

## Item 16:

### Consider and Take Appropriate Action on Requests for Waivers from Certification Examination Testing Limit

#### DISCUSSION AND ACTION

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) with an opportunity to take action on requests to waive the limit of four retakes of a certification examination.

**STATUTORY AUTHORITY:** The statutory authority for waiving the limitation on the number of times a person may attempt a certification examination is the Texas Education Code (TEC), §21.048, as amended by House Bill 2205, 84<sup>th</sup> Legislative Regular Session, 2015.

**PREVIOUS BOARD ACTION:** At the December 2015 SBEC meeting, TEA staff presented draft language describing what could constitute “good cause” for granting a waiver for the five time examination testing limit. The Board directed TEA staff to draft proposed rule text in preparation of the February 2016 SBEC meeting.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** Prior to September 1, 2015, there was no limit to the number of times a person could attempt a certification examination if test approval had been granted by the Texas Education Agency (TEA), an approved educator preparation program (EPP), or a TEA-approved test vendor. When amendments to the TEC, §21.048, went into effect on September 1, 2015, a person was limited to four retests on an examination unless the SBEC waived the limit for good cause. A person who initially took an examination prior to September 1, 2015 may retake the examination up to four times after that date. Information about the retest limit was distributed to EPPs and candidates on August 26, 2015, and TEA staff began contacting EPPs in mid-November to assist EPPs with identifying candidates who were approaching the retest limit.

At the December 11, 2015 SBEC meeting, TEA staff provided the SBEC with draft language for possible revisions to the educator assessment rules in 19 TAC §230.21. This draft language defined good cause for a waiver limitation as a substantial change in the degree of the candidate’s learning by way of education, work, experience, and/or training that makes it probable the candidate will pass the examination for which the waiver has been submitted. The draft language also allowed the Board to require a candidate to complete or have completed additional review courses or additional study and required the candidate to apply for the waiver in writing.

After the December meeting, TEA staff developed a waiver request form and distributed it to all EPPs on December 31, 2015 so that the EPPs could provide the waiver request form to their own candidates who had reached the retest limit. The form was also sent directly to the three individuals who were not enrolled in an EPP but had already reached the testing limit. Three candidates (one EPP route, one out-of-state route, and one certification by exam route) submitted a waiver request form by the January 12, 2016 deadline to be included on the February SBEC agenda.

If the Board denies a request, TEA staff will inform the candidate of the reasons for the denial and how the candidate can apply for another waiver. If the Board approves a request, TEA staff will grant approval for the candidate to retake the requested examination one time. The candidate waiver request form submissions as well as TEA staff analysis of the waiver requests will be provided to the Board under separate cover.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** Proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, are addressed in a separate item on this agenda. The Chapter 230 item presents proposed revisions to the waiver limitation rules as the result of SBEC input, stakeholder input, and input received from TEA staff. The Board may want to consider these proposed revisions in its decision on the waiver requests included in the waivers for certification exam testing limit item.

**Staff Members Responsible:** Tim Miller, Director  
Educator Preparation, Testing, and Program Accountability

Michael Vriesenga, Director  
Educator Preparation Data and Program Accountability

Becky McCoy, Manager  
Educator Testing

**Attachments:** I. Statutory Citations

**ATTACHMENT I****Statutory Citations related to Certification Exam Testing Limit**

**Texas Education Code, §21.048, Certification Examinations, as amended by House Bill 2205, 84th Texas Legislature, Regular Session, 2015 (excerpts):**

- (a-1) The board may not require that more than 45 days elapse before a person may retake an examination. A person may not retake an examination more than four times, unless the board waives the limitation for good cause as prescribed by the board.
- (a-2) For purposes of the limitation imposed by Subsection (a-1) on the number of administrations of an examination, a person who initially took an examination before September 1, 2015, may retake the examination up to four times after that date, regardless of the number of times that the person attempted to perform satisfactorily on the examination before that date. This subsection expires September 1, 2018.