the individuals preparing candidates and the candidates themselves adhere to Chapter 247 of this title (relating to Educators' Code of Ethics).

*Source: The provisions of this §228.50 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective October 27, 2014, 39 TexReg 8388.*



### **§228.60. Implementation Date.**

- (a) The provisions of this chapter that were in effect on the date an educator preparation program (EPP) candidate was admitted to an EPP shall determine the program requirements applicable to that candidate.
- (b) All provisions in this chapter, except the total clock-hour training requirement, shall apply to §230.39 of this title (relating to Temporary Teacher Certificates).

*Statutory Authority: The provisions of this §228.60 issued under the Texas Education Code, §§21.031, 21.044, 21.045(a), 21.050(a) and (c), and 21.051.*

*Source: The provisions of this §228.60 adopted to be effective July 11, 1999, 24 TexReg 5011; amended to be effective December 14, 2008, 33 TexReg 10016; amended to be effective December 26, 2010, 35 TexReg 11239; amended to be effective October 27, 2014, 39 TexReg 8388.*

### **§228.70. Complaints and Investigations Procedures.**

- (a) Purpose. Texas Education Agency (TEA) staff shall maintain a process through which a candidate or former candidate in an educator preparation program (EPP), an applicant for candidacy in an EPP, an employee or former employee of an EPP, a cooperating teacher, a mentor, or an administrator in a school district, charter school, or private school may submit, in accordance with subsection (c)(1) of this section, a complaint about an EPP for investigation and resolution.
- (b) EPP responsibilities.
  - (1) The EPP shall adopt and send to TEA staff, for inclusion in the EPP's records, a complaint procedure that requires the EPP to timely attempt to resolve complaints at the EPP level before a complaint is filed with TEA staff.
  - (2) The EPP shall post on its website a link to the TEA complaints website and information regarding how to file a complaint under the EPP's complaint policy.
  - (3) The EPP shall post a notification at all of its physical site(s) used by employees and candidates, in a conspicuous location, information regarding filing a complaint with TEA staff in accordance with subsection (c)(1) of this section.
  - (4) Upon request of an individual, the EPP shall provide information in writing regarding filing a complaint under the EPP's complaint policy and the procedures to submit a complaint to TEA staff in accordance with subsection (c)(1) of this section.
- (c) TEA responsibilities.
  - (1) Filing a complaint. TEA staff will develop a complaint form to standardize information received from an individual making a complaint against an EPP. The complaint form will be available on the TEA website. All complaints filed against an EPP must be in writing on the complaint form. The written complaint must clearly state the facts that are the subject of the complaint and must state the measures the complainant has taken to attempt resolution of the complaint with the EPP. Anonymous complaints may not be accepted or investigated.
  - (2) Processing the complaint.
    - (A) TEA staff will record all complaints in the TEA complaints tracking system. Each complaint, no matter the severity, shall be assigned a tracking number.
    - (B) The complaint will be forwarded to the division responsible for educator preparation for further action, including assessing the complaint, providing a severity status and prioritizing the complaint accordingly, and determining jurisdiction.
    - (C) If TEA staff determines that the complaint is not within the State Board for Educator Certification's (SBEC's) jurisdiction, TEA staff shall notify the complainant that the complaint will be closed without action for lack of jurisdiction. TEA staff and the SBEC do not have jurisdiction over complaints related to contractual arrangements with an EPP,

commercial issues, obtaining a higher grade or credit for training, or seeking reinstatement to an EPP.

- (D) If TEA staff determines the complainant knew or should have known about the events giving rise to a complaint more than two years before the earliest date the complainant filed a complaint with either TEA staff or the EPP, TEA staff will notify the complainant that the complaint will be closed without action.
  - (E) If a complainant has not exhausted all applicable complaint and appeal procedures that the EPP has established to address complaints, TEA staff may delay initiating an investigation until the EPP's complaint and appeal process is complete.
- (3) Investigating the complaint.
- (A) If TEA staff determines a complaint is within the SBEC's jurisdiction, TEA staff will notify the respondent EPP that a complaint has been made, provide a summary of the allegations in the complaint, and request that the EPP respond to the complaint.
  - (B) TEA staff may request further information from the individual and from the EPP.
  - (C) An EPP shall:
    - (i) cooperate fully with any SBEC investigation; and
    - (ii) respond within 21 business days of receipt to requests for information regarding the complaint(s) and other requests for information from the TEA, except where:
      - (I) TEA staff imposes a different response date; or
      - (II) the EPP is unable to meet the initial response date and requests and receives a different response date from TEA staff.
  - (D) If an EPP fails to comply with subparagraph (C) of this paragraph, the SBEC may amend the complaint to reflect the violation and may deem admitted the violation of SBEC rules and/or Texas Education Code (TEC), Chapter 21, alleged in the original complaint.
- (4) Resolving the complaint.
- (A) Upon completion of an investigation, TEA staff will notify both the individual and the EPP in writing of the findings of the investigation. If TEA staff finds that a violation occurred, the notice will specify the statute and/or rule that was alleged to have been violated.
  - (B) Each party will have ten business days to present additional evidence or to dispute the findings of the investigation.
  - (C) After reviewing any additional evidence, if TEA staff finds that no violation has occurred, the complaint will be closed and TEA staff will notify both parties in writing.
  - (D) After reviewing any additional evidence, if TEA staff finds that the EPP has violated SBEC rules and/or TEC, Chapter 21, the following provisions apply.
    - (i) TEA staff will notify the EPP in writing and specify for each violation the seriousness and extent of the violation, including whether the EPP has been found to have violated that statute and/or rule previously.
    - (ii) Within ten business days of TEA staff notifying the EPP in writing that a violation has occurred, the EPP and TEA staff will collaboratively develop and agree to a timely resolution of each violation. If the parties cannot agree on a resolution within ten business days, TEA staff will unilaterally propose a resolution within ten business days of TEA staff issuing the violation notice.
    - (iii) If the EPP complies with the agreed or proposed resolution, the investigation is closed and results recorded in accordance with subparagraph (E) of this paragraph.

- (iv) If the EPP does not comply with the agreed or proposed resolution within the timelines set out in the resolution, TEA staff will make a recommendation that the SBEC impose sanctions affecting the EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).
  - (v) The EPP shall be entitled to an informal review of the proposed recommendation for sanctions under the conditions and procedures set out in §229.7 of this title (regarding Informal Review of Texas Education Agency Recommendations).
- (E) The final disposition of the complaint will be recorded in the TEA complaints tracking system.

*Statutory Authority: The provisions of this §228.70 issued under the Texas Education Code, §§21.031, 21.041(b)(1), 21.045, and 21.049(a).*

*Source: The provisions of this §228.70 adopted to be effective March 22, 2015, 40 TexReg 1372.*