

STATE BOARD FOR EDUCATOR CERTIFICATION BOARD MEETING MINUTES

**May 2, 2014 at 9:00 a.m.
1701 N. Congress Ave. Room 1-104**

1. Call to Order

The State Board for Educator Certification convened its meeting at 9:01 a.m. on Friday, May 2, 2014, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Ms. Pogue, Ms. Bridges, Ms. Everest, Dr. Simpson, Mr. Allard, Ms. McCall, Ms. Druesedow, Mr. Berry

Absent: Dr. Culwell, Ms. Bricker, Ms. Robison, Dr. Buckingham

The Board went into closed session at 9:01 a.m. regarding agenda items 14, 15 and 19 to obtain advice of legal counsel.

The Board came back into open session at 9:44 a.m.

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Michele Moore, Associate Commissioner, thanked everyone involved for all the work that has been done on chapters 227, 228 and 229.

3. Public Comment

None

CONSENT AGENDA

4. Approval of February 14, 2014 Board Meeting Minutes

Motion and vote:

Motion was made by Ms. Pogue to approve the February 14, 2014 Board meeting minutes. Second by Mr. Allard and the Board voted unanimously in favor of the motion.

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

Motion and vote:

Motion was made by Ms. Pogue to adopt the review of 19 TAC Chapter 227. Second by Mr. Allard and the Board voted unanimously in favor of the motion.

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

Motion and vote:

See item 9 for motion and vote.

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

Motion and vote:

See item 9 for motion and vote.

8. Adoption of Review of 19 TAC Chapter 247, Educators' Code of Ethics

Motion and vote:

See item 9 for motion and vote.

9. Adoption of Review of 19 TAC Chapter 250, Administration

Motion and vote:

Motion was made by Ms. Everest to adopt the reviews in items 6, 7, 8 and 9. Second by Ms. McCall and the Board voted unanimously in favor of the motion.

INFORMATION ONLY

10. Update from Panel of Mental Health Experts Required by Senate Bill 460, 82nd Regular Session, for Implementation of Texas Education Code, §21.044(c-1) and (c-2)

Presentation to the Board regarding training materials, created by a panel of experts in response to Senate Bill 460, for the detection of students with mental or emotional disorders to be used by educator preparation programs.

DISCUSSION AND ACTION

**11. Litigation Settlement Options in Pending or Contemplated Litigation, Disciplinary Cases, and Pending Litigation
(10:00 a.m.)**

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.

A. Contested Cases

I. No Answer Defaults

- 1) Docket No. 5070-EC-0612, Texas Education Agency, Educator Leadership and Quality Division v. Brandy Bliss Kilpatrick; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years suspension and eight hours of ethics training

- 2) Docket No. 5069-EC-0612, Texas Education Agency, Educator Leadership and Quality Division v. Susan Denise Weinzettle; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 3) Docket No. 5068-EC-0612, Texas Education Agency, Educator Leadership and Quality Division v. Jonathan B. Thompson; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 4) Docket No. 0996-EC-1013, Texas Education Agency, Educator Leadership and Quality Division v. Kimberly Shannon Hines; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 5) Docket No. 4171-EC-1213, Texas Education Agency, Educator Leadership and Quality Division v. Rene Adrian Alvarez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year suspension

- 6) Docket No. 4170-EC-1213, Texas Education Agency, Educator Leadership and Quality Division v. Sylvia Ayala; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year suspension

- 7) Docket No. 4169-EC-1213, Texas Education Agency, Educator Leadership and Quality Division v. Rosalyn E. Lee; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year suspension

- 8) Docket No. 4172-EC-1213, Texas Education Agency, Educator Leadership and Quality Division v. Sonya Lynette Parker; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year suspension

- 9) Docket No. 8115-EC-1213, Texas Education Agency, Educator Leadership and Quality Division v. Jennifer Blakely; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year suspension

- 10) Docket No. 3206-EC-1213, Texas Education Agency, Educator Leadership and Quality Division v. William Taylor Duncan, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 11) Docket No. 3208-EC-0114, Texas Education Agency, Educator Leadership and Quality Division v. James Michael Murphy; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

- 12) Docket No. 0999-EC-1113, Texas Education Agency, Educator Leadership and Quality Division v. Charlie J. Carter; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 13) Docket No. 9100-EC-1113, Texas Education Agency, Educator Leadership and Quality Division v. Lisa Amber Ledbetter; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 14) Docket No. 0998-EC-1113, Texas Education Agency, Educator Leadership and Quality Division v. Terri Shelton Berry; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and vote:

Motion made by Ms. Druesedow to approve staff's request for issuance of default judgments and enter Final Orders consistent with staff's recommendation in each of the above numbered cases, 1 through 14. Second was made by Ms. Everest and the Board voted unanimously in favor of the motion.

II. Proposals for Decision

- 15) Docket No. 701-14-0175.EC, Texas Education Agency, Educator Leadership and Quality Division v. Silvestre Moreno, Jr.; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Revocation

Mr. Moreno signed up to appear before the Board but he did not show up.

Motion and vote:

Motion made by Ms. Druesedow to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation. Second was made by Ms. Everest and the Board voted unanimously in favor of the motion.

16) Docket No. 701-14-0022.EC, Texas Education Agency, Educator Leadership and Quality Division v. Abelardo O. Guillen; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 6 years suspension, with the term of the suspension running concurrently with the period of community supervision.

Staff Recommendation: 6 years suspension, with the term of the suspension running concurrently with the period of community supervision.

Motion and vote:

Motion made by Mr. Allard to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

17) Docket No. 701-14-0814.EC, Texas Education Agency, Educator Leadership and Quality Division v. Juan C. Correa; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1 year suspension

Staff Recommendation: 1 year suspension

Motion and vote:

Motion made by Ms. Bridges to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

18) Docket No. 701-13-5421.EC, Texas Education Agency, Educator Leadership and Quality Division v. Gerald Owen Young; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Permanent Revocation

Motion and vote:

Motion made by Mr. Allard to accept the proposal for decision and issue a final order, consistent with the ALJ's recommendation, as amended, to permanently revoke respondent's certification. Second was made by Ms. Bridges and the Board voted unanimously in favor of the motion.

III. Motions for Rehearing

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

Staff announced that McMannis's motion for rehearing was overruled by operation of law.

20) Docket No. 701-13-0179.EC, Texas Education Agency, Educator Leadership and Quality Division v. Elizabeth Kiel; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff announced that Kiel's motion for rehearing was overruled by operation of law.

IV. Appeals

1) Don Madden v. State Board for Educator Certification; Cause No. 03-11-00584-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.

2) State Board for Educator Certification v. Robert D. Lange; Cause No. 03-12-00453-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.

3) State Board for Educator Certification v. Erasmo Montalvo; Cause No. 03-13-00370-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.

4) State Board for Educator Certification v. Erasmo Montalvo; No. 13-0537, In the Supreme Court, Austin, Texas.

5) Barry Ryan Davis v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-12-003413, In the 201st District Court of Travis County, Texas.

No discussion.

B. Pending Litigation

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

None.

12. Consideration of and Opportunity to Approve New Classes of Certificates

Ms. Nix presented requests from Huston-Tillotson University (Austin, Texas) for approval to offer the Principal class of certification and East Texas Baptist University (Marshall, Texas) for approval to offer the Principal class of certification.

Dr. Sargent, from East Texas Baptist University answered questions from the Board.

Motion and vote:

Motion made by Mr. Allard to approve the new classes of certificates for Huston-Tillotson University (Austin, TX), Principal Certification and East Texas Baptist University (Marshall, TX), Principal Certification. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

13. Consideration of and Opportunity to Approve the 2012-2013 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses

Ms. Nix presented the proposed 2012-2013 accountability and accreditation statuses for educator preparation programs.

Motion and vote:

Motion was made by Ms. Pogue to approve the 2012-2013 Accountability System for Educator Preparation Programs (ASEP) accreditation statuses using Standard I. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

14. Consideration of and Opportunity to Approve Educator Standards for New Certificates: Business and Finance: Grades 6-12, Marketing: Grades 6-12, Agriculture, Food and Natural Resources: Grades 6-12, and Health Science: Grades 6-12

Ms. Cook presented this item that provides the Board the opportunity to approve Educator Standards, which define preparation and testing requirements, for four new career and technical certifications. There was discussion on whether rulemaking is being considered for the adoption of these standards.

Motion and vote:

Motion made by Ms. Everest to adopt that standards as is and subject to review for future possible rule proposal. Second was made by Ms. Bridges and the Board voted unanimously in favor of the motion.

15. Adoption of Proposed New 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.21, Transitional Provisions

Mr. Byer presented this item for final adoption of rules to clarify the application of accountability standards, subject to State Board of Education review.

Motion and vote:

Motion made by Ms. Everest to approve the proposed rules as presented. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

16. Proposed Amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.17, Decision-Making Guidelines

Mr. Byer presented this item for approval for filing as proposed. This amendment to this rule would clarify the SBEC rule regarding the types of conduct that would result in permanent revocation or denial of a certificate and actions in other states that could result in disciplinary action in Texas

Motion and vote:

Motion made by Ms. Pogue to approve the proposed amendment as presented. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

17. Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

Public comment was provided by Jennifer Canaday and Dr. Sandra West.

Mr. Regal presented this item, stating the proposed revisions are necessary as a result of House Bill (HB) 2012, 83rd Texas Legislature, Regular Session, 2013. The proposed revisions would update the rules to reflect current law, clarify minimum standards for all educator preparation programs (EPPs), allow for flexibility, and ensure consistency among EPPs in the state.

Motion and vote:

Motion made by Ms. Everest to amend Item 17, page 9, section 227.10 (a)(3)(A) to 2.75 GPA instead of 2.5. Second was made by Mr. Allard. Two members voted against the motion; five members voted in favor of the motion. The motion carries.

Recess at 12:05 p.m.

Reconvene at 12:23 p.m.

Motion made by Ms. Pogue to approve the proposed revisions to chapter 227 as presented with a modification to 227.17 (a) (page 10 of item 17, remove “and the applicant must provide a written or electronic response accepting the offer”). Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

18. Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Mr. Regal presented this item, stating the proposed amendments are necessary as a result of House Bill (HB) 2012, 83rd Texas Legislature, Regular Session, 2013. The proposed amendments would update the rules to reflect current law, clarify minimum standards for all EPPs, allow for flexibility, and ensure consistency among EPPs in the state.

Motion and vote:

Motion made by Mr. Allard to approve the proposed amendments as presented. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

19. Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

Mr. Regal presented this item stating House Bill 2012, 83rd Texas Legislature, Regular Session, 2013, requires the Texas Education Agency (TEA), the SBEC, and the Texas Higher Education Coordinating Board (THECB) to perform a joint review of the existing standards for preparation and admission that are applicable to EPPs. Due to its related nature, a review of Chapter 229 was also conducted, resulting in proposed amendments to those rules. The proposed amendments would update and make uniform definitions, modify the standards used for enforcing the reporting of data, clarify the standards used for accountability and modify the use of the small size exception for accountability purposes, and establish a new process for challenging sanctions imposed on programs that fail the accountability system.

Motion and vote:

Motion made by Ms. Everest to approve the proposed amendments as presented. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

20. Proposed Amendment to 19 TAC Chapter 250, Administration, Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes

Mr. Byer presented this item. The proposed amendment to 19 TAC §250.20 would clarify references to the Texas Education Agency (TEA) and would update the petition form to reflect the name of the office to which the form should be mailed.

Motion and vote:

Motion made by Mr. Allard to approve the proposed amendment as presented. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

21. Action on Items Discussed in Executive Session

Action on items discussed in executive session will be taken when the agenda item comes up for discussion, and action will occur during open session.

22. Sunset Matters, including:

- a) **TEA staff reports on SBEC progress in addressing issues raised by the Sunset Commission or its staff for the 2013 legislature**
- b) **Current and upcoming Sunset-related activity**

This item will be added to the August 1, 2014 SBEC Board meeting.

23. Legislative Matters, including:

a) Legislation related to SBEC or educator certification

b) Preparation for 2015 legislative session

This item will be added to the August 1, 2014 SBEC Board meeting. Ms. Moore will email the Board members to solicit participation from the Board members on the legislative committee.

24. Requests from Board Members for Future Agenda Items

Ms. Everest would like for the Board to start looking at data regarding online vs. in person programs.

Ms. Pogue would like to discuss the accountability standards being put in place and a timeline – components identified during previous review of chapters 227, 228 and 229.

25. Requests Received from the Board Since Last Meeting

Mr. Berry gave an update on transcript request.

Ms. Everest would like the definition of a standard vs. a rule from attorneys assigned to SBEC.

26. Adjournment

The meeting was adjourned at 1:28 p.m.

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.