

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

October 5, 2012

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, October 5, 2012 in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Ms. Pogue, Dr. Culwell, Ms. Robison, Dr. Simpson, Dr. Loreda, Mr. Allard, Ms. Druesedow; Ms. McCall arrived at 9:05 a.m.; Mr. Trevino arrived at 9:30 a.m.

Absent: Ms. Bricker, Ms. Bridges, Ms. Everest

2. Chief Deputy Commissioner's Comments Regarding the SBEC Agenda

Lizzette Reynolds, Chief Deputy Commissioner, welcomed the board members.

3. Public Testimony

No public testimony on non-agenda items.

Consent Agenda

4. Approval of August 10, 2012 Board Meeting Minutes

Motion and Vote:

Motion was made by Ms. Pogue to approve the August 10, 2012 board meeting minutes. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

5. Consideration of and Opportunity to Approve Additional Classes of Certificates

Dr. Lopez informed the Board that Education Service Center Region XIII and Rice University Education Entrepreneurship Program are both accredited programs, and upon review of their proposals staff found that they complied with provisions of 19 TAC Chapter 227 Provisions for Educator Preparation Candidates, Chapter 228, Requirements for Educator Preparation Programs, and Chapter 239 Student Services Certificates, Subchapter A, School Counselor Certificate.

Motion and Vote:

Motion was made by Ms. Pogue to approve the additional classes of certificates. Second was made by Dr. Culwell and the Board voted unanimously in favor of the motion.

6. Consideration and Opportunity for Approval of Changes to 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

Mr. Allen reminded the Board that at the August 2012 meeting, the SBEC approved meeting dates for 2013. Mr. Allen informed the Board that the months of the meetings changed for 2013, therefore, the 2011-2014 Rule Review Plan for SBEC Rules must be revised to change the begin review dates for rules originally scheduled for June 2013 to May 2013.

Motion and Vote:

Motion was made by Ms. Druesedow to approve the proposed changes to the 2011-2014 Rule Review Plan for State Board for Educator Certification rules. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

7. 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 provided information on the Default Cases.

Ia. No Answer Defaults

- 1) Docket No. 0946-EC-0312, Texas Education Agency, Educator Certification and Standards Division v. Marcy Rodriguez Galvan; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 2) Docket No. 0953-EC-0512, Texas Education Agency, Educator Certification and Standards Division v. Rebecca Michelle Smith; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 3) Docket No. 3160-EC-0512, Texas Education Agency, Educator Certification and Standards Division v. Jana M. Moore; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 4) Docket No. 6017-EC-0312, Texas Education Agency, Educator Certification and Standards Division v. Isaac Ohonba; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 5) Docket No. 6024-EC-0412, Texas Education Agency, Educator Certification and Standards Division v. Michael Anthony Williams; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 6) Docket No. 0955-EC-0612, Texas Education Agency, Educator Certification and Standards Division v. Juan Carlos Cuellar; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 7) Docket No. 0957-EC-0612, Texas Education Agency, Educator Certification and Standards Division v. Alyson Honeycutt; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension and successful completion of Alcohol Awareness Program

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 8) Docket No. 0959-EC-0712.EC, Texas Education Agency, Educator Certification and Standards Division v. Lisa Marie Milam; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension and successful completion of Anger Management Training

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 9) Docket No. 3164-EC-0612.EC, Texas Education Agency, Educator Certification and Standards Division v. David Wade Johnson; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension and successful completion of Alcohol Awareness Program

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 10) Docket No. 0958-EC-0712.EC, Texas Education Agency, Educator Certification and Standards Division v. Connie Noreen Sisk; 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 the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 11) Docket No. 0890-EC-0712.EC, Texas Education Agency, Educator Certification and Standards Division v. Patrick M. Jett; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 12) Docket No. 3161-EC-0512.EC, Texas Education Agency, Educator Certification and Standards Division v. Christopher J. Rodriguez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Removed from the agenda.

- 13) Docket No. 6030-EC-0512.EC, Texas Education Agency, Educator Certification and Standards Division v. Cornelius McCray; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension and successful completion of Substance Abuse Training

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 14) Docket No. 6029-EC-0512.EC, Texas Education Agency, Educator Certification and Standards Division v. John Eric Guerra; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 15) Docket No. 6033-EC-0612.EC, Texas Education Agency, Educator Certification and Standards Division v. Tony Bass; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 16) Docket No. 6027-EC-0512.EC, Texas Education Agency, Educator Certification and Standards Division v. James Flowers; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 6 years Suspension and successful completion of Substance Abuse Training

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 17) Docket No. 6023-EC-0412.EC, Texas Education Agency, Educator Certification and Standards Division v. Shawn Akintola; 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 the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 18) Docket No. 6031-EC-0612.EC, Texas Education Agency, Educator Certification and Standards Division v. Adam Fox; 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 the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 19) Docket No. 4132-EC-0712, Texas Education Agency, Educator Certification and Standards Division v. Gabriela Mendoza; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the Issuance of Default Judgment and enter a Final Order of a two-year suspension instead of staff's recommendation of a one-year suspension. Motion was seconded by Ms. Robison. The motion carried with Dr. Culwell voting against the motion.

- 20) Docket No. 3166-EC-0712, Texas Education Agency, Educator Certification and Standards Division v. Amanda R. Porter; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension and successful completion of Substance Abuse Training

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 21) Docket No. 4131-EC-0712, Texas Education Agency, Educator Certification and Standards Division v. Ruby Nell Porter; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

Ib. No Show Defaults

- 22) Docket No. 701-12-3273.EC, Texas Education Agency, Educator Certification and Standards Division v. Audrey Benton; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. McCall to grant staff's request for the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

II. Proposals for Decision

None

III. Motions for Rehearing

None

IV. Appeals

- 1) Andra Barton v. State Board for Educator Certification; Cause No. 06-11-00078-CV, In the Court of Appeals for the Sixth District of Texas at Texarkana, Texas.
- 2) Don Madden v. State Board for Educator Certification; Cause No. 03-11-00584-CV, In the Court of Appeals for the Third District of Travis County, Texas.
- 3) 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.
- 4) Robert Lange v. State Board for Educator Certification; Cause No. D-1-GN-11-001843, In the 250th 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. Texas Education Agency, Educator Certification and Standards Division, Cause No. D1-GN-08-00979, In the 345th Judicial District Court of Travis County, Texas.

Dr. Cain adjourned to Executive Session at 9:25 a.m.

Dr. Cain reconvened at 9:50 a.m.

8. 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.

No action on items discussed in Executive Session.

DISCUSSION ONLY

9. Review of 19 TAC Chapter 241, Principal Certificate

Dr. Lopez informed the Board that this item is presented for the purpose of opening the review of 19 TAC Chapter 241, Principal Certificate.

10. Review of 19 TAC Chapter 242, Superintendent Certificate

Dr. Lopez informed the Board that this item is presented for the purpose of opening the review of 19 TAC Chapter 242, Superintendent Certificate.

11. Discussion of Educator Preparation Program Accountability, Sanctions, and Technical Assistance

Mr. Trevino stated that he requested this item because of his concerns with educator preparation programs being out of compliance and rated anything other than accredited.

Dr. Lopez informed the Board that at this time nothing has been built into the accountability system where compliance audit issues are addressed, and staff does not have the authority to actually sanction a program. Dr. Lopez also informed the Board that in order to sanction a program, staff has to prove a program is reckless and willful in its violation(s) of the rules; therefore, staff must have a system in place to quantify the results of the monitoring visits and be able to identify the variables that need to be measured and build those into rule.

Dr. Simpson questioned if procedures would change to streamline the system, and if it is possible for staff to recommend to the Board an action against a program. Ms. Pogue

questioned if the Board still has the authority to set rules in place to sanction programs if out of compliance. Mr. Allen stated that SBEC should be able to adopt rules that provide for a more streamlined process, but it must provide due process to the programs and also has to be based on quantifiable measures. He stated that the accountability system should identify not only minor technical problems, but substantive violations. He stated that a statutory authority would clarify the SBEC's authority to adopt rules.

Ms. Pogue suggested putting something in place for the legislative committee. Dr. Cain requested volunteers for the committee to join members, Christie Pogue and Jill Druesedow. Mr. Allard, Ms. McCall and Dr. Loreda volunteered to serve.

INFORMATION ONLY

12. Board Operating Policies and Procedures (BOPP)

Dr. Cain reviewed the section of the BOPP regarding the legislative committee and noted that Ms. Pogue served as committee chair and Ms. Druesedow served on the committee.

13. 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

DISCUSSION AND ACTION

14. Requests from Board Members for Future Board Items

Dr. Cain requested that an item be placed on the August 2013 agenda to select the SBEC representative for the Teacher of the Year panel. Dr. Cain also requested that an item be placed on the August agenda in alternate years to select a legislative committee.

15. Adjournment

Dr. Cain adjourned the meeting at 10.20 a.m.