

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

June 8, 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, June 8, 2012 in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Ms. Bricker, Dr. Culwell, Ms. Everest, Dr. Simpson, Dr. Loredo, Mr. Trevino, Mr. Allard, Ms. McCall, Ms. Druessedow; Ms. Bridges arrived at 9:05 a.m.

Absent: Ms. Pogue, Ms. Robison

Dr. Cain introduced new board member, Dr. Judy Loredo, representative for the Texas Higher Education Coordinating Board.

2. Recognition

Dr. Cain recognized Sandra Gray and Amy Trietsch, two 2012 national scholarship winners presented by the National Association for Alternative Certification. Dr. Cain also recognized Dr. Peggy Malone, of Region 11 Education Service Center and Dr. Andrae Rhyne and Ms. Valinda Samples of the Dallas ISD Alternative Certification Program.

3. Associate Commissioner's Comments Regarding the SBEC Agenda

Dr. Smisko reviewed the agenda.

4. Public Testimony

No public testimony on non-agenda items.

Consent Agenda

5. Approval of February 3, 2012 Board Meeting Minutes

Motion and Vote:

Motion was made by Ms. Bricker to approve the February 3, 2012 board meeting minutes. Second was made by Ms. Bridges and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

6. Adoption of Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

Dr. Smisko informed the Board that this item is presented for the purpose of concluding the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates.

Ms. Bricker suggested that 19 TAC §227.1(b), General Provisions, should read "Educator preparation programs **must** collaborate with local school districts..." instead of "**should** collaborate." Ms. Bricker also suggested that because Subchapter B, Preliminary Evaluation of Certification Eligibility, addresses the implementation of a preliminary criminal history evaluation, educator preparation programs should have a method in place to inform prospective candidates that they may request a preliminary criminal history evaluation letter before entering the program.

Motion and Vote:

Motion was made by Dr. Culwell to adopt the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion.

7. Adoption of Review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Dr. Smisko informed the Board that this item is presented for the purpose of concluding the review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs.

Motion and Vote:

Motion was made by Ms. Everest to adopt the review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

8. Adoption of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training

Mr. Allen informed the Board that the proposed amendments would be necessary as a result of Senate Bill (SB) 8, 82nd Texas Legislature, First Called Session, 2011, which requires flexible options for any field-based experience required for certification, and SB 866, 82nd Texas Legislature, 2011, which requires dyslexia training in undergraduate university programs.

Mr. Allen also informed the Board that staff is in the process of reviewing 19 TAC Chapters 227, 228, and 229 and that comprehensive changes to these chapters would be presented at a future meeting.

Motion and Vote:

Motion was made by Ms. Bricker to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training, with an effective date of 20 days after filing as adopted with the Texas Register. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

9. Adoption of Proposed Repeal of and New 19 TAC Chapter 230, Professional Educator Preparation and Certification

Dr. Lopez notified the Board that staff is recommending a change to add a definition for "appropriate," which clarifies the appropriate placement of a candidate as related to the certification, assignment, and examination. Dr. Lopez also informed the Board that staff has addressed all public comments received.

Motion and Vote:

Motion was made by Mr. Allard to approve for adoption, subject to State Board of Education Review, the proposed repeal of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, Definitions; Subchapter B, Assessment of Educators; Subchapter M, Certification of Educators in General; Subchapter N, Certificate Issuance Procedures; Subchapter O, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States; Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs; Subchapter Q, Permits; Subchapter S, Educational Aide Certificate; and Subchapter V, Induction Training for Beginning Teachers, and proposed new 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter C, Assessment of Educators; 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, with an effective date of 20 days after filing as adopted with the Texas Register. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

10. Adoption of Proposed Repeal of and New 19 TAC Chapter 232, General Certification Provisions

Dr. Lopez notified the Board that staff is not recommending any additional changes since published as proposed.

Motion and Vote:

Motion was made by Ms. Bricker to approve for adoption, subject to State Board of Education review, the proposed repeal of 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued; Subchapter B, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter C, National Criminal History Record Information Review of Active Certificate

Holders, and proposed new 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter B, National Criminal History Record Information Review of Active Certificate Holders, with an effective date of 20 days after filing as adopted with the Texas Register. Second was made by Dr. Culwell and the Board voted unanimously in favor of the motion.

11. Adoption of Proposed Revisions to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

Dr. Lopez notified the Board that staff is recommending two minor changes: 1) specify the expiration date for the Technology Applications: Grades 8-12 certificate and the issuance date for the Technology Applications: Grades 7-12 certificate in order to allow more time to develop the new certification examination and 2) change the name of the Business Management and Administration: Grades 6-12 certificate to Business and Finance: Grades 6-12 as a result of staff completing a crosswalk for the proposed new certificate, which combines two different areas for career and technical education (CTE).

Motion and Vote:

Motion was made by Ms. Druesedow to approve for adoption, subject to State Board of Education review, the proposed revisions to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, with an effective date of 20 days after filing as adopted with the Texas Register. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

12. Consideration of and Opportunity to Approve A Panel of Experts for Dyslexia Educator Preparation Required in Texas Education Code §21.044(b) and (c)(1) and (2)

Dr. Lopez informed the Board the proposed panel would be necessary as a result of Senate Bill (SB) 866, 82nd Texas Legislature, 2011, which requires a panel of experts from institutions of higher education to create modules addressing characteristics of dyslexia, the identification of dyslexia and the strategies for teaching students identified with dyslexia.

Motion and Vote:

Motion was made by Mr. Allard to approve the panel of experts for dyslexia educator preparation required in Texas Education Code §21.044(b) and (c)(1) and (2). Second was made by Ms. Everest and the Board voted unanimously in favor of the motion.

13. 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.

A. Contested Cases

I. Defaults

- 1) Docket No. 0880-EC-1211, Texas Education Agency, Educator Certification and Standards Division v. Yolonda Hence; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 2) Docket No. 0881-EC-1211, Texas Education Agency, Educator Certification and Standards Division v. Donald Jeffrey Combs; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 3) Docket No. 6007-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Steven Wigley; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 4) Docket No. 5061-EC-1211, Texas Education Agency, Educator Certification and Standards Division v. Israel Elias Garcia; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 5) Docket No. 6005-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Amy Scull; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 6) Docket No. 6003-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Jason Anderson; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 7) Docket No. 6002-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Christopher Campbell; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 8) Docket No. 5050-EC-1011, Texas Education Agency, Educator Certification and Standards Division v. Raymond Munoz; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 9) Docket No. 5065-EC-1211, Texas Education Agency, Educator Certification and Standards Division v. Kevin Braunshea Franklin; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request for the Issuance of Default Judgment and enter an amended order of revocation instead of staff's recommended five year suspension. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

- 10) Docket No. 0881-EC-0112, Texas Education Agency, Educator Certification and Standards Division v. Shannon Sutton; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 11) Docket No. 0882-EC-0112, Texas Education Agency, Educator Certification and Standards Division v. Ashley Greene; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 12) Docket No. 5063-EC-1211, Texas Education Agency, Educator Certification and Standards Division v. Rigoberto Farfel Casteneda; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 13) Docket No. 5057-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Trina Lynn Vaughan; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 14) Docket No. 6009-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Lance Scott Smith; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 15) Docket No. 6008-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Courtney Durbin; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 16) Docket No. 5058-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Sharonda Masters; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 17) Docket No. 6010-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Deborah Brock; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Dr. Culwell to grant staff's request for the Issuance of Default Judgment and enter an order permanently revoking respondent's educator certification pursuant to 19 TAC Section 249.17, Subsection D. Motion was seconded by Ms. Everest and the Board voted unanimously in favor of the motion.

- 18) Docket No. 3155-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Melva G. Pope; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 19) Docket No. 3154-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Ida J. Bates; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 20) Docket No. 3156-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Ashley Coleman; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 21) Docket No. 5055-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Joshua Guzman Garcia; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 22) Docket No. 0940-EC-0112, Texas Education Agency, Educator Certification and Standards Division v. Jennifer Maren Berry; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 23) Docket No. 0941-EC-0112, Texas Education Agency, Educator Certification and Standards Division v. Thomas Calvin Vickers; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 24) Docket No. 4125-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Traci Young; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 25) Docket No. 4128-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Moira A. Newman; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 26) Docket No. 0883-EC-0112, Texas Education Agency, Educator Certification and Standards Division v. Amy Stalmaster; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 27) Docket No. 0884-EC-0112, Texas Education Agency, Educator Certification and Standards Division v. Hugh Sillito; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request for the Issuance of Default Judgment and enter an amended order of revocation instead of staff's recommended four-year suspension. Motion was seconded by Mr. Allard. Voting for the motion: Ms. Bridges, Mr. Trevino. Voting against the motion: Dr. Cain, Dr. Culwell, Ms. Bridges, Mr. Allard, Ms. McCall, Ms. Druesedow. Ms. Everest abstained. Motion failed.

Motion and Vote:

Motion was made by Mr. Allard 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 Ms. Everest and the Board voted unanimously in favor of the motion.

- 28) Docket No. 0942-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Patricia Cagna; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 29) Docket No. 0869-EC-0611, Texas Education Agency, Educator Certification and Standards Division v. Shannon L. McClure; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 30) Docket No. 3151-EC-1111, Texas Education Agency, Educator Certification and Standards Division v. Richie Dante Washington; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 31) Docket No. 0886-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Susan Wilkins; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 32) Docket No. 0201-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Linda Wuensche; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 33) Docket No. 0202-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Ryan Daniel Scharrer; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 34) Docket No. 0203-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Dora Elvia Melendez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 35) Docket No. 0204-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Diana Ramon aka Diana Martinez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 36) Docket No. 0205-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Anthony D. Jones; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 37) Docket No. 0206-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Delela Irona Square; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 38) Docket No. 1103-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Robyn Lee Bradford; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request for the Issuance of Default Judgment and enter an amended order of permanent revocation instead of staff's recommendation of revocation. Motion was seconded by Ms. Allard. Voting for the motion: Dr. Cain, Ms. Bricker, Mr. Trevino, Mr. Allard. Voting against motion: Dr. Culwell, Ms. Bridges, Ms. Druesedow. Ms. Everest, and Ms. McCall abstained. Motion carried.

- 39) Docket No. 0209-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Levetta Lashon Tuggar; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 40) Docket No. 6012-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Charles Arriaga; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker 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 Ms. Bridges and the Board voted unanimously in favor of the motion.

- 41) Docket No. 6011-EC-0212, Texas Education Agency, Educator Certification and Standards Division v. Marc Raul Arredondo; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Dr. Culwell to grant staff's request for the Issuance of Default Judgment and enter an order permanently revoking respondent's educator certification pursuant to 19 TAC Section 249.17, Subsection D. Motion was seconded by Ms. Everest and the Board voted unanimously in favor of the motion.

II. Proposals for Decision

- 42) Docket No. 701-11-9433.EC; Texas Education Agency, Educator Certification and Standards Division v. Monique Harris; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Action

Staff recommendation: No Action

Ms. Harris spoke on her behalf. Ms. Dover provided information on the case.

Motion and Vote:

Motion was made by Mr. Allard to accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Motion was seconded by Ms. McCall and the Board voted unanimously in favor of the motion.

- 43) Docket No. 701-12-0752.EC; Texas Education Agency, Educator Certification and Standards Division v. Jorge Iracheta; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 3 years Suspension, last 2 years probated

Staff recommendation: Same

Mr. Iracheta spoke on his behalf. Ms. Dover provided information on the case.

Motion and Vote:

Motion was made by Mr. Trevino to accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Motion was seconded by Dr. Culwell. Voting for the motion: Ms. Bricker, Dr. Culwell, Ms. Bridges, Mr. Trevino, Ms. Druesedow. Voting against the motion: Dr. Cain, Ms. Everest, Mr. Allard, Ms. McCall. Motion Carried.

- 44) Docket No. 701-11-4249.EC; Texas Education Agency, Educator Certification and Standards Division v. Nelson Galloso, Sr.; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Inscribed Reprimand

Staff recommendation: Inscribed Reprimand and delete Conclusion of Law #10

Ms. Elaine Edwards spoke on Mr. Galloso's behalf. Ms. Dover provided information on the case.

Motion and Vote:

Motion was made by Dr. Culwell to accept the Proposal for Decision Findings of Fact #1 - #34 and Conclusion of Law #1 - #9, strike Conclusion of Law #10 and Issue a Final Order consistent with the ALJ's recommendation to impose an Inscribed Reprimand on Mr. Galloso's educator certificate.

The above amendment is warranted because the ALJ did not properly apply or interpret the applicable law when the Judge stated that it was not shown that Respondent committed a crime of moral turpitude. By definition in 19 TAC 249.3 Section 25, the crime of forgery is a crime of moral turpitude. Motion was seconded by Ms. Bricker and the Board voted unanimously in favor of the motion.

- 45) Docket No. 701-10-2641.EC; Texas Education Agency, Educator Certification and Standards Division v. Charles Freeman, Jr.; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Suspension until March 3, 2014

Staff recommendation: Same

Motion and Vote:

Motion was made by Ms. Bricker to accept the Proposal for Decision and Issue an amended final order of revocation instead of the ALJ's and staff's recommendation of suspension until March 3, 2014. Dr. Culwell recused himself. Motion was seconded by Mr. Allard. Voting for the motion: Ms. Bricker, Ms. Bridges. Voting against the motion: Dr. Cain, Ms. Everest, Mr. Trevino, Mr. Allard, Ms. McCall, Ms. Druesedow. Motion failed.

Motion and Vote:

Motion was made by Mr. Allard to accept the Proposal for Decision and Issue an amended final order of suspension until March 3, 2015 instead of the ALJ's and staff's recommendation of suspension until March 3, 2014. The additional year is added due to the seriousness of the crime and the pervasiveness of methamphetamine in the school system and the fact that he had an amount sufficient to be a distributor makes it that much more serious. Motion was seconded by Ms. Bricker. Dr. Culwell recused himself. Voting for Dr. Cain, Ms. Bricker, Mr. Allard, Ms. McCall, Ms. Druessedow. Voting against Ms. Bridges, Ms. Everest, Mr. Trevino. Motion carried.

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.

14. 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.

Executive Session was not necessary.

DISCUSSION ONLY

15. Review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

Dr. Smisko informed the Board that this item is presented for the purpose of opening the review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.

16. Discussion of the Definition of the Term "Student" in 19 TAC Chapter 247, Educators' Code of Ethics, §247.1(e)(19), Purpose and Scope; Definitions, and 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, §249.3(54), Definitions

Dr. Cain requested that this item be brought back to the Board at the August meeting since Ms. Pogue, who requested this item, was not present.

INFORMATION ONLY

17. Board Operating Policies and Procedures (BOPP)

18. 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

DISCUSSION AND ACTION

19. Requests from Board Members for Future Board Items

Mr. Trevino requested providing an item on the agenda to reference department updates.

Ms. Everest requested staff provide board members with a list of defined sanctions.

20. Adjournment

Dr. Cain adjourned the meeting at 11:34 a.m.