

Item 6:
Adoption of Proposed New 19 TAC Chapter 228,
Requirements for Educator Preparation Programs, §228.70,
Complaints and Investigations Procedures

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed new 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.70, Complaints and Investigations Procedures. As part of its report to the 83rd Texas Legislature, Regular Session, 2013, the Sunset Advisory Commission recommended a management action that adopts procedures for educator preparation program (EPP) complaints that outline all phases of the EPP complaint process, as well as track and analyze complaint data. The proposed new rule would establish procedures for filing a complaint against an EPP, impose specific responsibilities on an EPP regarding complaints, and establish the consequences if an EPP is found to be in violation of SBEC rules and/or Texas Education Code, Chapter 21. Additional changes are recommended since published as proposed.

STATUTORY AUTHORITY: The statutory authority for proposed new 19 TAC §228.70 is the Texas Education Code (TEC), §§21.031, 21.041(b)(1), 21.045, and 21.049(a).

EFFECTIVE DATE: The proposed effective date of proposed new 19 TAC §228.70 would be March 22, 2015 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is also based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: The SBEC discussed EPP complaints procedures at the August 1, 2014 SBEC meeting. At the

ATTACHMENT I

Statutory Citations Relating to Proposed New 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.70, Complaints and Investigations Procedures

Texas Education Code, §21.031, Purpose:

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

- (6) the number of candidates retained in the profession; and
 - (7) any other information required by federal law.
- (c) The board shall propose rules establishing performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a). The board may propose rules establishing minimum standards for approval or renewal of approval of:
- (1) educator preparation programs; or
 - (2) certification fields authorized to be offered by an educator preparation program.

Texas Education Code, §21.049, Alternative Certification (excerpt):

- (a) To provide a continuing additional source of qualified educators, the board shall propose

- (C) An EPP shall:
- (i) cooperate fully with any SBEC investigation; and
 - (ii) respond within 21 business days of receipt to requests for information regarding the complaint(s) and other requests for information from the TEA, except where:
 - (I) TEA staff imposes a different response date; or
 - (II) the EPP is unable to meet the initial response date and requests and receives a different response date from TEA staff.
- (D) If an EPP fails to comply with subparagraph (C) of this paragraph, the SBEC may amend the complaint to reflect the violation and may deem admitted the violation of [~~at any time during an investigation, fails to cooperate with the investigation, including failing to provide requested information in a timely manner, or provides insufficient information, the EPP may be deemed to be out of compliance with the~~] SBEC rules and/or [~~]~~ Texas Education Code (TEC), Chapter 21 [~~and/or Public Law 110 315, Sections 205 208~~], [~~as~~] alleged in the original complaint.
- (4) Resolving the complaint.
- (A) Upon completion of an investigation, TEA staff will notify both the individual and the EPP in writing of the findings of the investigation.
 - (B) Each party will have ten business days to present additional evidence or to dispute the findings of the investigation.
 - (C) After reviewing any additional evidence, TEA staff will make a proposed recommendation and notify both parties in writing. If TEA staff finds that the EPP has violated SBEC rules and/or [~~]~~ TEC, Chapter 21 [~~and/or Public Law 110 315, Sections 205 208~~], the proposed recommendation will include a recommendation that 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