

Item 4:
Approval of October 25, 2013 Board Meeting Minutes

ACTION

DESIRED OUTCOME: The Board will approve the minutes of the October 25, 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

October 25, 2013 at 9:00 a.m.
1701 N. Congress Ave. Room 1-104

The Board will meet in open session and after determining the presence of a quorum, deliberate and possibly take formal action, including emergency action, on the following agenda items:

1. Call to Order

The State Board for Educator Certification convened its meeting at 9:07 a.m. on Friday, October 25, 2013, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Ms. Pogue, Ms. Robison, Ms. Everest, Dr. Simpson, Dr. Loreda, Dr. Buckingham, Mr. Allard, Ms. McCall, Ms. Druessedow, Mr. Berry

Absent: Dr. Culwell, Ms. Bricker, Ms. Bridges

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Michele Moore, Associate Commissioner, welcomed the Board members and introduced Cheryl Aker, her new executive assistant and liaison to the Board.

3. Public Comment

Ms. Cook gave a brief summary of item 11, New TExES Generalist EC-6 and Generalist 4-8 Examinations, prior to hearing public comments on the item.

CONSENT AGENDA

4. Approval of August 2, 2013 Board Meeting Minutes

Motion and Vote:

Motion was made by Mr. Allard to approve the August 2, 2013 Board meeting minutes. Second was made by Dr. Buckingham and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

5. Election of Board Chairperson

Motion and Vote:

Motion was made by Ms. Druesedow to nominate Dr. Bonny Cain. Second was made by Ms. Pogue. No other nominations were received and the Board voted unanimously in favor of the election of Dr. Cain.

6. Election of Board Vice-Chairperson

Motion and Vote:

Motion was made by Ms. Druesedow to nominate Ms. Christie Pogue. Second was made by Mr. Allard. No other nominations were received and the Board voted unanimously in favor of the election Ms. Pogue.

7. Election of Board Secretary

Motion and Vote:

Motion was made by Ms. Druesedow to nominate Ms. Kathryn Everest. Ms. Everest declined. Motion was made by Ms. Everest to nominate Ms. Suzanne McCall. Second was made by Ms. Pogue. No other nominations were received and the Board voted unanimously in favor of the election of Ms. McCall.

8. Proposed Revisions to Board Operating Policies and Procedures (BOPP)

Mr. Byer noted minor changes made following the August meeting and outlined three options for the Board, related to section IV (A) (10)(c) of the BOPP, regarding who can present oral arguments to the Board.

Motion and Vote:

The Board was in agreement with all the minor changes.

Motion was made by Ms. Robison for option three - oral argument shall be presented by a single individual. Second was made by Dr. Cain. After further discussion and clarification, the motion was withdrawn by Ms. Robison.

Motion was made by Ms. Robison for option two - oral argument shall be presented by up to two individuals authorized by the party. Presenters may be a licensed attorney representing the party, an authorized party representative or the party. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

9. Consideration of and Opportunity to Approve Additional Classes of Certificates for Educator Preparation Programs Current Rated Accredited

Motion and Vote:

Motion was made by Mr. Allard to approve Hardin-Simmons University to offer the Superintendent class of certification. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

10. Consideration of and Opportunity to Approve a Panel of Mental Health Experts Required for Implementation of Texas Education Code, §21.044(c-1) and (c-2)

Ms. Nix presented a proposed panel that is necessary as a result of Senate Bill (SB) 460, 83rd Texas Legislature, Regular Session, 2013, which requires a panel of experts to compile information addressing the most prevalent mental or emotional disorders among children. Ms. Everest wanted to know the credentials of the panel members. Ms. McCall requested more West Texas and smaller districts represented.

Motion and Vote:

Motion was made by Dr. Buckingham to accept the panel of mental health experts, with potential additions. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

11. Discuss New TExES Generalist EC-6 and Generalist 4-8 Examinations

Public comment was provided by: Dr. Sandra West, Melva Cardenas, Sharon Fikes, Susan Allen, Holly Eaton, Diann Huber and Rae Queen

Ms. Cook presented this informational item to provide the Board with an overview of the implementation of the requirements of House Bill (HB) 2012, and HB 2318, 83rd Texas Legislature, Regular Session, 2013, related to the development of new Generalist EC-6 and Generalist 4-8 certification examinations.

Dr. Buckingham formally recommended that one year be changed to two years to complete credentialing requirements for the Generalist EC-6 and Generalist 4-8 test.

12. Adoption of 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. Byer presented this item for adoption, subject to State Board of Education review. Mr. Byer informed the Board that no comments were received and no changes are recommended from what the Board approved for filing as proposed in August 2013.

Motion and Vote:

Motion was made by Ms. Pogue 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, Subchapter A, General Provisions, §249.5, Purpose; Policy Governing Disciplinary Proceedings, and Subchapter B, Enforcement Actions and Guidelines, §249.17, Decision-Making Guidelines, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

13. Adoption of 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)

Public comment was provided by: Dr. Sandra West

Mr. Baxter presented this item for adoption, subject to State Board of Education review. Mr. Baxter informed the Board that the rule change is necessary as a result of HB 3573, 83rd Texas Legislature, Regular Session, 2013. Mr. Baxter informed the Board that no comments were received following the August 2013 Board meeting and that no changes are recommended.

Motion and Vote:

Motion was made by Ms. Pogue to adopt 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). Motion died for lack of a second.

Staff provided further clarification regarding legislative requirements.

Motion was made by Mr. Allard to approve for adoption, subject to State Board of Education review, 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), with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

14. Adoption of 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

Mr. Baxter presented this item for adoption subject to State Board of Education review. Mr. Baxter informed the Board that the new rules are necessary as a result of SB 162, 83rd Texas Legislature, Regular Session, 2013. Mr. Baxter informed the Board that no comments were received and no changes are recommended from what the Board approved for filing as proposed in August 2013.

Motion and Vote:

Motion was made by Dr. Buckingham to approve for adoption, subject to State Board of Education review, 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, with an effective date of 20 days after filing the adoption notices with the Texas Register. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

15. Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter E, Grades 9-12 Assignments; Subchapter F, Special Education-Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments

Mr. Baxter presented this item for approval for filing as proposed. Mr. Baxter informed the Board that the rule changes are necessary as a result of HB 3573, 83rd Texas Legislature, Regular Session, 2013; HB 1386, 82nd Texas Legislature, Regular Session, 2011; and SB 715, 83rd Texas Legislature, Regular Session, 2013.

Motion and Vote:

Motion was made by Ms. Robison to approve the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter E, Grades 9-12 Assignments; Subchapter F, Special Education-Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments, to be published as proposed with the Texas Register. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

16. Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours

Mr. Baxter presented this item for approval for filing as proposed. Mr. Baxter informed the Board that the rule change is necessary as a result of HB 642, 83rd Texas Legislature, Regular Session, 2013, and HB 3793, 83rd Texas Legislature, Regular Session, 2013.

Motion and Vote:

Motion was made by Mr. Allard to approve for forwarding to the SBOE and for publication in Texas Register the proposed amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours. Second was made by Ms. Druesedow. There was discussion regarding adding additional continuing education hours. Mr. Allard withdrew his motion without Board objection.

Motion was made by Mr. Allard to approve the proposed amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours, 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 Amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.16, Eligibility of Persons with Criminal Convictions for a Certificate under Texas Occupations Code, Chapter 53

Mr. Byer presented this item for approval for filing as proposed. Mr. Byer informed the Board that the rule change is necessary as a result of HB 798, 83rd Texas Legislature, Regular Session, 2013. Mr. Byer also provided substitute rule text for proposed §249.16(b) that would change the word "or" to "and" for clarification.

Motion and Vote:

Motion was made by Ms. Everest to approve the proposed amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.16, Eligibility of Persons with Criminal Convictions for a Certificate under Texas Occupations Code, Chapter 53, as amended, to be published as proposed with the Texas Register. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

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

A. Contested Cases

I. No Answer Defaults

Ms. Dover provided information on the cases and answered questions from the Board. Case number 22 (Adrian Vega) was removed from the default docket because the educator contacted the legal department. Cases 12, 15, 17, 32 and 35 were called up individually.

- 1) Docket No. 3191-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Roland Rene Galvan; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanently Revoked

- 2) Docket No. 0988-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Bobby Berry; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 3) Docket No. 0759-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Herbert Ashley Wheaten; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 4) Docket No. 0760-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Don Evelyn Walraven; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 5) Docket No. 0987-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Veronica Chavez; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 6) Docket No. 0756-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Marie Sanchez; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 7) Docket No. 3193-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Brandy Rounsavall; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 5 years suspension
- 8) Docket No. 3186-EC-0313, Texas Education Agency, Educator Leadership and Quality Division v. Shanna R. Dick; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 2 years suspension with proof of successful completion of Alcohol Awareness Program.
- 9) Docket No. 0986-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Stephany Ann Shuffield; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 2 years suspension
- 10) Docket No. 6051-EC-0413, Texas Education Agency, Educator Leadership and Quality Division v. Jonathan Matthew Frelich; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Permanently Revoked
- 11) Docket No. 0985-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Mario Sanchez Moreno; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation

- 13) Docket No. 0757-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Tracy Lynn Scott; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 14) Docket No. 0758-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Lauren N. Ison; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 16) Docket No. 4149-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Darla Seale; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 18) Docket No. 4152-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Chevie L. Griggers; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 19) Docket No. 4151-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Juan Antonio Abrego; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 20) Docket No. 0751-EC-0313, Texas Education Agency, Educator Leadership and Quality Division v. Axel A. Gomez-Crespo; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 21) Docket No. 0764-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Jane Denise Greenwood; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 23) Docket No. 0989-EC-1613, Texas Education Agency, Educator Leadership and Quality Division v. Angela L. Carrier; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 2 years suspension

- 24) Docket No. 8105-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Jessica Tanis; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 1 year suspension
- 25) Docket No. 4153-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Rosa Muro; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 26) Docket No. 0770-EC-0713, Texas Education Agency, Educator Leadership and Quality Division v. Rea Daneen Orozco; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 27) Docket No. 0768-EC-0713, Texas Education Agency, Educator Leadership and Quality Division v. Joshua Villarreal; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Permanently Revoked
- 28) Docket No. 0772-EC-0713, Texas Education Agency, Educator Leadership and Quality Division v. Johnny Morales; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 4 years suspension
- 29) Docket No. 0761-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Dwain Lee Thomas; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: 2 years suspension with proof of successful completion of substance abuse program.
- 30) Docket No. 0767-EC-0613, Texas Education Agency, Educator Leadership and Quality Division v. Adrian Zermeno; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Permanently Revoked
- 31) Docket No. 3199-EC-0713, Texas Education Agency, Educator Leadership and Quality Division v. Juan Jaime Sepulveda; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Permanently Revoked

- 33) Docket No. 0778-EC-0813, Texas Education Agency, Educator Leadership and Quality Division v. Donna Renee Lott; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 34) Docket No. 0777-EC-0813, Texas Education Agency, Educator Leadership and Quality Division v. Earl Martin O'Brien, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Permanently Revoked
- 36) Docket No. 0992-EC-0813, Texas Education Agency, Educator Leadership and Quality Division v. Lena S. Gunter; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 37) Docket No. 4155-EC-0813, Texas Education Agency, Educator Leadership and Quality Division v. Faith Hopkins; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 38) Docket No. 0780-EC-0813, Texas Education Agency, Educator Leadership and Quality Division v. Susan C. Covington; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation
- 39) Docket No. 0782-EC-0813, Texas Education Agency, Educator Leadership and Quality Division v. Estela Gonzalez; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation

Motion and Vote:

Motion was made by Dr. Buckingham 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 1-39, with the exception of cases 12, 15, 17, 22, 32 and 35. Second was made by Ms. Everest and the Board voted unanimously in favor of the motion.

- 17) Docket No. 4148-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Coby Coleman; Action to be taken: Consideration of Issuance of Default Judgment.
- Staff recommendation: Revocation

Motion and Vote:

Dr. Cain recused herself from hearing this item. Ms. Pogue opened the item. Motion was made by Ms. Druesedow to accept staff recommendation for revocation. Second was made by Ms. Everest and the Board voted unanimously in favor of the motion.

- 12) Docket No. 4146-EC-0413, Texas Education Agency, Educator Leadership and Quality Division v. Paul Armstrong; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Everest for permanent revocation. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 15) Docket No. 3192-EC-0513, Texas Education Agency, Educator Leadership and Quality Division v. Cathey Mielsch Willson; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Everest to accept staff recommendation for revocation. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

- 32) Docket No. 0775-EC-0813, Texas Education Agency, Educator Leadership and Quality Division v. Blanca Diaz; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Everest for permanent revocation. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

- 35) Docket No. 0774-EC-0813, Texas Education Agency, Educator Leadership and Quality Division v. Robb Joseph Renzaglia; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Everest to accept staff recommendation for revocation. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

II. Proposals for Decision

Ms. Dover presented the cases to the Board.

- 40) Docket No. 701-13-3491.EC, Texas Education Agency, Educator Leadership and Quality Division v. Jennifer Melissa McMannis; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1 year suspension

Staff Recommendation: 1 year suspension

Motion and Vote:

Motion was made by Ms. McCall to accept staff recommendation for 1 year suspension. Second was made by Ms. Everest and the Board voted unanimously in favor of the motion.

- 41) Docket No. 701-13-3630.EC, Texas Education Agency, Educator Leadership and Quality Division v. Erroll Varin Garrett; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 3 years suspension

Staff Recommendation: 3 years suspension

Mr. Garrett was present to speak on his own behalf.

Ms. Dover corrected the reference in the meeting materials to the ALJ's Recommendation – the ALJ recommendation should read “3 years suspension, to run concurrently with his term of community supervision, August 18, 2011 to August 17, 2014.” Staff recommendation is 3 years suspension to begin the date the order is signed.

Motion and Vote:

Mr. Allard requested that this case be moved to closed session.

Recess at 12:33 p.m.

Reconvene at 12:58 p.m.

Motion was made by Mr. Allard to accept the Proposal for Decision and issue a final order consistent with the ALJ's recommendation of 3 years suspension concurrent with the terms of community supervision. Second was made by Ms. Everest and the Board voted unanimously in favor of the motion.

- 42) Docket No. 701-13-1686.EC, Texas Education Agency, Educator Leadership and Quality Division v. Lisa Burkhart Robinson; 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. Stapleton, attorney for Ms. Robinson, was present on Ms. Robinson's behalf.

Motion and Vote:

Motion was made by Ms. Everest to accept staff and ALJ recommendation of 2 years suspension. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

III. Motion for Rehearing

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

Staff recommendation: Issue Amended Final Order

Ms. Dover appeared on behalf of TEA.

Ms. Edwards, attorney, appeared on behalf of Ms. Anderson.

TEA legal filed a Motion for Rehearing because staff believed there were certain items in the order that needed to be clarified to consistent with state statute. The motion for rehearing was granted on September 18, 2013. The respondents did not file a response to the Motion for Rehearing. Some days before the SBEC meeting and scheduled rehearing, Mr. Fallon and Mr. Watts, Ms. Anderson's counsel, filed a Motion to Continue stating both attorneys had scheduling conflicts and could not appear at the October 25, 2013 meeting. TEA legal filed a response in opposition to the Motion to Continue.

Mr. Fallon and Mr. Watts asked Ms. Edwards to appear on Ms. Anderson's behalf requesting the Motion to Continue in their absence. Counsel for Ms. Anderson stated they did not receive notice that the rehearing was scheduled for October 25, 2013 until they saw it posted on the SBEC agenda. There is question as to whether the Final Order accurately reflects the decision made by this Board.

Ms. Juarez confirmed that Ms. Anderson's counsel did not receive proper notice of the rehearing.

The intent of the rehearing was to clarify the language in the Board's order. Although the order states that the 30 hours of continuing education Ms. Anderson completes must be noted on the face of her certificate, the order does not cite the SBEC rule that requires any restriction on an educator's certificate to appear on the educator's virtual certificate. There was no reprimand by the Board, but the order did state that the 30 hours of continuing education must appear on the certificate.

What is before the Board today is whether or not to grant the continuance requested by Ms. Anderson's attorneys. If a continuance is granted, the rehearing to clarify the final order will be heard at the February meeting. If the continuance is not granted, the rehearing will take place right now.

Motion and Vote:

Motion was made by Ms. Robison to grant a continuance on this case. Second was made by Mr. Allard and the Board voted in favor of the motion, with Dr. Buckingham abstaining.

IV. Appeals

No discussion.

- 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. The State Board for Educator Certification and Michael Berry, The Acting Chief Executive Officer of The State Board for Educator Certification, In His Official Capacity Only; 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. 03-13-00370-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.
- 5) Barry Ryan Davis v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-12-003413, In the 201st 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.

None

19. Action on Items Discussed in Executive Session

See agenda item 18.A.II. (41), above at page 13.

20. 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

No action

Ms. Everest asked about the counseling certification and a task force to work on those rules. Ms. Moore said that process has not begun, but with House Bill 5 and all the new requirements, now is the time to get started. Board members can submit suggestions for changes to the current rules or provide names of potential participants on the task force to Ms. Moore.

21. Requests from Board Members for Future Agenda Items

Ms. Pogue requested a report on testing standards that were previously accepted at one standard deviation below the committee's recommendations, and making sure all testing standards were brought up to the committee's recommendations.

Dr. Simpson would like to revisit the implementation rules related to bilingual certification and what options and measures the Board take to deal with the bilingual education shortages.

Dr. Buckingham requested the legal cases take place earlier in the agenda so people (and their attorneys) don't have to sit through the whole meeting before having their cases heard. Dr. Cain suggested having the cases set at 10:00 a.m. in the agenda.

Dr. Buckingham requested a transcript of the Board's deliberations on the Caleb/Anderson case Docket No. 701-11-0607.EC, *Texas Education Agency, Educator Leadership and Quality Division v. Mable Caleb and Jackie Anderson.*

Dr. Buckingham requested the Board consider the request received from an individual asking the Board to consider the medical profession of Clinical Exercise Specialist as an acceptable career certification to teach Health Science Technology in Texas schools.

22. Adjournment

The meeting was adjourned at 1:10 p.m.

<p>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, §551.001 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.</p>
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