

Item 4:
Approval of August 2, 2013 Board Meeting Minutes

ACTION

DESIRED OUTCOME: The Board will approve the minutes of the August 2, 2013 Board meeting.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification approve the minutes as recorded.

Respectfully submitted,

Michele Moore
Associate Commissioner
Educator Leadership and Quality

**STATE BOARD FOR EDUCATOR CERTIFICATION
DISCUSSION AND ACTION SESSION AGENDA**

August 2, 2013 at 9:00 a.m.
1701 N. Congress Ave. Room 1-104
Minutes

The Board will meet in open session and after determining the presence of a quorum, deliberate and possibly take 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, August 2, 2013 in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas

Present: Dr. Cain, Mr. Berry, Ms. Bricker, Ms. Robison, Dr. Simpson, Dr. Loreda, Dr. Buckingham, Ms. McCall, Ms. Druesedow, and Mr. Allard

Absent: Ms. Pogue, Ms. Everest, Ms. Bridges and Dr. Culwell

2. Recognition and Presentation

3. Associate Commissioner's Comments Regarding the SBEC Agenda

Ms. Moore informed the Board of the postponement of the election of officers.

With regard to Item 17, Principal Standards, she received input from board members prior to the meeting. She stated that staff will be working with programs for a more realistic implementation date for the new Principal Standards. Even if the standards go into effect on December 31, 2013 it may take more time to implement them.

4. Public Comment

CONSENT AGENDA

5. Approval of May 3, 2013 Board Meeting Minutes

Motion and Vote:

Motion was made by Dr. Buckingham to approve the May 3, 2013 board meeting minutes with corrections after staff reviews the recording regarding Item 8 motions. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

6. Approval of 2014 Board Meeting Dates**Motion and Vote:**

Motion was made by Ms. McCall to approve the 2014 meeting dates as presented. Second was made by Ms. Druessedow and the Board voted unanimously in favor of the motion.

OTHER DISCUSSION AND ACTION

- 7. Election of Board Chairperson**
- 8. Election of Board Vice-Chairperson**
- 9. Election of Board Secretary**

Items 7, 8, 9 postponed. No motion or vote.**10. Proposed Revisions to Board Operating Policies and Procedures (BOPP)**

Mr. Allen stated the item is presented to clean up some items brought to our attention by a board member during the work session in April. There was discussion about the protocol of how board members request information from staff. The Board discussed the number of individuals who may present to the board during Oral Argument Regarding Educator Disciplinary Cases.

Motion and Vote:

Ms. Bricker made a motion to accept all changes as presented except Item 10 c. relating to the number of individuals who may present oral arguments. Staff will come back in October with recommendations based on discussions at this meeting. Second made by Mr. Allard and the Board voted unanimously in favor of the motion.

11. Adoption of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases

Mr. Allen presented this item for adoption, subject to State Board of Education review. Mr. Allen informed the Board that the proposed amendments to 19 TAC Chapter 249 are necessary due to changes in commissioner of education rules on assessment. Mr. Allen informed the Board that no comments were received on the proposed amendments.

Motion and Vote:

Motion was made by Ms. Druessedow to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion.

12. Adoption of Review of 19 TAC Chapter 239, Student Services Certificates

Public Comment: Jan Friese, executive director of the Texas Counseling Association
Ms. Rohanna Sykes

Mr. Allen informed the Board that this item is presented for the purpose of concluding the review of 19 TAC Chapter 239, Student Services Certificates. Mr. Allen informed the Board that comments were received from the Texas Counseling Association and 56 individuals in support of the continuation of the rules related to school counselor certification.

Mark Baxter informed the Board that staff is developing a plan to gather stakeholder input and evaluate changes that need to be made related to the standards and House Bill 5, 83rd Texas Legislature, Regular Session, 2013.

Motion and Vote:

Motion was made by Mr. Allard to adopt the review of 19 TAC Chapter 239, Student Services Certificates. Second was made by Dr. Buckingham and the Board voted unanimously in favor of the motion.

13. Adoption of Review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers

Mr. Allen informed the Board that this item is presented for the purpose of concluding the review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers. Mr. Allen noted that the rules provide requirements for ensuring the certification of appraisers performing appraisals of teachers, administrators and counselors employed in Texas public schools. Mr. Allen noted that no comments were received regarding the review of the rules.

Motion and Vote:

Motion was made by Ms. Robison to adopt the review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

14. Adoption of Review of 19 TAC Chapter 245, Certification of Educators from Other Countries

Mr. Allen informed the Board that this item is presented for the purpose of concluding the review of 19 TAC Chapter 245, Certification of Educators from Other Countries. Mr. Allen noted that the rules provide requirements relating to the issuance of a Texas educator certificate based on certification from another country. Mr. Allen noted that no comments were received regarding the review of the rules.

The Board discussed the criminal history requirements for educators from another country.

Motion and Vote:

Motion was made by Ms. Druesedow to adopt the review of 19 TAC Chapter 245, Certification of Educators from Other Countries. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion.

15. Consideration of Petition for Adoption of Rule Change Concerning 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, §230.113, Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States

Marilyn Cook informed the Board that staff recommends that the petition be denied. Ms. Cook informed the Board that during the initial comparability study, the Board found that the Praxis II Principles of Learning and Teaching (PLT): Grades 7-12 examination was not deemed comparable.

Motion and Vote:

Motion was made by Ms. Robison to deny the petition to allow the Praxis II Principles of Learning and Teaching (PLT): Grades 7-12 examination to be considered an examination similar to and at least as rigorous as the SBEC Pedagogy and Professional Responsibilities (PPR) EC-12, since the petitioner has not demonstrated that there is a basis in fact or research for such a determination. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

16. Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, and Subchapter B, Enforcement Actions and Guidelines

Mr. Allen informed the Board that the proposed amendments to 19 TAC Chapter 249 would adopt in rule parts of the SBEC disciplinary policy guidelines that the Board previously approved in 2009.

Motion and Vote:

Motion was made by Ms. Bricker to approve the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, §249.5, Purpose; Policy Governing Disciplinary Proceedings, and Subchapter B, Enforcement Actions and Guidelines, §249.17, Decision-Making Guidelines, to be published as proposed with the Texas Register. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

17. Proposed Repeal of and New 19 TAC Chapter 241, Principal Certificate, §241.15, Standards Required for the Principal Certificate

Mark Baxter informed the board that the proposed new standards are presented after eight stakeholder meetings and three focus groups. Mr. Baxter stated that the proposed repeal of and new 19 TAC §241.15, Standards Required for the Principal Certificate, would delete the current principal standards and incorporate the proposed new standards

recommended to be used as a guideline for the development of curricula and training by educator preparation programs and for use in the development of principal certification examinations by the Board.

The Board provided input regarding support of and concerns on the proposed standards.

Motion and Vote:

Motion was made by Dr. Buckingham to approve the proposed repeal of and new 19 TAC Chapter 241, Principal Certificate, §241.15, Standards Required for the Principal Certificate, to be published as proposed with the Texas Register. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

18. Proposed Amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)

Written comment provided by Phillip McEndree.

Mark Baxter informed the Board that the proposed amendment would be necessary as a result of House Bill (HB) 3573, 83rd Texas Legislature, Regular Session, 2013, relating to the health science technology certification.

The Board discussed the types of classes educators with this certificate would be eligible to teach. Mr. Allen informed the Board that HB 3573 requires the Board to change the degree requirement from a bachelor's degree to an associate degree.

Motion and Vote:

Motion was made by Mr. Allard to approve the proposed amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area), to be published as proposed with the Texas Register. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

19. Proposed New 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.15, Certification of Military Service Members, Military Spouses, and Military Veterans, and Proposed New 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.27, Renewal and Continuing Education Requirements for Military Service Members

Mark Baxter informed the Board that the proposed new rules would be necessary as a result of Senate Bill (SB) 162, 83rd Texas Legislature, Regular Session, 2013, that gives military service members, military spouses, and veterans who apply for certification in Texas priority for processing certificates.

Motion and Vote:

Motion was made by Dr. Buckingham to approve proposed new 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.15, Certification of Military Service Members, Military Spouses, and Military Veterans, and proposed new 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.27, Renewal and Continuing Education Requirements for Military Service Members, to be published as proposed with the Texas Register. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

20. Consideration of and Opportunity to Approve Passing Standards on New Texas Examinations of Educator Standards (TExES)

Ms. Cook informed the board that this item is presented for approval of cut scores for eight new Texas Examinations of Educator Standards (TExES): Chemistry 7-12, Physical Science 6-12, Life Science 7-12, Science 7-12, Mathematics 7-12, History 7-12, Social Studies 7-12, and English Language Arts and Reading 7-12. These passing standards will allow test results to be calculated and reported to candidates taking these examinations beginning September 2013.

Motion and Vote:

Motion was made by Ms. Bricker to approve passing standards for these eight new certification examinations, which will allow candidates in educator preparation programs to meet proficiency requirements for certification. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

21. Litigation Settlement Options in Pending or Contemplated Litigation, Disciplinary Cases, and Pending Litigation**A. Contested Cases**

Mr. Ybarra provided information on the cases and answered questions by Board members.

I. No Answer Defaults

- 1) Docket No. 0745-EC-0213, Texas Education Agency, Educator Certification and Standards Division v. Jodi M. Hedgcoxe; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 2) Docket No. 0742-EC-0213, Texas Education Agency, Educator Certification and Standards Division v. Catherine Lynn Harber; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year suspension

- 3) Docket No. 3187-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. Oscar Trevino; Action to be taken: Consideration of Issuance of Default Judgment.
Staff recommendation: Revocation
- 4) Docket No. 3185-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. Maria M. Contreras; Action to be taken: Consideration of Issuance of Default Judgment.
Staff recommendation: 2 years suspension
- 5) Docket No. 3184-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. Irma Vanessa Pena; Action to be taken: Consideration of Issuance of Default Judgment.
Staff recommendation: Revocation
- 6) Docket No. 6044-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. Raenata Williams; Action to be taken: Consideration of Issuance of Default Judgment.
Staff recommendation: Revocation
- 8) Docket No. 0749-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. Fallon Ashley Duplantis; Action to be taken: Consideration of Issuance of Default Judgment.
Staff recommendation: 1 year suspension
- 9) Docket No. 0748-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. Kahmaia A. Martin-Kirkland; Action to be taken: Consideration of Issuance of Default Judgment.
Staff recommendation: 1 year suspension
- 10) Docket No. 0974-EC-0113, Texas Education Agency, Educator Certification and Standards Division v. Casey Flinn Richardson; Action to be taken: Consideration of Issuance of Default Judgment.
Staff recommendation: 1 year suspension
- 12) Docket No. 0981-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Sara Anderson; Action to be taken: Consideration of Issuance of Default Judgment.
Staff recommendation: 1 year suspension

- 13) Docket No. 0753-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. James Edwin Allen; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 14) Docket No. 4144-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. James Larry Coley, II; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 2 years suspension with proof of successful completion of community supervision, and current substance abuse program.
- 15) Docket No. 0899-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Jacob Santillan; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 16) Docket No. 0895-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Ivan Buznego; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 17) Docket No. 0897-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Juan C. Barona; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 18) Docket No. 0896-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Lauren Ferguson-Bottley; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 19) Docket No. 0894-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Richard Harmon; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 21) Docket No. 0754-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Jeffrey G. Sarmiento; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension

- 22) Docket No. 0753-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Noria L. Serafini; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 23) Docket No. 0755-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Danielle Edwards; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 24) Docket No. 0737-EC-0113, Texas Education Agency, Educator Certification and Standards Division v. Tiffany Huntsman; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 25) Docket No. 8103-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Brandi Fulton; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 26) Docket No. 0983-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Leonard Trevino; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 3 years suspension with proof of successful completion of community supervision, and current substance abuse program.
- 27) Docket No. 6054-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Virginia Castillo; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Permanent Revocation
- 28) Docket No. 6055-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Cesar Benjamin Botello, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Permanent Revocation
- 29) Docket No. 3190-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Jeremy Austin Carroll; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for issuance of default judgments and enter a Final Order consistent with staff's recommendation for each of the above numbered cases 1-29, with the exception of cases 7, 11 and 20. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

- 7) Docket No. 6045-EC-0313, Texas Education Agency, Educator Certification and Standards Division v. Michael E. Lewis; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's Request for Issuance of Default Judgments and enter a Final Order issuing permanent revocation. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

- 11) Docket No. 6048-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Francisco Noriega, III; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's Request for Issuance of Default Judgments and enter a Final Order issuing the sanction of permanent revocation instead of staff's recommendation of revocation. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

- 20) Docket No. 8101-EC-0413, Texas Education Agency, Educator Certification and Standards Division v. Danielle Winters; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's Request for Issuance of Default Judgments and enter a Final Order issuing the following sanction permanent revocation instead of staff's recommendation of revocation. Second was made by Ms. Robison and the Board voted unanimously in favor of the motion.

II. Proposals for Decision

- 30) Docket No. 701-12-6659.EC, Texas Education Agency, Educator Certification and Standards Division v. Julianne Felicia Booth; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Action

Staff Recommendation: No Action

Ms. Pena spoke on the educator's behalf. Mr. Baggish provided information on the case.

Motion and Vote:

Motion was made by Mr. Allard to accept the Proposal for Decision and issue a Final Order consistent with ALJ's recommendation. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

- 31) Docket No. 701-11-0607.EC, Texas Education Agency, Educator Certification and Standards Division v. Mable Caleb and Jackie Anderson; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order (Caleb).

ALJ Recommendation: No Action

Staff recommendation: No Action

Ms. Jernigan provided information on behalf of TEA. Mr. Tritico spoke behalf of Ms. Caleb.

Motion and Vote:

Motion was made by Ms. Robison to adopt the Proposal for Decision including findings of fact numbers 1-50 and Conclusions of Law numbers 1-7 and 9. Recommendation to also adopt the changes to the technical errors in Finding of Fact number 20 and Conclusion of Law 6 as discussed in the exceptions letter issued by the Administrative Law Judge issued on April 17, 2013. Also moved that the Board to modify the Conclusions of Law number 8 by the PFD for Ms. Caleb being accepted with no action taken against her certificate. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

- 32) Docket No. 701-11-0607.EC, Texas Education Agency, Educator Certification and Standards Division v. Mable Caleb and Jackie Anderson; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order (Anderson).

ALJ Recommendation: Reprimand

Staff recommendation: Inscribed Reprimand and 30 hours continuing education in special education to be completed by August 31, 2014.

Ms. Gokhale spoke on behalf of TEA. Mr. Fallon spoke on behalf of Ms. Anderson.

Motion and Vote:

Motion was made by Ms. Robison to adopt the Proposal for Decision including findings of fact numbers 1-50 and Conclusions of Law numbers 1-7 and 9. Recommendation to also adopt the changes to the technical errors in Findings of Fact number 20 and Conclusion of Law 6 as discussed in the exceptions letter issued by the Administrative Law Judge on April 17, 2013. Also moved that the Board to modify the Conclusions of Law number 8 as follows:

Based on the Findings of Fact and the factors set out in 19 TAC 249.15 and 249.17 Ms. Anderson's educator certificate should be given a non-inscribed reprimand and in order to facilitate her professional development she must complete 30 hours of continuing education in Special Education and provide proof of completion to TEA Legal by August 31, 2014. This modification of sanction is permissible pursuant to Texas Government Code 2001.058 and is necessary because the ALJ was not specific as to the type of reprimand and conditions to be placed on Ms. Anderson's certificate. This modification is supported by the Findings of Fact and Conclusions of Law adopted herein. Second by Ms. Bricker and the Board voted as follows: For: Ms. Bricker Ms. Robison and Ms. McCall. Opposed: Ms. Druesedow, Dr. Buckingham, Mr. Allard and Dr. Cain. Motion failed.

Motion made by Ms. Druesedow for an inscribed reprimand and 30 hours of continuing education in Special Education. Second by Dr. Cain. The Board voted as follows: Ms. Druesedow and Dr. Cain. Against: Ms. Bricker, Ms. Robison, Dr. Buckingham, Mr. Allard, Ms. McCall. Motion Failed.

Motion by Dr. Buckingham for no reprimand and 30 hours of continuing education in Special Education. Second by Mr. Allard. Board voted as follows:

For: Ms. Robison, Dr. Buckingham and Mr. Allard. Opposed: Ms. Bricker, Ms. Druesedow, Ms. McCall, Dr. Cain. Motion Fails.

Motion made by Dr. Buckingham to reconsider no reprimand and 30 continuing education hours. Second by Mr. Allard.

For: Ms. Bricker, Ms. Robison, Dr. Buckingham, Mr. Allard, Ms. McCall. Opposed: Ms. Druesedow and Dr. Cain. Motion carries.

*Recess at 12:01p.m.
Reconvene at 12:15*

- 33) Docket No. 701-13-2858.EC, Texas Education Agency, Educator Certification and Standards Division v. Chester J. Session; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 2 years suspension

Staff Recommendation: 2 years suspension

Mr. Ybarr spoke on behalf of TEA. Mr. Session spoke on his own behalf.

Motion and Vote:

Motion was made by Ms. Druesedow to accept the Proposal for Decision and issue a Final Order consistent with the ALJ recommendations. Second by Ms. Bricker. For: Ms. Bricker, Ms. McCall, Ms. Druesedow and Dr. Cain. Opposed: Mr. Allard. Abstain: Dr. Buckingham. Motion carries.

Dr. Buckingham made a motion to add a statement to her motion regarding Texas Education Agency, Educator Certification and Standards Division v. Jackie Anderson. Modification of this sanction is permissible pursuant to Texas Government Code 2001.058 and is necessary because the ALJ did not apply agency rule 19 TAC 249.17 in so far as violations were combined with more egregious testing violations involving other actions. This modification is supported by the Findings of Fact and Conclusions of Law. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

III. Appeals

- 1) Don Madden v. State Board for Educator Certification; Cause No. 03-11-00584-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.
- 2) State Board for Educator Certification v. Robert D. Lange; Cause No. 03-12-00453-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.
- 3) Erasmio Montalvo v. State Board for Educator Certification; Cause No. D-1-GN-12-002991, In the 200th Judicial District Court of Travis County, Texas.
- 4) State Board for Educator Certification v. Erasmio Montalvo; Cause No. 03-12-00723-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.
- 5) State Board for Educator Certification v. Erasmio Montalvo; Cause No. 03-13-00370-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.
- 6) In re State Board for Educator Certification; Cause No. 03-13-00376-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.
- 7) Elizabeth Kiel v. State Board for Educator Certification; Cause No. B192236, In the 60th Judicial District Court of Jefferson County, Texas.
- 8) Ex Parte Martin Wade Ezell; Cause No. D-1-EX-13-000302, In the 167th Judicial District Court of Travis County, Texas.

- 9) Mable Caleb, Jackie Anderson, Patrick Cockerham, Dianne Banks, and Herbert Lenton v. State Board for Educator Certification; Civil Action 2010-21712, In the 164th Judicial District Court of Harris 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. Texas Education Agency, Educator Certification and Standards Division, Cause No. D1-GN-08-00979, In the 345th Judicial District Court of Travis County, Texas.

22. Action on Items Discussed in Executive Session

Pursuant to section 551.102 of the Texas Government Code, any deliberation and final action on matters discussed in Executive Session must be made in an Open Meeting. For any final action that the Board discussed in Executive Session, the Board will deliberate and take its action in Open Session.

23. 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

24. Update on SBEC Policy Issues; Requests from Board Members for Future Agenda Items

Mark Baxter informed the Board of HB 2012 related to teacher quality. The bill includes a number of provisions related to educator preparation programs. One provision requires TEA and the Texas Higher Education Coordinating Board (THECB) to update educator preparation program standards. Staff has been meeting with the THECB looking at options on how to proceed. A stakeholder meeting will be held on September 6, requesting input and guidance. Ms. Moore added that the stakeholder meeting will be conducted like a legislative committee hearing where participants will be given three minutes to testify. Standards must be written or revised by September 1, 2014.

25. Adjournment

Dr. Cain adjourned at 12:50.

The Board may meet in closed executive session regarding any item on the agenda, if authorized under the Texas Open Meetings Act, Texas Government Code, §551.071 et.seq., including §551.071 to seek legal advice from legal counsel. The Board may vote on one or more agenda items, in whole or in part, as part of one motion or board action.