

Item 7:
Request to Approve July 23, 2021 Board Meeting Minutes

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the July 23, 2021 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION**MEETING AGENDA****JULY 23, 2021 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, July 23, 2021.

Present: Dr. Robert Brescia, Ms. Rohanna Brooks-Sykes, Mr. Tommy Coleman, Ms. Julia Dvorak, Dr. Veronica Galvan, Mr. Rex Gore, Ms. Melissa Isaacs, Dr. John Kelly, Mr. Andrew Kim, Dr. Andrew Lofters, Ms. Courtney MacDonald, Ms. Shareefah Mason, Ms. Kelvey Oeser, Dr. Alma Rodriguez, and Ms. Jean Streepey.

2. Special Election of State Board for Educator Certification Officers

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 recent SBEC appointments provided an opportunity for the Board to accelerate the SBEC officer elections.

Election of Board Chairperson**Motion and vote:**

Motion was made by Ms. Brooks-Sykes to nominate Dr. Kelly for Board Chairperson. There were no other nominations, Dr. Kelly was elected Board Chairperson by acclamation.

Election of Board Vice-Chairperson**Motion and vote:**

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

Election of Board Secretary

Motion and vote:

Motion was made by Ms. Brooks-Sykes to nominate Mr. Coleman for Board Secretary. There were no other nominations, Mr. Coleman was elected Board Secretary by acclamation.

The Board recessed at 8:40 AM.

The Board returned at 8:43 AM.

3. Associate Commissioner's Comments Regarding the SBEC Agenda

Associate Commissioner Emily Garcia welcomed the Board members and thanked TEA staff for their expertise and diligence in preparing for the work session and Board meeting. Ms. Garcia also thanked Marilyn Cook, who served as Interim Associate Commissioner for several months prior to Ms. Garcia's onboarding. Ms. Garcia also thanked Deputy Commissioner Kelvey Oeser and the Board for the opportunity to serve as the new Associate Commissioner and expressed enthusiasm for the work ahead.

4. State Board for Educator Certification Welcome New Board Members and Recognition of Former Board Members

Dr. Kelly welcomed three new SBEC members: Dr. Veronica Galvan, Director, Excellence in Teaching, as the alternative EPP representative; Mr. Rex Gore, Austin, as a citizen representative; and Mr. Andrew Kim, Superintendent, Comal ISD, as an administrator representative. Dr. Kelly also thanked Dr. Cavazos, Ms. Emily Garcia, and Ms. Sandie Mullins for their service on the SBEC Board.

5. Public Comment

None.

CONSENT AGENDA

6. Request to Approve April 30, 2021 Board Meeting Minutes

The April 30, 2021 meeting minutes were approved as corrected.

Ms. Pogue provided the Board with an overview of the types of items on the agenda. She clarified key differences between discussion, proposal, and adoption items and the Board's opportunities for action in each phase of the rulemaking process. Ms. Pogue also highlighted the navigation cues within the Power Point presentation that would be utilized by staff as each agenda item is presented for the Board's consideration.

DISCUSSION AND ACTION**7. Adoption of Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates**

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin shared that Chapter 227 provides all of the SBEC's requirements that candidates must possess to be considered for admission into an educator preparation program (EPP), as well as the preliminary evaluation of certification eligibility. She shared that the item complied with the required four-year review cycle for all SBEC rule chapters. She also stated that as an outcome of the SBEC's approval of the proposal in April, Chapter 227 was posted for 30 days of public comment, which allowed the public to comment on the relevance and need for these rules.

Ms. McLoughlin shared that they received two public comments on the rule review, one in support of readoption of the rules and one that was outside the scope of the current rulemaking but provided feedback on the GPA requirement for program admission.

Motion and vote:

Motion was made by Dr. Brescia to adopt the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates. Second was made by Ms. Streepey, and the Board voted unanimously in favor of the motion.

8. Adoption of Review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin shared that Chapter 228 provides all of the SBEC's requirements for EPPs. She shared that the item complied with the required four-year review cycle for all SBEC rule chapters. She also stated that as an outcome of the SBEC's approval of the proposal in April, Chapter 228 was posted for 30 days of public comment, which allowed the public to comment on the relevance and need for these rules.

Ms. McLoughlin shared that they received three public comments on the rule review, including one in support of readoption of the rules and two that were outside the scope of the current rulemaking but provided feedback on the flexibility of the rules related to delivery of coursework in a virtual setting and the required timing of observations.

Public Testimony was provided by Marissa Hernandez.

Motion and vote:

Motion was made by Ms. Isaacs to adopt the review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

9. **Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**

Dr. Olofson presented this item to the Board. He provided background on the accountability system and related processes. He identified three categories of amendments, including extending the accreditation status related to the emergency declaration, clarifying the certificate category pass rate, and updating the ASEP manual. Dr. Olofson stated that feedback from the Board, the EPAC, and other stakeholders pointed to the need for extending the status of Not Rated: Declared State of Disaster for the 2020-2021 academic year, while providing data back to the field and providing a way to recognize EPPs that had made programmatic improvements during 2020-2021 by breaking any count of years with a lowered accreditation status and allowing these EPPs to be eligible for commendations. He pointed to the rule updates in 229.4(a) and 229.4(b) that provided these updates. Second, Dr. Olofson described the process related to clarifying the certificate category pass rate. He noted feedback from the Board and the EPAC, which highlighted the importance of using the new STR exam, aligning EPP requirements with candidate requirements, ensuring that results for candidates in a certificate field are used in that certificate field, and noting the potential impact on programs that offer Bilingual certification. Dr. Olofson presented data on Bilingual program pass rates demonstrating that there was no differential impact based on the available data. He pointed to the updates in 229.5 that clarified the calculation approach and recognized EPPs that had made programmatic improvements. Third, Dr. Olofson described the updates to the ASEP manual that provided additional alignment with rule text; provided updated dates and clarifications; implemented HB 159 from the 87th Legislature, Regular Session; and inserted the area of commendation approved by the Board's committee at the prior meeting.

Ms. Streepey clarified that the continuation of the status of Not Rated: Declared State of disaster prompted the opportunity to recognize programs that had improved and voiced support for the approach. Dr. Kelly noted that this allows for programs to be recognized while otherwise being held harmless. He also noted the importance of the ASEP manual for the Board and the field. Dr. Rodriguez voiced support for recognizing EPPs that had improved and asked for clarification on the certificate category pass rate. Dr. Olofson noted that for programs that did not improve, the 2020-2021 year would still be a pause in the count of years. Dr. Rodriguez asked for clarification on the assessments included, and Dr. Olofson clarified that the updates provide alignment with rule text. Dr. Rodriguez and Dr. Galvan asked for further clarification on the STR pass rate, and Dr. Olofson further clarified that only the STR pass rate for the candidates in the certificate category is counted towards the certificate category. Dr. Galvan asked for additional clarification about Bilingual certification, and Dr. Olofson clarified that exams required for the certificate are counted towards the certificate category pass rate. Mr. Kim asked about rule language for future situations like the COVID pandemic. Dr. Olofson noted that the SBEC has approached the situation by making decisions about the accountability system after the year, fully informed by the data. Dr. Lofters asked about clarification on an example in the manual, which Dr. Olofson provided.

Motion and vote:

Motion was made by Mr. Kim to approve the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, to be published as

proposed in the Texas Register. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

10. Request to Approve New Educator Preparation Program at Odessa Pathway to Teaching (OPT) at Ector County ISD

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin stated that this item requested the Board to approve an application by Odessa Pathway to Teaching (OPT), Ector County ISD (ECISD), to be approved as an educator preparation program through the alternative certification route. She shared that OPT submitted a New EPP application to the TEA for review. She provided the background context that the New EPP application is robust and requires prospective programs to demonstrate programmatic alignment with 9 components of TAC provisions. She stated that the OPT application was reviewed by TEA staff, and TEA staff and OPT staff engaged in extensive discussions to ensure OPT compliance with SBEC rules. She also shared that after the thorough review of the application to ensure compliance with TAC, TEA staff conducted a SBEC-required pre-approval virtual site visit that also found that OPT was in compliance with provisions that govern the approval of EPPs. She then provided an overview of OPT's proposed certification fields, cost, and timeline and scope for admission. Ms. McLoughlin stated that the ECISD team was in attendance to answer any of the SBEC members' questions.

Members of the ECISD team introduced themselves. Mr. Kim asked about potential incentives to keep candidates within ECISD after going through the preparation program. ECISD team member, Ms. Osbourne, stated that candidates are not required to stay with ECISD for a specified number of years but hoped that the support provided would incentivize candidates to remain in the district long term. Ms. Oeser stated that she was encouraged about the ways in which OPT was going above and beyond minimum requirements, particularly as they relate to pre-service practice. Dr. Galvan provided guidance and encouragement to the OPT team.

Motion and vote:

Motion was made by Ms. Streepey to approve Odessa Pathway to Teaching as a new educator preparation program as presented. Second was made by Mr. Kim, and the Board voted unanimously in favor of the motion.

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

Ms. Pogue and Ms. McLoughlin presented this item to the Board. Ms. Pogue explained that with the election of new SBEC officers and appointment of new members, this item provides the opportunity for the Board Chair to appoint a committee chair, and for Board members to volunteer for the committee. Ms. McLoughlin described the nature of the committee work and timeline.

Dr. Galvan, Mr. Gore, Ms. MacDonald, Dr. Rodriguez, Ms. Mason, Ms. Streepey volunteered for the committee. Dr. Kelly appointed Ms. Streepey as the chair of the committee.

DISCIPLINARY CASES**12. Pending or Contemplated Litigation, including Disciplinary Cases****A. Defaults**

1. In the Matter of Anamechia Joseph; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
2. In the Matter of Andre Dean; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
3. In the Matter of Crystal Cano; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
4. In the Matter of Cynthia Hill Sillah; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
5. In the Matter of Daisy Gonzalez-Castaneda; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
6. In the Matter of Jaime Acosta; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
7. In the Matter of Janet Dickinson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
8. In the Matter of Jennifer Prause; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension

9. In the Matter of Julian Flores; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
10. In the Matter of Katherine Wilcox; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Suspension until expiration of Probationary Certificate on August 13, 2021
11. In the Matter of Kaytlin Blakley; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
12. In the Matter of Kenah Lofton; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Suspension of Intern Certificate until expiration on August 6, 2021, and paraprofessional certificate on August 31, 2021
13. In the Matter of LaRonda Fields; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Suspension of Intern Certificate until expiration on August 10, 2021
14. In the Matter of Leyra Mireya Cano Luviano; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
15. In the Matter of Paula Rogish; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
16. In the Matter of Quiarre Stafford; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Suspension of Probationary Certificate until expiration on September 20, 2021

17. In the Matter of Ramon Neilly; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
18. In the Matter of Shannon Keels; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
19. In the Matter of Thomas Keating; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
20. In the Matter of William S. Ray; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Suspension of Intern Certificate until expiration on August 10, 2021
21. In the Matter of Winter Butler; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
22. In the Matter of Zenas Hubbard; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Suspension of Intern Certificate until expiration on August 10, 2021
23. In the Matter of Christie Pierson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
24. In the Matter of Jennifer Hunter; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
25. In the Matter of Paul Duke; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

26. In the Matter of Russell Rowton; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
27. In the Matter of Stephany Pena; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
28. In the Matter of Terry Carpenter; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
31. In the Matter of Dawn Hogan; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program
32. In the Matter of Ginny Elliot; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program
33. In the Matter of George Mendez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 3-year suspension and proof of successful completion of substance abuse treatment program
34. In the Matter of Mary Grajewski; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 3-year suspension and proof of successful completion of substance abuse treatment program
35. In the Matter of Basilio Mata-Mendez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 3-year suspension and proof of successful completion of substance abuse treatment program

36. In the Matter of Monica Burns; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 10-year suspension and proof of successful completion of substance abuse treatment program
37. In the Matter of Clint Costlow; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
38. In the Matter of Flavio Colunga; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
39. In the Matter of Jamie Goforth; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
40. In the Matter of Richard Covington, Jr.; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
41. In the Matter of Sarah Baker; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
42. In the Matter of Judy Eschleman; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
43. In the Matter of William Krueger; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
44. In the Matter of Katie Garza; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation

45. In the Matter of Keenlen Bennett; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

46. In the Matter of Claudia Ramos; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 4-year suspension

Motion and vote:

Motion was made by Mr. Kim to grant staff's request for the issuance of default judgement on cases numbered 1-46, excluding cases 1, 7, 13, 17, 29 and 30 as listed on the agenda, and issue final orders consistent with staff's recommendations. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

29. In the Matter of Walter Long; Action to be taken: Consideration of Issuance of Default Judgment

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

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for the issuance of default judgement on case 29 and enter a final order issuing a sanction of a two (2) year suspension with proof of successful completion of a substance abuse treatment program and submit evidence of a successful completion of a mental health evaluation by a licensed psychiatrist or psychologist finding that respondent is suited to return to work as an educator. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

30. In the Matter of Leroy Chavarria; Action to be taken: Consideration of Issuance of Default Judgment

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

Ms. Mason recused herself from deliberations and voting.

Motion and vote:

Motion was made by Mr. Kim to grant staff's request for the issuance of a default judgement on case number 30 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.

SOAH Defaults

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

Staff recommendation: 2-year suspension

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for issuance of SOAH default judgment on case number 2, as listed on the agenda, and issue a final order consistent with staff's recommendation. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

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

Staff recommendation: Permanent Revocation

Motion and vote:

Motion was made by Mr. Coleman that respondent did have good cause for failing to appear at the State Office of Administrative Hearings on April 26, 2021. Second was made by Dr. Brescia, and the motion passed with Dr. Brescia, Ms. Brooks-Sykes, Mr. Coleman, Ms. Dvorak, Ms. Isaacs, Ms. MacDonald, Ms. Mason, and Ms. Streepey voting in favor of the motion, and Mr. Kim voting against the motion.

Motion was made by Mr. Coleman that docket number 701-21-0291.EC, TEA v. Alecia Samples, be remanded back to the State Office of Administrative Hearings for further proceedings. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

Good Cause Determination

1. In the Matter of Christopher Doss; Action to be taken: Determination of Good Cause and Consideration of Issuance of Default Judgment

Staff recommendation: Remand back to State Office of Administrative Hearings for further action due to Respondent's good cause for default

Motion and vote:

Motion was made by Mr. Kim that respondent did have good cause for failing to appear at the State Office of Administrative Hearings on May 18, 2021. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

Motion was made by Mr. Kim that docket number 701-21-0542.EC, TEA v. Christopher Doss, be remanded back to the State Office of Administrative Hearings for further proceedings. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701210058.EC, Texas Education Agency, Educator Leadership and Quality Division v Angie Word; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1-year suspension

Staff Recommendation: Accept ALJ Recommendation

Motion and vote:

Motion was made by Mr. Coleman that Board accept the Proposal for Decision and issue a final order consistent with the ALJ's recommendation. Ms. Word's educator certificates should be suspended for one (1) year. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

2. Docket No. 701210936.EC, Texas Education Agency, Educator Leadership and Quality Division v. Jacob Humphries; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ Recommendation

Motion and vote:

Motion was made by Mr. Coleman that Board accept the Proposal for Decision and issue a final order consistent with the ALJ's recommendation. Mr. Humphries's educator certificates should be revoked. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

C. Court Cases*District Court Cases*

1. David Turner v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. D-1-GN-17-002298, In the 250th District Court of Travis County, Texas.
2. Bradley Keith Bowen v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. D-1-GN-18-004203, In the 98th District Court of Travis County, Texas.
3. Jamie Belinoski v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. D-1-GN-19-002926, In the 53rd District Court of Travis County, Texas.

4. David Demiglio v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. D-1-GN-20-001242, In the 459th District Court of Travis County, Texas.
5. Leo Joseph Tran v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. 21-0003, In the Supreme Court of Texas.

DISCUSSION ONLY

13. Discussion of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters

Ms. Moriarty presented this item to the Board. She provided background on the statutory changes wrought by HB 2519, 87th Legislature, Regular Session. She noted that the bill would require the SBEC to change its rules to adjust its minimum sanction for contract abandonment, among other changes.

Ms. Moriarty also presented the results of the Board's work session from the day before, offering draft rule text for new elements of the definition of good cause for contract abandonment, new mitigating factors for contract abandonment, and a clarifying statement in rule that mitigating factors can reduce an educator's sanction to the extent that the Board takes no action against the educator's certificate. The proposed new components of the good cause definition included an educator's career change to a position requiring a different class of educator certificate, a reduction to the educator's base pay, the educator's reasonable belief that he or she had received written permission from school district administration to resign, or a change in the educator's campus assignment. The proposed new mitigating factor was that an educator was in immediate threat of physical harm to the educator.

Ms. Mason stated that she wanted to confirm that the good cause factor for campus reassignment would not allow educators to resign without penalty if the educator knew about the reassignment prior to the 45th day before the first day of instruction. Ms. Moriarty confirmed that the Board had interpreted the good cause factors as all being conditions that were unknown to the educator prior to the 45th day before the first day of instruction.

Dr. Rodriguez questioned whether the good cause factor for promotion should include promotions within the superintendent class of certificate, but Mr. Kim pointed out that superintendents did not have Chapter 21 contracts, so they are not subject to SBEC sanction for contract abandonment. Ms. Streepey expressed concern about considering an educator's career change good cause for contract abandonment because it could allow educators to resign without penalty even if they did not give significant notice.

Dr. Kelly and Mr. Kim both expressed concern about unintended consequences of putting into state-wide rules more limits on the enforcement of contract abandonment, given that many school districts have made the local decision to allow educators to leave contracts for

reasons such as career change. Mr. Kim pointed out that allowing more local control and putting fewer factors into the definition of good cause in SBEC rule allows districts the discretion to make decisions on teachers' resignations that are in the best interests of children, such as requiring a teacher to stay until a replacement can be found.

Dr. Kelly stated that he did not support a mitigating factor for an immediate threat of physical harm, because many educators' complaints regarding the safety of their working environments were not justified, and it would be difficult to determine which were both justified and sufficiently serious. Ms. Streepey stated that the SBEC should not require teachers to stay in contracts if the teacher has suffered serious injury, like a broken nose or broken jaw. Mr. Coleman stated that he felt it was important for the SBEC to take a position in rule on physical harm to teachers and on changes in career.

Dr. Kelly asked whether the draft rule on career change would cover an educator going from a job that does not require bilingual certification in one district to a job that does require bilingual certification in another district. Ms. Moriarty clarified that it would not, because that was a change in certification field rather than certification class.

Ms. MacDonald asked whether the rule amendments would address the harm caused by suspending a teacher as a sanction for contract abandonment when the teacher was teaching a new class in a new district, causing the teacher to have to abandon a second classroom full of children. Ms. Moriarty noted that the Board's rules already provide for beginning the suspension sanction for contract abandonment agreed orders at the end of the school year if the record shows that a teacher is currently working as an educator, to avoid causing further harm to additional students.

Mr. Gore suggested a change to the wording of the educator safety mitigating factor to describe it as "immediate and significant" physical harm to the educator, to rule out instances where an educator's complaints about their working conditions were not justified. Dr. Kelly responded that he was concerned that language would lead to debates about what qualified as "significant." Mr. Kim commented that he would like to distinguish classroom assaults from educators' concerns about the safety of other aspects of their working environments, noting that school districts already have tools to address threats to educators caused by student conduct and that threats caused by special education students involve additional issues of federal law. Dr. Galvan commented that special education students need stable teachers more than any other group, and she was concerned that the complexity of weighing special education needs against educator safety was too complex to be included as a mitigating factor.

Dr. Brescia suggested that the proposed good cause factors could be moved to mitigating factors to address the Board's concerns about the complexity of the issues. Ms. Moriarty added that the difference between a good cause factor and a mitigating factor from TEA staff's perspective was that cases with good cause were closed administratively with no sanction, while cases with mitigating factors were offered settlements and would go through the full administrative hearing process if the educator declined the settlement, so if the Board's goal was to create efficiency and to reduce the burden of SBEC action on educators, a good cause factor would be more appropriate than a mitigating factor. Ms.

Dvorak commented that SBEC rules should address the lowest common denominator for districts, so while it may be that many districts would not report educators for the issues included in the proposed good cause and mitigating factors, that was not a reason that the issues should not be addressed in SBEC rule. Ms. Brooks-Sykes agreed with Ms. Dvorak and pointed out that having these good cause factors might deter districts from reporting individuals who fell into those categories. Ms. Moriarty stated that the data from reporting following the implementation of good cause factors in 2016 suggested that it could be a deterrent, but even if it was not, the good cause factors would allow TEA staff to close the cases administratively without the educators having to deal with the expense and hassle of the contested case hearing process. Ms. MacDonald stated that she was surprised to know that the Board has flexibility in how it applies mitigating factors, including that the mitigating factors can mitigate an educator's sanction to the point that the Board takes no action, and suggested that the good cause factors would be more appropriate as mitigating factors given that the Board could decide not to take action based on mitigating factors. Mr. Coleman stated that he agreed with Ms. Brooks-Sykes and Ms. Dvorak that the proposed good cause factors and mitigating factors were appropriate and necessary, and that he expected that through deciding the cases, the Board could interpret its rules to remove opportunities for frivolous cases. Ms. Dvorak reiterated that she preferred couching the issues in rule as good cause factors rather than mitigating factors because it allowed the cases to be closed immediately and certainly rather than requiring the educator to endure a contested case proceeding with the possibility of a resulting sanction.

Ms. Streepey suggested adding a 20-day notice requirement for promotion to be good cause for contract abandonment to allow the Board to sanction educators if they abandoned a contract for a promotion but gave the school district less than 20 days of notice. Ms. Dvorak stated that 20 days of notice was not likely to make much of a difference, given that educators were subject to contract abandonment sanction as early as 45 days before the first day of instruction. Mr. Kim opposed adding a notice requirement for promotion to be good cause for contract abandonment, stating that the fluid hiring needs of a district require someone to be able to start quickly and the SBEC should not try to prevent educators from moving to the new position quickly as necessary.

Dr. Kelly stated that he was in favor of adding good cause factors for educators who face a reduction in base pay and for educators who resign after receiving written permission from school administration, and that he hoped the Board could reach consensus on those factors. Mr. Kim noted that he remained concerned about unintended consequences of adding more factors to good cause. Dr. Kelly noted that the human resources staff at his district had asked him "not to open Pandora's box" in making changes to the contract abandonment rules.

Dr. Galvan asked whether a teacher would go to their teacher organization to file a grievance if the teacher was reassigned to a campus. Ms. MacDonald noted that not all teachers are members of teacher associations, and teacher associations may not be able to solve these problems for their members. Ms. Dvorak commented that putting these factors in rule as good cause or mitigating factors would give direction to districts on what situations were reportable contract abandonment.

The Board received public comment from stakeholders. Patty Quinzi of the American Federation of Teachers stated that they opposed any minimum sanction for contract abandonment and wanted the Board to have as much discretion as possible. Ms. Dvorak asked Ms. Quinzi how many educators she represented; Ms. Quinzi stated that she represented 65,000 educators. Ms. Dvorak asked Ms. Quinzi if she had polled her educators on their opinions on the proposed rules. Ms. Quinzi said that she had not, but that the educators she represents would be in favor of more discretion for the Board because they want the opportunity to argue their cases to the Board directly.

Laura Kravitz of the Texas State Teachers' Association said that Representative Darby will be providing the Board with a letter of legislative intent regarding HB 2519. Ms. Kravitz stated that the bill was not intended to address contract abandonment at any time other than at the beginning of the school year. Ms. Kravitz stated that HB 2519 is intended to give the SBEC more discretion to tailor punishments for each individual case. Ms. Kravitz stated that educators who are sanctioned by the SBEC for contract abandonment are not returning to the profession after their suspensions are complete. Ms. Kravitz noted that HB 2519 did not codify the Board's rules on mitigating factors and good cause for contract abandonment and requested that the Board include a catch-all provision that would allow it to consider any factor. Ms. Dvorak asked Ms. Kravitz if she had any data to back up her statement about educators leaving the profession following a suspension for contract abandonment. Ms. Kravitz said she did not, but that TEA would have such data. Ms. Streepey asked Ms. Kravitz what she meant when she described contract abandonment as a "small administrative mistake." Ms. Kravitz explained that she defined any conduct by an educator that was not criminal or did not involve the teacher causing direct harm to children as a "small administrative mistake."

Julie Leahy of the Texas Classroom Teachers' Association stated that it is important for the SBEC to exercise discretion. Ms. Leahy stated that while she understood TEA staff's interest in creating clear standards, she felt that it was more important for the Board to be able to make the nuanced calls on cases that only an educator could understand. Ms. Leahy stated that retaining quality teachers is not achieved by forcing educators to stay in the classroom under intolerable conditions, and the good cause factors the Board was considering would allow educators out of such intolerable conditions.

Mr. Gore asked if the Board could delegate contract abandonment rulemaking drafting to a subcommittee. Ms. Moriarty pointed out that the Board needed to move on some rulemaking to implement HB 2519 at its next meeting, so there was not much time for a subcommittee. Mr. Gore clarified that he wanted a subcommittee to hear the contract abandonment cases and make recommendations on sanction to the full Board. Ms. Moriarty stated that while it was possible to have a subcommittee review cases, the Board had not historically chosen to have subcommittees review cases. Ms. Moriarty noted that a subcommittee would present logistical challenges and would require a significant increase to travel resources.

Ms. MacDonald pointed out that the implementation of HB 2519 is separate from the results of the Board's work session, and that the disagreements among the board members seemed to be focused on the results of the work session. Ms. MacDonald asked whether the rule item could be simplified to include only the implementation of HB 2519 without any controversy. Ms. Moriarty pointed out that in order to implement HB 2519, the Board would

have to decide the question of whether to have a standard sanction for contract abandonment that applied when the Board found no mitigating factors.

Ms. Streepey suggested moving the draft good cause factors regarding educators' career changes and educators' campus assignments to mitigating factors while keeping the factors regarding a decrease in an educator's pay and an educator receiving permission to resign from school administration as good cause factors. Dr. Kelly agreed with Ms. Streepey's suggestion.

Ms. Dvorak said that she would like a letter of intent from Rep. Darby and more discussion before proposing a rule change. Dr. Kelly noted that this was just a discussion item, and the Board would have an opportunity at the next meeting to hone the language before proposing amendments in the Texas Register.

Ms. Streepey stated that she supported keeping guidance on minimum default penalties for contract abandonment, rather than removing the guidance entirely, because it would be helpful for educators to know what penalty they might face when they are deciding whether to resign their contracts.

Dr. Rodriguez spoke in support of having a good cause factor for educators' promotions because it would encourage educators to pursue career advancement in the education profession thereby leading to better outcomes and student success.

Mr. Kim agreed with Ms. Streepey that a change in campus assignment should be moved to a mitigating factor to allow for consideration of the factual nuances that would be different in each case of campus reassignment. Ms. MacDonald commented that factual nuances would impact all cases of contract abandonment, because some growing school districts may need teachers more than other districts.

Mr. Kim requested that TEA staff provide data on whether contract abandonment reporting was coming from small districts or large districts. Mr. Gore asked for data on whether rural or urban districts were reporting more contract abandonment.

Ms. Moriaty stated that she would return at the October meeting with new draft rule language for the Board's consideration that would move educator career change and educator reassignment to mitigating factors.

14. Discussion of Texas Certification Options for Individuals Certified Outside the State

Ms. Cook presented this item to the Board. She explained that the item highlighted the processes for individuals licensed outside the state who transfer to Texas and seek state certification. Ms. Cook stated that when considering the process for individuals certified outside the state, it is important to reflect on the rigorous process for in-state prepared candidates for certification.

Ms. Cook utilized the meeting's online presentation to walk the Board through the steps completed by individuals certified in other states. She explained the required documents necessary for TEA staff to successfully complete a review of out-of-state credentials (i.e., an

official transcript showing degree conferred and date and a copy of the standard certificate issued by the licensing agency in the other state). Ms. Cook confirmed that the successful completion of an out-of-state credentials review provides educators with an opportunity to be issued a Texas one-year certificate that would allow them to be employed while working to either take and pass required state examinations to qualify for issuance of the Texas five-year standard certificate or qualify for an exemption from required Texas examinations. Ms. Cook highlighted the provisions for exemptions for state examinations through the Commissioner's Rules, which while outside of the SBEC's purview, aligns nicely with the certification processes established by the Board. Ms. Cook then walked the Board through the steps completed by individuals certified in other countries. She explained the required documents to successfully complete a review of out-of-country credentials (i.e., an original foreign credential evaluation document confirming the equivalent of a bachelor's degree and completion of preparation coursework; a letter of professional standing; and demonstration of English language proficiency). Ms. Cook stated the current requirement for an original letter of professional standing verifies the individual's credential is in good standing and has had no disciplinary actions taken against it. Ms. Cook also explained the requirement to demonstrate English language proficiency prior to issuance of Texas certification.

During the conversation regarding the process to successfully complete the out-of-country credentials review process, Ms. Cook referenced two "spoiler alert" items for further discussion with the Board: the letter of professional standing and the list of countries currently adopted into SBEC rule that allows individuals to qualify for an exemption from the English language proficiency requirement. She shared two discussion questions for the Board's consideration: 1. Should the professional standing letter be eliminated? 2. Should the list of countries currently adopted into SBEC rule that qualifies an individual from exemption from the English language proficiency requirement be expanded?

Ms. Cook paused at the completion of her presentation for feedback from the Board. Dr. Kelly stated that to him it's a "no brainer" that the requirement for a professional standing letter be removed. Dr. Brescia also confirmed sometimes it is a small miracle to get such a letter and is not certain of the "value add." Ms. Brooks-Sykes had a question about the fingerprinting and background process and the timing for those activities. Ms. Cook shared that in both cases, prior to issuance of the one-year certificate, individuals seeking the Texas certificate must successfully complete fingerprinting and the background check. Ms. Brooks-Sykes also asked if there was an international or national database to support those processes. Ms. Cook asked for colleague support, and Mr. David Rodriguez shared the fingerprinting background check was a national database only. Mr. Rodriguez stated that fingerprinting cards will be mailed out of country for individuals seeking Texas certification, but the criminal database is limited to verification of activities within the United States.

Mr. Coleman asked if the letters of professional standing we receive are helpful to the certification process. Ms. Cook confirmed those letters are additional verification of educator statuses and support completion of the out-of-country credentials review. Mr. Coleman asked if we should consider incorporating a "good faith effort" into the process to ensure there is an incentive to demonstrate the status of an educator's credential. Ms. Mason shared her agreement with Mr. Coleman's recommendation to include something that requires educators to try to provide verification of their credential and eligibility to teach. Ms. MacDonald stated those were great points and asked if there were background checks elsewhere as candidates for certification enter the country. Ms. Cook shared she was taking notes regarding the points raised during the discussion and briefly shared the involvement of

the Department of State and other entities with the Visiting International Teacher certification process supported in SBEC rule. Mr. Gore stated he assumed there might also be some checks at the local level regarding work permits/Visa confirmation processes. Mr. Kim shared the ability to have something in the educator file regarding background check would strengthen the process. Dr. Rodriguez emphasized she believed we are discussing two issues: criminal background check that may or may not be verified at the point of immigration and her understanding that the letter is specific only to the status of the credential. Ms. Cook confirmed Dr. Rodriguez's understanding of the purpose of the professional standing letter. Dr. Kelly summarized best next steps for Ms. Cook as she prepares to return for future conversation with the Board. Ms. Cook thanked the Board for all of the feedback. Ms. Streepey commented that the expansion of the list of countries considered for exemption from the English language proficiency requirement was not discussed in much detail and wondered if the lists from the two university systems should be adopted into SBEC's rule. Ms. Cook shared she would take back that feedback and appreciated the suggestion from Ms. Streepey.

15. Discussion of Quality Components of Educator Preparation Programs

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin shared that the goal for the discussion was for the SBEC to engage in rich initial discussion around a proposal to develop a framework that would codify the quality components of EPPs in order to recognize high-quality, high-performing EPPs and support EPPs in their continuous improvement. Ms. McLoughlin provided an overview of actions the SBEC has taken since 2015 specifically focused on EPP quality, including the establishment of the EPP Commendations. She also provided an overview of other relevant discussions related to EPP quality, including recent discussions with the EPAC and the previous SBEC Board Chair, Dr. Cavazos. She also discussed the development and implementation of a similar quality framework currently used in K-12, the Effective Schools Framework. Ms. McLoughlin then provided an overview of how an Effective Preparation Framework could be leveraged to support educator preparation programs, stating that the framework would provide an aspirational bar for educator preparation quality and a route to get there, as well as capture the most foundational practices that are essential for all 123 Texas EPPs, across program types and contexts. Ms. McLoughlin stated that the Effective Preparation Framework would have three primary functions: to build a common language, foster continuous improvement, and support alignment. Finally, Ms. McLoughlin shared proposed next steps, including facilitating development and feedback sessions with the EPAC, engaging in learning conversations with the SBEC's Innovative EPP Commendation recipients, seeking feedback and recommendations from Educate Texas's advisory committee focused on educator preparation practices, and providing comprehensive updates and draft framework language to the SBEC for discussion and feedback.

Dr. Kelly asked how the accountability system connects to the development of an Effective Preparation Framework. Ms. McLoughlin shared that the accountability system signals for programs the need for continuous improvement and that the Effective Preparation Framework could present guidance around areas to prioritize for improvement. She also shared that the framework could support the recognition of programs that go above and beyond minimum requirements and support differentiation among those programs currently labeled as accredited.

Dr. Rodriguez stated that she hoped the framework would move programs from a culture of compliance to a culture of continuous improvement. Dr. Rodriguez asked staff to think of ways for as many EPPs as possible to provide feedback directly on a draft framework. She also asked how TEA staff would determine which programs to observe to develop the vision for quality, given that there are multiple approaches to demonstrate quality based on an EPP's context.

Mr. Kim asked if all EPPs would be required to participate. Ms. McLoughlin shared that TEA staff would seek feedback across a wide range of EPP stakeholders. She also shared that in regards to the requirements associated with the framework, that staff first wanted to seek direction around the development of the framework and would then seek guidance around how the framework could be leveraged in implementation of SBEC rule. Mr. Kim stated that most educators are hired from programs within the regional vicinity. He stated that they sought to hire candidates from strong programs and asked how the framework would be operationalized to designate the relative quality of programs within a given region. Ms. McLoughlin shared that the purpose of the framework would be to support EPP continuous improvement, which could be amplified by LEA demand.

Ms. Streepey asked if all programs who received commendations could be looped into the framework feedback process. Ms. McLoughlin confirmed that these programs would be included.

Dr. Galvan stated that it will be important that the framework is appropriate for both traditional and alternative certification paths.

Dr. Rodriguez stated that the innovative category under the EPP Commendations had one area of focus, while the remaining categories had broader areas of focus. She restated her focus on ensuring that the SBEC develop a framework that is flexible enough to reinforce many approaches to quality.

Mr. Coleman shared that there are implications for candidates and LEAs when we have programs that are not high-quality.

Dr. Kelly stated that the Effective Schools Framework has been primarily used with schools that are in need of improvement but is designed to both catch up low performing schools and recognize quality. Dr. Kelly reinforced that he appreciated that, in alignment, the Effective Preparation Framework would both recognize quality and support continuous improvement.

Mr. Kim also shared that this type of recognition could support market forces to hire candidates from high quality programs and drive discussions with local EPPs to support their continuous improvement towards the exemplar practices outlined in the framework. Mr. Kim stated that both sides should be working together, LEAs and EPPs. Mr. Kim also stated that it would be helpful to also recognize programs with some components that are strong, particularly with specific certification fields.

Ms. Oeser shared that there is an opportunity to design the Effective Preparation Framework side by side with the development of an Effective District Framework to support alignment. Ms. Oeser asked Ms. McLoughlin to speak more to the stakeholder engagement that would be involved in the development of the framework. Ms. McLoughlin shared that

staff would seek iterative rounds of feedback from the SBEC and broader EPP stakeholders across regional and programmatic contexts in the development of the framework, similar to the process used to develop the Effective Schools Framework.

Dr. Kelly shared that the development of the framework would be focused on moving beyond good to great in relation to educator preparation.

Dr. Rodriguez stated that candidate preparation is a reciprocal process between EPPs and LEAs and reinforced the need to work together.

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

Ms. Pogue presented this item to the Board. She highlighted the enabling legislation and reminded the Board that this item will be reflected in upcoming SBEC agendas as an informational item until all bills are fully implemented.

17. Discussion of the edTPA Pilot and Test Development Updates

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin began by providing the Board with an overview of the edTPA portfolio tasks and the process a candidate engages in when completing an edTPA portfolio. She then provided an update on the conclusion of the edTPA Year 2 pilot, stating that 34 EPPs participated in the second-year pilot, with 824 total candidates submitting edTPA portfolios. She also provided an update on the third year of the edTPA pilot, stating that 40 EPPs are participating in the Year 3 edTPA pilot. She shared that TEA staff plan to provide strong pilot program support throughout the third year, including increasing the number of edTPA regional coordinators and continuing to offer reimbursements and stipends to candidates and mentor and cooperating teachers, and grant funds to pilot programs. She also shared an update on Sam Houston State University's (SHSU) T-TESS observation study, stating that SHSU has shared with TEA staff, and more broadly with the field, that they will be doing a full reset with their study of the reliability of field supervisor versus third party evaluations of candidate performance. She shared that the feedback the SBEC provided at the December 2020 meeting led SHSU to recognize the need to fully shift their approach in order to meet the criteria for a portfolio-based performance assessment for teacher certification and that they have indicated that they are at least 2-3 years away from having data available on the outcome of their study. Ms. McLoughlin shared that SHSU has the full ability to continue their study under the SBEC's current rules and does not require SBEC approval or oversight. Finally, Ms. McLoughlin provided an update on educator certification exam development, stating that test development for the new Deafblind EC-12 and special education exams was now underway, given the SBEC's adoption of the standards that went into effect October 2020. She shared that staff anticipate launching these exams in September 2024 and plan to bring rule text to implement the associated requirements at an upcoming SBEC meeting.

Mr. Kim shared that he is a fan of the edTPA work and named that candidates hired from Texas A&M San Antonio that completed the edTPA were vastly different in their performance and applauded the work. He also named that when talking with candidates entering the profession that they often surface financial burdens to entering the profession. He shared that his LEA continues to think of ways to hire the candidates as paraprofessionals but that program requirements often produce barriers that prevent

candidates from getting paid. Mr. Kim asked if there are ways to leverage partnerships to offset costs.

Dr. Rodriguez shared that her candidates have seen great results from completing edTPA, but they continue to be concerned about the number of certification exams required and the cost of the certification exams. Dr. Rodriguez posed the question as to whether anything could be done collaboratively to address the cost issue. She also asked if the SHSU study timeline would affect the edTPA timeline. Ms. McLoughlin shared that the SBEC's decision making timeline related to the edTPA is not impacted by the SHSU study. She reiterated that the SBEC adopted the edTPA pilot to gather data on the impact of the edTPA on Texas candidates and students and will have the opportunity to analyze edTPA data and discuss implementation moving forward. She shared that SHSU has the ability to bring forward summative data if and when it is available, but it does not impact future action related to the edTPA.

Ms. Streepey expressed appreciation for SHSU, even if there was a need to start over, with their attempt to find an alternative to the current PPR exam.

Ms. Mason asked about data on candidates of color performance on the edTPA, and if TEA staff and the SBEC could leverage the perspective of candidates of color completing the edTPA to determine potential barriers. Ms. McLoughlin shared that at the October 2021 SBEC meeting, TEA staff would present data from the edTPA Year 2 pilot, including performance on edTPA by demographic group. She also shared that TEA staff would be facilitating surveys and focus groups to learn more about the candidate experience with edTPA and would seek to recruit a diverse set of candidates for input.

INFORMATION ONLY

18. Board Operating Policies and Procedures (BOPP)

Information Only.

19. 2019–2022 Rule Review Plan for State Board for Educator Certification Rules

Information Only.

20. Requests from Board Members for Future Agenda Items

There were several questions related to topics raised at the Work Session and Board Meeting that prompted requests for further information regarding educator conduct and disciplinary cases. TEA staff will work with Dr. Kelly to identify a future SBEC agenda item after the October 2021 meeting.

21. Requests Received from the Board Since Last Meeting

None.

22. Adjournment

Dr. Kelly adjourned the meeting at 3:23 PM.

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.