

The State Board for Educator Certification (SBEC) adopts the repeal of 19 Texas Administrative Code (TAC) §§228.1, 228.2, 228.10, 228.15, 228.17, 228.20, 228.30, 228.33, 228.35, 228.40, 228.50, 228.60, and 228.70 and new §§228.1, 228.2, 228.4, 228.6, 228.11, 228.13, 228.15, 228.17, 228.19, 228.21, 228.23, 228.25, 228.31, 228.33, 228.35, 228.37, 228.39, 228.41, 228.43, 228.45, 228.47, 228.49, 228.51, 228.53, 228.55, 228.57, 228.61, 228.63, 228.65, 228.67, 228.69, 228.71, 228.73, 228.75, 228.77, 228.79, 228.81, 228.91, 228.93, 228.95, 228.97, 228.99, 228.101, 228.103, 228.105, 228.107, 228.109, 228.111, 228.113, 228.115, 228.117, 228.121, and 228.123, concerning requirements for educator preparation programs (EPPs). The repeal of §§228.1, 228.2, 228.10, 228.15, 228.17, 228.20, 228.30, 228.33, 228.35, 228.40, 228.50, 228.60, and 228.70 and new §§228.1, 228.4, 228.6, 228.11, 228.13, 228.15, 228.17, 228.19, 228.21, 228.23, 228.25, 228.31, 228.33, 228.35, 228.37, 228.39, 228.41, 228.43, 228.45, 228.47, 228.49, 228.51, 228.53, 228.55, 228.57, 228.61, 228.63, 228.65, 228.67, 228.69, 228.71, 228.73, 228.75, 228.77, 228.79, 228.81, 228.91, 228.93, 228.95, 228.97, 228.99, 228.101, 228.103, 228.105, 228.107, 228.109, 228.111, 228.113, 228.115, 228.117, 228.121, and 228.123 are adopted without changes to the proposed text as published in the December 29, 2023 issue of the *Texas Register* (48 TexReg 8100) and will not be republished. New §228.2 is adopted with changes to the proposed text as published in the December 29, 2023 issue of the *Texas Register* (48 TexReg 8100) and will be republished. The adopted repeals and new sections reorganize the chapter to allow for improved readability; implement legislation; include technical updates to remove outdated provisions specific to the Residency Certificate; and reflect stakeholder feedback to further strengthen the rules.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 228, Requirements for Educator Preparation Programs, establish the requirements for educator preparation programs (EPPs) in the preparation of candidates for Texas educator certification.

The adopted repeal of and new 19 TAC Chapter 228 was initially driven by the following three primary goals prescribed by the SBEC and were informed by extensive stakeholder input. (1) Reorganize the chapter to support enhanced organization and readability, including the creation of subchapters and sections and the streamlining of redundancy to make the rules clearer and more user-friendly. Creating subchapters and sections enable the SBEC to update, modify, or remove requirements as SBEC priorities change and to implement legislation effectively and efficiently. (2) Create a residency preparation route leading to an enhanced standard certificate to recognize programs who have implemented this quality preparation pathway and recognize candidates who have completed this extensive preparation. A residency preparation route is an option for EPPs and is NOT a requirement. To both recognize and hold EPPs accountable, adding this into rule is a priority of the SBEC. (3) Codify foundational components of the SBEC's Educator Preparation Framework (EPF), which contain additional research-based best practices prioritized by the field.

Throughout extensive engagement with stakeholders in the Chapter 228 redesign process, additional opportunities to elevate the quality of educator preparation were surfaced and integrated into the draft rule text presented to the SBEC at its September 2023 meeting. The adopted new rules reflect additional edits informed by stakeholder input.

The following is a description of adopted new 19 TAC Chapter 228.

Subchapter A. General Guidance

§228.1, General Provisions

Adopted new §228.1 provides an overview of the purpose and goals of educator preparation in Texas.

§228.2, Definitions.

Adopted new §228.2 includes definitions from the adopted repeal of §228.2, with the addition of definitions for *analysis*, *assignment start date*, *authentic school setting*, *clinical experience*, *completer*, *co-teaching*, *enactments*, *host teacher*, *performance task*, *representations*, and *residency*, and revised definitions for *campus supervisor*, *classroom teacher*, *clinical teaching*, *cooperating teacher*, *educator preparation program*, *field-based experiences*, *enhanced standard certificate*, *late hire*, and *standard certificate*.

The adopted new definition of *assignment start date* sets the point at which the teacher candidate's internship experience starts for the purpose of field supervision and ongoing support of candidates as required.

The adopted new definition of *clinical experience* provides a common term in which to categorize the supervised clinical requirement for each certificate class, including clinical teaching, internship, practicum, and residency.

The adopted new definition of *authentic school setting* establishes that a candidate cannot count professional development, extracurricular activities, workdays when students are not present, or before or after-school childcare or tutoring as field-based experiences, 30 hours of which are required as pre-requisites for an intern certificate, and that field-based experience hours are allowable in a summer school setting.

The adopted new definition of *completer* matches the definition in 19 TAC §229.2(10), Definitions, to create consistency between chapters of SBEC rules.

The adopted new definitions of *cooperating teacher*, *mentor*, and *site supervisor* were streamlined to remove the qualifications and duties of these positions that appear in the adopted repeal of 19 TAC Chapter 228. The qualifications and duties are adopted in new §228.93, Cooperating Teacher Qualifications and Responsibilities, §228.97, Mentor Qualifications and Responsibilities, and §228.99, Site Supervisor Qualifications and Responsibilities, respectively. These adopted new sections increase clarity and ease of reference so that the public no longer has to go to §228.2 to find definitions for this critical information.

The adopted new definition of *entity* was updated with a more specific list of the types of entities that act as EPPs.

The adopted new definition of *educator preparation program* defines the role of an entity approved by the SBEC.

The adopted new definition of *field-based experiences* was updated to include the adopted new defined term *authentic school setting* and adds that field-based experiences include both observation and interaction and are an element of coursework.

The adopted new definition of *field supervisor* was modified to improve readability and clarity.

The adopted new definition of *school day* specifies that conference periods, lunch periods, professional development, and extracurricular activities do not count as part of the school day for purposes of determining the length of a clinical teaching or internship experience.

The adopted new definition of *late hire* specifies that after the 45th day before the first day of instruction, an individual must be both accepted into an EPP and hired for a teaching position at a school district.

Definitions are also adopted for the following five terms from the EPF: *analysis*, *co-teaching*, *enactments*, *performance task*, and *representations*. The additions offer clarity to EPPs and candidates around the intended meaning of the terms, how and when they are applied in preparation and practice, and relevance to improving quality practices in approved programs. The additional definitions provide a common language in the effective preparation of candidates for certification.

The adopted new definitions of *school day* and *school year* provide flexibility by aligning them with the school calendars of the campuses on which the candidates are completing the clinical experiences.

The adopted new definitions of *enhanced standard certificate* and *standard certificate* mirror definitions adopted in new §230.1, Definitions, and align with the inclusion of *intern certificate* and *probationary certificate*.

To implement the Residency preparation route, the adopted new language in §228.2, Definitions, amends the definition of *campus supervisor* to include residency candidates along with intern candidates, and adds definitions of *host teacher*, *residency*, and *co-teaching* to standardize the meaning of those terms.

§228.4, Declared State of Disaster

Adopted new §228.4 provides continuity of EPP processes during a declared state of disaster.

§228.6, Implementation Date

Adopted new §228.6 confirms the repeal of Chapter 228 and the provisions of new Chapter 228 are effective September 1, 2024.

Subchapter B. Approval of Educator Preparation Programs

§228.11, New Entity Approval

Adopted new §228.11 identifies the requirements that must be met by an entity seeking approval from the SBEC as an EPP. The adopted new rule authorizes the Texas Education Agency (TEA) to develop and identify the approval components to be included in the application. TEA staff can revise EPP applications as needed to align with the TEC and TAC.

Adopted new §228.11(a) requires that entities seeking to become an EPP take part in a workshop conducted by TEA staff to familiarize the entity with the SBEC rules.

Adopted new §228.11(a)(2) creates a limitation that an entity seeking initial approval cannot apply to offer more than five certificate categories within one certificate class. This limitation allows an entity to focus on high-quality preparation and provides TEA staff time to review application materials more efficiently.

Adopted new §228.11(a)(3) requires that an entity seeking approval must demonstrate that it has the staff, knowledge, and expertise to support individuals in each certificate category and class requested.

Adopted new §228.11(d) establishes the timing of the post-approval site visit to occur after the first year in which the new EPP reports that it has completers.

Adopted new §228.11(f) requires an entity seeking approval to have at least one location in Texas that provides candidate's a face-to-face setting for interacting with EPP staff as necessary.

§228.13, Continuing Educator Preparation Program Approval.

Adopted new §228.13 establishes the timeframe for EPP reviews.

Adopted new §228.13(b) establishes the types of continuing approval reviews--an onsite visit involves TEA staff going to the EPP's location, while a desk review is conducted remotely.

Adopted new §228.13(c) establishes the components of the risk assessment with regard to alignment with requirements in TEC, §21.0454.

Adopted new §228.13(d) requires a continuing approval review when an EPP consolidates with another EPP. This allows TEA staff to identify whether the surviving EPP is adequately supporting the candidates and certificate categories that it received.

Adopted new §228.13(e) requires an EPP undergoing a continuing approval review to pay the required fees prior to the start of the review. This prevents EPPs from attempting to evade or indefinitely delay payment.

Adopted new Figure: 19 TAC §228.13(f) sets out the required evidence of compliance that EPPs must create, maintain, and present during the continuing approval review.

Adopted new §228.13(f) incorporates the requirement that an EPP retain documents demonstrating a candidate's eligibility for admission and completion of requirements for five years from the date the candidate completes or leaves the EPP. The additions to adopted new §228.13(f) also specify that the EPP will be scored on a rubric

developed and published by TEA staff and provide that 80% of records reviewed by TEA staff must meet or exceed the requirements.

Adopted new §228.13(g) allows EPPs participating in a Continuing Approval Review pilot to use that pilot to meet the requirements of the five-year continuing approval review.

§228.15, Additional Approval.

Adopted new §228.15(b) sets out the requirements for an EPP seeking approval from the SBEC to offer the residency route to certification. It requires the EPP to complete an application outlining its compliance with the residency requirements established within Chapter 228 and Chapter 230, which would be reviewed by the TEA and approved by the SBEC, and requires a post-approval site visit demonstrating compliance with rules once the EPP produces residency completers. Adopted new §228.15(b)(1) adopts in rule a figure that describes evidence sources to evaluate and approve residency applications. EPPs will be scored for approval on a rubric developed and published by TEA staff.

Adopted new §228.15(c) requires EPPs to apply for new certification classes or categories, references the applications that EPPs must complete when seeking to offer a new certificate class or category, and adds language about the parameters that must be used by TEA staff to develop the applications. The adopted new language in §228.15(c)(4) requires that an EPP have an accreditation status of Accredited to add new certificate categories and/or classes.

§228.17, Limitations on Educator Preparation Program Amendment

Adopted new §228.17 establishes the process through which an EPP can amend its program.

§228.19, Contingency of Approval

Adopted new §228.19 specifies that approval of an entity is contingent on approval by other governing bodies, including the Texas Higher Education Coordinating Board, board of regents, and school district boards of trustees, and that continuing approval is contingent on compliance with state and federal law.

Subchapter C. Administration and Governance of Educator Preparation Programs

The subchapter title was updated to more accurately reflect that the adopted new rules focus on both the administration and governance of EPPs.

§228.21, Program Consolidation or Closure

Adopted new §228.21 states that closure rules apply to an EPP regardless of whether the EPP is closing fully or eliminating certificate classes and regardless of whether the closure is voluntarily or due to SBEC action.

Adopted new §228.21(a)(1) replaces August 31 as the effective date for EPP closure with a more flexible requirement that specifies an effective date of at least 90 days and no more than 270 days after the date of notification of closure or consolidation. This allows programs to choose a closure date that gives them enough time to fulfill the obligations to candidates.

Adopted new §228.21(a)(2) requires the EPP legal authority to communicate with the TEA on a scheduled basis so that staff from the closing program can seek guidance concerning questions and problems that arise during the close out phase, which ultimately benefits candidates and past finishers.

The adopted new rule text in §228.21(a)(3) expands the EPP's obligation to notify candidates of its closure to include candidates who have been enrolled within the last five years and completers within the last five years. This adopted new requirement ensures that candidates who may still need support or paperwork from the closing EPP are able to learn what options are available.

Adopted new §228.21(a)(5) requires closing EPPs to identify other EPPs to provide test approval and standard certification recommendations for completers at the closing EPP and to provide candidates with all necessary documentation to expedite the candidates' transfer. This allows candidates in a closing EPP an easier transition to another EPP and certification.

§228.23, Change of Ownership and Name Change

Adopted new §228.23(d) sets an exception to the general rule that EPPs cannot change their names without a change in ownership to allow colleges and universities to change their names when the entire college or university changes its name. The purpose of the original prohibition on EPP name changes was to prevent EPPs from changing names frequently to confuse or mislead the public.

Adopted new §228.23(e) requires EPPs to report to the SBEC annually any names that the EPP had used "doing business as" during the previous year so that the SBEC can make that information available to the public. By providing this information to consumers, the SBEC allows the public to better understand the true identity and performance history of an EPP.

§228.25, Governance of Educator Preparation Programs

Adopted new §228.25 establishes expectations of how EPPs should govern themselves and collaborate with other entities (i.e., education service centers or local education agencies) to effectively support the preparation and certification of candidates.

Adopted new §228.25(b) includes a specific requirement for the membership of EPP advisory committees that the committee include at least three of the types of interest groups listed in adopted new §228.25(a).

Adopted new §228.25(d) sets out requirements for EPPs approved to offer a residency program to convene key personnel quarterly to review teacher residency implementation data, including candidate performance, to make shared programmatic decisions and inform the continuous improvement of the residency program.

Subchapter D. Required Educator Coursework and Training

§228.31, Minimum Educator Preparation Program Obligations to All Candidates

Adopted new §228.31 establishes general guidelines around expectations of services and supports that EPPs shall provide to all candidates.

Adopted new §228.31(a) specifies by when late hires need to complete admission, coursework, training, and field-based experience requirements.

Adopted new §228.31(b) requires EPPs to identify a dismissal point in their exit policy at which inactive candidates are removed from the EPP and allows a university-based EPP to adopt the university policy for inactive students that must reapply for admission.

Adopted new §228.31(c) requires an EPP to use benchmarks and formal and informal assessment data to design and implement appropriate interventions when needed to ensure continued, effective preparation for certification and teacher candidate support.

Adopted new §228.31(d) requires that an EPP must ensure candidates are adequately prepared to take all certification exams and not just the content pedagogy exams. This additional clarification was inadvertently left off during the initial reorganization of the chapter.

Adopted new §228.31(e) requires an EPP to grant test approval for a completer. If a candidate has returned to the EPP five or more years after completing the program requirements, the EPP may require the candidate to complete additional coursework or training.

Adopted new §228.31(f) limits when an EPP can prepare a candidate and grant test approval for a certificate category other than the one for which the candidate was initially admitted to the program. The candidate must meet the requirements for admission in the new certificate category, the EPP must provide coursework and training to the candidate in the new certificate category, and the EPP must ensure that the candidate is adequately prepared for the certification examination in the new certificate category. This prevents programs from admitting a candidate in one certificate category and switching them to another category for which the candidate is unqualified or unprepared.

Adopted new §228.31(h) requires the EPP to ensure candidates complete all requirements of coursework, training, and the clinical experience before being identified as a completer and being recommended for standard certification, unless the candidate qualifies for an exemption in §228.79, Exemptions from Required Clinical Experiences for Classroom Teacher Candidates.

§228.33, Preparation Program Coursework and/or Training for All Certification Classes

Adopted new §228.33 establishes coursework and training requirements that EPPs must provide to ensure candidate preparedness for certification and readiness for assignments.

Adopted new §228.33(a) specifies that educator effectiveness must be measured in the candidate's assignment.

Adopted new §228.33(b) creates specific requirements for the coursework and training EPPs provide candidates, including performance-based activities, evaluative tools, and required demonstration of proficiency by candidates.

Adopted new §228.33(c) clarifies that all coursework and/or training must be completed before a candidate is marked a finisher and recommended for either the standard or new enhanced standard certificate.

§228.35, Substitution of Applicable Experience and Training

Adopted new §228.35 specifies that EPPs must develop and implement procedures to allow military-related and non-military related candidates to substitute portions of educator certification requirements with applicable experience and training.

Adopted new §228.35(c) provides rule text specific to candidates seeking test approval for the Deafblind Supplemental Early Childhood-Grade 12 certification and candidates who have previously completed coursework related to the field in a program approved to offer the Deafblind Supplemental Early Childhood-Grade 12 certification. The language also indicates that programs may require additional coursework for test approval.

§228.37, Coursework and Training for Classroom Teacher Candidate

Adopted new §228.37 establishes the minimum required clock-hours of coursework and/or training required for initial classroom teacher certification and the Trade and Industrial Workforce Training certificate.

§228.39, Intensive Pre-Service

Adopted new §228.39(a) establishes the requirements that an EPP must provide prior to issuing an intern certificate under the intensive pre-service.

Adopted new §228.39(b) establishes the requirements for a candidate coach under intensive pre-service.

Adopted new §228.39(c) establishes the requirements that a candidate must complete to be eligible for an intern certificate under pre-intensive service.

Adopted new §228.39(d) provides that a candidate participating in intensive pre-service will be eligible for a probationary certificate as prescribed in §230.37(f), Probationary Certificates.

§228.41, Pre-Service Coursework and Training for Classroom Teacher Candidates

Adopted new §228.41(a) was revised in response to stakeholder feedback, increasing the hours required for field-based experiences from 30 to 50.

Adopted new §228.41(b)(11) requires coursework on instructional planning techniques and inclusive practices for students with disabilities to implement House Bill (HB) 159, 87th Texas Legislature, Regular Session, 2021.

Adopted new §228.41(b)(12) requires coursework on the use of open education resource instructional materials approved by the State Board of Education (SBOE) to implement HB 1605, 88th Texas Legislature, Regular Session, 2023.

A reference to "performance tasks" reflects the incorporation of the EPF and its use of performance tasks that support integration of authentic performance tasks throughout the curriculum, in particular during the first 150 hours, which are required before the intern certificate.

§228.43, Pre-Service Field-Based Experiences for Classroom Teacher Candidates

Adopted new §228.43 establishes parameters around field-based experiences and related reflections and increase the required number of interactive hours from 15 to 25 and technology-based hours from 15 to 25 in response to stakeholder feedback.

Adopted new §228.43(c)(2) provides examples of activities in which candidates may engage during interactive experiences. Flexibility for completion of technology-based hours was added to allow substitute teaching hours.

§228.45, Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification

Adopted new §228.45 requires that coursework and training provided is based on concepts and themes in §228.45(a) and not just in §228.45(a)(1).

§228.47, Coursework and Training Requirements for Bilingual Special Education Certification

Adopted new §228.47 sets the requirements for EPPs of candidates in bilingual special education and implements HB 2256, 87th Texas Legislature, Regular Session, 2021.

§228.49, Coursework and Training Requirements for a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12

Adopted new §228.49 provides specific language related to the minimum number of clock-hours of coursework and/or training requirements for EPPs offering and candidates who are seeking the Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certificate.

§228.51, Coursework and Training for a Deafblind Supplemental: Early Childhood-Grade 12

Adopted new §228.51 provides specific language related to the minimum number of clock-hours of coursework and/or training requirements for EPPs offering and candidates who are seeking the Deafblind Supplemental: Early Childhood-Grade 12 certificate.

§228.53, Coursework and Training for Non-Teacher Candidates

Adopted new §228.53 establishes coursework and training requirements for certification areas other than classroom teacher and ensures consistency in candidates' preparation that is directly aligned with the educator standards.

§228.55, Late Hire Candidates

Adopted new §228.55 establishes flexibilities and responsibilities related to beginning employment later than originally anticipated for candidates, local employment agencies, and EPPs.

Adopted new §228.55(c) requires an EPP to deactivate a candidate's intern or probationary certificate if the candidate is a late hire and does not complete the required pre-internship coursework and training within 90 days of the start of the internship. This incentivizes EPPs to ensure that their candidates receive the required training timely and prevent untrained educators from staying in Texas classrooms.

§228.57, Educator Preparation Curriculum

Adopted new §228.57 requires that the educator standards adopted by the SBEC serve as the curricular foundation for all educator preparation and, for each certificate, the curriculum must address the relevant Texas Essential Knowledge and Skills.

Adopted new §228.57(c) expands on the varied and rich types of instructional opportunities that EPPs shall support candidates in experiencing. This aligns with information in the EPF and reinforces the expectation that candidates are practicing, and receiving feedback on that practice, throughout the program and reinforces the connected relationship between coursework, practice, and coaching.

Adopted new §228.57(c)(8)(c) requires EPPs to teach candidates about assessing students who are receiving virtual instruction and about how to implement virtual learning curriculum to implement Senate Bill 226, 87th Texas Legislature, Regular Session, 2021.

Adopted new §228.57(10) requires coursework on the use of open education resource instructional materials approved by the SBOE for the subject area and grade level of the candidate's certification category and prohibits coursework on instructional materials that incorporated "three-cueing" into foundational skills reading instruction to implement HB 1605, 88th Texas Legislature, Regular Session, 2023.

Subchapter E. Educator Candidate Clinical Experiences

§228.61, Required Clinical Experiences

Adopted new §228.61 provides an overview of the clinical experience required for candidates prior to standard certification.

Adopted new §228.61(a) establishes clinical experience options for candidates seeking teacher certification (clinical teaching, internship, or residency) and includes an alternative residency certification route.

Adopted new §228.61(b) requires that teacher candidates participating in an internship experience a full range of professional responsibilities, including the start of the school year, and provides flexibility to utilize field-based experiences, as needed, to meet this requirement.

Adopted new §228.61(c) identifies the practicum requirement for candidates pursuing certification in non-teacher certificate classes and sets the minimum number of clock hours required for completion of a practicum.

§228.63, Locations for Required Clinical Experiences

Adopted new §228.63 establishes the limitations on the location in which a candidate can have an internship, a clinical teaching, or a practicum experience.

Adopted new §228.63(a) was updated from authentic school setting to in-person Prekindergarten-Grade 12 setting to restore the meaning that the candidate must be in an assignment that is in-person in a physical classroom and not in a distance learning or virtual learning classroom.

The requirement in adopted new §228.63(c)(2) was updated to add site supervisor and identifies that the candidate completing a practicum cannot be related to the site supervisor.

Adopted new §228.63 establishes "residency" as a clinical experience across subsections (a)-(g).

§228.65, Residency

Adopted new §228.65 requires that the residency clinical experience include programmatic requirements to issue an enhanced standard certificate and requires the program to provide candidates with one full school year of clinical teaching, to include in the first and last day of school, in a classroom with a qualified host teacher in the classroom teaching assignment(s) that matches the certification category sought by the candidate. It also requires that the residency include a minimum of 750 hours in total, with a minimum of 21 hours per week during a school week that does not include closures or disruptions, and the program must document reduced clinical experience hours during weeks with closures or disruptions (see adopted new §228.61(a)). Candidates must complete a minimum of 700 hours in the event of life events such as bereavement, illness, or FMLA.

Adopted new §228.65(b) requires that the instructional setting include one distinct field site, with some exceptions for candidates seeking more than one certification category, Early Childhood-Grade 12 certification, and/or a significant human resources concern, with a limit of two field placements. Exceptions require documentation from both the EPP and partner district. Additionally, it requires that a candidate is co-teaching as lead instructor for at least 400 hours of the residency program.

Adopted new §228.65(c) establishes the requirements for determining a candidate's readiness for teaching, including requiring the EPP to manage candidate progress toward mastery of educator standards through administration of performance gates at least twice per semester, totaling at least four times a year. It also requires field supervisors to be responsible for assessing and evaluating candidate progression through the program.

Adopted new §228.65(d) specifies the circumstances under which an EPP no longer needs to provide ongoing support to a candidate.

Adopted new §228.65(e) requires the EPP, the district personnel, and the candidate to inform one another of the candidate's departure for any of the reasons stated in adopted new §228.65(d).

Adopted new §228.65(f) establishes the requirements for a candidate's eligibility for an enhanced standard certificate, including the requirements for issuance in §230.39(b) and the requirements in adopted new §228.65(a)-(c). Additionally, it defines the requirement for candidates to meet a Proficient performance level for all pedagogical skill dimensions. The dimensions listed are the same as those in 19 TAC §150.1002, Assessment of Teacher Performance, with the addition of the Instruction Dimension 2.3: Communication.

Adopted new §228.65(g) defines the requirements for successful completion of a residency, including proficiency in the educator standards and a shared recommendation from the host teacher, field supervisor, and campus administrator. If there is no consensus on the recommendation, documentation of why the candidate is not being recommended for a certificate is required to be submitted to the candidate and the field supervisor, host teacher, and/or campus administrator.

§228.67, Clinical Teaching

Adopted new §228.67 includes language that reflects stakeholder feedback and clarifies the duration of clinical teaching in a uniform requirement of 490 hours (the equivalent of 70 days).

In adopted new §228.67(b), the abbreviated clinical teaching allowed for maternity leave was expanded to parental leave in the interest of shared parental responsibility.

Adopted new §228.67(c) provides guidance for candidates seeking certification in more than one subject area to complete clinical teaching and confirms EPP and LEA training responsibilities and supports to ensure candidate success.

Adopted new §228.67(d) requires EPPs to structure the clinical teaching assignment in such a manner that candidates are provided co-teaching opportunities and additional experiences to have greater responsibility for the instruction being provided over the course of the clinical teaching assignment. This directly aligns with the

requirement for the residency certification pathway that explicitly includes co-teaching and a gradual release of responsibility.

Adopted new §228.67(g) specifies that only the certification of the candidate or the discharge, release, or withdrawal of the candidate from the EPP relieves the EPP of the duty to support the candidate during clinical teaching.

§228.69, Clinical Teaching While Employed as Educational Aide

Adopted new §228.69 aligns with the requirements for clinical teaching.

In adopted new §228.69(c), the clinical teaching requirement previously allowed for maternity leave was expanded to parental leave in recognition of shared parental responsibility.

§228.71, Exceptions to Clinical Teaching Requirement

Adopted new §228.71 establishes the process EPPs utilize if they are unable to support candidates through the clinical teaching process specified in adopted new §228.67, Clinical Teaching.

Adopted new §228.71(b) requires an EPP to request an exception to the clinical teaching requirement by September 15, which coincides with the existing requirement that an EPP submit a written report on the results of a clinical teaching exception by September 15.

Adopted new §228.71(c)(3) requires TEA staff to present the EPP's report to the SBEC to determine whether the exception should be renewed and requires EPPs approved for an exception before September 1, 2022, to submit a report to the TEA by September 1, 2024. This gives the SBEC an opportunity to decide whether to renew exceptions annually rather than continue indefinitely.

§228.73, Internship

Adopted new §228.73(a) requires EPPs to verify that a candidate participating in an internship hold an active intern or probationary certificate.

Adopted new §228.73(g)(5) requires EPPs to request deactivation of the certificate of a late-hire candidate that failed to meet training requirements in a timely manner to parallel the requirement in adopted new §228.55(c), Late Hire Candidates.

In adopted new §228.73(c), the abbreviated internship previously allowed for maternity leave was expanded to parental leave in recognition of shared parental responsibility.

§228.75, Clinical Experience for Candidate Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12

Adopted new §228.75 provides specific language related to the clinical teaching requirements for candidates seeking the Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certification.

§228.77, Clinical Experience for Candidate Seeking Deafblind (DB) Supplemental: Early Childhood-Grade 12 Certification

Adopted new §228.77 provides specific language related to the clinical teaching requirements for candidates seeking the Deafblind Supplemental: Early Childhood-Grade 12 certification.

§228.79, Exemptions from Required Clinical Experiences for Classroom Teacher Candidates

Adopted new §228.79 includes residency in existing exemptions included in subsections (a) and (b) to exempt candidates pursuing classroom teacher certificates from required clinical experiences.

§228.81, Clinical Experience for Certification Other Than Classroom Teacher

Adopted new §228.81 establishes requirements for EPPs and candidates on completing clinical experience in certificate classes other than classroom teacher.

Adopted new §228.81(f) specifies that only the certification of the candidate, or the discharge, release, or withdrawal of the candidate from the EPP, would relieve the EPP of the duty to support the candidate during the practicum experience.

Specificity was added to adopted new §228.81(d)(1) to include feedback from the candidate's site supervisor, which is responsive to stakeholder feedback and mirrors similar requirements added for clinical teaching and internships.

Subchapter F. Support for Candidates During Required Clinical Experiences

§228.91, Mentors, Cooperating Teachers, Host Teachers and Site Supervisors

Adopted new §228.91(a) establishes the shared responsibility of the EPP and district/campus administrator to determine selection criteria and develop a shared selection process to assign mentors, cooperating teachers, host teachers, and site supervisors to candidates as appropriate.

Adopted new §228.91(b) specifies for teacher residencies that the EPP and district/campus administrator share responsibility to assign host teachers to candidates, by determining the selection criteria and development of a scoring rubric.

Adopted new §228.91(c) requires a mentor or site supervisor be assigned within three-weeks of the start date of an internship or practicum and that a candidate not remain in a placement without an assigned mentor or site supervisor for longer than three weeks.

Adopted new §228.91(d) provides provisions for cooperating teacher, mentor, host teacher, or site supervisor selection if there is not an individual that matches the criteria for qualification.

Adopted new §228.91(e) requires the EPP to provide research-based training to mentors, cooperating teachers, host teachers, and site supervisors. An education service center or district entity may provide that training with proper documentation of evidence shown in Figure: 19 TAC §228.13(f).

§228.93, Cooperating Teacher Qualifications and Responsibilities

Adopted new §228.93(a)(3) updates the training provided to the cooperating teacher by the EPP to include co-teaching strategies. The window of time in which training must be provided was expanded to twelve weeks before or three weeks after the candidate assignment.

In adopted new §228.93(a)(4), "not assigned to the clinical teacher" parallels language to the similar requirement for mentor teacher qualifications.

§228.95, Host Teacher Qualifications and Responsibilities

Adopted new §228.95(a) defines the requirements for host teachers as at least three creditable years of teaching experience (19 TAC Chapter 153, Subchapter CC, Commissioner's Rules on Creditable Years of Teaching Experience), recognition as an accomplished teacher demonstrated by at least three years of teacher evaluations with a proficient or above proficient appraisal rating, evidence of student growth and achievement impact, and other dispositional criteria defined by the EPP and district/campus administration partnership. Host teachers are required to be trained by the EPP at least twice per school year on best practices in coaching, mentoring, and co-teaching, cannot already be assigned as a field supervisor, and are required to hold a valid certificate in the certification category of the residency assignment.

Adopted new §228.95(b) establishes the duties of a host teacher to include supporting the candidate's development in a co-teaching model that allows for gradual release of the candidate to lead instruction, providing feedback and support on key dimensions such as classroom management and assessment, and reporting the candidate's progress during collaboration with the field supervisor at least monthly.

§228.97, Mentor Qualifications and Responsibilities

Adopted new §228.97(a)(5) provides flexibility to the training requirement for mentor teachers by expanding the window of time of the training to twelve weeks before or three weeks after the candidate's assignment start date.

§228.99, Site Supervisor Qualifications and Responsibilities

Adopted new §228.99 sets out the qualifications and responsibilities of a site supervisor in a separate subsection for ease of reference. Section 228.99(a)(3) provides flexibility to the training requirement for site supervisors by expanding the window of time in which the EPP must provide the training from three weeks to within twelve weeks before or three weeks after the candidate's assignment start date. This flexibility allows for training to occur before the start of school if needed.

§228.101, Field Supervisor Qualifications and Responsibilities

Adopted new §228.101(a) identifies the field supervisor must be an accomplished educator with experience and certification in the class of certificate being pursued by the candidate observed and the appropriate training for the role of field supervisor.

Adopted new §228.101(a)(4) requires that field supervisors of residency candidates are trained annually by the EPP in coaching, candidate evaluation, and co-teaching strategies and participate in school and district trainings as determined by the partnership. All other qualifications remain consistent with field supervisor qualifications for all other candidates.

Adopted new §228.101(a)(8) and (9) establish that a field supervisor must hold a current certification in which supervision is provided or, at a minimum, a master's degree in the academic area or field related to the certification area being supervised and compliance with continuing professional education requirements in Chapter 232, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements.

Adopted new §228.101(b)(1) requires the supervision of each candidate be conducted by a field supervisor that has been trained annually by the EPP and completes the TEA-approved field supervisor training every three years. Field supervisors that have previously completed the TEA-approved training must renew the training by September 1, 2026. Field supervisors that hold valid Texas Teacher Evaluation and Support System (T-TESS) certification do not need to complete the TEA-approved field supervisor training.

Adopted new §228.101(b)(5)(A) requires that, at a minimum, field supervisors must provide informal observations and ongoing coaching, informed by the areas identified for improvement in the formal post-observation conference, at least three times per semester for at least 15 minutes for candidates in clinical teaching, internships, and practicum assignments, and must include observation and feedback on targeted skills.

The language in adopted new §228.101(b)(5)(B) requires that the first informal observation must occur within the first six weeks of the clinical teaching or internship assignment and must be in person, while providing flexibility for the remainder of informal observations to be conducted in person or virtually.

Adopted new §228.101(b)(5)(C) establishes that all informal observations for practicums may be conducted virtually.

Adopted new §228.101(b)(6) requires the first two informal observations for late hire candidates to be conducted in person within the first eight weeks of the candidate's start date to ensure early responsive support for teacher candidates who are entering the classroom as a teacher of record with limited previous preparation.

Adopted new §228.101(b)(7) requires informal observations for candidates in residency assignments.

Adopted new §228.101(b)(9)-(12) requires that the field supervisor must collaborate with the candidate and cooperating teacher, mentor and campus supervisor, or site supervisor, as applicable throughout the clinical experience and defines quality and frequency of the collaboration to ensure candidates receive consistent support.

§228.103, Formal Observations for Candidates in Residency Assignments

Adopted new §228.103(a) requires the EPP to provide the first formal observation within the first six weeks of the residency assignment.

Adopted new §228.103(b) requires two in-person 45-minute formal observations per semester that include pre- and post-observation conference with the candidate.

§228.105, Formal Observations for All Candidates for Initial Classroom Teacher Certification

Adopted new §228.105 sets out the requirements for formal observations that apply to all classroom teacher certification candidates regardless of their certification route.

§228.107, Formal Observations for Candidates in Clinical Teaching Assignments

Adopted new §228.107 sets out the observation requirements that apply specifically to clinical teaching. The observation requirements align with the duration of clinical teaching in adopted new §228.67, Clinical Teaching.

§228.109, Formal Observations for Candidates in Internship Assignments

Adopted new §228.109 sets out the observation requirements that apply specifically to internships. In response to stakeholder feedback, the number of formal observations conducted for candidates holding Probationary certificates was increased from three to five.

§228.111, Formal Observations for Candidates Employed as Educational Aides

Adopted new §228.111 sets out the observation requirements that apply specifically to candidates seeking to complete their clinical teaching while working as educational aides. In response to stakeholder feedback, the number of formal observations conducted was increased from three to four.

§228.113, Support and Formal Observations for Candidates Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12

Adopted new §228.113 sets out the observation requirements that apply specifically to candidates seeking supplemental certification as a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12.

Adopted new §228.113(c)(3) provides specification regarding the pre- and post-observation activities that must be conducted relative to the observation.

§228.115, Support and Formal Observations for Candidates Seeking the Deafblind Supplemental: Early Childhood-Grade 12 Certification

Adopted new §228.115 sets out the observation requirements that apply specifically to candidates seeking supplemental certification as a teacher of Deafblind Supplemental: Early Childhood-Grade 12 certification.

§228.117, Support and Formal Observations for Candidates Other Than Classroom Teacher

Adopted new §228.117 establishes the requirements for EPPs supporting candidates seeking certificates other than classroom teacher during the candidates' practicums.

Adopted new §228.117(b)(3) provides specification regarding when the pre-observation and post-observation activities should be conducted relative to the observation.

Subchapter G. Complaints and Investigations

§228.121, Complaints and Investigations Procedures

Adopted new §228.121(d)(3)(B) requires the EPP to respond to requests for more information during a complaint's investigation within 10 business days.

Adopted new §228.121(d)(4)(D) requires TEA staff to provide written notice to the EPP under investigation when TEA staff closes an investigation.

§228.123, Educator Preparation Program Responsibilities for Candidate Complaints

Adopted new §228.123(a) establishes that an EPP must adopt and send to TEA staff 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.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began December 29, 2023, and ended January 29, 2024. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the February 16, 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: Several commenters stated that the proposed changes in 19 TAC Chapter 228 provide flexibility to EPPs and implement the residency program, creating well-prepared teachers to enter Texas classrooms.

Response: The SBEC agrees. The addition of the residency pathway, the inclusion of additional support for teacher candidates, and the added flexibility for EPPs to implement the rules are all strengths of new 19 TAC Chapter 228.

Comment: An individual commented that field-based experience should be increased to 50 hours for programs offering a full year of student teaching and that the requirement to include the first and last day of instruction will create additional hurdles for both districts and university based EPPs.

Response: The SBEC disagrees. The repeal of and new 19 TAC Chapter 228 sets the floor for required training hours. The increase to 50 field-based experience (FBE) hours and the requirement to include FBE as part of instructional experiences is required of all teacher candidates so that all will have equitable and meaningful pre-service experiences regardless of their certification route or clinical experience model. The SBEC disagrees with removing the requirement for first and last day of instruction from the Residency requirements. Existing residency EPPs, district stakeholders, and former residents have all been clear and consistent that the value of having residents experience the first and last day of school outweighs initial planning challenges.

Comment: An individual opposed the revision to §228.101(b)(1) because it would be costly to the field supervisor and/or EPP and unnecessary. Additionally, the commenter suggested that it should not be a requirement to retrain supervisors in the Texas Teacher Evaluation and Support System (T-TESS) every three years since there is no requirement to utilize T-TESS when observing candidates. The commenter noted that their own EPP uses the National Institute for Excellence in Teaching Rubric and is already required to recertify every year. The commenter suggested that EPPs have the ability to retain a waiver to not have to retrain field supervisors every three years in T-TESS if they use their own reliable rubric of choice.

Response: The SBEC disagrees. The rule does not require retraining in T-TESS but rather to maintain an active T-TESS certification as one of the options for field supervisor training. Field supervisors also can complete TEA's Field Supervisor Training every three years if that is preferable to T-TESS. Standardizing the training for field supervisors and requiring the approved training be completed every three years maintains equity in the field and

ensures that all educators acting in a field supervisory role are utilizing up-to-date methods and best practices according to the SBEC.

Comment: An individual opposed the proposed repeal of and new 19 TAC Chapter 228. The commenter stated that the residency pathway is inequitable because it provides an advantage to EPPs and candidates who can afford a residency option and to districts who can afford to pay residents. The commenter argued that many districts are at a loss as to how they can locate funds to compensate residents without funding from the legislature. The commenter also stated that some candidates may be unable to secure a residency that matches their certification being sought and that residency programs are costly to EPPs because they require additional compensation for field supervisors. The commenter expressed concern that candidates will be able to complete clinical experience in one semester and that the September 1, 2024 implementation date does not provide EPPs enough time to make adjustments to the proposed changes. The commenter also expressed concern that proposed changes are not being communicated well enough with school district stakeholders.

Response: The SBEC disagrees. Implementation of a Residency route is completely optional for EPPs and would only be implemented by EPPs who establish the structures and partnerships necessary to support the Residency pathway. EPPs who choose to offer Residency pathways would collaborate with their partnering districts to recruit and prepare candidates in the needed certificate categories. A variety of programs currently offer residency-like supports in diverse geographical and programmatic settings, and technical assistance has been made available to EPPs and partnership districts since 2022 to implement sustainably paid residency models. In addition, the current options that allow candidates to complete clinical teaching in one semester or across two semesters per individual EPP requirements will continue to be available to all candidates in new Chapter 228. In preparation for implementation of the new requirements, EPPs should begin working on quality updates ahead of the September 1, 2024 implementation date, but EPPs will not be accountable for demonstrating the updates in a 5-year continuing approval review until the 2025-2026 academic year.

Comment: An individual opposed several components of the proposed repeal of and new 19 TAC Chapter 228. The commenter stated that §228.101(b)(5) and §228.107(b) will increase field observation costs at The University of Texas at San Antonio (UTSA) from approximately \$237,000 to almost \$500,000, which the commenter considers an unfunded mandate because Texas university systems promised the Texas Legislature not to raise fees. The commenter stated that the required nine observations in fourteen weeks in two-assignment situations as proposed in §228.107 is excessive and will likely result in UTSA no longer placing all-grades candidates in two assignments. The commenter questioned whether the extra observations are more valuable than the multi-grade experience. The commenter suggested that §228.31 is bad for candidates and universities in a myriad of ways.

Response: The SBEC disagrees. Regarding informal observations: the requirement to conduct informal observations exists in the current Chapter 228 and, therefore, would presumably already be built into the EPP's budget. The revised Chapter 228 adds specificity to improve clarity related to the SBEC's prioritization of the critical role informal observation and coaching plays in teacher development. Furthermore, multiple EPP stakeholders have shared that they either were already conducting the minimum number of required informal observations in alignment with the previous Chapter 228 guidance, or that--because of the flexible nature of the rule--they will be able to implement informal observations in a cost neutral way. Regarding all-grade candidates in two placement assignments, additional formal observations are required in the currently adopted version of 19 TAC Chapter 228 for teacher candidates who complete clinical experiences in more than one certificate category that cannot be observed concurrently in the same class period. Finally, much of the new 19 TAC §228.31, Minimum Educator Preparation Program Obligations to All Candidates, is already existing in the current version of Chapter 228. Updates to areas, such as the EPP exit policy and requirements for candidates who request changes to their certification area after admission, provide more definition to rules that previously were not clear to EPPs or transparent for candidates and districts.

Comment: An individual commented in favor of the proposed repeal of and new 19 TAC Chapter 228. The commenter advised that one of the barriers to the implementation of a residency program for EPPs are the current regulations under 19 TAC Chapter 228, and that the proposed changes will provide EPPs the flexibility to engage in residency models and will favor a more rigorous preparation pathway. The commenter believes that the proposed repeal will lead to teacher candidates entering the profession with greater experience and confidence, helping teaching students reach their full potential.

Response: The SBEC agrees. The addition of the residency pathway, the inclusion of additional support for teacher candidates, and the added flexibility for EPPs to implement the rules are all strengths of new 19 TAC Chapter 228.

Comment: An individual opposed the proposed changes and advocated for the inclusion of all activities during a school day (including professional development, tutoring, conference periods, and extracurricular activities) be included as clinical teaching hours.

Response: The SBEC disagrees. Clinical teachers can participate in all school activities; however, only those hours that meet the subject area and grade level requirements can count for actual clinical teaching. This ensures that the candidate has authentic opportunities to learn and practice within the core instructional setting where they will be serving as a teacher of record.

Comment: Multiple commenters agreed with additional support such as non-evaluative observation and feedback for novice teachers through informal observations and coaching by their field supervisors. Multiple commenters stated that providing targeted touchpoints and supports at the beginning of the year will help teacher-candidates build a relationship with their EPP and specifically with their assigned field supervisor, so they see them as a resource meant to support their growth as a novice teacher.

Response: The SBEC agrees. The addition of specificity related to informal observations will ensure that candidates receive coaching and development rather than just formal evaluation. Concentrating field supervisor / candidate interactions at the beginning of the year will foster a strong connection between the candidate and their field supervisor.

The SBOE took no action on the review of the repeal of 19 TAC §§228.1, 228.2, 228.10, 228.15, 228.17, 228.20, 228.30, 228.33, 228.35, 228.40, 228.50, 228.60, and 228.70 and new §§228.1, 228.2, 228.4, 228.6, 228.11, 228.13, 228.15, 228.17, 228.19, 228.21, 228.23, 228.25, 228.31, 228.33, 228.35, 228.37, 228.39, 228.41, 228.43, 228.45, 228.47, 228.49, 228.51, 228.53, 228.55, 228.57, 228.61, 228.63, 228.65, 228.67, 228.69, 228.71, 228.73, 228.75, 228.77, 228.79, 228.81, 228.91, 228.93, 228.95, 228.97, 228.99, 228.101, 228.103, 228.105, 228.107, 228.109, 228.111, 228.113, 228.115, 228.117, 228.121, and 228.123 at the April 12, 2024 SBOE meeting.

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §§21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §21.0443, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the

SBEC authority to require any person to give information to the Board for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; and TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §55.007.

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§228.1. General Provisions

§228.2. Definitions

§228.10. Approval Process

§228.15. Program Consolidation or Closure

§228.17. Change of Ownership and Name Change

§228.20. Governance of Educator Preparation Programs

§228.30. Educator Preparation Curriculum

§228.33. Intensive Pre-Service

§228.35. Preparation Program Coursework and/or Training

§228.40. Assessment and Evaluation of Candidates for Certifications and Program Improvement

§228.50. Professional Conduct
§228.60. Implementation Date
§228.70. Complaints and Investigations Procedures

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STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §§21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §21.0443, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the Board for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; and TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, which requires that candidates complete at

least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §55.007.

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§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 (EPP) 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 Texas Education Code (TEC), §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.

§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 (IHE), September 1 through August 31.
- (2) Accredited institution of higher education--An IHE 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) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.25(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 from an accredited IHE.
- (4) Analysis--examining teaching and/or instructional resources (e.g., student work samples, a video of teaching practices) to recognize key teaching practices enacted in a variety of ways, build understanding of the practice through repeated review, develop a shared vision for a teacher practice, and compare their own practice for improvement.
- (5) Assignment start date--For an internship, clinical teaching, or residency, the first day of instruction with students. For a nonteacher practicum experience, the first day of the window in which the candidate is authorized by the EPP to begin the practicum experience.
- (6) Authentic school setting--For the purpose of field-based experiences, during the school day and the school year and including summer school; not to include professional development, extracurricular activities, workdays when students are not present, and before- or after-school childcare or tutoring.
- (7) Benchmarks--Reference points throughout the preparation process where candidates are assessed for progress toward completing EPP requirements (e.g., admission, passing a specific course or courses, passing a certification exam, completing preservice requirements).
- (8) Campus supervisor--A school administrator or designee responsible for the annual performance appraisal of an intern or a candidate pursuing a residency certificate.
- (9) Candidate--An individual who has been formally or contingently admitted into an EPP; also referred to as an enrollee or participant.
- (10) Candidate coach--A person as defined in §228.39(b)(1)-(3) of this title (relating to Intensive Pre-Service) who participates in a minimum of four observation/feedback coaching cycles provided by program supervisors, completes a Texas Education Agency (TEA)-approved observation training or has completed a minimum of 150 hours of observation/feedback training, and has current certification in the class in which supervision is provided.

- (11) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (12) 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.
- (13) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide, a full-time administrator, or a substitute teacher.
- (14) Clinical experience--A supervised educator assignment through an EPP at a public school accredited by the TEA or other school approved by the TEA for this purpose where candidates demonstrate proficiency in the standards for the certificate sought and that may lead to completion of a standard certificate. Clinical experience includes clinical teaching, internship, practicum, and residency.
- (15) Clinical teaching--A supervised teacher assignment through an EPP in the classroom of a cooperating teacher at a public school accredited by the 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.
- (16) 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 IHE is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, internship, residency, and practicum are actual hours spent in the required educational activities and experiences.
- (17) Contingency admission--Admission as described in §227.15 of this title (relating to Contingency Admission).
- (18) Completer--A person who has met all the requirements of an approved EPP; also referred to as finisher. 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.
- (19) Cooperating teacher--For a clinical teacher candidate, an educator who is collaboratively assigned by the EPP and campus administrator who supports the candidate during the clinical teaching experience.
- (20) Co-teaching--A practice in which two or more teachers share instructional responsibility for a single group of students to address specific content and related learning objectives through a variety of approaches that best support the students' learning needs.
- (21) Educator--An individual who is required to hold a certificate issued under TEC, Chapter 21, Subchapter B.
- (22) Educator preparation program--An entity that is approved by the SBEC to prepare and recommend candidates for certification in one or more educator certification classes.
- (23) Enactments--Opportunities to engage teacher candidates in sheltered/protected practice to develop a skill through such examples as doing student work, role playing student interactions, coached lesson rehearsals, and peer run throughs of a proposed lesson. Candidates should have the opportunity to receive feedback on current practice and integrate feedback into future practices.
- (24) Enhanced standard certificate--A type of certificate issued to an individual who has met all requirements as specified in §230.39(b) of this title (relating to Enhanced Standard Certificates) under the teacher class of certificates.
- (25) Entity--The individual, corporation, partnership, IHE, public school or school district that is approved to deliver an EPP.
- (26) Field-based experiences--Introductory experiences for a classroom teacher certification candidate, incorporated with preparation coursework that involve, at the minimum, reflective observation of and interaction with Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in an authentic school setting.
- (27) Field supervisor--A currently certified educator, who preferably has advanced credentials, hired by the EPP to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.
- (28) Formal admission--Admission as described in §227.17 of this title (relating to Formal Admission).
- (29) Head Start Program--The federal program established under the Head Start Act (42 United States Code (USC), §9801 et seq.) and its subsequent amendments.
- (30) Host teacher--for a teacher resident candidate, an educator who is jointly assigned by the EPP and the campus administrator who supports the candidate through co-teaching and coaching during their teacher residency field placement.
- (31) Initial certification--The first Texas certificate in a class of certificate issued to an individual based on participation in an approved EPP.

- (32) Intensive pre-service--An educator assignment supervised by an EPP accredited and approved by the SBEC prior to a candidate meeting the requirements for issuance of intern and probationary certificates.
- (33) Intern certificate--A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has passed all required content pedagogy certification examinations and is completing requirements for initial certification through an approved EPP.
- (34) Internship--A paid supervised classroom teacher assignment for one full school year at a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.
- (35) Late hire--An individual who is both accepted into an EPP after the 45th day before the first day of instruction and hired for a teaching assignment by a school after the 45th day before the first day of instruction or after the school's academic year has begun.
- (36) Long-term substitute--An individual that has served in place of a teacher of record in a classroom for at least 30 consecutive days; also referred to as a permanent substitute.
- (37) Mentor--For an internship candidate, an educator who is employed as a classroom teacher on the candidate's campus and who is assigned to support the candidate during the internship experience.
- (38) Pedagogy--The art and science of teaching that incorporates instructional methods that are developed from scientifically based research.
- (39) Performance task--An assessment in which the teacher candidate applies learning and demonstrates a discrete set of skills, resulting in a tangible product or performance that serves as evidence of learning. The assessment must be evaluated using a standard rubric or set of criteria and must not include multiple-choice questions.
- (40) Post-baccalaureate program--An EPP, delivered by an accredited IHE and approved by the SBEC to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree and are seeking an additional degree.
- (41) Practicum--A supervised educator assignment at a public school accredited by the TEA or other school approved by the TEA for this purpose that is in a school setting in the particular class for which a certificate in a class other than classroom teacher is sought.
- (42) Probationary certificate--A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved EPP.
- (43) Representations--Artifacts and illustrations of instruction used to help teacher candidates see and analyze strong teaching practices. Representations expose teacher candidates to and build understanding of specific criteria of effective teacher practices, as well as deepen their content knowledge for teaching. May include teacher educator modeling, student work, videos and transcripts.
- (44) Residency--A supervised educator assignment for an entire school year through a partnership between an EPP and a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of an enhanced standard certificate.
- (45) School day--Actual school attendance days during the regular academic school year, including a partial day that students attend school for instructional purposes as adopted by the district or governing body of the school, excluding weekends, holidays, summer school, etc. For the purpose of completing clinical experiences, the school day must be at least four hours, including intermissions and recesses, but not including lunch periods, professional development, or extracurricular activities.
- (46) School year--The period of time starting with the first instructional day for students through the last instructional day for students as identified on the calendar of the campus or district for the school year in which the candidate is completing the clinical experience.
- (47) Site supervisor--For a practicum candidate, an educator who is assigned collaboratively by the campus or district administrator and the EPP and who supports the candidate during the practicum experience.
- (48) Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title.
- (49) Students with disabilities--A student who is eligible to participate in a school district's special education program under Texas Education Code, §29.003, is covered by Section 504, Rehabilitation Act of 1973 (29 USC Section 794), or is covered by the Individuals with Disabilities Education Act (20 USC Section 1400 et seq.).
- (50) Substitute teacher--An individual that serves in place of a teacher of record in a classroom in an accredited public or private school.
- (51) Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.

(52) Texas Education Agency staff--Staff of the TEA assigned by the commissioner of education to perform the SBEC's administrative functions and services.

(53) 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.

§228.4. Declared State of Disaster.

If the governor declares a state of disaster consistent with Texas Government Code, §418.014, Texas Education Agency staff may extend deadlines in this chapter for up to 90 days and decrease clinical teaching, internship, and practicum assignment minimums by up to 20 percent as necessary to accommodate persons in the affected disaster areas.

§228.6. Implementation Date.

The provisions of this chapter are effective September 1, 2024, unless otherwise specified in rule.

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STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §§21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §21.0443, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the Board for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; and TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, which requires that candidates complete at

least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §55.007.

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§228.11. New Entity Approval.

(a) An entity seeking initial approval to deliver an educator preparation program (EPP) shall attend a new applicant workshop conducted by Texas Education Agency (TEA) staff and, by December 1 of the same year as the entity attends the workshop, submit an application with evidence indicating the ability to comply with the provisions of this chapter, Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates), Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs), and Chapter 230 of this title (relating to Professional Educator Preparation and Certification).

(1) The application will be in a format determined by the TEA and shall include all the following program components:

- (A) ownership and governance of the EPP;
- (B) criteria for admission to the EPP;
- (C) EPP curriculum;
- (D) EPP coursework and training, including ongoing support during clinical teaching, internship, practicum, and residency experiences;
- (E) assessment and evaluation of candidates for certification and EPP improvement;
- (F) professional conduct of EPP staff and candidates;
- (G) EPP complaint procedures;
- (H) certification procedures;
- (I) required submissions of information, surveys, and other accountability data; and
- (J) as required under Texas Education Code (TEC), §21.0443(b)(1) and (2), instruction for all candidates in proactive instructional planning techniques and inclusive practices for all students throughout coursework and clinical experiences.

(2) The applicant may submit an application for one certificate class and up to five certificate categories within the certificate class requested for initial approval.

(3) The applicant must provide evidence the proposed program has the staff, knowledge, and expertise to support individuals in each certificate class and category being requested.

(b) TEA staff will review the application and conduct a pre-approval site visit.

(c) TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved.

(d) A post-approval site visit will be conducted after the end of the first academic year in which the entity reports completers to TEA in accordance with §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data).

(e) All EPPs must be implemented as approved by the SBEC.

(f) An individual or entity seeking approval from the SBEC as an EPP must have at least one physical location open for business in the state of Texas.

§228.13. Continuing Educator Preparation Program Approval.

(a) An educator preparation program (EPP) under this chapter shall be reviewed at least once every five years; however, a review may be conducted at any time at the discretion of Texas Education Agency (TEA) staff. Beginning with the 2026-2027 academic year, continuing approval reviews will evaluate implementation of the requirements of this chapter, including implementation during the 2025-2026 academic year.

- (b) To conduct the five-year review, TEA staff may conduct either:
- (1) an onsite visit, in which TEA staff go in person to an EPP's physical location to review the EPP's evidence of compliance; or
 - (2) a desk review, in which TEA staff review the EPP's evidence of compliance remotely.
- (c) To efficiently administer and implement the State Board for Educator Certification (SBEC)'s purpose under this chapter and the Texas Education Code (TEC), TEA staff must use the following risk factors to determine the need for discretionary reviews and the type of five-year reviews:
- (1) a history of the EPP's compliance with state law and SBEC 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 EPP's compliance history;
 - (2) whether the EPP meets the accountability standards under TEC, §21.045; and
 - (3) whether the EPP is accredited by other organizations.
- (d) When an EPP consolidates with another EPP as described in §228.21 of this title (relating to Program Consolidation or Closure), TEA staff shall conduct a review of the resulting program within one year after the effective date for the consolidation.
- (e) The EPP under review must pay the fee for the continuing approval review, as set out in §229.9 of this title (relating to Fees for Educator Preparation Program Approval and Accountability), prior to the start date of the review.
- (f) At the time of the review, the EPP shall submit to TEA staff a status report regarding its compliance with existing standards and requirements for EPPs and documentary evidence of its compliance. To determine whether the EPP's evidence of compliance is sufficient, the EPP shall be scored on a rubric developed and published by TEA staff. Eighty percent of the records reviewed must be compliant with applicable requirements in the Texas Administrative Code and TEC. Evidence of compliance is described in the figure provided in this subsection.
Figure: 19 TAC §228.13(f)
- (g) An EPP's participation in a continuing approval review pilot may serve as the EPP's required five-year review as prescribed in subsection (a) of this section.
- (h) An EPP is responsible for establishing procedures and practices to ensure the security of information against unauthorized or accidental access, disclosure, modification, destruction, or misuse prior to the expiration of the retention period. Unless specified otherwise, the EPP must retain evidence of compliance described in the figure provided in subsection (f) of this section for a period of five years. The EPP shall retain documents that evidence a candidate's eligibility for admission to the EPP and all evidence of a candidate's completion of all EPP requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the EPP.

§228.15. Additional Approval.

- (a) 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 Texas Education Agency (TEA) staff on an application in a form developed by TEA staff that shall include, at a minimum, the following:
- (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 cooperating teachers;
 - (4) description of support and communication between candidates, cooperating teachers, and the alternative certification program;
 - (5) description of program supervision; and
 - (6) description of how candidates are evaluated.
- (b) An educator preparation program (EPP) seeking approval to implement a residency program must submit a complete application in a form developed by TEA staff for consideration and approval by the State Board for Educator Certification (SBEC). The application must include evidence indicating the ability to comply with the provisions of this chapter and Chapter 230 of this title (relating to Professional Educator Preparation and Certification).

(1) To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Evidence of compliance is described in the figure provided in this paragraph.

Figure: §228.15(b)(1)

(2) TEA staff will review the application and required evidence and shall recommend to the SBEC whether the residency program should be approved.

(3) A post-approval site visit will be conducted after the end of the first academic year in which the program reports residency completers to the TEA in accordance with §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data).

(c) An EPP seeking the addition of certificate categories and classes must comply with the following as applicable.

(1) An EPP that is rated Accredited, as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request the addition of a certificate class that has not been previously approved by the SBEC but must present a complete application in a form developed by TEA staff for consideration and approval by the SBEC. The application at a minimum must include the components identified in §228.11(a)(1) of this title (relating to New Entity Approval) and must document evidence that the EPP has the staff knowledge and expertise to support individuals participating in the certificate class being requested.

(2) An EPP that is rated Accredited, as provided in §229.4 of this title, may request additional certificate categories be approved by TEA staff if the requested additional certificate categories are within the classes of certificates for which the EPP has been previously approved by the SBEC, by submitting an application in a form developed by TEA staff. The application shall include, at a minimum, the curriculum matrix, a description of how the educator standards for the certificate are incorporated into the coursework and training; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in the certificate category being requested. The curriculum matrix must include the educator standards, the test framework competencies, the applicable Texas Essential Knowledge and Skills, the course and/or module names, and the benchmarks and assessments used to measure mastery of the standards and competencies and candidate progress through coursework.

(3) An EPP rated Accredited, as provided in §229.4 of this title, and currently approved to offer a certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category at different grade levels if the requested additional certificate categories are within the classes of certificates for which the EPP has been previously approved by the SBEC, by submitting an application in a form developed by TEA staff that shall include, at a minimum, a modified curriculum matrix that includes:

(A) the educator standards;

(B) test framework competencies;

(C) course and/or module names; and

(D) the benchmarks and assessments used to measure successful program progress.

(4) An EPP that has an accreditation status other than Accredited, as listed in §229.4 of this title, may not apply to offer additional certificate categories or classes of certificates.

(d) An EPP that is rated Accredited, may open additional locations, provided the program informs TEA staff 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. An EPP that has an accreditation status listed in §229.4 of this title other than Accredited may not open additional locations.

§228.17. Limitations on Educator Preparation Program Amendments.

(a) An educator preparation program (EPP) that is rated Accredited or Accredited-Not Rated may amend its program, provided the program informs Texas Education Agency (TEA) staff of any amendments 60 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment to its program on a letter signed by the EPP's legal authority or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment.

(b) An EPP that is not rated Accredited or Accredited-Not Rated may amend its program, provided the program informs TEA staff of any amendments 120 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment on a letter signed by the EPP's legally authorized agent or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment. The EPP shall be notified in writing of the approval or denial of its proposal within 60 days following the receipt of the notification by TEA staff.

§228.19. Contingency of Approval.

- (a) Approval of an educator preparation program (EPP), including each specific certificate class and category, by the State Board for Educator Certification, 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.
- (b) Continuing EPP approval is contingent upon compliance with superseding state and federal law.

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STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §§21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §21.0443, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the Board for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; and TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, which requires that candidates complete at

least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §55.007.

<rule>

§228.21. Program Consolidation or Closure.

(a) An educator preparation program (EPP) that is consolidating or closing, whether as an entire program or only for specific individual certification categories or classes and whether voluntarily or by order of the State Board for Educator Certification (SBEC), must comply with the following procedures to ensure that all issues relevant to EPP consolidation or closure have been addressed.

(1) The EPP shall submit a letter on official letterhead to Texas Education Agency (TEA) staff signed by the legal authority of the EPP that contains a formal statement of consolidation or closure with a specified effective date for consolidation or closure at least 90 days and no more than 270 days after the date of the letter.

(2) The legal authority of the EPP shall meet with TEA staff weekly between the date of the notice letter required in paragraph (1) of this subsection and the date of closure.

(3) The EPP shall contact the following types of candidates, either in the entire program or in the impacted certification category or class depending on the scope of the closure, with notification of consolidation or closure and the steps candidates must take in relation to their status, and shall maintain evidence of the attempts to notify each candidate:

(A) currently enrolled candidates;

(B) candidates who have been enrolled within the previous five years; and

(C) completers within the previous five years.

(4) The EPP shall not admit candidates or recommend candidates for an intern or probationary certificate within one year of its closure date.

(5) The EPP shall identify approved EPPs to provide test approval and standard certification recommendations for completers at the closing EPP.

(A) The closing EPP shall provide its candidates with a list of approved EPPs that can continue to support completers through test approval and standard certification.

(B) To expedite the candidates' transfer to other programs, the closing EPP shall provide each candidate with appropriate documentation, such as a transcript or transfer form, reflecting all program requirements the candidate has met.

(6) For five years after an EPP's closure, the EPP must identify and keep current a representative's name, electronic mail address, and telephone number to provide access to candidate records and responses to former candidate's questions and/or issues. If an EPP is consolidating, the candidate records will transfer to the new EPP.

(7) The EPP must complete required SBEC and TEA actions, including required submissions of information, surveys, and other accountability data; removal of security accesses; reconciliation of certification recommendations; and payment of the Accountability System for Educator Preparation Programs technology fee as specified in §229.9 of this title (relating to Fees for Educator Preparation Program Approval and Accountability).

(b) The chief operating officer, legal authority, or a member of the governing body of an EPP that fails to comply with the consolidation or closure procedures in this section is not eligible to apply for SBEC approval to offer an EPP.

(c) The chief operating officer, legal authority, or a member of the governing body of an EPP that closes voluntarily due to pending TEA or SBEC action or involuntarily due to SBEC action is not eligible to apply for SBEC approval to offer an EPP.

(d) If an EPP is consolidating or closing only individual certification classes or categories and fails to comply with the consolidation procedures in this section, TEA staff may make a recommendation that the SBEC impose

sanctions affecting the new 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).

(e) If an EPP violates any of the requirements as prescribed in subsection (a)(1)-(7) of this section, TEA staff shall recommend revocation of the EPP's continuing approval to prepare and recommend candidates for certification in accordance with §229.6(c) of this title.

§228.23. Change of Ownership and Name Change.

(a) An educator preparation program (EPP) that changes ownership shall notify Texas Education Agency (TEA) staff of the change of ownership in writing within 10 days of the change.

(b) A change of ownership is any agreement to transfer the control of an EPP. The control of an EPP is considered to have changed:

(1) in the case of ownership by an individual, when more than 50% of the EPP has been sold or transferred;

(2) in the case of ownership by a partnership or a corporation, when more than 50% of the owning partnership or corporation has been sold or transferred; or

(3) in the case of ownership by a board of directors, officers, shareholders, or similar governing body, when more than 50% of the ownership has changed.

(c) An EPP that is not a college or university may not change its name unless it has notified the TEA of a change of ownership within the preceding 90 days and has a State Board for Educator Certification (SBEC) accreditation status of Accredited or Accredited-Not Rated. The EPP shall notify TEA staff of the name change in writing.

(d) An EPP that is a college or university may change its name if the EPP has notified the TEA that the entire college or university has changed its name.

(e) An EPP shall annually report to the SBEC all names that the EPP has done business as during the preceding year. The TEA shall make EPPs' doing-business-as names available to the public on the TEA website as consumer information.

(f) TEA staff shall recommend an accreditation status of Accredited-Probation in accordance with §229.4(e)(2) of this title (relating to Determination of Accreditation Status) for any EPP that fails to timely notify TEA staff regarding a change in ownership or a change of program name.

§228.25. Governance of Educator Preparation Programs.

(a) 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.

(b) An advisory committee with members representing at least three out of the five groups identified as collaborators in subsection (a) of this section shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP) and shall meet a minimum of once during each academic year. The approved EPP shall inform each member of the advisory committee of the roles and responsibilities of the advisory committee.

(c) The governing body and chief operating officer of an EPP 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 EPP recommends for certification.

(d) For an EPP that the State Board for Educator Certification has approved to offer a residency program under §228.65 of this title (relating to Residency), the EPP must meet at least quarterly with district and campus administrators of the school district with which the EPP has partnered, including the campus supervisors of all the EPP's current residency candidates, to review data, including performance data, for the EPP's current residency candidates and to make programmatic decisions or changes to implement continuous improvement of the EPP's residency program.

(e) For the purposes of EPP improvement, an EPP shall continuously evaluate the design and delivery of the EPP components based on performance data, scientifically based research practices, and the results of internal and external feedback and assessments.

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §§21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §21.0443, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the Board for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; and TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, which requires that candidates complete at

least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §55.007.

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§228.31. Minimum Educator Preparation Program Obligations to All Candidates.

- (a) Each educator preparation program (EPP) must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching or internship experience. If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching experience or internship or, if a late hire, by the specified deadline in the late hire provision.
- (b) All EPPs shall have a published exit policy for dismissal of candidates that is reviewed and signed by candidates upon admission. The exit policy must identify a point of dismissal for inactive candidates after no more than two years of inactivity, or university-based EPPs may adopt their institution's policy. An inactive candidate is one who is no longer completing coursework, training, and testing requirements with an EPP and is not a completer of the EPP.
- (c) To ensure that a candidate for educator certification is prepared to receive a standard or enhanced standard certificate, the EPP shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP and provide support and interventions to each candidate based on the benchmark and structured assessment results.
- (d) An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate examination(s) required for certification. An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct.
- (e) The EPP shall grant test approval when the EPP determines the candidate is ready, or if the candidate is a completer. An EPP may make test approval contingent on a candidate completing additional coursework and/or training to show that the candidate is prepared to pass the test if the candidate is seeking test approval from the EPP in an area where the standards and/or test changed since the candidate completed all requirements of the EPP or if the candidate has returned to the EPP for test approval one or more years following the academic year of completion of all program requirements.
- (f) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP only if:
 - (1) the candidate would meet the requirements for admission under §227.10 of this title (relating to Admission Criteria) in the requested certificate category;
 - (2) the EPP provides coursework and training in the educator standards and test framework competencies related to the requested certificate category; and
 - (3) the EPP ensures that the candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for the requested certificate category.
- (g) An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP.
- (h) An EPP shall ensure that candidates complete all coursework and training and complete a successful clinical experience prior to identifying the candidate as a completer and recommending standard or enhanced standard certification. Candidates for teacher certification that meet one of the requirements in §228.79 of this title (relating

to Exemptions from Required Clinical Experiences for Classroom Teacher Candidates) are exempt from completing the required field-based experience and clinical experience.

(i) 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 a candidate completes, withdraws from, or is discharged or released from the program.

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

§228.33. Preparation Program Coursework and/or Training for All Certification Classes.

(a) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the assignment.

(b) Coursework and/or training shall be sustained, rigorous, intensive, interactive, candidate-focused, and must include multiple performance tasks and other evaluative tools that require candidates to demonstrate proficiency in the educator standards and test framework competencies related to the certificate class or category sought.

(c) All coursework and/or training shall be completed prior to an EPP identifying a candidate as a completer and recommending standard or enhanced standard certification.

(d) Coursework and training that is offered online must meet criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:

(1) Accreditation or Certification by the Distance Education Accrediting Commission;

(2) Program Design and Teaching Support Certification by Quality Matters;

(3) Part 1, Chapter 4, Subchapter P, of this title (relating to Approval of Distance Education Courses and Programs for Public Institutions); or

(4) Part 1, Chapter 7, of this title (relating to Degree Granting Colleges and Universities Other than Texas Public Institutions).

§228.35. Substitution of Applicable Experience and Training.

Each educator preparation program (EPP) must develop and implement specific criteria and procedures that allow:

(1) military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought;

(2) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought; and

(3) candidates who previously completed a graduate program from a program approved to offer the Deafblind Early Childhood-Grade 12 certificate to receive test approval from the EPP. The EPP may require additional coursework.

§228.37. Coursework and Training for Classroom Teacher Candidates.

(a) An educator preparation program (EPP) shall provide each candidate seeking an initial classroom teacher certification with a minimum of 300 clock-hours of coursework and/or training, including required pre-service coursework and training under §228.41 of this title (relating to Pre-Service Coursework and Training for Classroom Teacher Candidates).

(b) An EPP shall provide a minimum of 200 clock-hours of coursework and/or training for a candidate seeking a Trade and Industrial Workforce Training certificate as specified by §233.14(e) of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).

§228.39. Intensive Pre-Service.

(a) To offer intensive pre-service, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an intern certificate:

(1) a four-week minimum intensive program;

(2) a minimum of 12 instructional days with one hour of supervised instruction per day;

(3) a minimum of four face-to-face observation/feedback coaching cycles provided by qualified coaches with observations that are a minimum of 15 minutes and coaching meetings that are a minimum of 30 minutes; and

(4) the requirements regarding coursework and/or training for a candidate seeking initial certification in the classroom teacher certification class as specified in §228.41 of this title (relating to Pre-Service Coursework and

Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Pre-Service Field-based Experiences for Classroom Teacher Candidates).

(b) An EPP offering intensive pre-service shall ensure that:

(1) a candidate coach participates in a minimum of four observation/feedback coaching cycles provided by program supervisors and ongoing training;

(2) a candidate coach completes a Texas Education Agency (TEA)-approved observation training or has completed a minimum of 150 hours of observation/feedback training; and

(3) a candidate coach shall have a current certification in the class in which supervision is provided.

(c) A candidate participating in intensive pre-service will be eligible for an intern certificate by completing:

(1) the requirements as prescribed in §230.36(f) of this title (relating to Intern Certificates);

(2) programmatic requirements under subsection(a)(1)-(4) of this section; and

(3) the requirements of the following proficiencies in §150.1002 of Part II of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet all of the following performance level measures:

(A) Developing performance level on Planning Dimension 1.1: Standards and Alignment;

(B) Developing performance level on Planning Dimension 1.2: Data and Assessment;

(C) Developing performance level on Instruction Dimension 2.1: Achieving Expectations;

(D) Developing performance level on Instruction Dimension 2.2: Content Knowledge and Expertise;

(E) Developing performance level on Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;

(F) Developing performance level on Learning Environment Dimension 3.2: Managing Student Behavior;

(G) Developing performance level on Learning Environment Dimension 3.3: Classroom Culture;

(H) Proficient performance level on Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;

(I) Developing performance level on Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and

(J) Developing performance level on Professional Practices and Responsibilities Dimension 4.3: Professional Development.

(d) A candidate participating in intensive pre-service will be eligible for a probationary certificate as prescribed in §230.37(f) of this title (relating to Probationary Certificates).

§228.41. Pre-Service Coursework and Training for Classroom Teacher Candidates.

Unless a candidate qualifies as a late hire under §228.55 of this title (relating to Late Hire Candidates), a candidate shall complete the following prior to any clinical teaching, internship, or residency:

(1) a minimum of 50 clock-hours of field-based experiences that are integrated into coursework and are completed as described in §228.43 of this chapter (relating to Pre-Service Field-Based Experiences for Classroom Teacher Candidates); and

(2) 150 clock-hours of coursework and/or training as prescribed in §228.57 of this title (relating to Educator Preparation Curriculum) that allows candidates to demonstrate proficiency through performance tasks in:

(A) preparing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for all learners, and encourage higher-order thinking, persistence, and achievement;

(B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;

(C) ensuring high levels of learning and achievement for all students through knowledge of students, proven practices, and differentiated instruction;

(D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;

(E) organizing a safe, accessible, and efficient classroom;

(F) establishing, communicating, and maintaining clear expectations for student behavior;

(G) leading a mutually respectful and collaborative class of actively engaged learners;

(H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;

(I) reflecting on his or her practice;

(J) effectively communicating with students, families, colleagues, and community members;

(K) proactively implementing instructional planning techniques and inclusive practices for all students, including students with disabilities; and

(L) effectively implementing open education resource instructional materials included on the list of approved instructional materials maintained by the State Board of Education under Texas Education Code, §31.022, in each subject area and grade level covered by the certification category.

§228.43. Pre-Service Field-Based Experiences for Classroom Teacher Candidates.

(a) An educator preparation program (EPP) shall require each candidate to complete field-based experiences in a variety of authentic school settings with diverse student populations, including observation of teachers modeling effective practices to improve student learning and opportunities for candidates to practice skills and receive feedback.

(b) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 50 clock-hours. The field-based experiences must be completed prior to assignment in an internship, clinical teaching, or residency.

(c) Field-based experiences must include, at a minimum, 25 clock-hours in which the candidate, under the direction of the EPP, is actively engaged in instructional or educational activities.

(1) Field-based experiences must be conducted in settings that include all of the following:

(A) authentic school settings in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose, including all Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC);

(B) instruction by content certified teachers;

(C) actual students in classrooms/instructional settings with identity-proof provisions; and

(D) content or grade-level specific classrooms/instructional settings.

(2) Field-based experiences include candidates engaging with activities such as:

(A) small group instruction;

(B) tutoring;

(C) presenting whole class instruction;

(D) one-on-one student support;

(E) practicing classroom management skills;

(F) supporting lead teacher instruction; and

(G) coteaching.

(3) Each field-based experience must include a written reflection of the experience that:

(A) is guided by the EPP;

(B) is unique from the other reflections;

(C) includes a detailed reflection of each field-based experience; and

(D) identifies educational practices observed and/or experienced.

(4) The time spent writing the written reflection does not count toward the required 25 clock-hours for field-based experiences.

(d) Up to 25 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method; service as a teacher of record, service as an educational aide, and service as a substitute teacher; and must be under the direction of the EPP.

(1) The field-based experience setting must include:

(A) authentic school settings in an accredited public or private school;

(B) instruction by content certified teachers;

(C) actual students in classrooms/instructional settings with identity-proof provisions; and

(D) content or grade-level specific classrooms/instructional settings.

(2) Each field-based experience must include a written reflection of the observation that:

(A) is guided by the EPP;

(B) is unique from the other reflections;

(C) includes a detailed reflection of each field-based experience; and

(D) identifies educational practices observed and/or experienced.

(3) The time spent writing the written reflection does not count toward the required 25 clock-hours for field-based experiences.

(4) Field-based experience hours identified in this subsection must occur after the candidate's admission into the EPP. The candidate's experience in instructional or educational activities, including reflections as described in paragraph (2) of this subsection, must be documented by the EPP and must be obtained at a public or private school accredited or approved for this purpose by the TEA.

(e) Up to 15 clock-hours of field-based experience may be satisfied by serving as a long-term substitute (as defined in §228.2 of this title) either after the candidate's admission to an EPP or during the two years before the candidate's admission to an EPP. The candidate's experience in instructional or educational activities must be documented by the EPP and must be obtained at a public or private school accredited or approved for this purpose by the TEA.

(f) An EPP may apply to use 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 in accordance with §228.63(f) of this title (relating to Locations for Required Clinical Experiences).

§228.45. Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification.

(a) An educator preparation program (EPP) must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards for the Early Childhood: Prekindergarten-Grade 3 certificate adopted by the State Board for Educator Certification (SBEC) as specified in Chapter 235, Subchapter B, of this title (relating to Elementary School Certificate Standards).

(b) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the applicant to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 with a minimum of 150 clock-hours of coursework and/or training that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title. A clinical teaching, internship, or practicum assignment is not required for completion of program requirements.

(c) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate as specified in §230.31 of this title in a certificate category that does not allow the candidate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 coursework and/or training as specified in §228.33 of this title (relating to Preparation Program Coursework and/or Training for All Certification Classes) and §228.37 of this title (relating to Coursework and Training for Classroom Teacher Candidates of this section) that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title. An EPP shall also provide such a candidate a clinical experience as specified in §228.61(a) of this title (relating to Required Clinical Experiences) and §228.63 of this title (relating to Locations for Required Clinical Experiences), a mentor or cooperating teacher as specified in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences), and field supervision and ongoing support as specified in Subchapter F of this chapter.

§228.47. Coursework and Training Requirements for Bilingual Special Education Certification.

An educator preparation program must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards described in Texas Education Code (TEC), §21.04891, for the Bilingual Special Education certificate adopted by the State Board for Educator Certification.

§228.49. Coursework and Training Requirements for a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12.

An educator preparation program must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards for the Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certificate adopted by the State Board for Educator Certification.

§228.51. Coursework and Training Requirements for a Deafblind Supplemental: Early Childhood-Grade 12.

An educator preparation program must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards for the Deafblind Supplemental: Early Childhood-Grade 12 certificate adopted by the State Board for Educator Certification.

§228.53. Coursework and Training for Non-Teacher Candidates.

(a) An educator preparation program (EPP) shall provide coursework and/or training to ensure that the educator is effective in the assignment.

(b) An EPP shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the educator standards for the applicable certification class in §239.15 of this title (relating to Standards Required for the School Counselor Certificate), §239.55 of this title (relating to Standards Required for the School Librarian Certificate), §239.84 of this title (relating to Requirements for the Issuance of the Standard Educational Diagnostician Certificate), §239.93 of this title (relating to Requirements for the Issuance of the Reading Specialist Certificate), §241.15 of this title (relating to Standards Required for the Principal as Instructional Leader Certificate), or §242.15 of this title (relating to Standards Required for the Superintendent Certificate).

§228.55. Late Hire Candidates.

(a) A late hire for a school district teaching position may begin employment under an intern or probationary certificate before completing the pre-internship requirements under §228.41 of this title (relating to Pre-Service Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Pre-Service Field-Based Experiences for Classroom Teacher Candidates) but shall complete these requirements within 90 business days of the hire date.

(b) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of pre-internship training required in subsection (a) of this section may be provided by a school district and/or campus that is a Texas Education Agency (TEA)-approved continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in Texas Education Code, §21.451, and must be directly related to the certificate being sought.

(c) A candidate that does not complete the pre-internship requirements under §228.41 of this title and §228.43 of this title within 90 business days of the hire date is not qualified for the intern or probationary certificate. The educator preparation program shall then notify TEA staff to deactivate the intern or probationary certificate in accordance with §228.73(h) of this title (relating to Internship).

§228.57. 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 (EPP) shall rely on scientifically based research to ensure educator effectiveness and include opportunities for candidate practice in increasingly more authentic and developmentally rigorous ways, including analysis, representations, and enactments of instructional pedagogies and opportunities to receive feedback and adjust practice during coursework, training and field-based and clinical experiences.

(c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:

(1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics) as well as Chapter 249, Subchapter B, of this title (relating to Enforcement Actions and Guidelines), which include:

(A) professional ethical conduct, practices, and performance;

(B) ethical conduct toward professional colleagues; and

(C) ethical conduct toward students;

(2) instruction in detection and education of students with dyslexia by an approved provider as indicated in Texas Education Code (TEC), §21.044(b);

(3) instruction regarding mental health, substance abuse, and youth suicide, as indicated in TEC, §21.044(c-1).

Instruction acquired from the list of recommended best practice-based programs or from an accredited institution of higher education or an alternative certification program as part of a degree plan shall be implemented as required by the provider of the best practice-based program or research-based practice;

(4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students in this state, including students with disabilities;

(5) the importance of building strong classroom management skills;

(6) the framework in this state for teacher and principal evaluation;

(7) appropriate relationships, boundaries, and communications between educators and students;

(8) instruction in digital learning, virtual instruction, and virtual learning, as defined in TEC, §21.001, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:

(A) be aligned with the latest version of the International Society for Technology in Education's (ISTE) standards as appears on the ISTE website;

(B) provide effective, evidence-based strategies to determine a person's degree of digital literacy;

(C) cover best practices in:

(i) assessing students receiving virtual instruction, based on academic progress; and

(ii) developing a virtual learning curriculum; and

(D) include resources to address any deficiencies identified by the digital literacy evaluation;

- (9) instruction regarding students with disabilities, the use of proactive instructional planning techniques, and evidence-based inclusive instructional practices, as required under TEC §21.044(a-1)(1)-(3); and
- (10) instruction in the open education resources instructional materials included on the list of approved instructional materials maintained by the State Board for Education under TEC, §31.022, in each subject area and grade level covered by the candidate's certification category, as required under TEC, §21.044(a-1)(4). A preparation program may not include instruction on the use of instructional materials that incorporate the method of three-cueing, as defined by TEC, §28.0062(a-1), into foundational skills reading instruction, as required under TEC, §21.044(h).
- (d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:
- (1) the relevant TEKS, including the English Language Proficiency Standards;
 - (2) reading instruction, including instruction that improves students' content-area literacy;
 - (3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and
 - (4) the skills and competencies as prescribed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards) and captured in the Texas teacher standards in Chapter 149, Subchapter AA, of Part 2 of this title (relating to Teacher Standards).
- (e) The following educator content standards from Chapter 235 of this title shall be included in the curriculum for candidates who hold a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the candidates who are seeking the Early Childhood: Prekindergarten-Grade 3 certificate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3:
- (1) child development provisions of the Early Childhood: Prekindergarten-Grade 3 Content Standards;
 - (2) Early Childhood-Grade 3 Pedagogy and Professional Responsibilities Standards; and
 - (3) Science of Teaching Reading Standards.
- (f) For candidates seeking certification in the Principal certification class, the curriculum shall also include the skills and competencies captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of Part 2 of this title (relating to Administrator Standards).

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STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §§21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §21.0443, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the Board for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; and TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, which requires that candidates complete at

least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §55.007.

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§228.61. Required Clinical Experiences.

(a) To prepare a candidate for initial certification in the classroom teacher certification class, an educator preparation program (EPP) shall provide the candidate one of the following:

- (1) clinical teaching that meets the standards in §228.67 of this title (relating to Clinical Teaching); or
- (2) a clinical teaching option that is approved by the State Board for Educator Certification through an exception request under §228.71 of this title (relating to Exceptions to the Clinical Teaching Requirement); or
- (3) an internship that meets the requirements of §228.73 of this title (relating to Internship); or
- (4) a residency that meets the requirements of §228.65 of this title (relating to Residency).

(b) Candidates participating in an internship or a clinical teaching assignment must experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching or an internship, they must be provided through field-based experiences.

(c) To prepare a candidate for initial certification in a class other than classroom teacher, an EPP shall provide a practicum for a minimum of 160 clock-hours that meets the requirements in §228.81 of this title (relating to Clinical Experience for Certification Other Than Classroom Teacher).

§228.63. Locations for Required Clinical Experiences.

(a) An internship, clinical teaching, practicum, or residency experience must take place in-person in a Prekindergarten-Grade 12 school setting rather than a distance learning lab or virtual school setting.

(b) An internship, clinical teaching, or residency experience for certificates that include early childhood may be completed at a Head Start Program with the following stipulations:

- (1) a certified teacher is available as a trained mentor;
- (2) the Head Start program is affiliated with the federal Head Start program and approved by the Texas Education Agency (TEA);
- (3) the Head Start program teaches three- and four-year-old students; and
- (4) the state's prekindergarten curriculum guidelines are being implemented.

(c) An internship, clinical teaching, practicum, or residency experience shall not take place in a setting where the candidate:

- (1) has an administrative role over the mentor, cooperating teacher, site supervisor, or host teacher; or
- (2) is related to the field supervisor, mentor, cooperating teacher, site supervisor, or host teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.

(d) School districts and charter schools authorized under Texas Education Code, Chapter 12, 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 internship, clinical teaching, practicum, and/or residency.

(e) 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 internships, clinical teaching, practicums, and/or residency.

(f) An educator preparation program (EPP) may file an application, with the appropriate fee specified in §229.9 of this title (relating to Fees for Educator Preparation Program Approval and Accountability), with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located within any state or territory of the United States, as a site for clinical teaching, practicum, or residency required by this chapter.

- (1) The clinical teaching, practicum, or residency site may be approved for a candidate who must complete requirements outside the state of Texas due to the following reasons if they occur following admission to the EPP:
- (A) military assignment of candidate or spouse;
 - (B) illness of candidate or family member for whom the candidate is the primary caretaker;
 - (C) candidate becomes the primary caretaker for a family member residing out of state; or
 - (D) candidate or spouse transfer of employment.
- (2) The application shall identify the circumstances that necessitate the request to complete clinical teaching, practicum, or residency outside of the state of Texas and be in a form developed by TEA staff and shall include, at a minimum:
- (A) the accreditation(s) held by the school;
 - (B) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable Texas Essential Knowledge and Skills and State Board for Educator Certification certification standards;
 - (C) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and
 - (D) 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.
- (g) An EPP may file an application, with the appropriate fee specified in §229.9 of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located outside the United States, as a site for clinical teaching, practicum, or residency required by this chapter.
- (1) The site may be approved for a candidate who must complete requirements outside the United States due to the following reasons if they occur following admission to the EPP:
- (A) military assignment of candidate or spouse;
 - (B) illness of candidate or family member for whom the candidate is the primary caretaker;
 - (C) candidate becomes the primary caretaker for a family member residing out of country; or
 - (D) candidate or spouse transfer of employment.
- (2) The application shall identify the circumstances that necessitate the request to complete clinical teaching, practicum, or residency outside of the United States and be in a form developed by TEA staff and shall include, at a minimum:
- (A) the same provisions required in subsection (f)(2) of this section for schools located within any state or territory of the United States;
 - (B) a description of the on-site program personnel and program support that will be provided;
 - (C) a description of any risks to candidate or supervising personnel associated with placement in the country specified in the application and options for mitigating risks; and
 - (D) a description of the school's recognition by the U.S. State Department Office of Overseas Schools.

§228.65. Residency.

- (a) To offer a residency, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an enhanced standard certificate as prescribed in §230.39 of this title (relating to Enhanced Standard Certificates):
- (1) the residency must include a minimum of one full school year of clinical experience, including the first and last instructional days with students, in a classroom supervised by a host teacher in the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP;
 - (2) the residency clinical experience must meet a minimum of 750 hours in total, with a minimum of 21 hours per week during a school week that does not include school district or campus closures or disruptions (e.g., inclement weather, holidays). In the event of a district or campus closure that results in the need for reduced residency clinical experience hours during a given week, the program must document the need for the reduced hours;
 - (3) the minimum may be reduced to no less than 700 hours if the candidate is absent from the clinical assignment due to a documented instance of parental leave, military leave, extended illness, or bereavement; and
 - (4) the beginning date of a residency clinical experience for the purpose of field supervision is the first day of instruction with students in the school or district in which the residency takes place.
- (b) An EPP offering a residency shall ensure that:
- (1) residency candidates are assigned to one distinct field site for the duration of the residency. EPPs may allow exceptions with a documented process for candidates seeking certification in more than one certification category, candidates seeking certification in Early Childhood-Grade 12 certification categories, and candidates with reasonable human resources concerns. The program and the district must both sign documentation that the benefits

of two placements outweigh the consequence of not assigning one distinct field placement. Candidates who receive exceptions shall be placed in no more than two distinct field sites;

(2) during the course of the residency, the residency candidate shall engage in increased responsibility for student instruction, including coteaching and leading classroom instruction for at least 400 hours; and

(3) a residency candidate must experience a full range of professional responsibilities during the residency.

(c) In addition to the benchmarks and structured assessments required under §228.31(c) of this title (relating to Minimum Educator Preparation Program Obligations to All Candidates), the EPP shall manage and support candidate progression through the dimensions described in subsection (f) of this section and determine readiness to proceed to the next level of increased responsibility for student instruction during the residency, including establishing performance gates with performance tasks observed and evaluated by the field supervisor that require residency candidates to demonstrate mastery of certain educator standards to progress to the next level of responsibility for student instruction. Performance gates must be conducted at least four times a year and occur at least twice per semester.

(d) The EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the residency, unless, prior to the expiration of that term:

(1) the candidate resigns or is terminated by the school or district;

(2) the candidate is discharged or is released from the EPP;

(3) the candidate withdraws from the EPP; or

(4) the residency assignment does not meet the requirements described in this subchapter.

(e) If the candidate leaves the residency assignment for any of the reasons identified in subsection (d) of this section, the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment.

(f) A candidate participating in a residency shall be eligible for an enhanced standard certificate by completing all of the following:

(1) the requirements as prescribed in §230.39(b) of this title (relating to Enhanced Standard Certificates);

(2) programmatic requirements under subsections (a)-(c) of this section;

(3) the requirements of the following proficiencies in §150.1002 of Part II of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet the Proficient performance level measure in each of the following dimensions:

(A) Planning Dimension 1.1: Standards and Alignment;

(B) Planning Dimension 1.2: Data and Assessment;

(C) Instruction Dimension 2.1: Achieving Expectations;

(D) Instruction Dimension 2.2: Content Knowledge and Expertise;

(E) Instruction Dimension 2.3: Communication;

(F) Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;

(G) Learning Environment Dimension 3.2: Managing Student Behavior;

(H) Learning Environment Dimension 3.3: Classroom Culture;

(I) Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;

(J) Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and

(K) Professional Practices and Responsibilities Dimension 4.3: Professional Development.

(g) A residency is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor, host teacher, and campus supervisor recommend to the EPP that the candidate should be recommended for a residency certificate. If the field supervisor, host teacher, or campus supervisor do not recommend that the candidate should be recommended for an enhanced standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and the field supervisor, the host teacher, or the campus supervisor.

§228.67. Clinical Teaching.

(a) A candidate for initial certification as a classroom teacher must have a clinical teaching assignment for each subject area in which the candidate is seeking certification.

(b) The required duration of a clinical teaching assignment shall be a minimum of 490 hours that is not less than an average of 4 hours each day in the subject area and grade level of certification sought, including planning periods but not including lunch periods. The minimum may be reduced to no less than 455 hours if the candidate is absent

from the clinical teaching assignment due to a documented instance of parental leave, military leave, illness, or bereavement.

(c) For certification in more than one subject area that cannot be taught concurrently during the same period of the school day as the primary teaching assignment, at least five hours per week of the clinical teaching requirement in subsection (b) of this section must be completed in each additional subject area if and only if:

(1) the educator preparation program (EPP) is approved to offer preparation in the certification category required for the additional assignment;

(2) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences);

(3) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and

(4) the campus administrator agrees to assign a qualified cooperating teacher appropriate to each assignment.

(d) The EPP must structure the clinical teaching assignment so that the candidate is provided opportunities for co-teaching and increased instructional responsibility over the course of the clinical teaching assignment and as the candidate demonstrates mastery of educator standards.

(e) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.

(f) The EPP may require additional hours of clinical teaching if the first experience was not successful.

(g) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter for the full term of the initial and any additional clinical teaching, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate;

(2) the candidate is discharged or is released from the EPP; or

(3) the candidate withdraws from the EPP.

§228.69. Clinical Teaching While Employed as Educational Aide.

Candidates employed as certified educational aides may satisfy their clinical teaching assignment requirement through their instructional duties. Clinical teaching must meet requirements for clinical teaching as specified in §228.67 of this title (relating to Clinical Teaching) and in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences).

§228.71. Exceptions to Clinical Teaching Requirement.

(a) An educator preparation program (EPP) may request an exception to the clinical teaching option described in §228.67 of this title (relating to Clinical Teaching).

(b) An EPP must request an exception by September 15 by submitting a form developed by Texas Education (TEA) staff that requires the EPP to specify:

(1) an alternate requirement that will adequately prepare the candidate for educator certification and ensure the educator is effective in the classroom;

(2) the rationale and support for the alternate clinical teaching option;

(3) a full description and methodology of the alternate clinical teaching option;

(4) a description of the controls to maintain the delivery of equivalent, quality education; and

(5) a description of the ongoing monitoring and evaluation process to ensure that EPP objectives are met.

(c) Exception requests will be reviewed by TEA staff, and TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the exception should be approved.

(1) The SBEC may:

(A) approve the request;

(B) approve the request with conditions;

(C) deny approval of the request; or

(D) defer action on the request pending receipt of further information.

(2) If the SBEC approves the request with conditions, the EPP must meet the conditions specified in the request. If the EPP does not meet the conditions, the approval is revoked.

(3) If the SBEC approves the request, the EPP must submit a written report of outcomes resulting from the clinical teaching exception to the TEA by September 15 of each academic year. EPPs who were approved for an exception before September 1, 2022, must submit a report to the TEA by September 1, 2024.

(A) TEA staff shall present the report to the SBEC to determine whether to renew the exception for another year.

(B) If the EPP does not timely submit the report, the approval is revoked.

(4) If the SBEC denies the exception or an approval is revoked, an EPP must wait at least two years from the date of the denial or revocation before submitting a new request.

§228.73. Internship.

(a) While participating in an internship, a candidate must hold an intern or probationary certificate that is effective on or before the assignment start date of the internship and is valid for the entire duration of the internship. The educator preparation program (EPP) must verify and document that the candidate's intern or probationary certificate is active prior to the start of the internship assignment.

(b) An internship must be for a minimum of one full school year for the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.

(c) An EPP may permit an internship of up to 30 school days less than the required minimum for parental leave, military leave, illness, bereavement leave, or if the late hire date is after the first day of the school year.

(d) The beginning date of an internship for the purpose of field supervision is the first day of instruction with students in the classroom for the school or district in which the internship takes place.

(e) An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day only if all of the following are met:

(1) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required;

(2) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;

(3) the EPP is approved to offer preparation in the certification category required for the additional assignment;

(4) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences); and

(5) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom.

(f) An EPP may recommend an additional internship if:

(1) the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's mentor, and the EPP implements the plan during the additional internship; or

(2) the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional internship.

(g) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional internship, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate during any additional internship under an intern or probationary certificate;

(2) the candidate resigns, is non-renewed, or is terminated by the school or district;

(3) the candidate is discharged or is released from the EPP;

(4) the candidate withdraws from the EPP;

(5) the candidate is a late hire and fails to meet the pre-internship requirements within 90 business days of assignment in accordance with §228.55 of this title (relating to Late Hire Candidates); or

(6) the internship assignment does not meet the requirements described in this subchapter.

(h) If the candidate leaves the internship assignment for any of the reasons identified in subsection (g) of this section:

(1) the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment; and

(2) the TEA must receive the certificate deactivation request with all related documentation from the EPP within two calendar weeks of the candidate's last day of the assignment in a format determined by the TEA.

- (i) The EPP must communicate the requirements in subsection (h) of this section to candidates and campus or district personnel prior to the assignment start date.
- (j) An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.
- (k) An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D, of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

§228.75. Clinical Experience for Candidate Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12.

- (a) For a candidate seeking certification as a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12, an educator preparation program (EPP) shall provide a clinical experience of at least 350 clock-hours in a supervised educator assignment in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for a candidate seeking certification as a TVI.
- (b) The clinical experience is successful when the field supervisor recommends to the EPP that the TVI certification candidate should be recommended for a TVI supplemental certification.

§228.77. Clinical Experience for Candidate Seeking Certification as Deafblind (DB) Supplemental: Early Childhood-Grade 12.

- (a) For a candidate seeking certification in the Deafblind (DB) Supplemental: Early Childhood-Grade 12, an educator preparation program (EPP) shall provide a clinical experience of at least 350 clock-hours in a supervised educator assignment in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for a candidate seeking certification in the Deafblind supplemental.
- (b) The clinical experience is successful when the field supervisor recommends to the EPP that the Deafblind certification candidate should be recommended for a Deafblind supplemental certification.

§228.79. Exemptions from Required Clinical Experiences for Classroom Teacher Candidates.

- (a) Under 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 TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience, internship, clinical teaching, or residency.
- (b) Under TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program (EPP) or while the person is enrolled in an EPP is exempt from any clinical teaching, internship, residency, or field-based experience program requirement.

§228.81. Clinical Experience for Certification Other Than Classroom Teacher.

- (a) During the practicum, the candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.
- (b) A practicum may not take place exclusively during a summer recess.
- (c) An intern or probationary certificate may be issued to a candidate for a certification in a class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates).
- (d) An educator preparation program (EPP) may require additional hours of a practicum, including a practicum under an intern or probationary certificate if:
 - (1) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's site supervisor, and the EPP implements the plan during the additional practicum; or

(2) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.

(e) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.

(f) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional practicum, unless, prior to the expiration of that term:

- (1) a standard certificate is issued to the candidate;
- (2) the candidate is discharged or is released from the EPP; or
- (3) the candidate withdraws from the EPP.

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STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §§21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §21.0443, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the Board for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; and TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, which requires that candidates complete at

least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §55.007.

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§228.91. Mentors, Cooperating Teachers, Host Teachers, and Site Supervisors.

(a) In order to support a new educator and to increase educator retention, an educator preparation program (EPP) and campus or district administrator shall collaboratively assign each candidate a mentor during the candidate's internship, collaboratively assign a cooperating teacher during the candidate's clinical teaching experience, collaboratively assign a host teacher during the candidate's residency, and collaboratively assign a site supervisor during the candidate's practicum.

(b) For teacher residencies, the EPP and campus or district administrator shall share responsibility for selection of host teachers, including determining specific selection criteria, development of a scoring rubric, and development of a selection process that involves representatives from the EPP and campus or district administration.

(c) For internships and practicums, the mentor or site supervisor must be assigned to the candidate within three weeks of the candidate's assignment start date. The EPP must not allow a candidate to be in an internship or practicum without an assigned mentor or site supervisor for longer than three weeks.

(d) If an individual who meets the certification category and/or experience criteria for a cooperating teacher, mentor, host teacher, or site supervisor is not available, the EPP and campus or district administrator shall collaborate to ensure an individual who most closely meets the criteria is assigned to the candidate, and the EPP must document the reason for selecting an individual that does not meet the criteria.

(e) The EPP is responsible for providing mentor, cooperating teacher, host teacher, and/or site supervisor training that relies on scientifically based research, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented in accordance with the evidence requirements of Figure: 19 TAC §228.13(f).

§228.93. Cooperating Teacher Qualifications and Responsibilities.

(a) Required qualifications of a cooperating teacher:

(1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part II of this title (relating to Commissioner's Rules on Creditable Years of Teaching Experience);

(2) an accomplished educator as shown by student learning;

(3) trained by the educator preparation program, including training in co-teaching strategies and in how to coach and mentor teacher candidates, during the twelve weeks before or three weeks after being assigned to the clinical teacher;

(4) not assigned to the candidate as a mentor, field supervisor, or site supervisor; and

(5) valid certification in the certification category for the clinical teaching assignment for which the clinical teacher candidate is seeking certification.

(b) Duties of a cooperating teacher:

(1) guide, assist, and support the candidate during the candidate's clinical teaching in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and

(2) report the candidate's progress to the candidate's field supervisor.

§228.95. Host Teacher Qualifications and Responsibilities.

(a) Required qualifications of a host teacher:

- (1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part II of this title (relating to Commissioner's Rules on Creditable Years of Teaching Experience);
 - (2) an accomplished educator, as determined by the educator preparation program (EPP) in partnership with the district or campus administration, and shown by:
 - (A) at least three years of proficient or above proficient ratings on teacher evaluations;
 - (B) demonstrated evidence of positive impact on student learning as determined by a set of student growth and/or achievement data agreed upon by the partnership; and
 - (C) other dispositional criteria prioritized by the residency partnership;
 - (3) trained by the EPP, including training in co-teaching strategies and how to coach and mentor teacher candidates, at least twice per school year, including before or within the three weeks after being assigned as a host teacher;
 - (4) not assigned to the candidate as a field supervisor; and
 - (5) valid certification in the certification category for the residency assignment for which the residency candidate is seeking certification.
- (b) Duties of a host teacher:
- (1) co-teach with the residency candidate, gradually releasing instructional responsibility and lead instruction time to the candidate as specified in §228.65(b)(2) of this title (relating to Residency);
 - (2) guide, assist, give feedback to, and support the candidate during the candidate's residency in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and
 - (3) report the candidate's progress to the candidate's field supervisor at least monthly.

§228.97. Mentor Qualifications and Responsibilities.

(a) Required qualifications of a mentor:

- (1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part II of this title (relating to Commissioner's Rules on Creditable Years of Teaching Experience);
- (2) accomplishment as an educator as shown by student learning;
- (3) not assigned to the candidate as a cooperating teacher, field supervisor, or site supervisor;
- (4) trained as a mentor by the educator preparation program (EPP) or the campus or district, including training in how to coach and mentor teacher candidates, during the twelve weeks before or three weeks after the candidate's assignment start date; and
- (5) valid certification in the certification category in which the internship candidate is seeking certification.

(b) Duties of a mentor:

- (1) guide, assist, and support the candidate throughout the entirety of the internship in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and
- (2) report the candidate's progress to the candidate's field supervisor.

§228.99. Site Supervisor Qualifications and Responsibilities.

(a) Required qualifications of a site supervisor:

- (1) at least three creditable years of experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service), in the aspect(s) of the certification class being pursued by the candidate;
- (2) valid certification in the certification class in which the practicum candidate is seeking certification;
- (3) trained by the educator preparation program (EPP), including training in how to coach and mentor candidates, during the twelve weeks before or three weeks after the start of the candidate's practicum;
- (4) not serving as a field supervisor for a candidate completing a practicum, clinical teaching, or internship; and
- (5) accomplishment as an educator as shown by student learning.

(b) Duties of a site supervisor:

- (1) guide, assist, and support the candidate during the practicum; and
- (2) report the candidate's progress to the candidate's field supervisor.

§228.101. Field Supervisor Qualifications and Responsibilities.

(a) Required qualifications of a field supervisor:

- (1) accomplishment as an educator as shown by student learning; and
- (2) not employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum; and

- (3) trained by the educator preparation program (EPP) as a field supervisor; and
- (4) for a supervisor of residency candidates, trained annually by the EPP in coaching and co-teaching strategies and candidate evaluation and participation in school and/or district trainings, as determined by the district partner; and
- (5) has completed Texas Education Agency (TEA)-approved training as required in subsection (b)(1) of this section or, for field supervisors supporting teacher candidates, is a currently certified Texas Teacher Evaluation and Support System (T-TESS) appraiser; and
- (6) not assigned to the candidate as a mentor, cooperating teacher, or site supervisor; and
- (7) three years of creditable experience, as defined by Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service), in the class in which supervision is provided, including:
 - (A) for a supervisor of classroom teacher and reading specialist candidates, experience as a campus-level administrator and a current certificate that is appropriate for a principal assignment may also supervise teacher and reading specialist candidates; and
 - (B) for a supervisor of principal candidates, experience as a district-level administrator and a current certificate that is appropriate for a superintendent assignment may also supervise principal candidates; and either
- (8) valid certification in the class in which supervision is provided; or
- (9) at least a master's degree in the academic area or field related to the certification class for which supervision is being provided, and in compliance with the same number, content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) for the certification class for which supervision is being provided.

(b) Duties of a field supervisor:

- (1) Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained annually as a field supervisor by the EPP and completed TEA-approved field supervisor training at least every three years. Field supervisors who have completed TEA-approved training must renew that training by September 1, 2026, and then renew the training at least one time per each three-year period thereafter. Field supervisors who support teacher candidates and who maintain valid T-TESS certification are not required to renew TEA-approved field supervisor training.
- (2) The field supervisor must contact the assigned candidate within the first three weeks after the assignment start date for a candidate seeking certification as a classroom teacher and within the first quarter of the assignment for a candidate seeking certification in a class other than classroom teacher. The field supervisor must contact a candidate who is a late hire as defined in §228.2 of this title (relating to Definitions) within the first week after the candidate's assignment start date. Contact may be made by telephone, email, or other electronic communication.
- (3) The field supervisor shall verify the candidate's internship placement within the first three weeks of the candidate's internship assignment and shall notify the EPP if the internship placement does not meet the requirements of this chapter, including assignment of a qualified mentor.
- (4) Field supervisors shall conduct observations of candidates as described in §§228.103 of this title (relating to Formal Observations for Candidates in Residency Assignments), 228.105 of this title (relating to Formal Observations for All Candidates for Initial Classroom Teacher Certification), 228.107 of this title (relating to Formal Observations for Candidates in Clinical Teaching Assignments), 228.109 of this title (relating to Formal Observations for Candidates in Internship Assignments), 228.111 of this title (relating to Formal Observations for Candidates Employed as Educational Aides), 228.113 of this title (relating to Support and Formal Observations for Candidates Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12), 228.115 of this title (relating to Support and Formal Observations for Candidates Seeking Deafblind Supplemental: Early Childhood-Grade 12), and 228.117 of this title (relating to Support and Formal Observations for Candidates Other Than Classroom Teacher).
- (5) With the exception of candidates who are late hires as defined in §228.2 of this title, field supervisors of candidates in clinical teaching, internship, and practicum assignments shall provide informal observations and ongoing coaching as appropriate and needed and, at a minimum, include the following:
 - (A) at least three informal observations that are 15 minutes or more in duration per semester of the internship, clinical teaching, or practicum assignment;
 - (B) the first informal observation must occur within the first six weeks of the clinical teaching or internship assignment and must be in-person. Additional informal observations may be conducted virtually, either synchronous or asynchronous;
 - (C) informal observations of practicum candidates may be virtual, either synchronous or asynchronous;
 - (D) are informed by written feedback provided during post-observation conferences; and
 - (E) include observation and feedback on targeted skills.

(6) Field supervisors must provide to a candidate who is a late hire as defined in §228.2 of this title informal observations as required in subsection (b)(5) of this section. Two of the required informal observations must be provided within the first eight weeks of the candidate's assignment start date and both informal observations must be in-person.

(7) Field supervisors of candidates in residency assignments shall provide informal observations and ongoing coaching that, at a minimum, include the following:

(A) at least four in person informal observations that are 15 minutes or more in duration per semester, totaling at least eight observations over the course of the year-long teacher residency placement. The first informal must occur within the first four weeks of the residency placement;

(B) are informed by written feedback provided during post-observation conferences; and

(C) provide observation and feedback on targeted skills, with opportunity to follow up on the candidate's development in the targeted skill.

(8) For candidates participating in an internship, the field supervisor shall provide a copy of all written feedback to the candidate's supervising campus administrator and assigned mentor. For candidates participating in a residency, the field supervisor shall provide a copy of all written feedback to the candidate's host teacher and campus supervisor.

(9) In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience and request and document feedback about the candidate from the candidate's cooperating teacher at least three times throughout the clinical teaching experience.

(10) For a residency, the field supervisor shall collaborate with the candidate, campus supervisor, and the host teacher throughout the residency, including regular meetings and/or collaborative supports at least three times each semester with the campus supervisor and twice monthly with the host teacher. Meetings may be held virtually, and collaborative supports may include but are not limited to co-observation of candidates, co-coaching of candidates, and calibration for inter-rater reliability.

(11) For an internship, the field supervisor shall collaborate with the candidate and campus supervisor, or their designee, at least twice per semester. Collaboration may include but is not limited to co-observations (formal and informal), post-observation collaborative coaching, collaborative goal setting, or the provision of actionable feedback related to collaboratively established goals.

(12) For non-teacher candidates in a practicum, the field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.

§228.103. Formal Observations for Candidates in Residency Assignments.

(a) An educator preparation program (EPP) must provide the first formal observation within the first four weeks of all residency assignments.

(b) For a residency described in §228.65 of this title (relating to Residency):

(1) an EPP must provide a minimum of two formal observations of 45 minutes each during the first semester of the residency and a minimum of two formal observations of 45 minutes each during the second semester of the residency. All formal observations must include a pre-observation and post-observation conference with the candidate; and

(2) all of the minimum formal observations must be in-person.

§228.105. Formal Observations for All Candidates for Initial Classroom Teacher Certification.

(a) Educator preparation programs shall ensure that the field supervisor conducts formal observations of the candidates completing a clinical experience.

(b) Each formal in-person 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.

(c) Each formal virtual observation must be:

(1) at least 45 minutes in length;

(2) conducted by the field supervisor;

(3) followed by a post-observation conference within 72 hours of the educational activity; and

(4) conducted through use of an unedited electronic transmission, video, or technology-based method.

(d) For each formal observation, whether in-person or virtual, the field supervisor shall:

(1) participate in an individualized pre-observation conference with the candidate;

(2) document educational practices observed;

(3) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and

- (4) provide a copy of the written feedback to the candidate's cooperating teacher or mentor.
- (e) Neither the pre-observation conference nor the post-observation conference needs to be onsite.

§228.107. Formal Observations for Candidates in Clinical Teaching Assignments.

- (a) An educator preparation program (EPP) must provide the first formal observation within the first third of all clinical teaching assignments.
- (b) For a clinical teaching assignment, an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the second half of the assignment.
- (c) For an all-level clinical teaching assignment in more than one location or in an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, a minimum of two formal observations must be provided during the first half of each assignment and a minimum of one formal observation must be provided during the second half of each assignment.
- (d) For a clinical teaching assignment:
 - (1) at least two of the minimum formal observations must be in-person for each assignment; and
 - (2) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.

§228.109. Formal Observations for Candidates in Internship Assignments.

- (a) An educator preparation program (EPP) must provide the first formal observation within the first four weeks of all internship assignments. The first formal observation must be conducted in-person.
- (b) For an internship under an intern certificate or an additional internship described in §228.73 of this title (relating to Internship):
 - (1) an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship; and
 - (2) at least three of the minimum formal observations must be in-person.
- (c) For a first-year internship under a probationary certificate or an additional internship described in §228.73 of this title:
 - (1) an EPP must provide a minimum of three formal observations during the first half of the assignment, and a minimum of two formal observations during the second half of the assignment; and
 - (2) at least two of the minimum formal observations must be in-person.
- (d) If an internship under an intern certificate or an additional internship described in §228.73 of this title involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:
 - (1) an EPP must provide a minimum of three observations in each assignment;
 - (2) for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;
 - (3) at least two of the minimum formal observations must be in-person for each assignment; and
 - (4) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.
- (e) For a first-year internship under a probationary certificate or an additional internship described in §228.73 of this title that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:
 - (1) an EPP must provide a minimum of three-observations in each assignment;
 - (2) for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;
 - (3) at least two of the minimum formal observations must be in-person for each assignment; and
 - (4) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.

§228.111. Formal Observations for Candidates Employed as Educational Aides.

For candidates employed as certified educational aides completing clinical teaching, an educator preparation program must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the second half of the assignment.

§228.113. Support and Formal Observations for Candidates Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12.

- (a) For a candidate seeking a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certificate, an educator preparation program (EPP) must provide guidance, assistance, and support by assigning a cooperating teacher and/or providing individual or group consultation. The EPP is responsible for providing training to cooperating teachers and/or consultation providers.
- (b) An EPP shall collaborate with the program coordinator for the Texas School for the Blind and Visually Impaired Statewide Mentor Program to assign a TVI mentor for the TVI certification candidate. The Texas School for the Blind and Visually Impaired Statewide Mentor Program is responsible for providing training for all TVI mentors.
- (c) Supervision of each TVI candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who is qualified and has been trained as a field supervisor in accordance with §228.101 of this title (relating to Field Supervisor Qualifications and Responsibilities).
 - (1) Formal observations of TVI candidates must be at least 135 minutes in duration in total throughout the clinical experience and must be conducted by the field supervisor.
 - (2) An EPP must provide a minimum of one formal observation within the first third of the clinical experience, one formal observation within the second third of the clinical experience, and one formal observation within the final third of the clinical experience.
 - (3) For each observation, the field supervisor shall:
 - (A) conduct an individualized pre-observation conference with the candidate before each observation;
 - (B) document educational practices observed during each observation; and
 - (C) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate following each observation.
 - (4) The field supervisor may provide formal observations, pre-observation conferences, and post-observation conferences either in a face-to-face setting or by the use of electronic transmission or other video or technology-based methods.

§228.115. Support and Formal Observations for Candidates Seeking Deafblind Supplemental: Early Childhood-Grade 12 Certification.

- (a) For a candidate seeking a Deafblind Supplemental: Early Childhood-Grade 12 certificate, an educator preparation program (EPP) must provide guidance, assistance, and support by assigning a cooperating teacher and/or providing individual or group consultation. The EPP is responsible for providing training to cooperating teachers and/or consultation providers.
- (b) An EPP shall collaborate with the Texas School for the Blind and Visually Impaired to assign a mentor for the candidate. The Texas School for the Blind and Visually Impaired is responsible for providing training for all mentors.
- (c) Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who is qualified and has been trained as a field supervisor in accordance with §228.101 of this title (relating to Field Supervisor Qualifications and Responsibilities).
 - (1) Formal observations of candidates must be at least 135 minutes in duration in total throughout the clinical experience and must be conducted by the field supervisor.
 - (2) An EPP must provide a minimum of one formal observation within the first third of the clinical experience, one formal observation within the second third of the clinical experience, and one formal observation within the final third of the clinical experience.
 - (3) The field supervisor shall:
 - (A) conduct an individualized pre-observation conference with the candidate before each observation;
 - (B) document educational practices observed during each observation; and
 - (C) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate following each observation.
 - (4) The field supervisor may provide formal observations, pre-observation conferences, and post-observation conferences either in a face-to-face setting or by the use of electronic transmission or other video or technology-based methods.

§228.117. Support and Formal Observations for Candidates Other Than Classroom Teacher.

- (a) Supervision of each candidate seeking certification in a class other than classroom teacher shall be conducted with the structured guidance and regular ongoing support of an experienced educator who is qualified and has been trained as a field supervisor in accordance with §228.101 of this title (relating to Field Supervisor Qualifications and Responsibilities).
- (b) For candidates in a practicum:

- (1) An educator preparation program (EPP) must provide a minimum of one formal observation within the first third of the practicum, one formal observation within the second third of the practicum, and one formal observation within the final third of the practicum.
- (2) The three required formal observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
- (3) For each formal observation, the field supervisor shall:
 - (A) participate in an individualized pre-observation conference with the candidate;
 - (B) document educational practices observed during the observation;
 - (C) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and
 - (D) provide a copy of the written feedback to the candidate's site supervisor.
- (4) The field supervisor may conduct the formal observations, pre-observation conferences, and post-observation conferences either in-person or virtually.

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STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §§21.003(a), which states that 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 TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §21.0443, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the Board for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; and TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, which requires that candidates complete at

least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §55.007.

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§228.121. Complaints and Investigations Procedures.

(a) Purpose. An applicant for candidacy in an educator preparation program (EPP), an employee or former employee of an EPP, a cooperating teacher, a host teacher, a mentor, a site supervisor, or an administrator in a public or private school that serves as a site for clinical teaching, residency, internship, or practicum experiences may submit a complaint about an EPP for investigation and resolution.

(b) Complaint form. Texas Education Agency (TEA) staff shall develop a complaint form to standardize information received from an individual making a complaint against an EPP. The complaint form shall 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 investigated.

(c) Processing the complaint.

(1) TEA staff shall record all complaints in the TEA complaints tracking system. Each complaint, no matter the severity, shall be assigned a tracking number.

(2) The complaint shall 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.

(3) 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.

(4) 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 may close the complaint without action.

(5) 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.

(d) Investigating the complaint.

(1) If TEA staff determines a complaint is within the SBEC's jurisdiction, TEA staff shall 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.

(2) TEA staff may request additional information from the individual and from the EPP.

(3) An EPP shall:

(A) cooperate fully with any SBEC investigation; and

(B) respond within 10 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.

(C) If an EPP fails to comply with 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 shall 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 shall specify the statute and/or rule that was alleged to have been violated.

(B) Each party shall have 10 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, TEA staff shall close the investigation and 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 shall 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 10 business days of TEA staff notifying the EPP in writing that a violation has occurred, the EPP and TEA staff shall agree to a timely resolution of each violation. If the parties cannot agree on a resolution within 10 business days, TEA staff shall unilaterally propose a resolution and timeline.

(iii) If the EPP complies with the agreed or proposed resolution, the investigation is closed and the results recorded in accordance with subparagraph (E) of this paragraph. TEA staff shall provide the EPP written notice that the investigation is closed.

(iv) If the EPP does not comply with the agreed or proposed resolution within the timelines set out in the resolution, TEA staff shall 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). The SBEC's decision shall be recorded in accordance with subparagraph (E) of this paragraph.

(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 (relating to Informal Review of Texas Education Agency Recommendations).

(E) The final disposition of the complaint shall be recorded in the TEA complaints tracking system.

§228.123. Educator Preparation Program Responsibilities for Candidate Complaints.

(a) The educator preparation program (EPP) shall adopt and send to Texas Education Agency (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.

(b) 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.

(c) 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 §228.121(b) of this title (relating to Complaints and Investigations Procedures).

(d) 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 §228.121(b) of this title.

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