

**Item 11:****Consider and Take Appropriate Action on 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 discuss and propose 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.

**STATUTORY AUTHORITY:** Statutory authority 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:** If approved for filing as proposed in February 2016 and if adopted, subject to State Board of Education (SBOE) review, at the April 2016 SBEC meeting, 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:** The SBEC adopted 19 TAC §§230.21, 230.23, and 230.25 effective August 12, 2012.

**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

In accordance with the TEC, §21.048, as amended by HB 2205, 84th Texas Legislature, 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 limitation is waived for good cause. A candidate seeking a waiver of the limitation is responsible for providing proof of the good cause.

Language would be added in subsection (b)(1) to define good cause in one of five 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.

The fifth way of determining good cause would be if a CSEM is not appropriate for an examination. The only examinations that the TEA currently uses where CSEM would not be appropriate are the Texas Assessment of Sign Communication (TASC) examinations. Instead of using a scale score of 300 with a passing score of 240, TASC examinations are holistically scored and candidates receive a score of A through E, with a score of A, B, or C considered passing. In the event that a candidate was not successful after five attempts on the TASC, the candidate would request a waiver, and TEA staff would convene a panel of experts to 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.

Language would be added in subsection (b)(2) 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 examination, 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.

Language would be added in subsection (b)(3) 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;
- the provider, sponsor, or program's verification of the dates of participation in the educational activity;
- the provider, sponsor, or program's verification of the number of clock-hours completed for the educational activity; and
- the provider, sponsor, or program's verification of the results of participation in the educational activity that demonstrate the candidate mastered at least 70 percent of the knowledge and skills included in the identified competency or competencies.

One semester credit hour earned at an accredited institution of higher education would be equivalent to 15 clock-hours. The candidate must have completed and passed all required clock-hours prior to submitting a waiver request. 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.

Language would be added in subsection (b)(4) 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 fee after September 1, 2016. A candidate would need to request a waiver on a form developed by TEA staff. Waiver requests would not be accepted for a number of calendar days after the fourth unsuccessful retake (90 days), a denied waiver request (180 days), or the most recent unsuccessful attempt that was the result of an approved waiver request (365 days). After a waiver request is received, the TEA staff would administratively approve each application that meets the criteria in proposed new §230.21(b)(1)-(4). An applicant who does not meet the criteria in proposed new §230.21(b)(1)-(4) may appeal to the SBEC for a final determination of good cause. A determination by the SBEC is final and may not be appealed.

In accordance with the TEC, §21.048, as amended by HB 2205, 84th Texas Legislature, Regular Session, 2015, language would be amended in subsection (e) to clarify that the commissioner of education approves the satisfactory level of performance required for each certification examination. The amendment does not change the authority of the SBEC to approve a schedule of examination fees and a plan for administering the examinations. Language would also be added to clarify how examination attempts are counted for an examination that is required for the issuance of a generalist certificate (e.g., Core Subjects: Early Childhood-Grade 6 and Core Subjects: Grades 4-8). For the purposes of the retake limitation, a retake is either an attempt to pass the overall examination or an attempt to pass only an individual core subject examination that is a part of the overall examination.

Attachment III is a summary of the three stakeholder meetings on 19 TAC Chapter 230, Subchapter C. TEA staff received one public comment during the recent four-year rule review for Chapter 230 and the TEA staff response to that public comment as well as the request for SBEC adoption of the four-year rule review is addressed in a separate item in this agenda.

**FISCAL IMPACT:** To be determined pending completion of fiscal impact review.

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

**PROCEDURAL AND REPORTING IMPLICATIONS:** To be determined pending completion of review.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** To be determined pending completion of review.

**PUBLIC COMMENTS:** The public comment period on the proposal begins March 11, 2016, and ends April 11, 2016. 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 the proposed amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, to be published as proposed in the *Texas Register*.

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

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.
- (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) 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; or
- (E) if a CSEM is not appropriate for an examination, the TEA staff will convene a panel of experts 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.
- (2) 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 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 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.
- (3) 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 EPPs and continuing professional education providers to confirm learning activity documentation;

- (B) the name of the educational activity (e.g., course title, course number);
  - (C) the competency or competencies addressed by the educational activity;
  - (D) the provider, sponsor, or program's description of the educational activity (e.g., syllabus, course outline, program of study);
  - (E) the provider, sponsor, or program's verification of the dates of participation in the educational activity (e.g., transcript, certificate of completion);
  - (F) the provider, sponsor, or program's verification of the number of clock-hours completed for the educational activity (e.g., transcript, certificate of completion). 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; and
  - (G) the provider, sponsor, or program's verification of the results of participation in the educational activity that demonstrate the candidate mastered at least 70 percent of the knowledge and skills included in the identified deficit competency or competencies (e.g., transcript, benchmarks, structured assessments, preparatory examination results, certificate of completion).
- (4) 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) 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;
  - (D) the request for the waiver is postmarked not earlier than:
    - (i) 90 calendar days after an unsuccessful attempt at the fourth retake of an examination as defined in the TEC, §21.048; or
    - (ii) 180 calendar days after the date of the most recent denied waiver of the limitation request; or
    - (iii) one calendar year 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.
- (5) The TEA staff shall administratively approve each application that meets the criteria specified in paragraphs (1)-(4) of this subsection.
- (6) An applicant who does not meet the criteria in paragraphs (1)-(4) 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.
- (c) 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 (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.
- (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).
- (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]~~ . For the purposes of the retest limitation imposed by TEC, §21.048(a-1), and subsection (b) of this section, a retake is either an attempt to pass the overall examination required for the issuance of a generalist certificate or an attempt to pass only an individual core subject examination.

- (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 (b) or (c) 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.

### **§230.23. Testing Accommodations for Persons with Dyslexia.**

The Texas Education Agency (TEA) shall provide examination accommodations for persons with dyslexia.

- (1) For each licensing examination administered, the TEA and its testing vendor shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia as that term is defined in the Texas Education Code, §51.970.

- (2) The TEA and its testing vendor shall provide examination accommodations to an examinee diagnosed with dyslexia, provided acceptable medical or diagnostic documentation has been received and reviewed by the vendor prior to the administration of the examination.

**§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.

**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, 84<sup>th</sup> 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.