

Item 14:

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, 84th Legislative Regular Session, 2015.

PREVIOUS BOARD ACTION: At the April 2016 SBEC meeting the Board approved 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 request. The SBEC granted test limit waivers to three individuals at the February 2016 meeting; denied test limit waivers to nine individuals at the April 2016 meeting; and granted a waiver request to one applicant at the June 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 limitation 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 application 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.

To allow as many waiver requests as possible to be considered by the SBEC at the August 5, 2016 meeting, an extended deadline of July 20, 2016 for receipt of applications was set by TEA staff. This will allow applicants granted waivers to have time to test and receive their test results before the beginning of the 2016-17 school year. SBEC members will receive waiver applications under separate cover in late July with staff analyses and recommendations.

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.