

**STATE BOARD FOR EDUCATOR CERTIFICATION**  
**BOARD MEETING MINUTES**  
**APRIL 15, 2016 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**

The State Board for Educator Certification convened its meeting at 9:03 a.m. on Friday, April 15, 2016, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Mr. Allard, Ms. Bricker, Ms. Bridges, Ms. Druesedow, Ms. Everest, Dr. Hull, Mr. Leal, Ms. McCall, Dr. Peebles, Ms. Robison, Dr. Simpson

Absent: Mr. Berry, Dr. Buckingham

**2. Associate Commissioner's Comments Regarding the SBEC Agenda**

Mr. Franklin mentioned that there are three big discussion items, chapters 228, 229, and 230. We had planned for these to be action items when we last talked, but because of the work we've done with Commissioner Morath and the significance of some of the changes, we felt like these items needed more discussion. This will also give us time to get additional stakeholder input between now and the June meeting. We are also planning on having a full-day, off-site work session the day before the June meeting on these chapters. These are very significant issues that touch every aspect of what educators need to know and be able to do before they are allowed in the classroom, and that has been what is guiding our discussions.

Another internal matter, Mr. Franklin mentioned that we are transitioning educator certification testing from Dr. Tim Miller back to Marilyn Cook.

Dr. Cain also added her compliments to Tim Regal on his recent presentation at the Region 12 meeting regarding the new educator evaluation system.

**3. Program Recognition**

Ms. Ayers presented this item to the Board, recognizing University of the Incarnate Word (UIW), San Antonio for going above the minimum standards to provide outstanding preparation and resources for aspiring teachers. Representing UIW were Dr. Denise Staudt, Associate Provost and Dean of the Dreeben School of Education, Dr. Elda Martinez, Director of Teacher Education, and Brandi Rodriguez, Induction Coordinator.

**4. Public Comment**

Public comment was provided by: Dr. Diann Huber of iteachTEXAS, Jeremy Fikes of ECAP, Ltd., Michael Marder representing himself, Dr. Elizabeth Ward of Texas Wesleyan University,

Dr. Beth Maloch of UT Austin, Dr. Lawrence Abraham of UTeach Natural Sciences, and Jesse Romero of the Texas Association of Bilingual Education.

**5. Consider and Take Appropriate Action on Request to Approve February 12, 2016 Board Meeting Minutes**

**Motion and vote:**

*Motion was made by Dr. Hull to approve the February 12, 2016 minutes. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.*

**6. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators**

Dr. Miller presented this item to the Board. The proposed amendments to 19 TAC §230.21 and §230.25 would implement the requirement from the 84th Texas Legislature, Regular Session, 2015, to enforce a limit of five attempts on any certification examination, unless the SBEC approves an additional attempt based on an individual's demonstration of good cause. The proposed amendments to 19 TAC §230.21 and §230.25 would also implement a clarification from the 84th Texas Legislature, Regular Session, 2015, that the commissioner of education approves the satisfactory level of performance required for certification examinations.

**Motion and vote:**

*Motion was made by Ms. Druesedow to approve for adoption, subject to State Board of Education review, the amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, as recommended by Texas Education Agency staff, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.*

**7. Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 232, General Certification Provisions**

Dr. Miller presented this item to the Board. The proposed amendments to 19 TAC §§232.7, 232.9, 232.11, 232.13, 232.15, 232.17, 232.19, 232.21, and 232.23 and the proposed repeal of 19 TAC §232.27 would implement the requirement from the 84th Texas Legislature, Regular Session, 2015, to allow educators to receive credit for completion of an instructional course on the use of an automated external defibrillator (AED) and would further clarify certificate renewal and continuing professional education (CPE) requirements.

**Motion and vote:**

*Motion was made by Ms. Druesedow to approve for adoption, subject to State Board of Education review, the revisions to 19 TAC Chapter 232, General Certification Provisions, as recommended by Texas Education Agency staff, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.*

**8. Consider and Take Appropriate Action on Adoption of Proposed New 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**

Ms. Cook presented this item to the Board. The proposed new chapter would address recent legislation, consolidate rules specific to the military community into one chapter, and streamline future military-related rulemaking opportunities.

**Motion and vote:**

*Motion was made by Ms. Bricker to approve for adoption, subject to State Board of Education review, proposed new 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.*

**9. Consider and Take Appropriate Action on Adoption of Proposed Repeal of and New 19 TAC Chapter 241, Principal Certificate, §241.15, Standards Required for the Principal Certificate**

Mr. Regal presented this item to the Board. The proposed rule actions would update the standards required for principal certification, including those standards taught by principal preparation programs and tested on the state certification examination. Proposed new 19 TAC §241.15 would update the principal standards to align with the commissioner of education's principal appraisal standards.

**Motion and vote:**

*Motion was made by Dr. Hull to approve for adoption, subject to State Board of Education review, the proposed repeal of and new 19 TAC Chapter 241, Principal Certificate, §241.15, Standards Required for the Principal Certificate, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.*

**10. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 239, Student Services Certificates**

Ms. Cook presented this item to the Board. The rules being reviewed provide requirements relating to the school counselor certificate, school librarian certificate, educational diagnostician certificate, reading specialist certificate, and master teacher certificate.

Public comment was provided by Jan Friese of the Texas Counseling Association.

**Motion and vote:**

*Motion was made by Ms. Everest to approve the proposed review of 19 TAC Chapter 239, Student Services Certificates, to be published as proposed in the Texas Register. Second was made by Mr. Allard, and the Board voted unanimously in favor of the motion.*

**11. Consider and Take Appropriate Action on Petition for Adoption of Rule Change Concerning 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter E, Grades 9-12 Assignments, Division 8, Technology Applications, Grades 9-12 Assignments, §231.251, Computer Science, Grades 9-12, and**

**§231.257, Game Programming and Design or Mobile Application Development, Grades 9-12**

Ms. Cook presented this item to the Board. The petitioner requests an amendment to certification requirements to teach "Fundamentals of Computer Science." The SBEC must either deny the petition or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.

Public comment was provided by Hal Speed of the Texas Alliance for Computer Science Education.

**Motion and vote:**

*Motion was made by Mr. Leal to direct Texas Education Agency staff to initiate the rulemaking process. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.*

**12. Consider and Take Appropriate Action on Request to Approve 2014-2015 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses**

Dr. Miller and Dr. Vriesenga presented this item to the Board. Dr. Vriesenga presented the 2014-2015 Accountability System for Educator Preparation Programs (ASEP) accreditation statuses for one hundred forty-three (143) educator preparation programs (EPP). Dr. Miller requested that TeacherBuilder.com be removed from consideration.

**Motion and vote:**

*Motion was made by Dr. Hull to approve the 2014-2015 Accountability System for Educator Preparation Programs accreditation statuses as presented, deleting TeacherBuilder.com. Second was made by Ms. Bridges, and the Board voted unanimously in favor of the motion.*

**13. Consider and Take Appropriate Action on Request to Approve a New Educator Preparation Program at Urban Teachers**

Dr. Miller and Ms. Nix presented this item to the Board. This was a request by Urban Teachers located in Dallas, Texas, to offer an approved alternative educator preparation program. The program is proposing to certify candidates in the following areas: Core Subjects EC-6; Mathematics 7-12; English Language Arts 7-12; Special Education EC-12; and English as a Second Language supplemental. The anticipated start date for the first cohort is August 2016.

The anticipated number of applicants to be admitted for the first year is 150. The cost of the program per participant is \$40,000 which is the approximate cost for the Master of Science Degree from Johns Hopkins University that is awarded with the certification.

Jennifer Green, Chief Executive Officer and Annette O'Boyce, Chief Academic Officer for Urban Teachers were present to answer questions.

Written comment was provided by Angela Farley of Dallas Regional Chamber.

**Motion and vote:**

*Motion was made by Dr. Hull to approve Urban Teachers (Dallas, Texas) as a new Alternative Certification Educator Preparation Program. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.*

**14. Consider and Take Appropriate Action on Request to Approve New Class of Certificate at North American University**

Dr. Miller presented this item to the Board. This was a request by North American University, an approved and accredited educator preparation program (EPP) located in Houston, Texas, to offer the Principal class of certificate.

**Motion and vote:**

*Motion was made by Ms. Bricker to approve the principal class of certificate at North American University. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.*

**15. Consider and Take Appropriate Action on Requests for Waivers from Certification Examination Testing Limit**

Dr. Miller presented this item to the Board. This item provides the State Board for Educator Certification (SBEC) with an opportunity to take action on requests to waive the limit of four retakes of a certification examination.

1. In the Matter of Patricia Contreras;  
Waiver Request: Retake Core Subjects EC-6 Mathematics Subtest

**Motion and vote:**

*Motion was made by Ms. Everest to deny the waiver request. Second was made by Mr. Allard, and the Board voted unanimously in favor of the motion.*

2. In the Matter of Norma L. Cortez-Rios;  
Waiver Request: Retake Core Subjects EC-6 Fine Arts, Health, and Physical Education Subtest

**Motion and vote:**

*Motion was made by Mr. Allard to deny the waiver request. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.*

3. In the Matter of Erika Goytia;  
Waiver Request: Retake Pedagogy and Professional Responsibilities EC-12 Test

**Motion and vote:**

*Motion was made by Ms. Everest to deny the waiver request. Second was made by Ms. Druesedow, and the Board voted unanimously in favor of the motion.*

4. In the Matter of Kari R. Manyose;  
Waiver Request: Retake Core Subjects EC-6 Social Studies Subtest

**Motion and vote:**

*Motion was made by Ms. Everest to deny the waiver request. Second was made by Ms. Druesedow, and the Board voted unanimously in favor of the motion.*

5. In the Matter of Hannah Elizabeth McFerren;  
Waiver Request: Retake Core Subjects EC-6 Social Studies Subtest

**Motion and vote:**

*Motion was made by Ms. Druesedow to deny the waiver request. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.*

6. In the Matter of Shandl K. Noffsinger;  
Waiver Request: Retake Core Subjects EC-6 Science Subtest

**Motion and vote:**

*Motion was made by Ms. Druesedow to deny the waiver request. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.*

7. In the Matter of Brittany Mae Brown;  
Waiver Request: Retake Core Subjects EC-6 Mathematics Subtest

**Motion and vote:**

*Motion was made by Ms. Everest to deny the waiver request. Second was made by Ms. Druesedow, and the Board voted unanimously in favor of the motion.*

8. In the Matter of Erica Lee Lara;  
Waiver Request: Retake Core Subjects EC-6 Science Subtest

**Motion and vote:**

*Motion was made by Ms. Everest to deny the waiver request. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.*

9. In the Matter of Yurida Ramos;  
Waiver Request: Retake Core Subjects EC-6 Science Subtest

**Motion and vote:**

*Motion was made by Ms. Bricker to deny the waiver request. Second was made by Ms. Bridges, and the Board voted unanimously in favor of the motion.*

## **16. Update on Core Subjects Early Childhood-Grade 6 and Core Subjects Grades 4-8 Certification Examinations**

Ms. Cook and Dr. Miller presented this item to the Board and gave a brief update. Dr. Katie Pedley from ETS also explained performance data and analysis to the Board.

No action taken.

Public comments were provided by: Dr. Elizabeth Ward of Texas Wesleyan University and Dr. Barbara Ashmore of University of Texas-Dallas.

Written comment was provided by Dr. Catheryn Weitman of Texas A&M International University.

## **17. Pending or Contemplated Litigation, including Disciplinary Cases**

### **A. Defaults**

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

3. In the Matter of Ana Isabel Castillo; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

4. In the Matter of Amy Dennis; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

6. In the Matter of Sheree Henderson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

7. In the Matter of Rachel Martina; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

8. In the Matter of Brittany Miles; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

10. In the Matter of Jose Salinas; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

11. In the Matter of Tianny Sims; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

12. In the Matter of Alexa Brewer Skinner; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

13. In the Matter of Jacob Skinner; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

14. In the Matter of Lupe Mendoza; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

15. In the Matter of Anne Marie Redpath; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

17. In the Matter of Derrick Banks; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

21. In the Matter of Anita Espinoza; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

22. In the Matter of Juanita Christina Guerrero; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

23. In the Matter of Terence Lee Johnson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3 Year Suspension and proof of successful completion of substance abuse treatment program



24. In the Matter of Christina L. Mobley; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

25. In the Matter of Alfredo Tristan Moncada; 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

26. In the Matter of Rolando A. Saenz; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 4 Year Suspension and proof of successful completion of substance abuse treatment program

28. In the Matter of Mitchell Jonathan Ward; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

29. In the Matter of Kevin Carpenter; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

30. In the Matter of Marina Celeste Sebesta; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

31. In the Matter of Willie Summers; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

32. In the Matter of Marlana Nichole Mints; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

33. In the Matter of Scott Butki; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

34. In the Matter of Carlos Martinez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

35. In the Matter of Sandra N. Aguilar; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

36. In the Matter of Kenner Allen, Jr.; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**Motion and vote:**

*Motion was made by Ms. Bricker to approve staff's request for issuance of default judgments and to enter a final order consistent with staff's recommendation for each of the above numbered cases 1-36, excluding cases 1, 5, 9, 16, 18, 19, 20, and 27. Second was made by Mr. Leal, and the motion carried.*

**The following defaults were pulled from the agenda by TEA Legal (no action taken):**

9. In the Matter of Angela Reinagel; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

18. In the Matter of Stanton Broussard; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**The following defaults were considered individually.**

1. In the Matter of Kassie Atchison; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

**Motion and vote:**

*Motion was made by Ms. Everest to approve staff's request for issuance of default judgment and enter a final order consistent with staff's recommendation. Second was made by Ms. Bricker, and the motion carried with Dr. Cain recusing herself.*

5. In the Matter of Holly Harris; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

**Motion and vote:**

*Motion was made by Mr. Allard to approve staff's request for issuance of default judgment and enter a final order consistent with staff's recommendation. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.*

16. In the Matter of Kelly Bailey; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**Motion and vote:**

*Motion was made by Ms. Everest to approve staff's request for issuance of a default judgment and to enter a final order of permanent revocation. Second was made by Ms. Bricker, and the motion carried with Ms. McCall voting against.*

19. In the Matter of Nelson Clausen; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 8 Year Suspension and proof of successful completion of substance abuse treatment program

**Motion and vote:**

*Motion was made by Mr. Leal to approve staff's request for issuance of default judgment and enter a final order consistent with staff's recommendation. Second was made by Dr. Hull, and the motion carried, with Ms. Everest recusing herself.*

20. In the Matter of Gregory Parks Craig; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**Motion and vote:**

*Motion was made by Bricker to approve staff's request for issuance of a default judgment and to enter a final order of permanent revocation. Second was made by Mr. Leal. Voted in favor: Dr. Cain, Mr. Leal, Ms. Bricker, Ms. Bridges, Ms. Robison, and Ms. Druessedow; voted against: Ms. Everest, Dr. Hull, Mr. Allard, and Ms. McCall. The motion carried.*

27. In the Matter of Brandi T. Small; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**Motion and vote:**

*Motion was made by Ms. Bricker to approve staff's request for issuance of a default judgment and to enter a final order of permanent revocation. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.*

The SBEC Board recessed at 12:25 p.m. and reconvened at 1:06 p.m.

**B. Contested Cases**

**I. Proposals for Decision**

1. Docket No. 701152780.EC, Texas Education Agency, Educator Leadership and Quality Division v. Robert Boyd; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ Recommendation

Mr. Duncan spoke on behalf of TEA. Mr. Boyd spoke on his own behalf and Mr. Robinett also represented Mr. Boyd.

**Motion and vote:**

*Motion was made by Ms. Druesedow to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation of revocation. Second was made by Mr. Leal. Voted for: Dr. Cain, Mr. Leal, Ms. Bricker, Ms. Everest, Dr. Hull, Ms. McCall, and Ms. Druesedow; voted against: Ms. Bridges, Ms. Robison, and Mr. Allard. The motion carried.*

2. Docket No. 701155348.EC, Texas Education Agency, Educator Leadership and Quality Division v. Jorge Leiva-Arevalo; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Disciplinary Action to be Taken

Staff Recommendation: Change Conclusion of Law No. 6 to remove the erroneous citation to "Code of Criminal Procedure §15.27(a)," but accept the recommendation of the ALJ in all other respects

Ms. Mazzantini spoke on behalf of TEA.

**Motion and vote:**

*Motion was made by Ms. Everest to adopt the proposal for decision including findings of fact nos. 1 - 21 and conclusions of law Nos. 1 - 5 and 7, and that the Board modify Conclusion of Law No. 6 as follows:*

6. *Staff failed to prove that Respondent violated the Educators' Code of Ethics or other Board rules as alleged. 19 TAC §247.2(1)(G),(J), (3)(B), (E)-(F), (H)-(I); 19 TAC §249.15(b)(2)-(3), (9)-(11).*

*This modification is permissible pursuant to Texas Government Code §2001.058(e) and is necessary because the Administrative Law Judge did not properly apply or interpret applicable law. Texas Code of Criminal Procedure §15.27(a) allows SBEC to sanction superintendents who receive information from law enforcement regarding a student's arrest and fail to immediately notify all instructional and support personnel who have responsibility for supervision of the student, and to sanction any certificate-holder who fails to keep the information about the student's arrest confidential. There were never any allegations in this case about a student's arrest, or any claim that Respondent had failed to keep such information confidential. Texas Code of Criminal Procedure §15.27(a) is therefore irrelevant to this case, and must be removed from Conclusion of Law No. 6 to avoid misleading or confusing the public regarding the legal claims asserted against Respondent.*

*Second was made by Ms. Druesedow, and the Board voted unanimously in favor of the motion.*

3. Docket No. 701155012.EC, Texas Education Agency, Educator Leadership and Quality Division v. Mark L. Jimenez; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Appeal Granted and Application Approved

Staff Recommendation: Accept ALJ Recommendation

Ms. Mazzantini spoke on behalf of TEA.

**Motion and vote:**

*Motion was made by Dr. Hull to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation of appeal granted and application approved. Second was made by Ms. Druesedow, and the Board voted unanimously in favor of the motion.*

4. Docket No. 701160069.EC, Texas Education Agency, Educator Leadership and Quality Division v. Robert Clinton Reeves; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Inscribed or Non-Inscribed Reprimand

Staff Recommendation: 2 Year Suspension

Mr. Ybarra spoke on behalf of TEA. Mr. Reeves spoke on his own behalf.

Mr. Reeves was given 15 minutes to speak as an accommodation. TEA was given no extra time.

**Motion and vote:**

*Motion was made by Dr. Hull to adopt the Proposal for Decision including Findings of Fact Nos. 1 - 37 and Conclusions of Law Nos. 1 - 14, and move that the Board modify Conclusion of Law No. 15 as follows:*

*15. Robert Clinton Reeves's educator certification should be SUSPENDED for two (2) years.*

*This modification is permissible pursuant to Texas Government Code Section 2001.058(e) and is necessary because the Administrative Law Judge did not properly apply Board rules and policies. Moreover, the Board has broad discretion when deciding the penalty to impose and is not required to treat sanction recommendations as binding.*

*As provided in 19 Texas Administrative Code §249.5, the primary purposes the Board seeks to achieve in educator disciplinary matters are to protect the safety and welfare of Texas schoolchildren and to ensure that educators are morally fit and worthy to instruct the youth of this state. Because teachers hold a unique position of public trust with almost unparalleled access to the hearts and minds of impressionable students, the conduct of an educator must be held to the highest standard.*

*Moreover, administrators like Mr. Reeves have, as a result of their actual or potential positions of authority over both students and other educators, an even greater obligation to maintain good moral character than teachers and paraprofessionals. Due to the seriousness of Mr. Reeves's crimes and his position of authority as a principal, a two-year suspension is the appropriate sanction for his conduct.*

*Second was made by Mr. Leal. Voted in favor: Dr. Cain, Mr. Leal, Ms. Bricker, Ms. Bridges, Dr. Hull, Mr. Allard, and Ms. Druesedow; voted against: Ms. Robison, Ms. Everest, and Ms. McCall. The motion carried.*

5. Docket No. 701160150.EC, Texas Education Agency, Educator Leadership and Quality Division v. Andrew Duncan; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 7 Year Suspension, with the term of the suspension running concurrently with the period he is on community supervision, and that the suspension be probated after 4 years for the remaining period of suspension so long as Respondent abstains from the consumption of alcoholic beverages and complies with the community supervision requirements.

Staff Recommendation: 7 Year Suspension commencing from the date of the final board decision

Mr. Duncan spoke on behalf of TEA.

**Motion and vote:**

*Motion was made by Ms. McCall to adopt the Proposal for Decision including Findings of Fact Nos. 1 - 14 and Conclusions of Law Nos. 1 – 8 and move that the Board modify Conclusion of Law No. 9 as follows:*

*9. Andrew Duncan’s educator certification should be SUSPENDED for seven (7) years.*

*This modification is permissible pursuant to Texas Government Code Section 2001.058(e) and is necessary because the Administrative Law Judge did not properly apply Board rules and policies. Moreover, the Board has broad discretion when deciding the penalty to impose and is not required to treat sanction recommendations as binding.*

*As provided in 19 Texas Administrative Code §249.5(b)(2)(D), community supervision or criminal probation demonstrates that “an educator or applicant lacks good moral character, is a negative role model to students, and does not possess the moral fitness necessary to be a certified educator.” As 19 Texas Administrative Code §249.5 states, the primary purposes the Board seeks to achieve in educator disciplinary matters are to protect the safety and welfare of Texas schoolchildren and to ensure that educators are morally fit and worthy to instruct the youth of this state. Because teachers hold a unique position of public trust with almost unparalleled access to the hearts and minds of impressionable students, the conduct of an educator must be held to the highest standard.*

*Due to the seriousness of Mr. Duncan’s crimes, a seven-year suspension—equal to the term of his probation but beginning on the date the Board’s order becomes final—is the appropriate sanction for Mr. Duncan’s conduct.*

*Second was made by Mr. Allard, and the motion carried, with Ms. Everest recusing herself.*

6. Docket No. 701161426.EC, Texas Education Agency, Educator Leadership and Quality Division v. Hughey Buchanan; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Suspended until his deferred adjudication and community supervision are completed, at which time his certificate would be reinstated.

Staff Recommendation: 5 Year Suspension commencing from the date of the final board decision

Mr. Crabtree spoke on behalf of TEA. Mr. Buchanan spoke his own behalf.

**Motion and vote:**

*Motion was made by Ms. Bricker to adopt the Proposal for Decision including Findings of Fact Nos. 1 - 12 and Conclusions of Law Nos. 1 – 10 and move that the Board modify Conclusion of Law No. 11 as follows:*

*11. Hughey Buchanan’s educator certification should be SUSPENDED for five (5) years.*

*This modification is permissible pursuant to Texas Government Code Section 2001.058(e) and is necessary because the Administrative Law Judge did not properly apply Board rules. Moreover, the Board has broad discretion when deciding the penalty to impose and is not required to treat sanction recommendations as binding.*

*As provided in 19 Texas Administrative Code §249.5(b)(2)(D), community supervision or criminal probation demonstrates that “an educator or applicant lacks good moral character, is a negative role model to students, and does not possess the moral fitness necessary to be a certified educator.” As 19 Texas Administrative Code §249.5 states, the primary purposes the Board seeks to achieve in educator disciplinary matters are to protect the safety and welfare of Texas schoolchildren and to ensure that educators are morally fit and worthy to instruct the youth of this state. Because teachers hold a unique position of public trust with almost unparalleled access to the hearts and minds of impressionable students, the conduct of an educator must be held to the highest standard. Furthermore, under 19 Texas Administrative Code §249.17(d), the Board in making sanctioning decisions is to consider the seriousness of the violation, whether the misconduct was premeditated or intentional, and any attempted concealment of misconduct. Under 19 Texas Administrative Code §249.5(b)(2)(G), the Board must consider the nature and seriousness of the conduct, the potential danger the conduct poses to the health and welfare of students, and the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students.*

*Due to the seriousness and intentional nature of Mr. Buchanan's crimes and his resulting time in community supervision, as well as Mr. Buchanan's attempt to conceal this misconduct, Mr. Buchanan should be suspended five years beginning on the date the Board's order becomes final. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.*

7. Docket No. 701152074.EC, Texas Education Agency, Educator Leadership and Quality Division v. Cleopatra Jones; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 2 Year Suspension

Staff Recommendation: Accept ALJ Recommendation

Mr. Ybarra spoke on behalf of TEA.

**Motion and vote:**

*Motion was made by Ms. Druesedow to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation of 2 year suspension. Second was made by Ms. Bridges. Voted in favor: Mr. Leal, Ms. Bridges, Ms. Everest, Dr. Hull, and Ms. Druesedow. Voted against: Dr. Cain, Ms. Bricker, Ms. Robison, Mr. Allard, and Ms. McCall. The motion failed.*

*Motion was made by Dr. Hull to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation of 2 year suspension, and in addition, modify conclusion of law no. 23 and require, prior to reinstatement of certification, no less than 36 hours of professional development in areas of stress and/or anger management, student classroom management and techniques and strategies consistent with restorative discipline for young students as approved by TEA staff. This Board's primary responsibility is the health, safety, and welfare of Texas public school children, and it's our duty to make efforts*



*above and beyond the requirements of law to ensure that that occurs in our state. This is consistent with prior actions by the Board to order professional development classes in similar cases. Second by Ms. Bricker and the Board voted unanimously in favor of the motion.*

## **II. Motions for Rehearing**

1. Consider and Take Appropriate Action on Sworn Motion of Actual Notice of the Decision and Order in *In re Jonathan Vance*.

### **Motion and vote:**

*Motion was made by Ms. McCall to extend the deadline for filing a motion for rehearing in In re Jonathan Vance. Second was made by Ms. Bricker. Voted in favor: Dr. Cain, Mr. Leal, Ms. Bricker, Ms. Bridges, Ms. Robison, Ms. Everest, Mr. Allard, Ms. McCall, and Ms. Druesedow; voted against: Dr. Hull. The motion carried.*

## **C. Court Cases**

For information. No action taken. Ms. Moriarty updated the Board on appellate case 1.

### **I. 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 201<sup>st</sup> District Court of Travis County, Texas.

### **II. Appellate Cases**

1. State Board for Educator Certification v. Robert D. Lange; Cause No. 031200453CV, In the Court of Appeals, Third Judicial District, Austin, Texas.
2. State Board for Educator Certification v. Erasmo Montalvo; Cause No. 031300370CV, In the Court of Appeals, Third Judicial District, Austin, Texas.

## **18. Discussion of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs**

Dr. Miller presented this item to the Board. This item provided the SBEC the opportunity to discuss possible revisions to the rules as the result of recent legislative changes, SBEC input, stakeholder input, and input received from staff at TEA

Public comment was provided by: Cynthia Cummings of Lamar University, Robert Spina of Lamar University, James Marquart of Lamar University, Dr. Diann Huber of iteachTEXAS, John Smith of UT Arlington, Steven Beagle of Nederland ISD/Lamar University, Jeremy Fikes of ECAP, Ltd., Patty Motlagh of UT Arlington – College of Education, Michael Marder representing himself, Dr. Beth Maloch of UT Austin, Dr. Lawrence Abraham of UTeach Natural Sciences, Michele Henry of Texas Music Educators Association, Howell Wright of Lamar University, Christina Ellis of Sam Houston State University, Dr. Debra Price of Sam Houston State University, JP Lund of Texas Teachers, and Dr. Sharon Evans of UT Austin.

Written comment was provided by: Dr. Sharon Evans of UT Austin, Dr. Virginia Leiker of University of St. Thomas, and Dr. Rae Queen of ACT San Antonio.

No action taken.

**19. Discussion of Proposed Revisions to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**

Dr. Miller presented this item to the Board. This item provided the SBEC the opportunity to discuss the proposed amendments and/or revisions to the rules as the result of recent legislative changes, SBEC input, stakeholder input, and input received from staff at TEA.

Public comment was provided by: Dr. Diann Huber, iteachTEXAS, Jeremy Fikes, ECAP, Ltd., Sandra Stewart, Sam Houston State University, Christina Ellis, Sam Houston State University, and JP Lund, Texas Teachers.

Written comment was provided by Dr. Rae Queen of ACT San Antonio.

No action taken.

**20. Discussion of Proposed Repeal of and New 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**

Ms. Cook presented this item to the Board. This item provided the SBEC the opportunity to discuss the proposed amendments and/or revisions to the rules as the result of recent SBEC board input, stakeholder input, and input received from staff at TEA.

Public comment was provided by: Dr. Diann Huber of iteachTEXAS, Jeremy Fikes of ECAP, Ltd., and JP Lund of Texas Teachers.

Written comment was provided by Dr. Rae Queen of ACT San Antonio.

No action taken.

**21. Update and Report of Legislation Related to the State Board for Educator Certification: Implementation Plan for the 84th Texas Legislative Session**

For information only.

**22. Board Operating Policies and Procedures (BOPP)**

For information only.

**23. 2015 - 2018 Rule Review Plan for State Board for Educator Certification Rules**

For information only.

**24. Requests from Board Members for Future Agenda Items**

None.

**25. Requests Received from the Board Since Last Meeting**

None.

**26. Adjournment**

The meeting adjourned at 5:09 p.m.