

Item 5:

**Request to Approve December 9, 2022 Board Meeting
Minutes**

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the December 9, 2022 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION
MEETING AGENDA
DECEMBER 9, 2022 AT 8:30 AM
1701 N. CONGRESS AVE. ROOM 1-104

The Board will meet in open session and after determining the presence of a quorum, deliberate and possibly take formal action, including emergency action, on any of the following agenda items:

Moment of Silence

Pledge of Allegiance

1. Call to Order

The State Board for Educator Certification (SBEC) convened its meeting at 8:32 AM on Friday, December 9, 2022.

Present: Dr. Robert Brescia, Dr. Veronica Galvan, Ms. Bena Glasscock, Ms. Julia Dvorak and Ms. Cristina Galindo, Mr. Rex Gore, Ms. Courtney MacDonald, Dr. Scott Muri, Dr. Andrew Lofters, Ms. Kelvey Oeser, Dr. Alma Rodriguez, Ms. Jean Streepey, and Mr. Tommy Coleman.

Absent: Mr. Josue Tamarez Torres.

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Associate Commissioner Garcia thanked the Board for their time and commitment and thanked staff for their diligent preparation leading up to the meeting.

3. Special Election of State Board for Educator Certification Vice-Chairperson

Ms. Pogue presented the procedures for the special election of State Board for Educator Certification officers as stated in the Board's operating policies and procedures (BOPP). She explained that a recent SBEC officer vacancy provided an opportunity for the Board to conduct an SBEC officer election for Board Vice-Chairperson.

Election of Board Vice-Chairperson

Motion and vote:

Motion was made by Ms. Streepey to nominate Dr. Muri for Board Vice-Chairperson. There were no other nominations, Dr. Muri was elected Board Vice-Chairperson by acclamation.

4. Public Comment

Public Testimony:
Mr. Scott Fikes – ECAP

CONSENT AGENDA

Ms. Pogue presented this item to the Board. She explained the purpose and logistics of the consent agenda. The consent agenda took up agenda items 5-7 with no discussion.

5. ***Request to Approve September 29, 2022 Work Session Minutes***
6. ***Request to Approve September 30, 2022 Board Meeting Minutes***
7. ***Adoption of Review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates***

Motion and vote:

Motion was made by Dr. Brescia to approve the Consent Agenda items 5-7 as presented. Second was made by Ms. Glasscock, and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

8. ***Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.25, Test Exemptions for Persons with a Hearing Impairment***

Ms. McLoughlin presented this item to the Board. She shared that the item was developed in response to input from stakeholders at the September 2022 SBEC meeting regarding challenges with the SBEC's current rules related to test exemptions for persons with hearing impairments. She reviewed the proposed amendments to the rule and shared that the proposed changes had been informed by stakeholder feedback.

Motion and vote:

Motion was made by Ms. MacDonald to approve the proposed amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.25, Test Exemptions for Persons with a Hearing Impairment, to be published as proposed in the Texas Register. Second was made by Ms. Galindo, and the Board voted unanimously in favor of the motion.

9. ***Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates***

Ms. Cook presented this item to the Board. She highlighted the proposed changes for the Board's consideration and confirmed the information has not changed since her

presentation to the Board at the September 30 meeting, with one additional point of clarification that an SBEC intern or probationary certificate is needed to meet the experience requirement for initial Trade and Industrial Education certification. Ms. Cook responded to a question and comment about the potential impact of that proposed change and the need to be sure to highlight this change for our EPP and LEA partners. Ms. McLoughlin responded to a question about the three proposed new special education certificates. There were no additional questions from the Board.

Motion and vote:

Motion was made by Ms. Glasscock to approve the proposed amendments to 19 Texas Administrative Code (TAC) Chapter 233, Categories of Classroom Teacher Certificates, to be published as proposed in the Texas Register. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

10. Proposed Revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, and Subchapter D, Reading Specialist Certificate

Mr. Pitre shared this item with the Board. He discussed proposed amendments to Chapter 239 which include the addition of the revised School Librarian and Reading Specialist standards and the current Reading Specialist standards that had not been previously codified in rule. Mr. Pitre then shared the effective and implementation dates for both sets of standards in addition anticipated dates for redesigned School Librarian and Reading Specialist exams.

Motion and vote:

Motion was made by Dr. Brescia to approve the proposed amendments to 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, and Subchapter D, Reading Specialist Certificate, to be published as proposed in the Texas Register. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

11. Implementation of HB 159 and Discussion of Teacher and Principal Surveys for Accountability System for Educator Preparation and Consumer Information Regarding Educator Preparation Programs

Dr. Olofson and Dr. Landa presented this item to the Board. Dr. Olofson explained that HB 159 expanded the definition of students with disabilities as it relates to preparation programs and noted stakeholder input from the September 2022 SBEC meeting relating to the definition and the questions in the Principal Survey and Teacher Survey. He discussed the updated wording for the questions.

Dr. Landa provided an overview of the data from the 2022 Principal Survey and 2022 Teacher Survey. He noted the response rates and differences in results across the two surveys.

Dr. Muri asked about how the surveys are distributed, and Dr. Olofson explained that the Principal Survey is distributed via the Educator Certification Online System (ECOS) and that the Teacher Survey is distributed directly to teachers via email. Dr. Galvan asked about wording in the updated question, and Dr. Olofson noted that the updated wording followed the bill and was guided by stakeholders. Dr. Galvan asked about the eligibility of teachers who completed the program but started teaching later, and Dr. Olofson noted that the Board's rules set a 5-year limit on eligibility after completion of the program, and that future rulemaking could modify this timeline. Dr. Brescia asked about the eligibility for multi-classroom leaders under the new wording. Dr. Olofson noted that in cases where there might be some confusion, TEA has direct support available for principals. Dr. Rodriguez asked about if the EPP-level survey response rates impacted the accountability system, and Dr. Olofson noted that program-level response rates were not currently published and response rate limits are not in rule, but that future rulemaking could provide modifications. Dr. Lofters asked about the weighting of the surveys in the accountability system. Dr. Olofson briefly summarized the new index system that includes weights and noted that the Principal Survey is weighted at the lowest level, and that the Teacher Survey is weighted higher than the Principal Survey. Dr. Lofters, Chair Streepey, Mr. Gore, and Dr. Rodriguez further commented on response rates and challenges with setting minimums.

Motion and vote:

Motion was made by Ms. Galindo to approve the updated principal and teacher survey questions as presented. Second was made by Mr. Gore, and the Board voted unanimously in favor of the motion.

12. 2021–2022 Continuing Approval Reviews of Educator Preparation Programs

Ms. Ayers presented this item to the Board. She provided an overview of the continuing approval review process for educator preparation programs (EPPs) and shared that an EPP must be reviewed every 5 years in accordance with SBEC rule, 19 TAC §228.10(b). Ms. Ayers stated that EPPs must maintain evidence of compliance with SBEC requirements for five years and explained the steps taken to determine the type of review to be conducted (i.e., desk review for low/medium risk EPPs and on-site review for high risk EPPs). She shared that EPPs found to be compliant with SBEC requirements are recommended by TEA for continued approval that is voted on by the Board, and EPPs found to not be in compliance with SBEC requirements can either achieve compliance with an agreed timeline that results in TEA staff recommendation for continued approval, or an EPP that remains non-compliant with SBEC requirements will result in TEA staff recommendation for sanction, both options are voted on by the Board. Ms. Ayers referenced Attachment I that included the list of programs reviewed in 2021-2022 that have been recommended for approval and Attachment II that identifies the list of programs reviewed in 2021-2022 that will be brought to the Board at the April 2023 SBEC meeting for consideration.

Motion and vote:

Motion was made by Mr. Coleman to approve the programs as presented for a 5-year renewal of approval. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

The SBEC recessed at 10:07 AM.

The SBEC reconvened at 10:20 AM.

13. Appointment of Committee Chair and Members to the SBEC EPP Commendations Committee

Ms. McLoughlin and Ms. Love presented this item to the Board. Ms. McLoughlin provided an overview of the purpose of the Innovative EPP Commendations Committee, the focus area for the next commendation cycle, and the projected schedule of events. Ms. McLoughlin shared that with Chair Streepey's appointment as the SBEC chair, and changes to the composition of the SBEC, the item presented an opportunity for the appointment of a new committee chair and members. Chair Streepey facilitated the appointment of Ms. MacDonald as committee chair and Ms. Glasscock, Ms. Galindo, Dr. Galvan, and Mr. Gore as committee members. Dr. Rodriguez and Dr. Brescia also volunteered to serve on the committee at the conclusion of the meeting.

DISCIPLINARY CASES

14. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

1. In the Matter of Aisha Khizar; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension
2. In the Matter of Alexis Fields Ellis; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension
3. In the Matter of Annelisa Stanley; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension
4. In the Matter of Haley Harris; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

5. In the Matter of Idiat Thomas; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
6. In the Matter of Joshua Arnett; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
7. In the Matter of Lakeshia Baker; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
8. In the Matter of Laurel Cummins; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
9. In the Matter of Sarai Lyons; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
10. In the Matter of Sherman Chamberlain; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
11. In the Matter of Tiffany LaCour; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
12. In the Matter of Tye Wilkerson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
13. In the Matter of Victoria Tabata; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension

- 14. In the Matter of Paula Jensen; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 10-year suspension and proof of successful completion of a substance abuse treatment program

- 15. In the Matter of David Schmitz; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3-year suspension and proof of successful completion of a substance abuse treatment program

- 16. In the Matter of Rene Solis; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3-year suspension and proof of successful completion of a substance abuse treatment program

- 17. In the Matter of Janet Townsend; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2-year suspension and proof of successful completion of a substance abuse treatment program

- 18. In the Matter of Patrick Crouch; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2-year suspension and proof of successful completion of a substance abuse treatment program

- 19. In the Matter of James Billingslea; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

- 20. In the Matter of Raul Chavira; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

- 21. In the Matter of Robert Bailey; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

22. In the Matter of Robert Reyes; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
23. In the Matter of Shawne Ware; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 10-year suspension
24. In the Matter of Lauren Neill; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 5-year suspension and proof of successful completion of a substance abuse treatment program
25. In the Matter of Monica Velasco; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

Motion and Vote:

Motion was made by Mr. Coleman that the Board grant staff's request for the issuance of default judgments on cases 1 – 4, 6 – 18, and 20 – 25 and issue final orders consistent with staff's recommendations. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

Ms. Galindo recused herself from deliberations and voting on default number 5.

Motion and vote:

Motion was made by Ms. MacDonald that the Board grant staff's request for the issuance of default judgments on case 5 and issue a final order consistent with staff's recommendations. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

SOAH Defaults

1. In the Matter of Noelee Baca Cole; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

Motion and vote:

Motion was made by Ms. Glasscock that the Board grant staff's request for the issuance of SOAH default judgment on SOAH Default 1 and issue a final order consistent with staff's recommendation. Second was made by Dr. Muri, and the Board voted unanimously in favor of the motion.

2. In the Matter of Jose Rodarte; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

Motion and vote:

Motion was made by Mr. Coleman that the Board grant staff's request for the issuance of SOAH default judgment on SOAH Default 2 and issue a final order consistent with staff's recommendation. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701-21-2473.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Charles Michael Hall; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ recommendation

Motion and vote:

Motion was made by Mr. Coleman that the Board accept the proposal for decision and issue a final order consistent with the ALJ's recommendation. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

2. Docket No. 701-22-0587.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Clifton Goins; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No disciplinary action to be taken

Staff Recommendation: Accept ALJ recommendation

Ms. Galindo recused herself from deliberations and voting on PFD number 2.

Motion and vote:

Motion was made by Dr. Brescia that the Board accept the proposal for decision and issue a final order consistent with the ALJ's recommendation. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

C. Court Cases

District Court Cases

1. Bradley Keith Bowen v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; 03-22-00331-CV; In the Seventh Court of Appeals, Amarillo, Texas, on Appeal from Cause No. D-1-GN-18-004203, In the 98th District Court of Travis County, Texas.
2. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. David Demiglio; No. 13-21-00331-CV; In the Court of Appeals for the Thirteenth Judicial District, Corpus Christi, Texas, On Appeal from Cause No. D-1-GN-20-001242, in the 353rd Judicial District for Travis County, Texas.

DISCUSSION AND ACTION

15. Action on Alternative Performance Assessment Pathways for Educator Certification and Discussion of Teacher Performance Assessment Options

Ms. McLoughlin and Mr. Pitre presented this item to the Board. Ms. McLoughlin reminded the Board of their direction coming out of their September meeting and provided an additional overview of the proposed teacher performance assessment options for use as pedagogy certification exams. She shared the two motions for the Board's consideration and action. During Board deliberation, Ms. Moriarty clarified that the use of "procurement" in the motion meant that it would initiate processes that would allow TEA staff to begin to look at options and that all options would be brought back to the Board for their consideration before further action. Ms. MacDonald reinforced that TEA staff should provide consistent check-ins with the SBEC regarding each step in the procurement processes.

Public Testimony:

Ms. Carrie Griffith – Texas State Teachers Association
Ms. Holly Eaton – Texas Classroom Teachers Association
Dr. Elizabeth Ward – TxATE

Motion and vote:

Motion was made by Dr. Muri to direct TEA staff to initiate a public request process to identify educator performance assessments for the SBEC's consideration as educator certification examinations in addition to the edTPA. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

Motion and vote:

Motion was made by Dr. Muri to direct TEA staff to initiate the procurement process for the development of a Texas Teacher Performance Assessment for the SBEC's consideration as an educator certification examination in addition to the edTPA. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

DISCUSSION ONLY**16. Discussion of Teacher Performance Assessment Implementation, Test Development Updates, and Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, and Subchapter C, Assessment of Educators**

Ms. McLoughlin and Mr. Pitre presented this item to the Board. Ms. McLoughlin summarized Board member discussion from the September meeting and provided the Board with information regarding potential options for teacher performance assessment certification exams along with potential “carve-out” options that could include a potential post-residency teacher class of certificates. Ms. McLoughlin then shared proposed timelines inclusive of each option. Following Ms. McLoughlin, Mr. Pitre shared test development updates that included information regarding a Bilingual and ESL certification pathway redesign. Mr. Pitre concluded this item with a summary of proposed updates to Chapter 230 A and C.

The SBEC recessed at 12:15 PM.

The SBEC reconvened at 12:46 PM.

Public Testimony:

Dr. Michael Marder – UTeach, UT Austin
Dr. Gina Anderson – Texas Woman's University
Dr. Suzanne Nesmith – Baylor University
Dr. Michele Henry – Texas Music Educators Association
Dr. Amy Simmons – UTeach Fine Arts, UT Austin

17. Discussion of Effective Preparation Framework Development

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin shared an update on the process to develop the Effective Preparation Framework and the results of the recently administered statewide survey on the framework content. She also shared proposed next steps to continue engagement with stakeholders regarding the framework content and begin discussions related to potential changes to EPP rules based on the draft framework content.

18. Discussion of A+ Texas Teachers Educator Preparation Program's Agreed Order

Ms. Ayers and Ms. Moriarty presented this item to the Board. Ms. Ayers provided an update on the A+ Texas Teachers' (ATT) Agreed Order and highlighted the meetings and supports provided by TEA staff and the Monitor during the timeframe of July 29, 2022, through November 18, 2022. Ms. Ayers referenced the update provided to the Board at the September 30 SBEC meeting and the activities related to the evidence submission to show corrective action taken by the program. Ms. Moriarty explained that the evidence review has been completed and TEA staff recommends revocation since the elements of the Agreed Order were not met and we are moving forward with a SOAH hearing. Ms. Moriarty shared that TEA staff will return to the Board with the outcome but anticipated very late 2023 or early 2024 before TEA staff will have additional information. Ms. Moriarty confirmed that ATT candidates should be able to complete certification requirements while the legal process continues. Ms. Moriarty responded to Board member questions related to current ATT candidates, potential impact on current teacher vacancies and teacher pipeline supports, future mitigating opportunities pending the outcome of the SOAH hearing, and guidance for all SBEC-approved EPPs.

Calvin Stocker, ATT Monitor, provided an update to the Board that aligned with timelines and dates shared earlier by Ms. Ayers. Mr. Stocker highlighted evidence-review work completed during the on-site review and subsequent informal reviews of documentation requested by ATT. Mr. Stocker summarized his final actions that supported staff's determination that elements of the Agreed Order were not met.

There were no additional questions from the Board.

Public Testimony:

Mr. Trent Beekman – A+Texas

19. Discussion of Educator Preparation Program Complaints for 2021-2022

Ms. Ayers presented this item to the Board. She explained this was a new update that provides the Board with information on how TEA staff handle complaints against educator preparation programs as codified in 19 TAC §228.70. Ms. Ayers focused on complaints received last year, 2021-2022, and highlighted actions taken, and support provided by TEA staff to assist in resolution of complaints. She provided examples of various complaints that fall within the following categories: Non-responsive EPP; Processing issues; Lack of support from EPP; Ineffective EPP; Ethics Violations; Rights Violations. Ms. Ayers shared that a total of 54 complaints were processed by educator preparation staff in 2021-2022 and confirmed that TEA staff refer complainants who have right violations (e.g., civil rights, disability rights)

to the appropriate federal organization for review and resolution. Board members confirmed the item was helpful and would appreciate receiving future updates from TEA staff.

INFORMATION ONLY

20. Update of State Board for Educator Certification Enabling Legislation from the 87th Texas Legislature

21. Board Operating Policies and Procedures (BOPP)

22. 2019–2022 Rule Review Plan for State Board for Educator Certification Rules

23. Adjournment

Ms. Streepey adjourned the meeting at 3:24 PM.

24. Statutory Citations

The Board may go into closed session regarding any item on the agenda to the extent it is authorized to do so pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551. The presiding officer of the Board intends to be physically present in Room 1-104, William B. Travis Building, 1701 North Congress Avenue. Some members may attend via videoconferencing.