

STATE BOARD FOR EDUCATOR CERTIFICATION
DISCUSSION AND ACTION SESSION AGENDA

April 8, 2011 at 9:00 a.m.

Minutes

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 the following agenda items:

1. Call to Order

The State Board for Educator Certification convened its meeting at 9:00 a.m. on Friday, April 8, 2011 in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Ms. Baszile, Ms. Pogue, Dr. Simpson, Ms. Bricker, Ms. Robison, Ms. Bridges, Dr. Barnes, Mr. Trevino, Mr. Allard, Ms. Druessedow, and Dr. Smisko

Absent: Dr. Culwell and Dr. Glynn

Dr. Cain informed the Board that Mr. Morris resigned due to leaving his counselor position and taking a position as an administrator. Dr. Cain also informed the Board that Dr. Glynn is the new Executive Director of Region 8 Education Service Center in Mt. Pleasant.

Dr. Cain introduced Dr. Ann Smisko, Associate Commissioner of School Improvement and Educator Initiatives.

2. Recognition

Dr. Cain recognized Mr. Willy Flores, mathematics teacher from Hillcrest High School in Dallas ISD, who was named the 2011 National Haberman Intern of the Year by the National Association for Alternative Certification.

3. Public Testimony

CONSENT AGENDA

4. Approval of October 8, 2010 Board Meeting Minutes

Motion and Vote:

Motion was made by Ms. Baszile to approve the October 8, 2010 minutes. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION**5. Consideration of Petition for Adoption of Rule Change Concerning 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.10, Fine Arts**

Testimony on Item 5 was provided by:

Steven Tucker, Hirschi High School, Wichita Falls

Mr. Allen informed the Board that this item presents a citizen petition from Mr. Tucker requesting that the SBEC create a new film certification. Mr. Allen informed the Board that Texas Education Agency (TEA) staff determined that there is no requirement for certification to teach an International Baccalaureate (IB) film course; therefore, the school district determines qualifications. Mr. Allen stated that only through IB can a student receive credit, even as an elective, for a film course because there are no Texas Essential Knowledge and Skills (TEKS) for film history, study, and production. Mr. Allen also informed the Board that SBEC rules specify that certification standards, upon which a certification examination is developed, must be based on TEKS. Mr. Allen stated that since there are no TEKS for film, it is impossible for TEA staff to develop a certification examination. Mr. Allen informed the Board that the staff recommendation is to deny the petition to create the film certification.

Ms. Pogue questioned what effect there would be on local control for hiring if an educator was not certified in film and, if film certification was added, would educator preparation programs be equipped to provide the training. Mr. Allen informed the Board that TEA staff analyzed all SBEC rules and State Board of Education (SBOE) curriculum rules and determined that school districts can be informed that there is no certification requirement for IB film; however, it is up to the school district to determine the qualifications of the teacher. Mr. Allen informed the Board that TEA staff would clarify that there is no requirement in theater certification to teach the IB film course and that TEA staff would continue to advise school districts to use their judgment regarding what is the best certification under local control.

Motion and Vote:

Motion was made by Ms. Pogue to deny the petition to establish a new film certification based upon the fact that there are no Texas Essential Knowledge and Skills established by the State Board of Education for film courses upon which to base new film certification standards and certification examinations as required by 19 TAC §232.3(d). Second was made by Ms. Baszile and the Board voted unanimously in favor of the motion.

6. Consideration of Proposal to Impose Conditions on the Continuing Approval of an Educator Preparation Program

Mr. Allen stated that pursuant to 19 Texas Administrative Code (TAC) Chapter 229, Accountability System for Educator Preparation Programs, §229.6, Continuing Approval, the Board may deny, change or add to the proposal. He stated that staff is requesting the Board place Steps to Teaching on probation for a period of one year with certain conditions. Mr. Allen informed the Board that under the rules, the program is entitled to

have a record review before it comes to the Board; however, the program did not request that record review. Mr. Allen also informed the Board that this action was not proposed sooner because staff did not have the authority or procedure in place as it is now stated in 19 TAC §229.6. Dr. Lopez stated that staff has done due diligence over the years to help the program and staff proposes new candidates not be permitted into the program and no new fields of certification be given to the program. Dr. Lopez also stated that staff plans to have a monitoring visit in six months to verify all deficiencies have been met.

Dr. Simpson questioned if the program would be terminated if the Board does not approve the proposal. Mr. Allen informed the Board that if they wish to impose a stronger sanction, the stronger sanction should come at a later meeting in order to guarantee the program has due process. He also informed the Board that they can impose the recommended sanction and also request that staff send out a notice of proposed termination.

The Board expressed concern that existing candidates in this program are at risk of not being prepared and questioned if there is a safety net for these candidates. Dr. Lopez stated programs that have closed made arrangements with other preparation programs in the area to transfer the candidates, provide support and be the entity to recommend the candidates for certification. Dr. Lopez also stated that staff would monitor to make sure the existing candidates receive field supervision and support as they finish the program. Ms. Pogue requested that at a future meeting staff provide more clarification on what happens with existing candidates in a program that is terminated.

Some Board members expressed a preference that if a program is out of compliance in even a single area, it be closed.

Motion and Vote:

Motion was made by Ms. Pogue that the Board accept staff's proposal and take action to impose the recommended conditions on the continuing approval of Steps to Teaching Alternative Certification Program to provide educator preparation, as well as a letter of intent to Steps to Teaching to impose further sanctions. Second was made by Mr. Trevino and the Board voted unanimously in favor of the motion.

7. Consideration of and Opportunity to Revise the State Board for Educator Certification (SBEC) Approval of an Educator Preparation Program to Provide for Its Operation as a Single Program throughout the State

Testimony on Item 7 was provided by:

Dr. Sandra West, Science Teachers Association of Texas

Mr. Allen informed the Board that A+ Texas Teachers seeks approval to provide educator preparation as a single statewide program with one Accountability System for Educator Preparation Programs (ASEP) reporting number. Mr. Allen stated that the Board adopted new rule, 19 TAC §228.10(f), effective December 2008, that required programs to notify the Texas Education Agency (TEA) of additional locations. Mr. Allen also stated that this program was unclear of the rule's meaning and originally notified staff that they had principle offices in several cities. Dr. Lopez informed the Board that staff had made a monitoring visit to ensure that the additional sites were not expansion sites and found that

there were no ASEP records stored at the site; therefore, staff is satisfied that the additional locations are recruiting locations only. Dr. Lopez also informed the Board that this program does not have an advisory committee for the satellite locations, and staff found that data from the program has been adequately reported. She stated staff recommends that the Board approve the consolidation of the program's ASEP reports under the original program.

Mr. Trevino requested explanation on the status, "Accredited – Not Rated", listed on some of A+ Texas Teachers locations. Dr. Lopez explained that this status is given when a program's candidates have not taken any certification examinations.

Ms. Druesedow questioned if there is a limit on the number of locations a program can have and still be considered a single program. Ms. Pogue and Ms. Druesedow expressed concerns that this not set precedent for other programs that may no longer want to be accountable for all locations, and, therefore, try to become a single program.

Dr. Lopez stated that there is no limit for additional locations, and she and Mr. Allen informed the Board that a program requesting additional locations would be reviewed by staff and then brought to the Board for approval.

Motion and Vote:

Motion was made by Ms. Bricker to grant the request of A+ Texas Teachers to provide educator preparation as a single statewide program with one consolidated Accountability System for Educator Preparation Programs reporting number. Second was made by Ms. Bridges and the Board voted unanimously in favor of the motion.

8. Consideration of and Opportunity to Approve the 2009-2010 Accountability System for Educator Preparation Programs' (ASEP) Accreditation Statuses

Dr. Lopez reminded the Board that accreditation statuses for 2009-2010 are based only on standard one, the 70% testing pass rate performance. She informed the Board that some programs are not rated because they are new programs, recently approved by the Board, or they have had no candidates take an examination.

Mr. Trevino expressed a concern about a program status of "Accredited- Action Plan Required". Dr. Lopez informed the Board that in rule if someone does not meet a demographic group, staff must impose an action plan. Mr. Allen further explained that under the new rules, if a program fails to meet any standard in any demographic group two years in a row or if a program fails to meet a standard in two demographic groups in one year, it will receive the status of "Accredited-Warned".

Ms. Druesedow expressed concern about the number of people admitted to programs and the low number of actual completers. Dr. Lopez stated that since staff has been capturing data at the Board's request for only two years, there has not been adequate time to see a definite trend. Dr. Lopez also stated that TEA cannot track those educators that complete a program and then decide for some reason not to teach or go out of state to teach.

Motion and Vote:

Motion was made by Ms. Pogue to approve the 2009-2010 Accountability System for Educator Preparation Programs' accreditation statuses as recommended. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

9. Consideration of and Opportunity to Approve the Principal Surveys for Evaluating Educator Preparation Programs

Testimony on Item 9 was provided by:

Dr. Sandra West, Science Teachers Association of Texas

Dr. Lopez informed the Board that the principal surveys will address standards two and three. She reminded the Board that standard two will be met by measuring the performance of beginning teachers and their level of preparation, and standard three will be met by measuring the achievement of students. Dr. Lopez informed the Board that the pilot survey for the beginning teacher, which was approved by the Board, was completed but was revised due to stakeholders' input. Dr. Lopez stated that the survey will be sent out May 1, 2011 and staff will provide training for principals in April.

Dr. Simpson suggested including the Teacher Background section found in the First Year Teacher Survey in the Second and Third Year Teacher Survey as well. He also expressed concern that the survey will not capture specific information about educators with EC-6 Generalist certification in a departmentalized setting. Dr. Lopez informed the Board that the survey is pre-populated with certifications provided and information regarding assignments is embedded to ensure that the certificate and the educator's assignment match.

Ms. Bricker expressed a concern with the use of the word measure in standard three which states... "principal survey will measure the achievement of students..."

Dr. Barnes questioned why the number of required months for a teacher to be at a campus was changed from four months to five months. Dr. Barnes also asked staff to identify the other items revised from the pilot survey. Dr. Lopez stated that the stakeholders felt five months would give the principal more time to observe the beginning teacher. She also explained that the original pilot did not discuss instructional strategies and the revised survey will not have open-ended questions.

Ms. Druesedow requested confirmation that the principal can assign someone else to complete the survey. Dr. Lopez stated the principal can have a designee answer the survey and she informed the Board that the principal must affirm through an affidavit that even with a designee completing the survey, the principal is still responsible for the results and the completion of the survey.

Ms. Baszile requested clarification on how staff will know if the individual is certified to teach one area, but is placed in a different area. Ms. Baszile also asked if principals will meet with teachers to inform them how the survey will affect their job performance. Dr. Lopez stated the assignment chart used for placement of teachers is embedded into the survey which will aid staff in determining if teachers are teaching outside the allowed assignments. Dr. Lopez also stated there are no consequences for the teacher in the

classroom and staff will make sure the principal is aware of this. Dr. Lopez reminded the Board that this survey is to meet accountability requirements for SBEC-approved educator preparation programs, and stated that there are no repercussions to the teachers.

Mr. Trevino requested a timeline for the survey. Dr. Lopez informed the Board that the survey for beginning teachers will be distributed on May 1, 2011 and close on June 15, 2011. She informed the Board that after the survey closes, staff will have a standard-setting committee meeting for standard two and data will be brought to the Board in February 2012. Dr. Barnes requested that staff inform the Board, when appropriate, the number of administrators who received training for the administration of the survey.

Ms. Pogue asked what quality assurance is in place to guarantee principals are going to respond to the surveys. Dr. Lopez stated that the surveys are automated by an internal IT system, which will send out reminders and if not completed after the automated reminders, staff will call. Ms. Pogue asked staff to address public testimony regarding the addition of the instruction component in the principal survey. Dr. Lopez informed the Board that the revised survey contains the new instruction component which includes the certification area and the placement of the candidates. Dr. Lopez further explained that the survey is pre-populated with the certifications the Texas Education Agency (TEA) has issued and the candidate's placement. Ms. Robison questioned if there is a requirement by TEA or standards set by the Board for knowledge of content. Dr. Lopez stated that staff monitors programs to ensure that all standards are covered, and she reminded the Board that it has only been over the last two years that TEA has implemented very strict standards.

Motion and Vote:

Motion was made by Ms. Pogue to approve the principal surveys, as presented and revised, for evaluating educator preparation programs. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion.

10. Consideration of and Opportunity to Approve A New Educator Preparation Program

Dr. Lopez introduced one program for Board approval and advised the Board that staff recommends the approval of the new educator preparation program.

- Pflugerville ISD, Alternative Certification Program

Motion and Vote:

Motion was made by Mr. Trevino to approve the new educator preparation program as presented. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

11. Consideration of and Opportunity to Approve Additional Classes of Certificates for an Educator Preparation Program Currently Rated Accredited

Dr. Lopez introduced two additional classes of certificates for Board approval and advised the Board that staff recommends the approval of the additional classes of certificates.

- Texas A & M University-San Antonio - Educational Diagnostician
- Texas A & M University-San Antonio - Master Reading Teacher

Motion and Vote:

Motion was made by Ms. Baszile to approve the additional classes of certificates for an educator preparation program currently rated accredited as presented. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion.

12. Consideration of an Opportunity to Approve the Passing Standard on the Texas Examinations of Educator Standards (TExES): Superintendent

Mr. Carmody introduced the revised item and informed the Board that this examination was created to make it more concise and to update the content.

Motion and Vote:

Motion was made by Ms. Pogue to approve the passing standard on the Texas Examinations of Educator Standards (TExES): Superintendent, as recommended. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

13. Litigation Settlement Options in Pending or Contemplated Litigation, Disciplinary Cases and Pending Litigation

The Board may meet in closed Executive Session, pursuant to section 551.071(2) and/or 551.071(1), of the Texas Government Code, to seek legal advice regarding pending or contemplated litigation or settlement of same, and contested cases related to educator discipline and other matters arising under 19 Texas Administrative Code Chapter 249. Pursuant to section 551.102 of the Texas Government Code, any final action on matters discussed in Executive Session must be made in an open meeting.

Ms. Dover reviewed and provided information on the cases.

A. Contested Cases**I. Defaults**

- 1) Docket No. 0925-EC-0910, State Board for Educator Certification v. David L. Reisner, Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Change: Voluntary surrender. No vote necessary.

- 2) Docket No. 0923-EC-0810, State Board for Educator Certification v. Heather Lucille Dominguez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an amended order of a five year suspension instead of staff's recommended two year suspension. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 3) Docket No. 0922-EC-0810, State Board for Educator Certification v. Ronald Hogan; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Bricker and the Board voted unanimously in favor of the motion.

- 4) Docket No. 0923-EC-0810a, State Board for Educator Certification v. Ryan D. Erwin; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 5) Docket No. 0924-EC-0810, State Board for Educator Certification v. Felecia Lean Collier; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Bricker and the Board voted unanimously in favor of the motion.

- 6) Docket No. 0827-EC-0610, State Board for Educator Certification v. Tiffany Rene Stiles; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 7) Docket No. 0830-EC-0910, State Board for Educator Certification v. Gary Glen Hatfield; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Druessedow and the Board voted unanimously in favor of the motion.

- 8) Docket No. 0831-EC-0910, State Board for Educator Certification v. Maurice Delaney; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Druessedow and the Board voted unanimously in favor of the motion.

- 9) Docket No. 0835-EC-0910, State Board for Educator Certification v. Caroline Escobedo; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year suspension.

Motion and Vote:

Motion was made by Ms. Bridges to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 10) Docket No. 0834-EC-9010, State Board for Educator Certification v. Anna E. Garcia; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 year suspension.

Motion and Vote:

Motion was made by Ms. Bridges to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 11) Docket No. 0833-EC-0910, State Board for Educator Certification v. Laura Del Refugio Barboza; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Bridges to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 12) Docket No. 2105-EC-0610, State Board for Educator Certification v. Leopoldo Tormes; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Bricker and the Board voted unanimously in favor of the motion.

- 13) Docket No. 2091-EC-0310, State Board for Educator Certification v. Jenny Marie Davis; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 year suspension.

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 14) Docket No. 2112-EC-0910, State Board for Educator Certification v. Sofia Teresa Hernandez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Bridges and the Board voted unanimously in favor of the motion.

- 15) Docket No. 3113-EC-0910, State Board for Educator Certification v. Ricky Barela; Action to be taken: Consideration of Issuance Default Judgment.

Staff recommendation: Revocation.

Change in staff recommendation to Permanent Revocation. Rule 19 TAC 249.17(d) requires a permanent revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order permanently revoking respondent's educator certification pursuant to 19 TAC 249.17(d). Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 16) Docket No. 4081-EC-1010, State Board for Educator Certification v. Penny Sue Opperman; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

- 17) Docket No. 4076-EC-0910, State Board for Educator Certification v. Roderick Washington; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Druesedow to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Mr. Trevino and the Board voted unanimously in favor of the motion.

- 18) Docket No. 4082-EC-1010, State Board for Educator Certification v. Felipe Mancilla, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an amended order of a five year suspension instead of staff's recommended three year suspension. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 19) Docket No. 1028-EC-0910, State Board for Educator Certification v. Richard A. Capello; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

- 20) Docket No. 1021-EC-0810, State Board for Educator Certification v. Gary Lacy; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 21) Docket No. 1019-EC-0810, State Board for Educator Certification v. Jose A. Garcia; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Change in Staff recommendation to permanent revocation. Rule 19 TAC 249.17(d) requires a permanent revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order permanently revoking respondent's educator certification pursuant to 19 TAC 249.17(d). Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 22) Docket No. 1012-EC-0610, State Board for Educator Certification v. Monica M. Fraley, Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year suspension.

Motion and Vote:

Motion was made by Ms. Robison to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Bricker. Voting for the motion: Ms. Robison, Ms. Bricker, Ms. Druesedow. Voting against the motion: Ms. Baszile, Ms. Pogue, Ms. Bridges, Mr. Allard. Motion failed.

Motion and Vote:

Motion was made by Mr. Allard to grant staff's request for the issuance of default judgment and enter an amended order of a two year suspension instead of staff's recommendation of one year. Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 23) Docket No. 1025-EC-0810, State Board for Educator Certification v. Justin A. Jolliff; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 18 month suspension.

Motion and Vote:

Motion was made by Mr. Allard to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Bricker and the Board voted unanimously in favor of the motion.

- 24) Docket No. 1027-EC-0810, State Board for Educator Certification v. Larry C. Watson; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Mr. Trevino and the Board voted unanimously in favor of the motion.

- 25) Docket No. 0929-EC-1010, State Board for Educator Certification v. Joel Garcia Sanchez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 26) Docket No. 0838-EC-1010, State Board for Educator Certification v. Brian Buffamonte; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 27) Docket No. 0837-EC-1010, State Board for Educator Certification v. Arthur Ray Benner; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

- 28) Docket No. 0836-EC-1010, State Board for Educator Certification v. Tabitha Bozant; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

- 29) Docket No. 0840-EC-1110, State Board for Educator Certification v. Julie Michelle Vasquez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year suspension.

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 30) Docket No. 4075-EC-0910, State Board for Educator Certification v. Wayne Stephen Lewis; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 31) Docket No. 3124-EC-1210, State Board for Educator Certification v. William D. Richards; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Druesedow to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion

was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 32) Docket No. 3126-EC-1210, State Board for Educator Certification v. Marco Antonio Ibarra; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

- 33) Docket No. 3119-EC-1010, State Board for Educator Certification v. Guadalupe Gonzalez, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Change in Staff recommendation to permanent revocation. Rule 19 TAC 249.17(d) requires a permanent revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order permanently revoking respondent's educator certification pursuant to 19 TAC 249.17(d). Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 34) Docket No. 3116-EC-1010, State Board for Educator Certification v. Helen Sheppard; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation.

Change in Staff recommendation to permanent revocation. Rule 19 TAC 249.17(d) requires a permanent revocation.

Motion and Vote:

Motion was made by Ms. Baszile to grant staff's request for the issuance of default judgment and enter an order permanently revoking respondent's educator certification pursuant to 19 TAC 249.17(d). Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

II. Proposals for Decision

- 35) Docket No. 701-10-1384.EC, State Board for Educator Certification v. Diane Fay Puckett; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Permanent Revocation.

Motion and Vote:

Motion was made by Ms. Baszile that the Board adopt the Findings of Fact numbers 1 through 41 and Conclusions of Law number 1 through 6 in the Proposal for Decision and that the Board amend Conclusion of Law number 7 by adding "permanent" as follows:

Conclusion of Law:

7. Based on the Findings of Fact and Conclusion of Law, SBEC should PERMANENTLY REVOKE the Texas educator certificate held by Ms. Puckett.

This change is mandatory in order to comply with 19 Texas Administrative Code 249.17(d) which states that "the SBEC shall permanently revoke the teaching certificate of any educator... if after a contested test hearing it is determined that the educator... engaged in or solicited any sexual contact or romantic relationship with a student or minor..." Based on the foregoing, I move that the Board PERMANENTLY REVOKE Respondent's educator certification. Motion was seconded by Mr. Trevino and the Board voted unanimously in favor of the motion.

- 36) Docket No. 701-09-3676.EC, State Board for Educator Certification v. Robert D. Lange; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Permanent Revocation.

Kevin Lungwitz spoke on behalf of Robert D. Lange. Ms. Dover reviewed and provided information on the case.

- 37) Docket No. 701-09-5546.EC, State Board for Educator Certification v. Renee B. Hill; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Permanent Revocation.

Motion and Vote:

Motion was made by Mr. Trevino that the Board adopt the Findings of Fact numbers 1 through 17 and Conclusions of Law numbers 1 through 18 in the Proposal for Decision as if fully set out herein. I move that the Board amend Conclusion of Law number 19 by adding "permanent" as follows:

Based on the Findings of Fact and Conclusions of Law the Board should PERMANENTLY REVOKE Respondent's Texas Educator Certificate. This change is mandatory in order to comply with 19 Texas Administrative Code 249.17(d)(1) which states that "the SBEC shall permanently revoke the teaching certificate of any educator... if after a contested hearing, it is determined that the educator... engaged in sexual conduct with a minor..."

Respondent engaged in physical and sexual abuse of her four children and thus her educator certificate shall be permanently revoked. Based on the foregoing, I move that the Board PERMANENTLY REVOKE Respondent's educator certification. Motion

was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 38) Docket No. 701-10-4755.EC, State Board for Educator Certification v. James F. Heyward; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Permanent Revocation.
Change in staff recommendation to Revocation.

Motion and Vote:

Motion was made by Mr. Allard that the Board adopt the Findings of Fact numbers 1 through 10 and Conclusions of Law numbers 1 through 6 in the Proposal for Decision as if fully set out herein. I move that the Board amend Conclusions of Law numbers 7 and 8 as follows:

7. Based upon a Findings of Fact numbers 5 and 6 and Conclusion of Law number 6, the Board showed by preponderance of the evidence that Respondent is currently unworthy to instruct or supervise the youth of this state.

8. Based upon Findings of Fact numbers 5 and 6 and Conclusions of Law numbers 6 and 7 as amended, SBEC should revoke Respondent's Texas paraprofessional certificate.

These changes are necessary because the Administrative Law Judge failed to appropriately apply Board policy. The SBEC policy states that a sexual relationship between an educator and a student is particularly egregious and renders an educator unworthy to instruct. Based on Findings of Fact numbers 5 and 6 and Conclusions of Law numbers 6 and 7 as amended, Respondent engaged in sexual conduct and a romantic relationship with a student, and thus, is unworthy to instruct. Accordingly, Respondent's Texas paraprofessional certificate should be revoked. Based on the foregoing, I move that the Board REVOKE Respondent's paraprofessional certificate. Motion was seconded by Ms. Pogue. Motion carried with Ms. Robison voting against the motion.

- 39) Docket No. 701-10-0335.EC, State Board for Educator Certification v. Richard Medill; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: No sanction.

Motion and Vote:

Motion was made by Ms. Pogue that staff remand the case for an additional finding based on the evidence to the Administrative Law Judge. Motion was seconded by Ms. Bricker and the Board voted unanimously for the motion.

- 40) Docket No. 701-10-4727.EC, State Board for Educator Certification v. Mary Cato James; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: No sanction.

Julissa Herrera spoke on behalf of Mary Cato James. Ms. Dover reviewed and provided information on the case.

- 41) Docket No. 701-10-1447.EC, Catalino Arrocha-Ruiz v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Permanent Denial.

Motion and Vote:

Motion was made by Mr. Trevino that the Board accept the Proposal for Decision and Issue a Final Order consistent with the Administrative Law Judge's recommendations. Motion was seconded by Mr. Allard and the Board voted unanimously in favor for the motion.

- 42) Docket No. 701-10-4136.EC, State Board for Educator Certification v. Jennie a/k/a Maria Owens; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Revocation.

Docket removed from agenda and will be placed on the June 17, 2011 agenda.

- 43) Docket No. 701-10-5178.EC, State Board for Educator Certification v. Kent Haley; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Revocation.

Motion and Vote:

Motion was made by Ms. Bridges that the Board adopt the Findings of Fact numbers 1 through 23 and Conclusions of Law numbers 1 through 8 in the Proposal for Decision. The Board amends Conclusion of Law number 9 by adding "permanent" as follows:

Conclusion of Law:

9. Based on the Findings of Fact and Conclusions of Law, the SBEC should permanently revoke the Texas educator certificate held by Mr. Haley.

The change is mandatory in order to comply with 19 Texas Administrative Code 249.17(d) which states that "the SBEC shall PERMANENTLY REVOKE the teaching certificate of any educator...if after a contested case hearing, it is determined that the educator...engaged in or solicited any sexual contact or romantic relationship with a student or minor..." Based on the foregoing, it is moved that the Board PERMANENTLY REVOKE Respondent's educator certification. Motion was seconded by Ms. Baszile and the Board voted unanimously for the motion.

- 44) Docket No. 701-10-5421.EC, State Board for Educator Certification v. Elizabeth A. Bishop; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Suspension until August 18, 2013 and proof of release from probation.

Tom Gardner spoke on behalf of Elizabeth Bishop. Ms. Dover reviewed and provided information on the case.

III. Rehearing

- 45) Docket No. 701-10-1805.EC, Monica Dawn Floyed v. State Board for Educator Certification; Action to be taken: Consideration of Issuance of Educator Certification.

Staff recommendation: Upon provision of a current negative hair follicle drug test, issue certificate.

James Fallon spoke on behalf of Monica Dawn Floyed. Ms. Dover reviewed and provided information on the case.

Motion and Vote:

Motion was made by Ms. Robison to grant staff's recommendation to approve Monica Dawn Floyed for certification. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

IV. Appeals

- 1) Gilberto Gomez v. Texas Education Agency, Educator Certification and Standards Division, and Robert Scott, Commissioner of Education, in his Official Capacity; Cause No. 03-10-00128-CV, In the Court of Appeals for the Third District of Texas at Austin, Texas.
- 2) Anthony Allen Jones v. State Board for Educator Certification; Cause No. 10-0541, In the Supreme Court, Texas.
- 3) Andra Barton v. Texas Education Agency, Educator Certification and Standards Division, Robert Scott, Commissioner of Education and the State Board for Educator Certification; Cause No. D-1-GN-10-002986, In the 261st Judicial District Court of Travis County, Texas.
- 4) Andrew Moreno v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1GN-10-001274, In the 250th Judicial District Court of Travis County, Texas.
- 5) Karen Mavvaji v. The State Board for Educator Certification; Cause No. D-1-GN-08-000625, In the 345th Judicial District Court of Travis County, Texas.
- 6) Don Madden v. The State Board for Educator Certification; Cause No. D-1-GN-10-003843, In the 250th Judicial District Court of Travis County, Texas.

- 7) Sonia Sanchez v. Texas Education Agency Educator Certification and Standards Division; Cause No. D-1-GN-10-003868, In the 345th Judicial District Court of Travis County, Texas.

B. Pending Litigation

The Board may discuss any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

- 1) Leah Mullins, Don Madden, and David Jeffers v. The State Board for Educator Certification, Cause No. D1-GN-08-00979, In the 345th Judicial District Court of Travis County, Texas.

**Dr. Cain adjourned to Executive Session at 1:31 p.m.
Dr. Cain left the meeting.**

Ms. Pogue reconvened at 2:25 p.m.

14. Action on Items Discussed in Executive Session

The Board may meet in closed Executive Session, pursuant to section 551.071(2) and/or 551.071(1), of the Texas Government Code, to seek legal advice regarding pending or contemplated litigation or settlement of same, and contested cases related to educator discipline and other matters arising under 19 Texas Administrative Code Chapter 249. Pursuant to section 551.102 of the Texas Government Code, any final action on matters discussed in Executive Session must be made in an open meeting.

- 44) Docket No. 701-10-5421.EC, State Board for Educator Certification v. Elizabeth A. Bishop; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Suspension until August 18, 2013 and proof of release from probation.

Motion and Vote:

Motion was made by Mr. Allard that the Board accept the proposal that recommends the Respondent's certificate be suspended but the period of suspension be fully probated, conditional with Respondent complying with all terms of her probation and Board rules. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

- 36) Docket No. 701-09-3676.EC, State Board for Educator Certification v. Robert D. Lange; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Permanent Revocation.

Motion and Vote:

Motion was made by Ms. Bridges that the Board adopt the Findings of Fact numbers 1 through 13 and Conclusions of Law numbers 1 through 6 in the Proposal for Decision as if fully set out herein. I move that the Board amend Conclusion of Law number 7 by adding "permanent" as follows:

7. Based on the foregoing Findings of Fact and Conclusions of Law, SBEC should PERMANENTLY REVOKE the Texas educator certificate held by Respondent.

This change is mandatory in order to comply with 19 Texas Administrative Code §249.17(d) which states that "the SBEC shall permanently revoke the teaching certificate of any educator...if after a contested case hearing, it is determined that the educator...engaged in or solicited any sexual contact or romantic relationship with a student..." Based on the foregoing, I move that the Board PERMANENTLY REVOKE Respondent's Educator Certification. Motion failed due to lack of second.

Motion and Vote:

Ms. Bridges restated her original motion. Motion was seconded by Ms. Druesedow. Voting for the motion: Ms. Pogue, Ms. Bridges, Ms. Druesedow, Ms. Baszile, Ms. Bricker; Mr. Allard. Motion carried with Ms. Robison and Mr. Trevino voting against the motion.

40) Docket No. 701-10-4727.EC, State Board for Educator Certification v. Mary Cato James; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: No sanction.

Motion and Vote:

Motion was made by Mr. Allard that the Board accept the Proposal for Decision and Issue a Final Order consistent with the Administrative Law Judge's recommendation. Motion was seconded by Ms. Bridges. Voting for the motion: Ms. Pogue, Ms. Robison, Ms. Bridges, Mr. Allard, Ms. Druesedow. Motion carried with Ms. Bricker, Ms. Baszile and Mr. Trevino voting against the motion.

DISCUSSION ONLY**15. Review of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases**

Mr. Allen informed the Board that this item presents for discussion the review of 19 TAC Chapter 249. Mr. Allen stated that staff will present the adoption of the review for action and the proposed revisions for discussion at the June 2011 SBEC meeting. Mr. Allen also informed the Board that there will be a stakeholders' meeting on 19 TAC Chapter 249 in May.

INFORMATION ONLY**16. Board Operating Policies and Procedures (BOPP)****17. 2011-2014 Rule Review Plan for State Board for Education Certification Rules****DISCUSSION AND ACTION****18. Request and/or Questions from Board Members**

Ms. Pogue and Ms. Bricker requested a Board Retreat. Ms. Pogue requested that at the retreat, staff address disciplinary case procedures and how to make it a smoother process and review the definition of "mistreatment".

19. Adjournment

Ms. Pogue adjourned the meeting at 3:00 p.m.

The Board may meet in closed executive session, Texas Government Code, section 551.071 to seek legal advice regarding any item on this agenda.