

State Board for Educator Certification

Board Work Session Minutes

April 5, 2013

The Board convened its Work Session at 10:06 a.m. on Friday, April 5, 2013 in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas.

Present: Dr. Cain, Mr. Berry, Ms. Pogue, Ms. Bricker, Ms. Robison, Ms. Everest, Dr. Simpson, Dr. Loreda, Dr. Buckingham, Mr. Allard, Ms. McCall and Ms. Druesedow
Absent: Dr. Culwell and Ms. Bridges

Dr. Cain recognized Ms. Bridges, Ms. Bricker, and Ms. Druesedow for their reappointment to the Board, and Dr. Cain introduced new member, Dr. Dawn Buckingham.

I. Review and Amendment of SBEC Philosophy

- A. Mission Statement
- B. Core Principles

The Board reviewed the goals and suggested that goal number 3 is no longer relevant to the SBEC and should be deleted. The Board discussed adding a new goal which would reference improving policies and processes and the communication to the educator community.

Ms. Allen, Deputy General Counsel, informed the Board that an action item will be placed on the May agenda to propose revisions to the SBEC philosophy. Ms. Allen informed the Board that when this item is placed on the agenda, the Board will review, make edits, and adopt final language. Ms. Allen suggested that members send suggestions/ recommendations to Ms. Moore or Ms. Heermans.

II. SBEC Priorities

- A. Statutory Responsibilities
- B. Board Parameters

Ms. Allen informed the Board that SBEC has final responsibility over three major areas: 1) Educator preparation; 2) Certification of teachers; and, 3) Serves as the final decision maker or judicator in contested cases that come before the Board.

Ms. Allen reviewed Chapter 21 of the Education Code, which addresses related functions throughout the Board's regulation and licensing activities: 1) Sets standards for the education preparation programs and for certification; 2) Adopt fees; 3) Authority to establish an alternative certification program.

Ms. Allen informed the Board that the SBEC is an independent board and the Texas Education Agency (TEA) provides service to SBEC to allow it to carry out its statutory functions.

Ms. Allen reviewed the Board parameters and the statutory duties and obligations under the Open Meetings Act, the Appropriations Act, the Texas Government Code and the Texas Education Code.

III. Board Meeting Practices

- A. Consent Agendas
- B. Closed Session
- C. Presentation of Contested Cases
- D. Defaults
- E. Setting Agendas for Board Meetings

IV. Contested Case Process

- A. Legal Obligations of the Board
- B. Due Process
- C. Defaults
- D. Oral Argument

Ms. Allen proposed that routine Default cases be placed on the consent agenda which would then require only one motion, instead of individual motions for each case. She also informed the Board that if a member has a question regarding a Default case, it would be pulled and addressed separately. Ms. Allen recommended that the Board go into Executive Session to discuss Proposals for Decision (PFD).

Ms. Allen reviewed the process in contested cases before the final PFD comes to the Board, and informed the Board that staff only provides the PFD because the Administrative Law Judge (ALJ) had considered the Exceptions and Replies; however, staff can in the future, attach Exceptions and Replies for the Board's review.

Ms. Allen stated that the Board is restrained as to what it can do once it receives a PFD. Statue dictates when a state agency can change a Finding of Fact or Conclusion of Law made by an ALJ, or vacate or modify an order issued by an ALJ.

Ms. Everest requested that on the back of the listing of sanctions that is provided to the Board, staff add what the Board is allowed to change, vacate or modify.

Ms. Bricker expressed her concerns of not having a basis of understanding to make decisions and suggested that during closed session the attorney review each case. Ms. Allen advised the Board that staff will request that Ms. Juarez prepare an executive summary based upon the PFD.

Ms. Allen addressed the SBEC Disciplinary Policy, and made reference to the last paragraph under Guidelines... "A certified educator holds a unique position....." and suggested that the Board place the two sentences into its core principle and its mission statement.

Dr. Cain adjourned to break at 12:06 p.m.
Dr. Cain reconvened at 12:30 p.m.

V. Policy Setting Process

Ms. Allen reviewed the rule review process. Mr. Allen, Senior Counsel for Educator Certification, informed the Board that the length of this process is due to the fact that when SBEC was established, the Legislature decided that in order for SBEC rules to coordinate with the general education policy of the state, the State Board of Education (SBOE) had to approve SBEC adopted rules. Ms. Allen informed that Board that in the Sunset Review, TEA staff did request that the SBOE review be removed from the process.

VI. Legislative Issues

- A. Update on Sunset
- B. Current Legislature
- C. Board-member/Legislative Contacts

Julie Kopycinski, TEA Governmental Relations, provided handouts listing legislation which concerns SBEC. Ms. Kopycinski also reviewed the Sunset Bill.

Melissa Juarez, Office of the Attorney General, reviewed rules and regulations a board member must follow regarding legislative issues. Ms. Juarez informed the members, that generally state employees or officials will not take a position on a legislative measure, but may be available as a resource witness.

VII. TEA Support

- A. Administrative
- B. Investigative
- C. Legal and Staff Support of the SBEC

Ms. Moore reviewed the three areas of TEA support to the SBEC.

VIII. Amending Board Operating Policies and Procedures

Ms. Pogue suggested addressing the parameters of contested cases and the policy setting process in the Board Operating Policies and Procedures. Staff advised the Board that any suggestions for changes be sent to Ms. Heermans no later than Tuesday, April 9.

IX. Texas Teaching Commission Report and Houston A+

Ms. Moore introduced Mr. Mark Baxter, Senior Policy Director, Educator Leadership and Quality. Mr. Baxter reviewed the handouts given to the Board.

Ms. Bricker had two requests: 1) Staff refer to the A+ Houston Challenge report regarding policy recommendations for approving teacher quality and effectiveness and asked that staff target a few recommendations (discussed in the report) that the Board

could focus on and impact; 2) Staff refer to the report from Kids First and discuss the impact the Board can have on content examinations.

X. Adjournment

Dr. Cain adjourned the meeting at 1:54 p.m.