

STATE BOARD FOR EDUCATOR CERTIFICATION SPECIAL MEETING AND WORK SESSION MINUTES

January 9, 2015 at 9:00 a.m.
1701 N. Congress Ave. Room 1-104

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

1. Call to Order

The State Board for Educator Certification convened its meeting at 9:04 a.m. on Friday, January 9, 2015, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

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

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Mr. Franklin reminded the Board this is the first meeting where we have had live video streaming of an SBEC meeting. The Legislative Committee met the day before and drafted some legislative recommendations for the full Board's consideration at this meeting. Mr. Franklin mentioned the presentations planned on the topic of educator quality for the work session portion of the meeting. Mr. Franklin introduced Nichole Bunker-Henderson, the new Deputy General Council with TEA.

3. Public Comment

Public comment was provided by Elizabeth Ward of Texas Wesleyan University, regarding concerns with the new Core Subjects EC-6 and 4-8 exams.

4. Pending or Contemplated Litigation, including Disciplinary Cases and Settlement Options

A. Contested Cases

I. No Answer Defaults

- 1) Docket No. 8125-EC-0514, Texas Education Agency, Educator Leadership and Quality Division v. Alicia Lozano; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 2) Docket No. 5094-EC-0714, Texas Education Agency, Educator Leadership and Quality Division v. Molly Elena Sachs; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 3) Docket No. 5106-EC-0814, Texas Education Agency, Educator Leadership and Quality Division v. Dustin Ryan Rice; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 4) Docket No. 9114-EC-0814, Texas Education Agency, Educator Leadership and Quality Division v. Tabitha Danette Mayberry; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 6) Docket No. 5084-EC-0414, Texas Education Agency, Educator Leadership and Quality Division v. Joseph Velasquez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 7) Docket No. 5102-EC-0714, Texas Education Agency, Educator Leadership and Quality Division v. Catherine Ann Sanchez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Item 7 was pulled from the agenda by TEA Legal Services.

- 8) Docket No. 8132-EC-0714, Texas Education Agency, Educator Leadership and Quality Division v. Elizabeth Glacken Price; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year suspension

- 9) Docket No. 9113-EC-0514, Texas Education Agency, Educator Leadership and Quality Division v. John Jefferies; 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

- 13) Docket No. 5084-EC-0414, Texas Education Agency, Educator Leadership and Quality Division v. Cynthia Inmon-Turland; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 year suspension and proof of successful completion of substance abuse treatment program

- 14) Docket No. 8126-EC-0514, Texas Education Agency, Educator Leadership and Quality Division v. Billy Foster; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 15) Docket No. 8130-EC-0714, Texas Education Agency, Educator Leadership and Quality Division v. Gilberto Trevino, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 17) Docket No. 7002-EC-0914, Texas Education Agency, Educator Leadership and Quality Division v. Robert S. Harris; 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

- 20) Docket No. 7009-EC-0914, Texas Education Agency, Educator Leadership and Quality Division v. Cory Salinas; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 21) Docket No. 6059-EC-0914, Texas Education Agency, Educator Leadership and Quality Division v. John Tanner and Diane Kay Thomas; Action to be taken: Consideration of Issuance of Default Judgment. (**only Thomas**)

Diane Kay Thomas

Staff recommendation: Permanent Revocation

Motion and vote:

Motion was made by Mr. Leal to approve staff's request for issuance of default judgments and enter a Final Order consistent with staff's recommendation for each of the above numbered cases 1, 2, 3, 4, 6, 8, 9, 13, 14, 15, 17, 20 and 21. Second was made by Dr. Hull and the Board voted unanimously in favor of the motion.

The following cases were considered individually:

- 5) Docket No. 9116-EC-0814, Texas Education Agency, Educator Leadership and Quality Division v. Juan Carlos Iracheta; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to issue a final order of permanent revocation. Second was made by Mr. Leal and the Board voted unanimously in favor of the motion.

- 10) Docket No. 8134-EC-0714, Texas Education Agency, Educator Leadership and Quality Division v. Cody Slaughter; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to issue a final order of permanent revocation. Second was made by Dr. Hull and the Board voted unanimously in favor of the motion.

- 11) Docket No. 5097-EC-0714, Texas Education Agency, Educator Leadership and Quality Division v. Joy Bernadette Francisco; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to issue a final order of permanent revocation. Second was made by Dr. Hull. Voted in favor: Leal, Bricker, Robison, Allard, Cain; voted against: Bridges, Everest, Hull, Buckingham, McCall, Druessedow. The motion failed.

Motion was made by Ms. Everest to issue a final order of revocation. Second was made by Ms. Bridges. Voted in favor: Bridges, Everest, Hull, Buckingham, Allard, McCall, Druessedow, Cain; voted against: Leal, Bricker, Robison. The motion carried.

- 12) Docket No. 5099-EC-0714, Texas Education Agency, Educator Leadership and Quality Division v. Toi Brittney Beal-Young; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to issue a final order of permanent revocation. Second was made by Ms. Everest. Voted in favor: Bricker, Everest, Hull, Buckingham, McCall, Cain; voted against: Leal, Bridges, Robison, Allard, Druessedow. The motion carried.

- 16) Docket No. 8129-EC-0714, Texas Education Agency, Educator Leadership and Quality Division v. Jesse Troy Valenzuela; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to issue a final order of permanent revocation. Second was made by Dr. Hull. Ms. Everest and Ms. McCall abstained. Voted in favor of the motion: Leal, Bricker, Bridges, Robison, Hull, Buckingham, Allard, Druesedow, Cain. The motion carried.

- 18) Docket No. 7001-EC-0914, Texas Education Agency, Educator Leadership and Quality Division v. Yolanda Venegas; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to issue a final order of permanent revocation. Second was made by Mr. Allard. Voted in favor: Leal, Bricker, Bridges, Robison, Hull, Buckingham, Allard; voted against: Everest, McCall, Druesedow, Cain. The motion carried.

- 19) Docket No. 7008-EC-0914, Texas Education Agency, Educator Leadership and Quality Division v. Celina Garcia; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to issue a final order of permanent revocation. Second was made by Dr. Hull. Voted in favor: Bricker, Hull; voted against: Leal, Bridges, Robison, Everest, Buckingham, Allard, McCall, Druesedow, Cain. The motion failed.

Motion was made by Ms. Everest to issue a final order of revocation. Second was made by Ms. Bridges. Voted in favor: Leal, Bridges, Robison, Everest, Buckingham, Allard, McCall, Druesedow, Cain; voted against: Bricker, Hull. The motion carried.

II. Proposals for Decision

- 22) Docket No. 701-14-0467.EC, Texas Education Agency, Educator Leadership and Quality Division v. Marcos Giannotti and Pablo Londono; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Mr. Ybarra spoke on behalf of TEA. Ms. Elaine Edwards spoke on behalf of both Mr. Giannotti and Mr. Londono.

Marcos Giannotti

ALJ Recommendation: 2 year suspension
Staff Recommendation: 2 year suspension

Motion and vote:

Motion was made by Ms. Everest to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation of 2 year suspension, to begin upon approval of the order. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

Pablo Londono

ALJ Recommendation: No Action
Staff Recommendation: No Action

Motion and vote:

Motion was made by Ms. Everest to accept the proposal for decision and issue a final order consistent with the ALJ's recommendation of No Action. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

III. Motions for Rehearing

None

B. Pending Litigation

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 201st District Court of Travis County, Texas.

II. Appellate Cases

- 1) 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.
- 2) State Board for Educator Certification v. Erasmo Montalvo; Cause No. 03-13-00370-CV, In the Court of Appeals, Third Judicial District, Austin, Texas.
- 3) State Board for Educator Certification v. Erasmo Montalvo; Cause No. 13-0537, In the Supreme Court, Austin, Texas.
- 4) Don Madden v. State Board for Educator Certification; Cause No. 14-0532, In the Supreme Court of Texas.

5. **Adoption of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.9, Fees for Educator Preparation Program Approval and Accountability, and Chapter 230, Professional Educator Preparation and Certification, Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services**

Dr. Miller explained the request to withdraw the proposed amendments to 19 TAC § 229.9 and §230.101.

Motion and vote:

Motion was made by Ms. Bricker to withdraw the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.9, Fees for Educator Preparation Program Approval and Accountability, and Chapter 230, Professional Educator Preparation and Certification, Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services, which were published in the November 14, 2014 issue of the Texas Register. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

6. **Adoption of Proposed New 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.70, Complaints and Investigations Procedures**

Public comment was provided by Holly Eaton of Texas Classroom Teachers Association and Diann Huber of iteachTexas. Written testimony was submitted by Catheryn Weitman of Texas A&M International University.

Dr. Miller presented this item to the Board. The proposed new rule would establish procedures for filing a complaint against an EPP, impose specific responsibilities on an EPP regarding complaints, and establish the consequences if an EPP is found to be in violation of SBEC rules and/or Texas Education Code, Chapter 21. Substitute rule text and summary of public comments and responses were provided.

Motion and vote:

Motion was made by Dr. Hull to approve for adoption, subject to State Board of Education review, proposed new 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.70, Complaints and Investigations Procedures, as amended, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Everest. Voted in favor: Leal, Bricker, Bridges, Robison, Everest, Hull, Buckingham, Allard, Druesedow; voted against: McCall, Cain. The motion carried.

7. **Adoption of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.4, Determination of Accreditation Status, §229.5, Accreditation Sanctions and Procedures, and §229.6, Continuing Approval**

Public comment was provided by Sharon Fikes of Education Career Alternatives Program and Holly Eaton of Texas Classroom Teachers Association. Written testimony was submitted by Catheryn Weitman of Texas A&M International University.

Dr. Miller presented this item to the Board. The proposed amendments to Chapter 229 are a result of proposed new 19 TAC §229.70. A summary of public comments and responses was provided.

Motion and vote:

Motion was made by Ms. Everest to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.4, Determination of Accreditation Status, §229.5, Accreditation Sanctions and Procedures, and §229.6, Continuing Approval, 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.

8. Discussion of Rule Review of and Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases

Public comment was provided by Julie Leahy of Texas Classroom Teachers Association.

Ms. Moriarty presented this item to the Board. This item provides an opportunity to discuss proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, and the rule review of 19 TAC Chapter 249, scheduled to begin March 2015.

The Board went into closed session at 11:37 p.m.
The Board came back into open session at 12:50 p.m.

9. Sunset and Legislative Matters

Mr. Franklin advised the Board that the Legislative Committee met the day before and decided on three SBEC legislative recommendations to present to the Board for consideration.

Mr. Allard presented the three recommendations from the Legislative Committee to the Board:

1. Clarify the minimum grade point average requirements for eligibility for admission to an educator preparation program in Section 21.0441 of the Texas Education Code.
2. Grant the Commissioner of Education the administrative subpoena power to fully investigate certified educator misconduct cases.
3. Maintain the State Board for Educator Certification (SBEC) as the policy-making body to recognize public school educators as professionals and preserving the authority of educators to govern the standards of their profession.

Motion and vote:

Motion was made by Mr. Allard on behalf of the Legislative Committee that the Board accept these recommendations to the Legislature as presented. Second was made by Dr. Hull and the Board voted unanimously in favor of the motion.

10. Work Session

A. Overview of SBEC Authority, Mission, Goals and Upcoming Matters

B. Presentations on Educator Quality

1) Texas Teaching Commission Report – Texas Teaching Commission

Presentation by Former Commissioner of Education Jim Nelson

2) National Perspective on Educator Preparation and Quality Metrics - Council for the Accreditation of Educator Preparation

Presentation by Jennifer Carinci

3) National Perspective on Policies to Enhance Educator Quality - National Council on Teacher Quality

Presentation by Kate Walsh

C. Board Feedback on Educator Quality Presentations

Forms collected by Ms. Pogue

D. Presentation on New Texas Educator Evaluation and Support Systems

Postponed

11. Adjournment

The meeting adjourned at 2:56 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.