

**2 (LC)**  
**November 28, 2017**

**TO:** VSBPE Licensure Committee

**SUBMITTED BY:** Deb Giles, Ron Ryan, and Terry Reilly

**ITEMS FOR DISCUSSION:** Waiver Criteria

**BACKGROUND:**

Currently the VSBPE has two Rules which allow the VSBPE to waive their own Rules in extraordinary circumstances. Rules: 5247 – *Waiver of Core Praxis Requirement* and Rule: 5950 - *VSBPE Waiver Rule*.

**Rule: 5247 – Waiver of Core Praxis Requirement:**

**5247 Waiver of Praxis Core Series Requirement**

- 5247.1 A superintendent may apply for the waiver on behalf of the school district.
- 5247.2 The school district would need to demonstrate that not being given a waiver would substantially inhibit the district’s ability to carry out “its locally established objectives.”
- 5247.3 The prospective teacher on whose behalf the waiver is being requested must document that he/she:
  - a) has undertaken additional efforts to acquire knowledge and skills necessary such as tutoring and courses,
  - b) has an identified and documented disability and has exhausted all ETS procedures for accommodations for that disability; and
  - c) has taken the exam a minimum of three times without being able to meet the required cut scores.
- 5247.4 If a - c are met and the VSBPE or its designee finds that the candidate is otherwise qualified, the Educator Quality Division’s Licensing Office will issue a license that is restricted to teaching in the school building(s) of the district making the waiver request.

**Rule: 5950 - VSBPE Waiver Rule**

**5950 VSBPE Waiver Rule**

- 5951 The VSBPE may consider waiving its established rules under the following circumstances:
- a) When strict application and/or enforcement of the existing VSBPE rules would create an unintended consequence, the result of which would be contrary to the intent of the VSBPE's rules as a whole; or
  - b) When strict application and/or enforcement of the VSBPE's existing rules would create an undue hardship for a licensee, an applicant, an educator preparation program, or a school district.
- 5952 The VSBPE shall only waive its rules under extraordinary circumstances, and under circumstances in which the interests of all affected learners are protected. In considering a waiver request, the decision of the VSBPE shall be final. This rule shall not apply to the consideration of particular waiver requests which are currently, or may be in the future, covered by separate, and more specific, rules regarding waivers (such as any such rule pertaining to Praxis testing).

**For Discussion:**

- Rule: 5247:
  - Should language be changed in 5247.1 to *Only a Superintendent* may apply for a waiver on behalf of a school district?
  - Any other changes to Rule 5247 at this time?
  
- Rule: 5950:
  - Should language be changed to *only a Superintendent* be able to apply on behalf of an educator working in a school district?