

**ATTACHMENT I**  
**Text of Proposed Amendment to 19 TAC**

**Chapter 230. Professional Educator Preparation and Certification**

**Subchapter C. Assessment of Educators**

**§230.21. Educator Assessment.**

- (a) 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 Early Childhood; Core Subjects).
- (A) A canceled examination score is not considered an examination retake.
- (B) An examination taken by an educator during a pilot period is not considered part of an educator's five-time test attempt limit.
- (C) Pursuant to TEC, §21.0491(d), the limit on number of test attempts does not apply to the trade and industrial workforce training certificate examination prescribed by the SBEC.
- (D) A candidate who fails a computer- or paper-based examination cannot retake the examination before 30 days have elapsed following the candidate's last attempt to pass the examination.
- (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 Continuing Professional Education Provider or Sponsor) and §232.19 of this title (relating to Approval of Private Companies, Private Entities, and Individuals as Continuing Professional Education Providers ), 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) 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) 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) 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) The commissioner of education 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.
  - (e) The appropriate examination(s) required for certification are specified in the figure provided in this subsection. For issuance of a probationary or standard certificate in more than one certification category, a candidate must pass the appropriate pedagogy examination specified in the figure provided in this subsection for any one of the certificates sought.
- Figure: 19 TAC §230.21(e) [~~Figure: 19 TAC §230.21(e)~~]
- (f) Scores from examinations required under this title must be made available to the examinee, the TEA staff, and, if appropriate, the EPP from which the examinee will seek a recommendation for certification. Passing scores on an examination required under this section may be utilized for certification if the candidate is recommended for certification up to one year after the last operational date for the examination as prescribed in Figure: 19 TAC §230.21(e).
  - (g) The following provisions concern ethical obligations relating to examinations.
    - (1) An educator or candidate who participates in the development, design, construction, review, field testing, scoring, 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 or candidate 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 or candidate 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.
- (4) An educator, candidate, or other test taker shall not:
  - (A) solicit information about the contents of test items on an examination that the educator, candidate, or other test taker has not already taken from an individual who has had access to those items, or offer information about the contents of specific test items on an examination to individuals who have not yet taken the examination;
  - (B) fail to pay all test costs and fees as required by this chapter or the testing vendor; or
  - (C) otherwise engage in conduct that amounts to violations of test security or confidentiality integrity, including cheating, deception, or fraud.
- (5) A person who violates this subsection is subject to:
  - (A) sanction, including, but not limited to, disallowance and exclusion from future examinations either in perpetuity or for a period of time that serves the best interests of the education profession, 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); and/or
  - (B) denial of certification in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title; and/or
  - (C) voiding of a score from an examination in which a violation specified in this subsection occurred as well as a loss of a test attempt for purposes of the retake limit in subsection (a) of this section.