

STATE BOARD FOR EDUCATOR CERTIFICATION MEETING AGENDA

**MARCH 3, 2017 AT 9:00 AM
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 any of the following agenda items:

- 1. Call to Order**
- 2. Associate Commissioner's Comments Regarding the SBEC Agenda**
- 3. Recognition of Former Board Members**

This item provides the State Board for Educator Certification (SBEC) an opportunity to recognize former SBEC members for their service to Texas schoolchildren and educators.

4. Public Comment

The Board shall allocate up to thirty (30) minutes at the beginning of each regularly scheduled meeting of the full Board for public comment on non-agenda and consent agenda items. In accordance with SBEC Board Operating Policies and Procedures, late registration for providing oral or written comment will be accepted up to 30 minutes prior to the beginning of the Board meeting.

CONSENT AGENDA

- 5. Consider and Take Appropriate Action on Request to Approve December 9, 2016 Board Meeting Minutes**

DISCUSSION AND ACTION

- 6. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. The SBEC last adopted the review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, in February 2012. In 2013, the assignment chart in Chapter 231 was reorganized effective August 2013. This item presents for SBEC approval the review of Chapter 231. The rules being reviewed provide requirements relating to the criteria for school districts to make personnel assignments based on the correlating certification requirements.

7. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 245, Certification of Educators from Other Countries

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. The SBEC last adopted the review of 19 TAC Chapter 245, Certification of Educators from Other Countries, in August 2013. This item presents for SBEC approval the review of Chapter 245. The rules being reviewed provide requirements relating to the certification of Texas educators from other countries.

8. Discussion of English Language Proficiency Requirements

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss the English language proficiency requirements in Texas Administrative Code as well as the use of the Test of English as a Foreign Language (TOEFL) to measure that proficiency. This item also provides Texas Education Agency staff an opportunity to update the Board on stakeholder feedback and next steps.

9. Consider and Take Appropriate Action on Petition for Adoption of Rule Change Concerning 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements

This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a petition for rulemaking on 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements, filed pursuant to Texas Government Code, §2001.021. The petitioner requests an amendment to 19 TAC §230.11(b)(5)(C), General Requirements, to replace current language with "verification of satisfactory scores on Test of English as a Foreign Language (TOEFL) of 22-30 on speaking portion or overall TOEFL score of 83." The SBEC must either deny the petition or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.

10. Consider and Take Appropriate Action on Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.9, Inactive Status and Late Renewal

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose an amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.9, Inactive Status and Late Renewal, which would clarify procedures used by the automated system to process late applications submitted for standard certificate renewal.

11. Consider and Take Appropriate Action on Request to Approve 2015-2016 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses

This item provides the State Board for Educator Certification (SBEC) the opportunity to approve the proposed 2015-2016 Accountability System for Educator Preparation Programs (ASEP) accreditation statuses for one hundred and forty (140) educator preparation

programs (EPPs). One hundred and twenty-seven (127) programs are recommended to be rated as “Accredited,” four (4) programs as “Accredited-Not Rated,” five (5) programs as “Accredited-Warned,” and four (4) as “Accredited-Probation.” Eighteen (18) programs will be required to develop an action plan to address deficiencies in aggregated and/or disaggregated group performance. Sixty-seven (67) programs will be provided with a notice regarding a performance issue with one or more certification fields. Texas Education Agency (TEA) staff is also recommending additional SBEC actions related to performance standards and/or non-compliance with SBEC rules for seven (7) programs.

12. Consider and Take Appropriate Action on the Memorandum of Agreement (MOA) Between the State Board for Educator Certification (SBEC) and the Texas Education Agency (TEA)

This item presents the State Board for Educator Certification (SBEC) an opportunity to consider and ratify the Memorandum of Agreement (MOA) with the Texas Education Agency (TEA) that clarifies the process by which the TEA will continue to provide the SBEC’s administrative services and functions pursuant to the Texas Education Code (TEC) §21.035. This MOA reflects the current commissioner and SBEC Chair as signees, updates dates, and clarifies that the MOA continues in operation absent a decision by one of the parties to end the agreement.

13. Discussion and Action on Proposed Revisions to Board Operating Policies and Procedures (BOPP)

This item provides the State Board for Educator Certification (SBEC) the opportunity to revise the Board Operating Policies and Procedures (BOPP). The proposed revisions would add procedures to grant the opportunity to conduct a public hearing before the Board adopts a substantive rule, to clarify a quorum of the Board for meeting purposes, to add provisions for oral argument regarding educator preparation program (EPP) sanctions, and to make technical and clarifying edits. This item also provides the Board with an opportunity to amend the procedures for receiving oral comments and written materials at SBEC meetings.

DISCUSSION ONLY

14. Discussion of Certification for Early Childhood Education

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss certification for early childhood education and consider the creation of a new prekindergarten-third grade (preK-3rd) certificate.

15. Discussion and Update on Advisory Committee for 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate and Subchapter C, Educational Diagnostician Certificate

This item provides the State Board for Educator Certification (SBEC) with an update on the work of the advisory committees for Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate and Subchapter C, Educational Diagnostician Certificate.

16. Discussion of New Principal Certification Assessment

This item provides an update to the State Board for Educator Certification (SBEC) concerning the development of the new principal certification assessment and the opportunity to discuss certification examination options.

DISCIPLINARY CASES

17. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

1. In the Matter of Aimee Clifton Arnold; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
2. In the Matter of Robert Bozeman; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
3. In the Matter of Claudia Denning; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
4. In the Matter of Cassie Seelbach; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
5. In the Matter of Stanley Walker; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
6. In the Matter of Lauren Ware; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

7. In the Matter of Marshall Todd Davis; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
8. In the Matter of Jessica Guilbeaux; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
9. In the Matter of Megan Nicole Nicholson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
10. In the Matter of Ruben Rivas; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
11. In the Matter of Timothy Brian Sheard; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
12. In the Matter of Wiley W. Murrell; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
13. In the Matter of Emily Stevenson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
14. In the Matter of Richard Tossapon Wrangpetch; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
15. In the Matter of Lynette Marie Albracht; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2 year suspension and proof of successful completion of substance abuse treatment program

16. In the Matter of Tal Fletcher Belvin; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
17. In the Matter of Rene Cantu; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
18. In the Matter of Amber Nicole Foley; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
19. In the Matter of Debra Ann Hollinger; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
20. In the Matter of Alan Menchaca; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
21. In the Matter of Delmonico Montgomery; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
22. In the Matter of Jamie Smith; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
23. In the Matter of Andrea K. Bookout; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
24. In the Matter of Reginald Gilmon; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

25. In the Matter of Julie Diane Klen; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
26. In the Matter of Ida Olivarez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
27. In the Matter of Samantha Phillips; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
28. In the Matter of Melissa Marie Wolford; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
29. In the Matter of Marlorie Nicole Clay; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
30. In the Matter of Deitra Coleman; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
31. In the Matter of Alan Guyton; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
32. In the Matter of Jacquelyn Nicole Pena; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
33. In the Matter of Ricardo Juan Artalejo; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation

34. In the Matter of Brenda Gail Boubel; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
35. In the Matter of Byron Ramon Criddle; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
36. In the Matter of Janet Lakeya Davis; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
37. In the Matter of Wilhmenia Harris; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
38. In the Matter of Juan Manuel Gonzalez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
39. In the Matter of Kenneth Justin Lattimore, Jr.; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
40. In the Matter of Armando Montes; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
41. In the Matter of Ramon Pena; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2 Year Suspension
42. In the Matter of Christopher Thomas; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

43. In the Matter of Robert Eugene Thompson; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
44. In the Matter of Antonio Daniel Gomez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
45. In the Matter of Ryan Jamile Hill; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
46. In the Matter of James Holmes, Jr.; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
47. In the Matter of Chelsea Shriner; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
48. In the Matter of Makenzie Oliver; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

B. Contested Cases

Proposals for Decision

1. Docket No. 701143692.EC, Texas Education Agency, Educator Leadership and Quality Division v. Anna Luisa Kell; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- ALJ Recommendation: Permanent Revocation of all certificates
- Staff Recommendation: Accept ALJ Recommendation

2. Docket No. 701143692.EC, Texas Education Agency, Educator Leadership and Quality Division v. Juan Manuel Duran; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Inscribed Reprimand and a probated 3 year suspension of all certificates

Staff Recommendation: Revocation of Superintendent/Principal Certificates and two (2) year suspension for Secondary/Educator Certificates to commence on the date the Final Order is signed

3. Docket No. 701165186.EC, Texas Education Agency, Educator Leadership and Quality Division v. Michael Jimenez; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1 Year Suspension

Staff Recommendation: Permanent Revocation

4. Docket No. 701164722.EC, Texas Education Agency, Educator Leadership and Quality Division v. Rachel P. Anaya; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Disciplinary Action be Taken

Staff Recommendation: Accept ALJ Recommendation

5. Docket No. 701164719.EC, Texas Education Agency, Educator Leadership and Quality Division v. Maryam Roland; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Disciplinary Action be Taken

Staff Recommendation: Accept ALJ Recommendation

6. Docket No. 701163637.EC, Texas Education Agency, Educator Leadership and Quality Division v. Robert Sollers; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Disciplinary Action be Taken

Staff Recommendation: Accept ALJ Recommendation

7. Docket No. 701165966.EC, Texas Education Agency, Educator Leadership and Quality Division v. David Turner; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ Recommendation

8. Docket No. 701163953.EC, Texas Education Agency, Educator Leadership and Quality Division v. David Valerio; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Disciplinary Action be Taken

Staff Recommendation: Accept ALJ Recommendation

9. Docket No. 701170484.EC, Texas Education Agency, Educator Leadership and Quality Division v. David Lee; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Disciplinary Action be Taken

Staff Recommendation: Accept ALJ Recommendation

C. Court Cases

District Court Cases

1. 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.
2. Leo Joseph Tran v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-16-001802, In the 126th District Court of Travis County, Texas.

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

INFORMATION ONLY

18. Legislative Update on 85th Texas Legislative Session

19. 2015 - 2018 Rule Review Plan for State Board for Educator Certification Rules

20. Requests from Board Members for Future Agenda Items

21. Requests Received from the Board Since Last Meeting

22. Adjournment

The Board may go into closed session regarding any item on the agenda to the extent it is authorized to do so pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551.