

# Item 11:

## COVER PAGE

### Type of Agenda Board Item:

- Discussion Only:** TEA staff will present board items with an update, potential future items, and/or seek SBEC direction on potential future board action items. TEA staff will draft future action items from the board's discussion and direction.
- Board Action:** SBEC members will take action on the agenda item and the effective date will be immediately upon board approval.

### Summary:

This item allows the SBEC to consider waiver requests for the certification examination five time limit. The Board approved rules in February and adopted in April prescribing good cause for waiving the five time limitation on certification examinations. That revised application was sent out to all EPPs and any candidates that have reached or are in jeopardy of reaching the five time limit to ensure that everyone has the application that reflects the SBEC's adopted rules. One candidate has submitted an application and has successfully completed or exceeded all waiver requirements.

### Statutory Authority:

All of the relevant statutes, if applicable, pertaining to this item are listed for you on the agenda title page and the entire statutory language is on Attachment I. This is always helpful in referencing the law the TEA staff was working under when preparing this item.

### TEA Staff Recommendation:

Approve the waiver request as presented.

### Relevant SBEC Core Principles:

- *We believe well-prepared educators are essential.*
- *We believe high certification standards measured by rigorous and reliable assessments are essential.*

## Item 11:

### Consider and Take Appropriate Action on Request for Waiver 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. At the February 2016 SBEC meeting the SBEC approved the amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, prescribing what would constitute good cause for granting an examination waiver. The SBEC granted test limit waivers to three individuals at the February 2016 meeting. At the April 2016 meeting, the SBEC adopted the amendments to 19 TAC Chapter 230, Subchapter C. The SBEC denied test limit waivers to nine individuals at the April 2016 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** 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 submitted a waiver request form by the January 12, 2016 deadline to be included on the February SBEC agenda. The Board granted those requests.

Following the February 2016 SBEC meeting, TEA staff revised the waiver application based on the proposed amendments approved by the Board. The application allows the candidate to establish good cause for waiving the four-retake limit according to the proposed rules. Specifically the application provides a structured way for candidates to:

- Formally request a waiver in writing as required by proposed TAC §230.21(a)(5)(C) (Application Section F);
- Submit the waiver request in a timely manner as required by proposed TAC §230.21(a)(5)(D) (Application Section F and postmark);
- Show EPP approval of the waiver as required by proposed TAC §230.21(a)(5)(A) (Application Section A);
- Calculate the number of conditional standard error of measurements the candidate's best score was from passing as required by proposed TAC §230.21(a)(2) (Application Section B);
- Identify deficit competencies as required by proposed TAC §230.21(a)(3)(B) (Application Section C);
- Provide evidence that the educational activities the candidate has completed since failing the last certification exam as required by proposed TAC §230.21(a)(5)(D) (Application Section D); and
- Correlate the educational activities the candidate has completed since failing the last certification exam and the competencies in which the candidate answered less than 70 percent of the questions correctly as required by proposed TAC §230.21(a)(3)(B) (Application Section D).

Section E of the application allows applicants to include a personal statement asserting good cause.

TEA staff distributed the revised waiver application to EPPs with potential waiver candidates on February 23, 2016. TEA also distributed applications to candidates who had reached the test limit who were not associated with an EPP and to EPP waiver candidates who had contacted TEA directly. The revised waiver application was also shared with all EPPs on February 24, 2016.

One candidate submitted a waiver application by the April 26, 2016 deadline to be included on the June 10, 2016 SBEC agenda. The candidate submitted her request on the revised waiver application that was sent out following the February 2016 SBEC meeting where the Board approved rule text for the waiver criteria.

Revised Application from February 2016 SBEC Approval of Proposed Rules:

1. In the Matter of Farkhanda Farooq;  
Waiver Request: Science 7-12  
Route: Certification by Examination  
Staff Analysis and Recommendation: Approve Waiver Request  
The applicant has completed or exceeded all waiver requirements, including the completion of 132 clock-hours of training from an approved provider when only 50 clock-hours were required.

If the Board denies a request, TEA staff will inform the candidate of the reasons for the denial and how the candidate may 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 as well as a more detailed TEA staff analysis of the waiver request will be provided to the Board under separate cover.

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:** I recommend that the State Board for Educator Certification:

Approve the waiver request for the certification limitation of Farkhanda Farooq.

**Staff Members Responsible:** Becky McCoy, Manager  
Educator Testing

Marilyn Cook, Director  
Educator Certification and Testing

**Attachment:** Statutory Citations

**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.