

Item 6:

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Type of Agenda Rule Item:

- Discussion Only:** TEA staff will present rule items with an update, potential future rule changes, and/or seek SBEC direction on potential rule changes. TEA staff will draft rule changes from the board's discussion on the item and start preparing rule text for proposal to the board.
- Proposal:** First SBEC reading (vote). SBEC members will give input on proposed rule text and will approve rule changes that will go out for public comment as a proposed rule with the *Texas Register*. Important to make substantive changes now because only non-substantive changes can be made at adoption.
- ✓ **Adoption:** Second and final SBEC reading (vote). Only non-substantive changes are permissible at adoption phase. If approved will go to SBOE for review and filed as an SBEC rule with *Texas Register* if SBOE takes no action.

Summary:

This item is an adoption of 19 TAC Chapter 230, Subchapter C, which primarily covers the rule language for the board prescribing "good cause" for granting a waiver for the five time examination limitation. The board voted in February on rule language that would define what constitutes good cause for granting a waiver. TEA staff developed an application based on the board's vote in February. If the board approves this item now, TEA staff will continue to utilize that waiver application. Public comments will be summarized and provided to the Board prior to the meeting.

Statutory Authority:

All of the relevant statutes pertaining to this chapter 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:

To adopt the proposed amendments 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 6:**Consider and Take Appropriate Action on Adoption of
Proposed Amendments to 19 TAC Chapter 230, Professional
Educator Preparation and Certification, Subchapter C,
Assessment of Educators****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 amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators. The proposed amendments to 19 TAC §230.21 and §230.25 would implement the requirement from the 84th Texas Legislature, Regular Session, 2015, to enforce a limit of five attempts on any certification examination, unless the SBEC approves an additional attempt based on an individual's demonstration of good cause. The proposed amendments to 19 TAC §230.21 and §230.25 would also implement a clarification from the 84th Texas Legislature, Regular Session, 2015, that the commissioner of education approves the satisfactory level of performance required for certification examinations. An additional change is recommended to 19 TAC §230.21(a)(5)(B) since published as proposed.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 230, Subchapter C, is the Texas Education Code (TEC), §§21.031; 21.041(a), (b)(1), (4), (7), and (8), and (c); 21.045(a)(1), as amended by House Bill (HB) 2205, 84th Texas Legislature, Regular Session, 2015; 21.048, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015; and the Texas Occupations Code (TOC), §54.003.

EFFECTIVE DATE: The proposed effective date of the proposed amendments to 19 TAC §230.21 and §230.25 would be August 28, 2016 (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: At the February 2016 meeting, the SBEC approved the amendments to 19 TAC §230.21 and §230.25 for publication in the *Texas Register* as proposed rules.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, provide for rules that establish guidelines and procedures for the assessment of educators. The proposed amendments to 19 TAC Chapter 230, Subchapter C, shown in Attachment II, identify proposed changes based on recent legislation passed during the 84th Texas Legislature, Regular Session, 2015, and reflect input received from the SBEC, stakeholders, and Texas Education Agency (TEA) staff.

§230.21. Educator Assessment

Subsection (a) would be removed because the basic skills assessment that is required for admission to an educator preparation program (EPP) is described in 19 TAC Chapter 227. Subsections (b)-(e) would be relettered accordingly.

In accordance with the TEC, §21.048, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015, language would be amended in proposed subsection (a) to limit the number of times an individual may retake a certification examination to four unless the limitation is waived for good cause. A candidate seeking a waiver of the limitation would be responsible for providing proof of the good cause.

Proposed subsection (a)(1) would be added to define an examination retake. An examination retake would be defined as a second or subsequent attempt to pass any examination required for the issuance of a certificate, including an individual core subject examination that is part of the overall examination required for the issuance of a Core Subjects certificate. An examination score that is cancelled would not be considered an examination retake.

Proposed subsection (a)(2) would be added to define good cause in one of six ways. The first four ways would be based on the candidate's highest score on an examination and a conditional standard error of measurement (CSEM) table that would be published annually on the TEA website. A CSEM is the measure of the precision of scores for an assessment based on a specific score point and the design of the assessment. CSEM would be used in this context to determine how likely a candidate will pass an examination on his or her next attempt if a candidate completed a number of clock-hours of additional educational activity. If a candidate's highest examination score was within one, two, or three CSEMs from passing, the candidate would need to participate in 50, 100, or 150 clock-hours of additional educational activity, respectively. If a candidate's highest examination score was not within three CSEMs from passing, the candidate would need to participate in 200 clock-hours of additional educational activity.

If a candidate needs a waiver for more than one of the individual core subject examinations that are part of the overall examination required for the issuance of a Core Subjects certificate, the fifth way of determining good cause would be the combination of the number of clock-hours of educational activities required for each individual core subject examination as described in the first four ways of determining good cause. The maximum number of required clock-hours could not exceed 300 clock-hours. The number of clock-hours for each examination may be divided equally based on the number of examinations in the waiver request, but the number of clock-hours for an examination shall not be less than 50 for each examination.

The sixth way of determining good cause would be if a CSEM is not appropriate for an examination. One reason a CSEM may not be appropriate for an examination is if an examination does not use a scale score. The examinations that are currently used for certification and do not use a scale score are the Texas Assessment of Sign Communication examinations and the language examinations administered by the American Council for the Teaching of Foreign Languages. A second reason a CSEM may not be appropriate for an examination is if an examination does not have enough test takers to determine a CSEM. The examinations that are currently used for certification and have very low numbers of test takers are the Languages other than English Latin examination and the examinations administered by

the American Association of Family and Consumer Sciences. In the event that a candidate was not successful after five attempts on an examination that did not have a CSEM, the candidate would request a waiver, and TEA staff would identify individuals who are familiar and knowledgeable with the examination content. These individuals would review the candidate's performance on the five most recent examinations, identify the areas of deficit, and determine the number of clock-hours of additional educational activity required to demonstrate good cause.

Proposed subsection (a)(3) would be added to define educational activity. An educational activity would be provided by an approved EPP or an approved continuing professional education (CPE) provider or sponsor. Approved CPEs currently include all accredited institutions of higher education, education service centers, Texas public school districts, accredited private schools, and non-profit organizations that have offered professional development in Texas for at least five years. Approved CPEs also currently include private entities and individuals who have been approved by TEA staff to offer CPE activities. An educational activity would need to be directly related to the knowledge and skill competencies in which the candidate answered less than 70 percent of questions correctly on the past five examinations. A competency is a grouping of knowledge and skills on a certification examination that defines what an entry-level educator in Texas public schools should know and be able to do. To provide consistency among candidates when identifying deficit competencies, a candidate would add the number of questions answered correctly in each competency on each of the five most recent examinations, add the number of questions asked for each competency on each of the five most recent examinations, and then, for each competency, divide the total number of questions answered correctly by the total number of questions asked. If a candidate did not correctly answer 70 percent of the questions in a competency across the past five examinations, the candidate would identify the competency as a deficit area that should be addressed by an educational activity.

Proposed subsection (a)(4) would be added to identify how a candidate must document an educational activity. This documentation would include:

- the provider, sponsor, or program's name, address, telephone number, and email address;
- the name of the educational activity;
- the competency or competencies addressed by the educational activity;
- the provider, sponsor, or program's description of the educational activity; and
- the provider, sponsor, or program's written verification of the dates of participation in and the number of clock-hours completed for the educational activity.

One semester credit hour earned at an accredited institution of higher education would be equivalent to 15 clock-hours. Clock-hours completed before the most recent examination attempt or after a request for a waiver is submitted would not count toward meeting the educational activity required to show good cause for a waiver.

Proposed subsection (a)(5) would be added to identify how a candidate would request a waiver. A candidate seeking certification based on the completion of an EPP would need the approval of an EPP to request a waiver. Candidates seeking certification through routes other than an EPP would need to meet the eligibility requirements of the appropriate route. A candidate would need to pay a waiver request fee of \$160, which is the same amount for an out-of-state/out-of-country review of credentials. A candidate would need to request a waiver on a form developed

by TEA staff and approved by the SBEC. Waiver requests would not be accepted for 45 calendar days after the fourth unsuccessful retake, 90 calendar days after a denied waiver request, or 180 calendar days after the most recent unsuccessful attempt that was the result of an approved waiver request. After a waiver request is received by TEA staff, the request would be reviewed and TEA staff would make a decision to approve or deny the request based on the criteria in proposed §230.21(a)(2)-(5). An applicant who does not meet the criteria in proposed §230.21(a)(2)-(5) may appeal to the SBEC for a final determination of good cause. A determination by the SBEC is final and may not be appealed.

Since published as proposed, TEA staff recommends a technical edit in subsection (a)(5)(B) to clarify that individuals would be required to pay the \$160 waiver request fee beginning September 1, 2016.

In accordance with the TEC, §21.048, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015, language would be amended in proposed subsection (d) to clarify that the commissioner of education approves the satisfactory level of performance required for each certification examination. The proposed amendment would not change the authority of the SBEC to approve a schedule of examination fees and a plan for administering the examinations. Proposed subsection (e) would adopt as rule the list of appropriate examinations required for certification.

Minor technical edits would be made in subsections (f) and (g) to conform to *Texas Register* style and format requirements and update cross references.

§230.25. Test Exemptions for Persons with a Hearing Impairment

Minor technical edits would be made in subsection (b)(2) to align terminology with current SBEC rules.

Attachment III is a summary of the three stakeholder meetings on 19 TAC Chapter 230, Subchapter C.

FISCAL IMPACT: TEA staff has determined that there are fiscal implications as a result of the proposed amendment to 19 TAC §230.21. The following fiscal implications are based on offsetting costs and revenues for state government (TEA) and costs for persons (individuals) for fiscal years (FYs) 2017-2020. The proposed new fee for a waiver request in 19 TAC §230.21 would cover administrative costs for the waiver requests so there is neither a projected increase nor a projected loss in revenue for the TEA. The fee collection estimates are based on the number of people who attempted a test for the fifth time over the past four years. While the numbers of people attempting a fifth test have increased over the past four years, the TEA expects fewer people to reach a fifth attempt after the proposed amendments are in effect due to the various requirements for the waiver application as well as other proposed rules that are related to the use of certification examination results for EPP accountability.

The proposed amendment to 19 TAC §230.21 includes a new waiver request fee of \$160. This fee would be paid by an individual who requests a waiver to the four-retest limitation. This fee would adequately cover the TEA cost of administering the waiver request. For FY 2016 there would be no anticipated fiscal implications since the proposed amendment to §230.21 that would establish a \$160 waiver application fee would not be implemented until the next fiscal

year. The TEA estimates the total costs to state government at \$62,592 for FY 2017, \$49,800 for FY 2018, \$35,168 for FY 2019, and \$21,912 for FY 2020. The TEA estimates the total costs to individuals at \$62,592 for FY 2017, \$49,800 for FY 2018, \$35,168 for FY 2019, and \$21,912 for FY 2020. The costs for state government would be offset by the estimated revenues from the fees collected from individuals.

The TEA staff has determined that there is no additional fiscal impact on local governments to comply with the proposed rule actions. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

PUBLIC AND STUDENT BENEFIT: The public and student benefit of the proposed amendments would be the continuation of requirements relating to certification, fees, procedures for testing and certificate issuance, educational aides, and permits for professional educator preparation and certification.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed amendments would have no reporting requirements; however, there would be procedural implications. Proposed 19 TAC §230.21(a)(5)(C) would require a person to request a waiver of a limitation of certification testing in writing on forms developed by the TEA staff. Proposed 19 TAC §230.21(a)(4) would require a person requesting a waiver to provide documentation of educational activity that is evidence of a substantial change in learning. This documentation would be included as part of the waiver request form. Other data that would be collected in the form includes an individual's TEA ID number and recent certification examination score information.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed amendments would have no locally maintained paperwork requirements.

PUBLIC COMMENTS: The public comment period on the proposal began March 11, 2016, and ended April 11, 2016. Any comments received will be provided to the SBEC under separate cover prior to the April 15, 2016 meeting. The SBEC will take registered oral and written comments on this item at the April 15, 2016 meeting in accordance with the SBEC board operating policies and procedures.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

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

Approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

Staff Members Responsible: Tim Miller, Director
Educator Preparation

Becky McCoy, Manager
Educator Testing

- Attachments:**
- I. Statutory Citations
 - II. Text of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators
 - III. Stakeholder Meetings Summary

ATTACHMENT I**Statutory Citations Relating to Proposed Amendments to 19 TAC Chapter 230,
Professional Educator Preparation and Certification,
Subchapter C, Assessment of Educators****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) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

Texas Education Code, §21.041, Rules; Fees (excerpts):

- (a) The board may adopt rules as necessary for its own procedures.
- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
 - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.

Texas Education Code, §21.045, Accountability System for Educator Preparation Programs, as amended by House Bill (HB) 2205, 84th Texas Legislature, Regular Session, 2015 (excerpt):

- (a) The board shall propose rules necessary to establish ~~establishing~~ standards to govern the ~~approval and~~ continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:
 - (1) results of the certification examinations prescribed under Section 21.048(a);

Texas Education Code, §21.048, Certification Examinations, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015:

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner ~~board~~ shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner ~~board~~ shall require a satisfactory level of examination performance in each core subject covered by the examination.

- (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.
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.
- (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.
- (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless [:
- [~~4~~] the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057[; or
- [~~2~~] the educator has failed the examination more than five times].
- (d) In this section:
- (1) "Hearing impairment" means a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
 - (2) "Reliability" means the extent to which an experiment, test, or measuring procedure yields the same results on repeated trials.
 - (3) "Validity" means being:
 - (A) well-grounded or justifiable;
 - (B) relevant and meaningful;
 - (C) correctly derived from premises or inferences; and
 - (D) supported by objective truth or generally accepted authority.

Texas Occupations Code, §54.003, Examination Accommodations for Person with Dyslexia:

- (a) In this section, "dyslexia" has the meaning assigned by Section 51.970, Education Code.
- (b) For each licensing examination administered by a state agency, the agency shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia.
- (c) Each state agency shall adopt rules necessary to implement this section, including rules to establish the eligibility criteria an examinee must meet for accommodation under this section.

ATTACHMENT II
Text of Proposed Amendments to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter C. Assessment of Educators

§230.21. Educator Assessment.

~~[(a) An individual seeking admission to an approved educator preparation program (EPP) for initial certification must be assessed for basic skills in reading, written communication, and mathematics, unless the individual holds a bachelor's degree or higher from an accredited institution of higher education.]~~

(a) ~~[(b)]~~ A candidate seeking certification as an educator must pass the examination(s) required by the Texas Education Code (TEC), §21.048, and the State Board for Educator Certification (SBEC) in §233.1(e) of this title (relating to General Authority) and shall not retake an examination more than four times, unless the limitation is waived for good cause. The burden of proof shall be upon the candidate to demonstrate good cause .

(1) ~~For the purposes of the retake limitation described by the TEC, §21.048, an examination retake is defined as a second or subsequent attempt to pass any examination required for the issuance of a certificate, including an individual core subject examination that is part of the overall examination required for the issuance of a Core Subjects certificate as described in §233.2 of this title (relating to Core Subjects: Generalist). An examination score that is cancelled is not considered an examination retake.~~

(2) ~~Good cause is:~~

(A) ~~the candidate's highest score on an examination is within one conditional standard error of measurement (CSEM) of passing and the candidate has completed 50 clock-hours of educational activities. CSEMs will be published annually on the Texas Education Agency (TEA) website;~~

(B) ~~the candidate's highest score on an examination is within two CSEMs of passing and the candidate has completed 100 clock-hours of educational activities;~~

(C) ~~the candidate's highest score on an examination is within three CSEMs of passing and the candidate has completed 150 clock-hours of educational activities;~~

(D) ~~the candidate's highest score on an examination is not within three CSEMs of passing and the candidate has completed 200 clock-hours of educational activities;~~

(E) ~~if the candidate needs a waiver for more than one of the individual core subject examinations that are part of the overall examination required for the issuance of a Core Subjects certificate, the candidate has completed the number of clock-hours of educational activities required for each individual core subject examination as described in subparagraphs (A)-(D) of this paragraph up to a maximum of 300 clock-hours. The number of clock-hours for each examination may be divided equally based on the number of examinations in the waiver request, but the number of clock-hours for an examination shall not be less than 50; or~~

(F) ~~if a CSEM is not appropriate for an examination, the TEA staff will identify individuals who are familiar and knowledgeable with the examination content to review the candidate's performance on the five most recent examinations, identify the deficit competency or competencies, and determine the number of clock-hours of educational activities required.~~

(3) ~~Educational activities are defined as:~~

(A) ~~institutes, workshops, seminars, conferences, interactive distance learning, video conferencing, online activities, undergraduate courses, graduate courses, training~~

- programs, in-service, or staff development given by an approved continuing professional education provider or sponsor, pursuant to §232.17 of this title (relating to Pre-Approved Professional Education Provider or Sponsor) and §232.19 of this title (relating to Approval of Private Companies, Private Entities, and Individuals), or an approved educator preparation program (EPP), pursuant to §228.10 of this title (relating to Approval Process); and
- (B) being directly related to the knowledge and skills included in the certification examination competency or competencies in which the candidate answered less than 70 percent of competency questions correctly. The formula for identifying a deficit competency is the combined total of correct answers for each competency on the five most recent examinations divided by the combined total of questions for each competency on the five most recent examinations.
- (4) Documentation of educational activities that a candidate must submit includes:
- (A) the provider, sponsor, or program's name, address, telephone number, and email address. The TEA staff may contact the provider, sponsor, or program to verify an educational activity;
- (B) the name of the educational activity (e.g., course title, course number);
- (C) the competency or competencies addressed by the educational activity as determined by the formula described in paragraph (3)(B) of this subsection;
- (D) the provider, sponsor, or program's description of the educational activity (e.g., syllabus, course outline, program of study); and
- (E) the provider, sponsor, or program's written verification of the candidate's completion of the educational activity (e.g., transcript, certificate of completion). The written verification must include:
- (i) the provider, sponsor, or program's name;
- (ii) the candidate's name;
- (iii) the name of the educational activity;
- (iv) the date(s) of the educational activity; and
- (v) the number of clock-hours completed for the educational activity. Clock-hours completed before the most recent examination attempt or after a request for a waiver is submitted shall not be included. One semester credit hour earned at an accredited institution of higher education is equivalent to 15 clock-hours.
- (5) To request a waiver of the limitation, a candidate must meet the following conditions:
- (A) the candidate is otherwise eligible to take an examination. A candidate seeking a certificate based on completion of an EPP must have the approval of an EPP to request a waiver;
- (B) beginning September 1, 2016, the candidate pays the non-refundable waiver request fee of \$160;
- (C) the candidate requests the waiver of the limitation in writing on forms developed by the TEA staff; and
- (D) the request for the waiver is postmarked not earlier than:
- (i) 45 calendar days after an unsuccessful attempt at the fourth retake of an examination as defined in the TEC, §21.048; or
- (ii) 90 calendar days after the date of the most recent denied waiver of the limitation request; or

- (iii) 180 calendar days after the date of the most recent unsuccessful examination attempt that was the result of the most recently approved request for waiver of the limitation.
- (6) The TEA staff shall administratively approve each application that meets the criteria specified in paragraphs (2)-(5) of this subsection.
- (7) An applicant who does not meet the criteria in paragraphs (2)-(5) of this subsection may appeal to the SBEC for a final determination of good cause. A determination by the SBEC is final and may not be appealed.
- (b) ~~(e)~~ A candidate seeking a standard certificate as an educator based on completion of an approved EPP may take the appropriate certification examination(s) required by subsection (a) ~~(b)~~ of this section only at such time as the EPP determines the candidate's readiness to take the examinations, or upon successful completion of the EPP, whichever comes first.
- (c) ~~(d)~~ The holder of a lifetime Texas certificate effective before February 1, 1986, must pass examinations prescribed by the SBEC to be eligible for continued certification, unless the individual has passed the Texas Examination of Current Administrators and Teachers (TECAT).
- (d) ~~(e)~~ The commissioner of education ~~[For an examination or other assessment required by law or under the provisions of this title, the SBEC]~~ approves the satisfactory level of performance required for certification examinations, and the SBEC approves ~~[]~~ a schedule of examination fees ~~[]~~ and a plan for administering the examinations ~~[examination]~~ .
- (e) The appropriate examination(s) required for certification are specified in the figure provided in this subsection.
- Figure: 19 TAC §230.21(e)
- (f) Scores from examinations required under this title must be made available to the examinee, the TEA ~~[Texas Education Agency (TEA)]~~ staff, and, if appropriate, the EPP from which the examinee will seek a recommendation for certification.
- (g) The following provisions concern test security and confidential integrity.
- (1) An educator who participates in the development, design, construction, review, field testing, or validation of an examination shall not reveal or cause to be revealed the contents of the examination to any other person.
 - (2) An educator who administers an examination shall not:
 - (A) allow or cause an unauthorized person to view any part of the examination;
 - (B) copy, reproduce, or cause to be copied or reproduced any part of the examination;
 - (C) reveal or cause to be revealed the contents of the examination;
 - (D) correct, alter, or cause to be corrected or altered any response to a test item contained in the examination;
 - (E) provide assistance with any response to a test item contained in the examination or cause assistance to be provided; or
 - (F) deviate from the rules governing administration of the examination.
 - (3) An educator who violates subsection (a) ~~(b)~~ or (b) ~~(e)~~ of this section is subject to sanction in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases).
 - (4) An educator who is an examinee shall not:
 - (A) copy, reproduce, or cause to be copied or reproduced any test item contained in the examination;

- (B) provide assistance with any response to a test item contained in the examination, or cause assistance to be provided;
 - (C) solicit or accept assistance with any response to a test item contained in the examination;
 - (D) deviate from the rules governing administration of the examination; or
 - (E) otherwise engage in conduct that amounts to cheating, deception, or fraud.
- (5) An educator who violates this subsection is subject to:
- (A) sanction in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title;
 - (B) voiding of a score from an examination in which a violation specified in this subsection occurred; and
 - (C) disallowance and exclusion from future examinations either in perpetuity or for a period of time that serves the best interests of the education profession.

§230.25. Test Exemptions for Persons with a Hearing Impairment.

- (a) A candidate who has a hearing impairment may request exemption from educator certification and competence examinations that have not been field-tested for appropriateness, reliability, and validity as applied to persons with hearing impairments.
- (b) A request for such an exemption shall include:
 - (1) a report by a licensed audiologist documenting that the candidate has a hearing impairment so severe that the person cannot process written linguistic information. The report may not be dated more than one year from the date of the request for the exemption and should address the relationship between the candidate's age at the onset or diagnosis of hearing loss and the candidate's ability to process written linguistic information; and
 - (2) a recommendation for exemption and certification of the candidate by an approved Texas educator preparation program (EPP). The recommendation shall be based on the EPP's determination of the candidate's qualification for the exemption and competency in each certification class and category [content field] in which certification is sought. The EPP shall make and document its determination of educator standards [content field] competency, as follows:
 - (A) by reviewing and approving transcripts from an accredited institution of higher education that demonstrate that the candidate has completed 24 semester credit hours in the educator standards [content field], including 12 semester credit hours of upper division coursework, and documenting that the coursework is aligned to the Texas educator [content field] standards;
 - (B) if an EPP uses an alternative assessment to measure competency in any certification class and category [content field] in which a certification is being sought, by documenting the method and validity of the means of assessment, the results of the assessment, and the alignment of the assessment to the applicable Texas educator [content field] standards; and
 - (C) for the Texas pedagogy and professional responsibilities examination, by documenting successful completion of EPP coursework and training covering educator standards for the grade level for which certification is sought.
- (c) The TEC, §21.048, provides that the SBEC may not administer a certification examination that has not been field-tested for appropriateness, reliability, and validity to a person who is unable to process linguistic information. An educator who has been granted such an exemption may not subsequently take any other such certification examination without submitting a new audiologist's report that addresses the prior audiologist's report and documents that the educator is now able to process written linguistic information.

- (d) This section does not affect the procedures for one-year certificates, extensions, and permits based on out-of-state credentials pursuant to §230.113 of this title (relating to Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States), but, to be issued a standard certificate, a person must either satisfy the applicable examination requirements or be recommended for certification by an EPP.
- (e) As with other EPP completion and admission documentation under §228.40 of this title (relating to Assessment and Evaluation of Candidates for Certification and Program Improvement), all documentation required under this section shall be retained by an EPP for five years and is subject to audit by Texas Education Agency staff.

Figure: 19 TAC §230.21(e)

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Art			
§233.10	Art: Early Childhood-Grade 12	178 Art EC-12 Texas Examinations of Educator Standards (TExES)	160 PPR EC-12 TExES
Bilingual Education			
§233.6	Bilingual Generalist: Early Childhood-Grade 6	192 Bilingual Generalist EC-6 TExES <u>and</u> 190 Bilingual Target Language Proficiency Test (BTLPT) – Spanish TExES	160 PPR EC-12 TExES
§233.6	Bilingual Generalist: Grades 4-8	119 Bilingual Generalist 4-8 TExES <u>and</u> 190 BTLPT – Spanish TExES	160 PPR EC-12 TExES
§233.6	Bilingual Education Supplemental: Spanish	164 Bilingual Education Supplemental TExES <u>and</u> 190 BTLPT – Spanish TExES	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: American Sign Language	164 Bilingual Education Supplemental TExES <u>and</u> 184 American Sign Language (ASL) EC-12 TExES <u>and</u> 073 Texas Assessment of Sign Communications- American Sign Language (TASC-ASL)	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Arabic	164 Bilingual Education Supplemental TExES <u>and</u> American Council for the Teaching of Foreign Languages (ACTFL) 614 Oral Proficiency Interview (OPI) – Arabic <u>and</u> 615 Writing Proficiency Test (WPT) – Arabic	Not Applicable: Not a Stand-alone Certificate

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Bilingual Education (continued)			
§233.6	Bilingual Education Supplemental: Chinese	164 Bilingual Education Supplemental TExES <u>and</u> ACTFL 618 OPI – Chinese (Mandarin) <u>and</u> 619 WPT – Chinese (Mandarin)	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Japanese	164 Bilingual Education Supplemental TExES <u>and</u> ACTFL 616 OPI – Japanese <u>and</u> 617 WPT – Japanese	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Vietnamese	164 Bilingual Education Supplemental TExES <u>and</u> ACTFL 620 OPI – Vietnamese <u>and</u> 621 WPT – Vietnamese	Not Applicable: Not a Stand-alone Certificate
Computer Science and Technology Applications			
§233.5	Computer Science: Grades 8-12	141 Computer Science 8-12 TExES	160 PPR EC-12 TExES
§233.5	Technology Applications: Early Childhood-Grade 12	142 Technology Applications EC-12 TExES	160 PPR EC-12 TExES
§233.5	Technology Applications: Grades 8-12	139 Technology Applications 8-12 TExES	160 PPR EC-12 TExES
Counselor			
§239.20	School Counselor: Prekindergarten-Grade 12	152 School Counselor EC-12 TExES	Not Applicable: Not an Initial Certificate
Dance			
§233.10	Dance: Grades 8-12	179 Dance 8-12 TExES	160 PPR EC-12 TExES
Educational Diagnostician			
§239.84	Educational Diagnostician: Early Childhood-Grade 12	153 Educational Diagnostician EC-12 TExES	Not Applicable: Not an Initial Certificate

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
English Language Arts and Reading			
§233.3	English Language Arts and Reading: Grades 4-8	117 English Language Arts and Reading 4-8 TExES	160 PPR EC-12 TExES
§233.3	English Language Arts and Reading: Grades 7-12	231 English Language Arts and Reading 7-12 TExES	160 PPR EC-12 TExES
§233.3	English Language Arts and Reading/Social Studies: Grades 4-8	113 English Language Arts and Reading/ Social Studies 4-8 TExES	160 PPR EC-12 TExES
§239.93	Reading Specialist: Prekindergarten-Grade 12	151 Reading Specialist EC-12 TExES	Not Applicable: Not an Initial Certificate
English as a Second Language			
§233.7	English as a Second Language Generalist: Early Childhood-Grade 6	193 English as a Second Language Generalist EC-6 TExES	160 PPR EC-12 TExES
§233.7	English as a Second Language Generalist: Grades 4-8	120 English as a Second Language Generalist 4-8 TExES	160 PPR EC-12 TExES
§233.7	English as a Second Language Supplemental	154 English as a Second Language Supplemental TExES	Not Applicable: Not a Stand-alone Certificate
Generalist			
§233.2	Generalist: Early Childhood-Grade 6	191 Generalist EC-6 TExES	160 PPR EC-12 TExES
§233.2	Generalist: Grades 4-8	111 Generalist 4-8 TExES	160 PPR EC-12 TExES
§233.2	Core Subjects: Early Childhood-Grade 6	291 Core Subjects EC-6 TExES	160 PPR EC-12 TExES
§233.2	Core Subjects: Grades 4-8	211 Core Subjects 4-8 TExES	160 PPR EC-12 TExES
Gifted and Talented			
§233.9	Gifted and Talented Supplemental	162 Gifted and Talented TExES	Not Applicable: Not a Stand-alone Certificate
Health			
§233.11	Health: Early Childhood-Grade 12	157 Health Education EC-12 TExES	160 PPR EC-12 TExES

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Journalism			
§233.3	Journalism: Grades 8-12	156 Journalism 8-12 TExES	160 PPR EC-12 TExES
§233.3	Journalism: Grades 7-12	256 Journalism 7-12 TExES	160 PPR EC-12 TExES
Languages Other Than English			
§233.15	American Sign Language: Early Childhood-Grade 12	184 ASL EC-12 TExES and 073 TASC-ASL	160 PPR EC-12 TExES
§233.15	Arabic: Early Childhood-Grade 12	ACTFL 605 OPI – Arabic and 600 WPT – Arabic	160 PPR EC-12 TExES
§233.15	Chinese: Early Childhood-Grade 12	ACTFL 606 OPI – Chinese (Mandarin) and 601 WPT – Chinese (Mandarin)	160 PPR EC-12 TExES
§233.15	French: Early Childhood-Grade 12	610 Languages Other Than English (LOTE) French EC-12 TExES	160 PPR EC-12 TExES
§233.15	German: Early Childhood-Grade 12	611 LOTE German EC-12 TExES	160 PPR EC-12 TExES
§233.15	Hindi: Early Childhood-Grade 12	ACTFL 622 OPI – Hindu and 623 WPT – Hindu	160 PPR EC-12 TExES
§233.15	Italian: Early Childhood-Grade 12	ACTFL 624 OPI – Italian and 625 WPT – Italian	160 PPR EC-12 TExES
§233.15	Japanese: Early Childhood-Grade 12	ACTFL 607 OPI – Japanese and 602 WPT – Japanese	160 PPR EC-12 TExES
§233.15	Latin: Early Childhood-Grade 12	612 LOTE Latin EC-12 TExES	160 PPR EC-12 TExES
§233.15	Russian: Early Childhood-Grade 12	ACTFL 608 OPI – Russian and 603 WPT – Russian	160 PPR EC-12 TExES
§233.15	Spanish: Early Childhood-Grade 12	613 LOTE Spanish EC-12 TExES	160 PPR EC-12 TExES
§233.15	Turkish: Early Childhood-Grade 12	ACTFL 626 OPI – Turkish and 627 WPT – Turkish	160 PPR EC-12 TExES
§233.15	Vietnamese: Early Childhood-Grade 12	ACTFL 609 OPI – Vietnamese and 604 WPT – Vietnamese	160 PPR EC-12 TExES

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Librarian			
§239.60	School Librarian: Prekindergarten-Grade 12	150 School Librarian EC-12 TExES	Not Applicable: Not an Initial Certificate
Master Teacher			
§239.102	Master Mathematics Teacher Certificate: Early Childhood-Grade 4	087 Master Mathematics Teacher EC-4 Texas Examinations for Master Teachers (TExMaT)	Not Applicable: Not an Initial Certificate
§239.102	Master Mathematics Teacher Certificate: Grades 4-8	088 Master Mathematics Teacher 4-8 TExMaT	Not Applicable: Not an Initial Certificate
§239.102	Master Mathematics Teacher Certificate: Grades 8-12	089 Master Mathematics Teacher 8-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.101	Master Reading Teacher Certificate: Prekindergarten-Grade 12	085 Master Reading Teacher EC-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.103	Master Technology Teacher Certificate	086 Master Technology Teacher EC-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher Certificate: Early Childhood-Grade 4	090 Master Science Teacher EC-4 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher Certificate: Grades 4-8	091 Master Science Teacher 4-8 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher Certificate: Grades 8-12	092 Master Science Teacher 8-12 TExMaT	Not Applicable: Not an Initial Certificate
Mathematics and Science			
§233.4	Mathematics: Grades 4-8	115 Mathematics 4-8 TExES	160 PPR EC-12 TExES
§233.4	Science: Grades 4-8	116 Science 4-8 TExES	160 PPR EC-12 TExES
§233.4	Mathematics/Science: Grades 4-8	114 Mathematics/ Science 4-8 TExES	160 PPR EC-12 TExES
§233.4	Mathematics: Grades 7-12	235 Mathematics 7-12 TExES	160 PPR EC-12 TExES
§233.4	Science: Grades 7-12	236 Science 7-12 TExES	160 PPR EC-12 TExES
§233.4	Life Science: Grades 7-12	238 Life Science 7-12 TExES	160 PPR EC-12 TExES

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Mathematics and Science (continued)			
§233.4	Physical Science: Grades 6-12	237 Physical Science 6-12 TExES	160 PPR EC-12 TExES
§233.4	Physics/Mathematics: Grades 8-12	143 Physics/Mathematics 8-12 TExES	160 PPR EC-12 TExES
§233.4	Physics/Mathematics: Grades 7-12	243 Physics/Mathematics 7-12 TExES	160 PPR EC-12 TExES
§233.4	Mathematics/Physical Science/Engineering: Grades 8-12	174 Mathematics/Physical Science/Engineering 8-12 TExES	160 PPR EC-12 TExES
§233.4	Mathematics/Physical Science/Engineering: Grades 6-12	274 Mathematics/Physical Science/Engineering 6-12 TExES	160 PPR EC-12 TExES
§233.4	Chemistry: Grades 7-12	240 Chemistry 7-12 TExES	160 PPR EC-12 TExES
Music			
§233.10	Music: Early Childhood-Grade 12	177 Music EC-12 TExES	160 PPR EC-12 TExES
Physical Education			
§233.12	Physical Education: Early Childhood-Grade 12	158 Physical Education EC-12 TExES	160 PPR EC-12 TExES
Principal and Superintendent			
§241.20	Principal Certificate	068 Principal TExES	Not Applicable: Not an Initial Certificate
§242.20	Superintendent Certificate	195 Superintendent TExES	Not Applicable: Not an Initial Certificate
Social Studies			
§233.3	Social Studies: Grades 4-8	118 Social Studies 4-8 TExES	160 PPR EC-12 TExES
§233.3	Social Studies: Grades 7-12	232 Social Studies 7-12 TExES	160 PPR EC-12 TExES
§233.3	History: Grades 7-12	233 History 7-12 TExES	160 PPR EC-12 TExES
Speech Communications			
§233.3	Speech: Grades 7-12	129 Speech 7-12 TExES	160 PPR EC-12 TExES

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Special Education			
§233.8	Special Education: Early Childhood-Grade 12	161 Special Education EC-12 TExES	160 PPR EC-12 TExES
§233.8	Special Education Supplemental	163 Special Education Supplemental TExES	Not Applicable: Not a Stand-alone Certificate
§233.8	Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12	181 Deaf and Hard of Hearing EC-12 TExES <u>and</u> 072 TASC or 073 TASC-ASL (required for assignment but not for certification)	160 PPR EC-12 TExES
§233.8	Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12	182 Visually Impaired TExES <u>and</u> 183 Braille TExES	Not Applicable: Not a Stand-alone Certificate
Theatre			
§233.10	Theatre: Early Childhood-Grade 12	180 Theatre EC-12 TExES	160 PPR EC-12 TExES
Career and Technical Education			
§233.13	Technology Education: Grades 6-12	171 Technology Education 6-12 TExES	160 PPR EC-12 TExES
§233.13	Family and Consumer Sciences, Composite: Grades 6-12	American Association of Family and Consumer Sciences (AAFCS) 200 Family and Consumer Sciences – Composite Examination	160 PPR EC-12 TExES
§233.13	Human Development and Family Studies: Grades 8-12	AAFCS 202 Human Development and Family Studies Concentration Examination	160 PPR EC-12 TExES
§233.13	Hospitality, Nutrition, and Food Sciences: Grades 8-12	AAFCS 201 Hospitality, Nutrition, and Food Science Concentration Examination	160 PPR EC-12 TExES
§233.13	Agricultural Science and Technology: Grades 6-12	172 Agricultural Science and Technology 6-12 TExES	160 PPR EC-12 TExES

Certificate TAC Reference	Certificate Name	Required Content Test(s)	Pedagogy and Professional Responsibilities (PPR) Requirements
Career and Technical Education (continued)			
§233.13	Agriculture, Food, and Natural Resources: Grades 6-12	272 Agriculture, Food, and Natural Resources 6-12 TExES	160 PPR EC-12 TExES
§233.13	Business Education: Grades 6-12	176 Business Education 6-12 TExES	160 PPR EC-12 TExES
§233.13	Business and Finance: Grades 6-12	276 Business and Finance 6-12 TExES	160 PPR EC-12 TExES
§233.14	Marketing Education: Grades 8-12	175 Marketing Education 8-12 TExES	160 PPR EC-12 TExES
§233.14	Marketing: Grades 6-12	275 Marketing 6-12 TExES	160 PPR EC-12 TExES
§233.14	Health Science Technology Education: Grades 8-12	173 Health Science Technology Education 8-12 TExES	160 PPR EC-12 TExES
§233.14	Health Science: Grades 6-12	273 Health Science 6-12 TExES	160 PPR EC-12 TExES
§233.14	Trade and Industrial Education: Grades 8-12	Not Applicable	170 Pedagogy and Professional Responsibilities for Trade and Industrial Education 8-12 TExES
§233.14	Trade and Industrial Education: Grades 6-12	Not Applicable	270 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6-12 TExES

Attachment III**Texas Education Agency (TEA)
Division of Educator Certification &
Division of Educator Preparation, Testing, and Program Accountability****19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C,
Assessment of Educators, Stakeholder Meetings Summary**

Texas Association of School Personnel Administrators (TASPA), December 10, 2015
Educator Preparation Advisory Committee (EPAC), December 14, 2015
State Board for Educator Certification (SBEC) Stakeholder Meeting, December 17, 2015

**19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C,
Assessment of Educators:**

19 TAC Chapter 230, Subchapter C provides rules that establish guidelines and procedures for the assessment of educators. Proposed revisions to 19 TAC §230.21 would implement the requirement from House Bill (HB) 2205, 84th Texas Legislature, Regular Session, 2015, to enforce a limit of five attempts on any certification examination, unless the State Board for Educator Certification (SBEC) approves an additional attempt based on an individual's demonstration of good cause. The proposed revisions would also implement a clarification from the HB 2205 that the commissioner of education approves the satisfactory level of performance required for certification examinations.

Meeting Purpose:

The purpose of the three stakeholder meetings was to invite stakeholders to review and provide input on the provisions in 19 TAC Chapters 227, 228, 229, 230 and 232. This summary of those stakeholder meetings will focus on the provision of 19 TAC §230.21 concerning rules that establish guidelines and procedures for the assessment of educators. Given the scope of 19 TAC Chapter 230, the SBEC accelerated the review of the chapter to allow for public comment and stakeholder meetings as TEA staff prepared proposed rule text for the Board's consideration.

Attendees:**1. TASPA Winter Conference, December 10, 2015:**

Approximately 70 attendees representing school district personnel across the state.

2. EPAC Meeting, December 14, 2015:

Susan Allen, West Texas A&M University
Danita Bailey-Perry, Texas Southern University
Jeff Blacklock, Midwestern State University
Andrea Chapman, Region XI ESC
Cindy Cummings, Lamar University
Lizbeth Dixon-Krauss, University of North Texas - Denton
Veronica Galvan, Excellence in Teaching

Anette Gonzalez, Texas A&M University - San Antonio
Casey Hubbard, Coppell ISD
Susan Lewis, Northside ISD
Freddie Litton, University of Houston - Victoria
John Miazga, Angelo State University
Lisa Myers, TASP
John Omelan, Region IV ESC
Delia Quintanilla, Training Via E-Learning
Phillip Roberson, Texas A&M International University
Zach Rozell, iteachTEXAS
Amanda Rudolph, Consortium of State Organizations for Texas Teacher Education
Colleen Swain, University of Texas - Tyler
Daniella Varela, Texas A&M University - Kingsville
Carlos Villagrana, Yes Prep
Marlene Zipperlen, University of Mary Hardin Baylor
Mike Meroney (non-member), Coalition for Effective Educator Preparation (CEEP)
Victoria Ford (non-member), iteachTEXAS

3. SBEC Stakeholder Meeting, December 17, 2015:

Kathy Cervantez, Region XX ESC
Micah Fikes, Education Career Alternatives Program (ECAP)
Scott Fikes, ECAP
Holly Eaton, Texas Classroom Teachers Association
Adam Jones, National Math & Science Initiative
Cindy Kirby, Texas Association of Secondary School Principals
Kate Kuhlmann, Association of Texas Professional Educators
J.P. Lund, A+ Texas Teachers
Mike Meroney, CEEP
Annabel Pena, TASP
Rae Queen, A Career in Teaching - San Antonio
Zach Rozell, iteachTEXAS

TEA Staff:

Marilyn Cook, Director, Educator Certification
Tim Miller, Director, Educator Preparation, Testing, and Program Accountability

TEA Staff and Stakeholder Meetings Discussion:

TEA agency staff presented proposed rule text on 19 TAC §230.21 at all three stakeholder meetings. Below outlines the suggested changes from the stakeholders that TEA staff support as proposed rule changes to 19 TAC §230.21.

Staff Discussion: The TEC §21.048 as amended by HB 2205, 84th Legislative Regular Session, 2015, language would be amended in subsection (b) to limit the number of times an individual may retake a certification examination to four unless the SBEC waives the limitation for good cause.

Stakeholder Input: Stakeholders commented that the definition of good cause needs to be clearer, the standard for a sixth attempt at an examination needs to be high, and a fee for a

waiver request was appropriate. Stakeholders commented that a waiting period after an unsuccessful attempt was appropriate, EPP approval should be required for a candidate who is receiving examination approval from an EPP, and each approved waiver only allows for one attempt. Stakeholders commented that a quantitative analysis of previous examination scores should be included as part of a request review, a disability is not sufficient grounds for approving a waiver because accommodations are available, and that waiver applicants need to know that their application, including test scores, may be discussed in an open meeting with the Board.