

Item 20:

Discussion of 2018–2019 Formal Complaints and Certification Deactivations

DISCUSSION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to review and discuss the educator preparation program (EPP) complaints process and a summary of complaints processed from July 2018 through July 2019. This item provides context for Board action in the future regarding excessive or unresolved formal complaints filed against EPPs. This item also provides the opportunity to review the certification deactivations processed for 2018–2019 and the impact upon students and campuses.

STATUTORY AUTHORITY: The statutory authority is TEC §21.003, 21.031, 21.041, 21.0443, 21.044, 21.049, 21.054, and 21.0455.

FUTURE ACTION EXPECTED: Texas Education Agency (TEA) staff anticipates presenting summaries of formal complaints and certification deactivations to the Board on an annual basis.

BACKGROUND INFORMATION AND JUSTIFICATION: TEA staff monitors and processes complaints that individuals file against educator preparation programs (EPPs), as well as the certificate deactivations that come when a teacher teaching on an intern or probationary certificate leaves an assignment as the teacher of record before the assignment is complete. These two areas are important indicators of how EPPs are interacting with candidates, school districts, and stakeholders in the schools and communities. The risk assessment model, required in 19 TAC §21.0454, that was used for the 2017–2018 and 2018–2019 program reviews requires complaints filed against the program to be a part of that model if they involve violations of TAC. Complaints that involve violations of TAC and are unresolved require Texas Education Agency (TEA) staff to make sanction recommendations to the Board.

Certificate deactivations relate to candidates who are teaching on an intern or probationary certificate and leave the assignment before the term concludes. Candidates who leave an intern assignment directly impact the teacher's students, fellow teachers, and others in the school community, and it is important that educator preparation programs report these deactivations in a timely manner.

Formal Complaints

Statute and SBEC rules require a process for individuals to file a complaint against an EPP. To ensure complaints are investigated and resolved, SBEC rules provide procedures for processing complaints and SBEC sanctions for failure to comply with a TEA-agreed upon resolution.

TEC §21.0443 authorizes the SBEC to adopt rules providing for EPP approval and renewal of approval. TEC, §21.0455, authorizes the SBEC to adopt rules establishing a process for a candidate for teacher certification to direct a complaint against an educator preparation program

to the agency. 19 TAC §228.70 details a process for investigating complaints filed by a variety of individuals against EPPs.

19 TAC §228.70(a) requires TEA staff to maintain a process for individuals to file formal complaints against an EPP. 19 TAC §228.70(b) requires EPPs to maintain a complaints process that is on file with TEA and published on websites and at physical sites that advise how to file a complaint with the EPP and with TEA.

The process used by the TEA educator preparation team to investigate and resolve complaints is detailed in 19 TAC §228.70(c) and includes:

- 1) The formal complaint is logged through the Complaints Management System at TEA and routed to the appropriate department(s) for processing.
- 2) The complaint that is routed to educator preparation is evaluated by staff to determine jurisdiction:
 - a. Complaint is against an EPP;
 - b. Complaint is not about contractual arrangements with an EPP;
 - c. Complaint is not about commercial issues;
 - d. Complaint is not about obtaining a higher grade or credit for training; and
 - e. Complaint is not about seeking reinstatement into an EPP.
- 3) The complaint is investigated by TEA staff to determine if the EPP has violated TAC using these steps:
 - a. EPP is notified of complaint;
 - b. Additional documentation and information is requested from EPP and complainant, if necessary;
 - c. TEA staff evaluate documentation against TAC to determine if any violations have occurred;
 - d. EPP and complainant are notified in writing of outcome;
 - e. EPP and complainant may dispute findings and submit additional evidence within 10 business days of notification of outcome;
 - f. EPP and complainant are notified in writing of final decision;
 - g. If a violation of TAC is identified, a proposed resolution must be identified within 10 business days; and
 - h. If the violation is resolved as agreed, the complaint is closed; or
 - i. If the violation is not resolved as agreed, TEA staff will make a recommendation that the SBEC impose sanctions affecting the EPP's accreditation status and/or continuing approval status. The EPP may request an informal review prior to this recommendation as contained in 19 TAC §229.7(b) and (c) that includes the notice deadline of 14 days, along with the request for an informal review and the identified reason the recommended action is incorrect.
- 4) When the complaint is closed, the final outcome is recorded in the TEA Complaints Management System.

The history of formal complaints is factored into the Risk Assessment required by 19 TAC §228.10(b)(3) used to determine the need for discretionary EPP reviews and the type of continuing approval five-year EPP reviews.

Attachment II provides a summary of the complaints processed by staff in the department of educator preparation and the outcome of each.

Certification Deactivations

19 TAC §228.35(e)(2)(B)(vi) requires educator preparation programs (EPPs) to notify the TEA when an educator who is serving in an internship as part of his or her required training resigns, is terminated or is nonrenewed, is discharged by or withdraws from the EPP, or when the assignment does not meet the requirements of the internship. Within seven calendar days of the intern's separation from employment, the intern is required to provide the EPP with an official notice of the resignation, termination, or nonrenewal. In turn, the EPP must submit written notification to TEA, including a copy of the official notice of separation. Similar notices are required for program discharge or withdrawal, or when the assignment does not meet the requirements of the internship. Thirty days from the date that the internship is no longer active, TEA will render the intern or probationary certificate inactive. An inactive certificate means the candidate no longer has a valid certificate.

TEA has gathered statistics regarding the number of requests per year by EPPs and the reasons for the deactivations. Approximately 300 requests were processed during the first year, 2012–2013, with numbers increasing each year of collection through 2015–2016, peaking at 1,000 requests. Requests have gradually decreased each year since, with less than 600 requests processed for 2018–2019.

Many of these educators are serving in their first three years of teaching. If the certificate deactivation is not requested by the EPP or is requested more than 30 days after the separation, the candidate appears to be certified and may gain new employment or continue previous employment without the knowledge of the EPP. While it is not easy to know the number of deactivation requests that were never submitted, TEA has determined that about 40 percent of the requests are submitted late, which is a violation of Chapter 228.35(e)(2)(B)(vi) that will be addressed during the five-year continuing review. This communication failure may result in a variety of negative consequences for the teacher, school, and students. The teacher may miss opportunities for supervision or experience a disruption in the cycle of training. The EPP's state reporting of intern observations will be impacted since TEA is not aware of the change in the internship arrangement and expects to see the required number of observations uploaded for the full term of the certificate. If the EPP reports the deactivation, they are not accountable for observations that were expected after the point of the teacher's separation. Most importantly, when a teacher on an intern or probationary certificate leaves the assignment before the end of the school year, the students, faculty, parents, and entire campus culture are affected. The loss of an educator at any point in the school year can create turmoil in the classroom as the campus principal shifts staff and resources to cover the assignment to ensure continuity for the students.

TEA staff is recommending simplifying the rules so that they are easier to follow for EPPs to ensure that this important process is followed. The goal of the staff is to ensure that certification deactivations are reported timely and in alignment with Board requirements.

Attachment III provides a summary of the certification deactivations processed by staff from July 2018 through June 2019.

PUBLIC AND STUDENT BENEFIT: The public and student benefit of rules established by the SBEC is to ensure EPP processes are aligned with rules that will support the preparation of educator candidates to be effective in the classroom.

Staff Member Responsible:

Tam Jones, Director, Educator Preparation

Attachments:

- I. Statutory Citations
- II. Summary of Formal Complaints and Violations of TAC
- III. Summary of Certificate Deactivations

ATTACHMENT I**Statutory Citations Related to Complaints and Violations of TAC and Certificate Deactivations****Texas Education Code, §21.003, Certification Required (excerpt):**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

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;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.

Texas Education Code, §21.0443 Educator Preparation Program Approval And Renewal (excerpt):

- (a) The board shall propose rules to establish standards to govern the approval or renewal or approval of:
 - (1) educator preparation programs; and
 - (2) certification fields authorized to be offered by an educator preparation program.
- (b) To be eligible for approval or renewal of approval, an educator preparation program must adequately prepare candidates for educator certification and meet the standards and requirements of the board.

Texas Education Code, §21.044, Educator Preparation (excerpts):

- (c) 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, §21.049, Alternative Certification (excerpt):

- (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.

Texas Education Code, §21.0454, Risk Factors for Educator Preparation Programs: Risk-Assessment Model (excerpt):

- (a) The board shall propose rules necessary to develop a set of risk factors to use in assessing the overall risk of each educator preparation program. The set of risk factors must include:
 - (1) A history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:
 - (A) the seriousness of any violation of a rule, standard, or procedure;
 - (B) whether the violation resulted in an action being taken against the program;
 - (C) whether the violation was promptly remedied by the program;
 - (D) the number of alleged violations; and
 - (E) any other matter considered to be appropriate in evaluating the program's compliance history

Texas Education Code, §21.0455 Complaints Regarding Educator Preparation Programs (excerpt):

- (a) The board shall propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an educator preparation program to the agency.

ATTACHMENT II**Summary of Formal Complaints and Violations of TAC**

EPP	Number of Complaints (July 2018–July 2019)	Number of Violations of TAC	Number of Violations Un-Resolved
Lamar University	1	5	0
Prairie View A&M University	1	1	0
Jarvis Christian College	1	0	0
Texas A&M University—Texarkana	1	0	0
ITEACH Texas	4	0	0
Lone Star College	1	0	0
Texas A&M University—College Station	1	0	0
A+ Texas Teachers	3	9	0
Texas A&M University—Kingsville	1	0	0
University of Texas—San Antonio	1	0	0
Web-Centric ACP	2	0	0
The Texas Institute for Teacher Education	1	1	0
Texas A&M University—Commerce	1	0	0

Nature of Violations and Resolutions:**Violations**

Failure to report, and/or failure to accurately report, required data to the TEA.

Resolutions

- Updated EPP processes to include internal checks to ensure accuracy; and
- Training provided to EPP personnel to ensure they are knowledgeable about reporting;
- Temporarily halted admission into ACP to reorganize and implement improvements.

Violations

Candidates are placed in internship assignments that are not appropriate for the certificate sought and/or are candidates are not provided appropriate field supervision

Resolutions

- Observation instrument(s) used by field supervisors were updated to more accurately capture candidate performance in internship; and
- Field supervision processes were updated to ensure candidates are supervised and reported in alignment with requirements in TAC; and
- Training was provided to field supervisors.

Violations

Ethics violation of Standard 1.6 stating an educator shall not falsify records.

Resolutions

- EPP staff were removed from that responsibility; and
- Processes were updated to ensure integrity of information recorded on documents and verification and approval by supervisor.

Violations

Failure to appropriately process a CTE candidate seeking certification in an area that requires work experience and licensure

Resolutions

- Training provided to EPP staff regarding appropriate processing of CTE applicants and candidates.

Complaints that Did Not Result in Violations

- Contractual agreements between EPP and candidate
- Candidate requesting credit for work completed or requesting approval to test
- EPP non-responsive to candidate emails and phone calls
- EPP not effectively informing candidates of deadlines
- EPP provided false information on documents related to candidate preparation

ATTACHMENT III**Summary of Certificate Deactivations**

Year Reported	Total Deactivations
2012–2013	320
2013–2014	494
2014–2015	777
2015–2016	1000
2016–2017	933
2017–2018	871
2018–2019	595

Deactivated and Issued Probationary Certificates

July 1, 2018—June 30, 2019*

Educator Preparation Program	Individuals with Deactivated Probationary Certificate		Individuals Issued Probationary Certificate	
	Number	Percent of Total	Number	Percent of Total
State of Texas	571	100% ^a	13,873	100%
A+ Texas Teachers	275	48.16%	7,257	52.31%
IteachTEXAS	57	9.98%	1,436	10.35%
Web-Centric Alternative Cert Program	25	4.38%	452	3.26%
YES PREP PUBLIC SCHOOLS INC	16	2.80%	192	1.38%
ACT-Houston	15	2.63%	204	1.47%
DALLAS ISD	15	2.63%	109	0.79%
Teachworthy	14	2.45%	215	1.55%
Education Career Alternatives Program	13	2.28%	403	2.90%
REG 13 EDUCATION SERVICE CENTER	13	2.28%	205	1.48%
REG 10 EDUCATION SERVICE CENTER	11	1.93%	167	1.20%
HOUSTON ISD	11	1.93%	99	0.71%
REG 04 EDUCATION SERVICE CENTER	10	1.75%	393	2.83%
ACT-Houston at Dallas	10	1.75%	187	1.35%
REG 20 EDUCATION SERVICE CENTER	10	1.75%	133	0.96%
Southern Methodist University	5	0.88%	104	0.75%
South Texas Transition to Teaching ACP	5	0.88%	68	0.49%
Urban Teachers	4	0.70%	129	0.93%
University of Texas - Permian Basin	4	0.70%	96	0.69%
REG 01 EDUCATION SERVICE CENTER	4	0.70%	57	0.41%
REG 02 EDUCATION SERVICE CENTER	4	0.70%	34	0.25%
Texas A&M University	3	0.53%	81	0.58%
McLennan Community College	3	0.53%	38	0.27%
REG 07 EDUCATION SERVICE CENTER	3	0.53%	34	0.25%
TeacherBuilder.com	2	0.35%	235	1.69%
West Texas A&M University	2	0.35%	91	0.66%
Alternative-South Texas Educator Program	2	0.35%	66	0.48%
A Career in Teaching-EPP(Corpus Christi)	2	0.35%	43	0.31%
REG 11 EDUCATION SERVICE CENTER	2	0.35%	42	0.30%
REG 12 EDUCATION SERVICE CENTER	2	0.35%	41	0.30%
Lamar University	2	0.35%	33	0.24%
Harris County Department of Ed	2	0.35%	17	0.12%
Texas A&M University - Corpus Christi	2	0.35%	16	0.12%
Texas A&M University - Texarkana	2	0.35%	13	0.09%
South Texas College	2	0.35%	1	0.01%
Relay Graduate School of Education ACP	1	0.18%	112	0.81%
ACT-Rio Grande Valley	1	0.18%	84	0.61%
The TX Institute for Teacher Education	1	0.18%	62	0.45%
REG 05 EDUCATION SERVICE CENTER	1	0.18%	47	0.34%
Tarleton State University	1	0.18%	38	0.27%
REG 19 EDUCATION SERVICE CENTER	1	0.18%	37	0.27%
Angelo State University	1	0.18%	35	0.25%
REG 18 EDUCATION SERVICE CENTER	1	0.18%	33	0.24%
REG 14 EDUCATION SERVICE CENTER	1	0.18%	30	0.22%
University of North Texas	1	0.18%	23	0.17%
University of Texas - El Paso	1	0.18%	16	0.12%
Stephen F Austin State University	1	0.18%	16	0.12%
Texas Woman's University	1	0.18%	15	0.11%
A Career in Education-ACP	1	0.18%	15	0.11%
REG 06 EDUCATION SERVICE CENTER	1	0.18%	15	0.11%
Alamo Colleges	1	0.18%	12	0.09%
Austin Community College	1	0.18%	11	0.08%
Texas Lutheran University	1	0.18%	3	0.02%
East Texas Baptist University	1	0.18%	1	0.01%

Number and percent of individuals who had an intern or probationary certificate deactivated between July 1, 2018 and June 30, 2019 based on reasons such as withdrawal from program, discharge from program, and resignation, non-renewal, or termination from district (N=571). Certificates deactivated for reasons such as health, military, or issuance of a standard certificate are not included (N=23).

Number and percent of individuals issued a certificate based on the total number of individuals issued intern, probationary, probationary extension, and second probationary extension certificates between July 1, 2018 and June 30, 2019 (N=13,873). *Total sum of deactivated percentages will not equal 100% due to rounding.

****the reporting period is based on a school year; this report is updated periodically to include submissions that fall within the reporting period.***