

STATE BOARD FOR EDUCATOR CERTIFICATION
BOARD MEETING MINUTES
OCTOBER 16, 2015 AT 9:00 AM
1701 N. CONGRESS AVE. ROOM 1-104

1. Call to Order

The State Board for Educator Certification convened its meeting at 9:00 a.m. on Friday, October 16, 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, Mr. Allard, Ms. McCall, Ms. Druessedow

Absent: Dr. Buckingham

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Mr. Franklin thanked Ms. Druessedow, the SBEC Committee on Educator Discipline, and staff for their work on Thursday. There has also been a restructuring of legal services that support SBEC. Legal enforcement (prosecutors) of educator discipline cases are now under the direction of Laura Moriaty, and Laura reports to Mr. Franklin. Finally, if we encounter motions and amendments during the meeting that are complicated, Mr. Franklin would like to suggest we recess for a few minutes and get the text together in writing.

3. Public Comment

Public comment was provided by:

Sharon Fikes of Education Career Alternatives Program (ECAP) regarding stakeholder input on SBEC rules.

Dr. Lawrence Abraham of UTeach Natural Sciences regarding concerns about proposed rules.

Dr. Rosemary Robbins of Quality ACT regarding concerns about proposed rules.

Dr. Rae Queen of ACT San Antonio regarding concerns about proposed rules.

Shannon Meroney of Coalition for Effective Educator Preparation regarding concerns about proposed rules.

4. Consider and Take Appropriate Action on Request to Approve August 7, 2015 Board Meeting Minutes

Motion and vote:

Motion was made by Ms. Bricker to approve the August 7, 2015 minutes. Second was made by Ms. Druessedow, and the Board voted unanimously in favor of the motion.

5. Consider and Take Appropriate Action on Adoption of Proposed Amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate

Public comment was provided by Pete Pape representing himself, Holly Eaton of Texas Classroom Teachers Association, Dr. Diann Huber of iteachTEXAS, Dr. Johnny Veselka of Texas Association of School Administrators, Dr. Greg Smith of Texas Association of School Administrators, Kate Kuhlmann of Association of Texas Professional Educators, Patty Quinzi of TX-American Federation of Teachers, Bryan Weatherford of Texas State Teachers Association, and Stacey Edmonson of Texas Council of Professors of Educational Administration. Written comment was provided by Charles Dupre of Fort Bend ISD and Sandra West of the Science Teachers Association of Texas.

Mr. Regal presented for adoption proposed amendments to 19 TAC §242.20, Requirements for the Issuance of the Standard Superintendent Certificate. The Board was provided with a summary of submitted written public comments in addition to hearing public comments. The proposed amendments would allow for the substitution of certain school district managerial experience for the principal certificate requirement. The proposed amendment would also allow for a school board to hire a nontraditional candidate provided that the board gives public notice of the reasons for hiring the nontraditional candidate. To obtain standard certification, the candidate would be required to complete a superintendent preparation program, pass the state superintendent certification examination, and possess a post-baccalaureate degree.

Motion and vote:

Motion was made by Ms. Everest to approve for adoption, subject to State Board of Education review, the proposed amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate, subsection (a)(1)-(5), 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.

The SBEC Board recessed at 10:50 a.m. and reconvened at 11:03 a.m.

Motion was made by Ms. Bricker to approve for adoption, subject to State Board of Education review, the proposed amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate, subsection (b)(1)-(5), as substituted, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Robison. Voted in favor: Mr. Leal, Ms. Bricker, Ms. Bridges, Ms. Robison, Ms. Everest, Ms. Druessedow; voted against: Dr. Cain, Dr. Hull, Mr. Allard, Ms. McCall. The motion carried.

6. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process

Mr. Regal presented for adoption proposed amendments to 19 TAC §244.1 and §244.2. The Board was informed that the agenda item includes a change made in response to public comment. The change that would refer more generically to the state recommended teacher and principal appraisal systems as opposed to state appraisal systems by name.

Motion and vote:

Motion was made by Ms. Druesedow to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process, with an effective date of July 1, 2016. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

7. Consider and Take Appropriate Action on Approval of Changes to the 2015-2018 Rule Review Plan for State Board for Educator Certification Rules

Ms. Cook presented this item to the Board. The proposed changes to the rule review plan moves the review of Chapters 230 and 232 from March 2016 to October 2015. This change allows staff to begin the rulemaking process and ensures a more timely implementation of legislation passed during the 2015 session.

Motion and vote:

Motion was made by Ms. Robison to approve the proposed changes to the 2015-2018 Rule Review Plan for State Board for Educator Certification Rules. Second was made by Ms. Bricker; voted in favor: Dr. Cain, Mr. Leal, Ms. Bricker, Ms. Bridges, Ms. Robison, Dr. Hull, Mr. Allard, Ms. McCall, Ms. Druesedow; voted against: Ms. Everest. The motion carried.

8. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 230, Professional Educator Preparation and Certification

Ms. Cook presented this item to the Board as part of the Texas Government Code, §2001.039, four-year review cycle for all state agency rules. The rules being reviewed establish general requirements for educator preparation and certification.

Motion and vote:

Motion was made by Ms. Robison to approve the proposed review of 19 TAC Chapter 230, Professional Educator Preparation and Certification, to be published as proposed in the Texas Register. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

9. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 232, General Certification Provisions

Dr. Miller presented this item to the Board as part of the Texas Government Code, §2001.039, four-year review cycle for all state agency rules. The rules being reviewed

provide requirements relating to certificate renewal, continuing professional education, and national criminal history record information review of active certificate holders.

Motion and vote:

Motion was made by Ms. Bridges to approve the proposed review of 19 TAC Chapter 232, General Certification Provisions, to be published as proposed in the Texas Register. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

10. Consider and Take Appropriate Action on Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

Public comment was provided by Dr. Lawrence Abraham of UTeach Natural Sciences, Sharon Fikes of ECAP, Micah Fikes of ECAP, Scott Fikes of ECAP, Michael Marder of UT Austin, Dr. Diann Huber of iteachTEXAS, Dr. Rosemary Robbins of Quality ACT, Dr. Rae Queen of ACT San Antonio, and JP Lund of Texas Teachers. Written comment was provided by Donna Houser of Anderson High School.

Dr. Miller presented this item to the Board as an opportunity to discuss and propose revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates. The proposed revisions 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.

The SBEC Board recessed at 1:03 p.m. and reconvened at 1:40 p.m.

Motion and vote:

Motion was made by Ms. McCall to approve the substitute text for 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, to be published as proposed in the Texas Register. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

Upon advice of counsel, the following motion substituted the previous motion:

Motion was made by Ms. Everest to approve the proposed revisions in 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, as originally presented with the revisions shown in the substitute language, to be published as proposed in the Texas Register. Second was made by Ms. Druessedow, and the Board voted unanimously in favor of the motion.

11. Consider and Take Appropriate Action on Request to Approve Classroom Teacher Standards Advisory Committee Members

Dr. Miller presented this item to the Board as an update on the development of an advisory committee to recommend educator standards for the classroom teacher class of certificate. The committee would explore alternatives to the current process for development, review, and approval of educator standards, which define EPP and certification testing requirements.

No action was taken.

Ms. Robison left at 2:17 p.m.

12. Consider and Take Appropriate Action on Core Subjects EC-6 and Core Subjects 4-8 Certification Exams

Public comment was provided by Dr. Bill Newton. Written comment was provided by Dr. Elizabeth Ward of Texas Wesleyan University and Dr. Catheryn Weitman of Texas A&M International University.

Dr. Miller presented this item to the Board as an update on the Core Subjects EC-6 and Core Subjects 4-8 certification exams that have been administered since January 2015. Dr. Miller recommended that no changes be made to the format of the exams at this time and that the results of additional analysis of exam results be presented to the Board at a future meeting.

No action taken.

13. Consider and Take Appropriate Action on Educator Standards for Technology Applications EC-12 and Computer Science 8-12

Dr. Miller presented this item to the Board as an opportunity to discuss and approve Educator Standards, which define preparation and testing requirements, for the Technology Applications EC-12 and Computer Science 8-12 certificates. These standards delineate what the beginning teacher should know and be able to do and serve as the foundation for coursework and for new certification examinations.

Motion and vote:

Motion was made by Ms. Bricker to approve the Educator Standards for Technology Applications EC-12 and Computer Science 8-12 as presented. Second was made by Mr. Leal, and the motion carried.

14. Consider and Take Appropriate Action on the Report of the SBEC Board Committee on Educator Discipline

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

Ms. Drusedow, Chair of the Committee on Educator Discipline, reported on the Committee's meeting on October 15, 2015, the Committee's recommendations regarding educator discipline and a timeline for proposing changes to rules and policy to reflect the Committee's recommendations

No action taken.

15. Discussion of Reciprocity Agreements and Comparability for Out-of-State Educators

Ms. Cook presented this item to the Board as discussion only. The Board was provided with brief overviews of the certification process for certified individuals in other states transitioning to Texas and the comparable out-of-state tests process that allows for exemptions from some of the required Texas certification tests. The Board took no action on

this item, but requested staff do more research on current statutory authority as relates to the Board's options to consider reciprocity in addition to comparability.

No action taken.

Mr. Leal left at 4:04 p.m.

16. Discussion of 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Public comment was provided by Scott Fikes of ECAP, Dr. Lawrence Abraham of UTeach Natural Sciences, Michael Marder of UT Austin, Dr. Diann Huber of iteachTEXAS, Sharon Evans of UT Austin, Dr. Rae Queen of ACT San Antonio, and JP Lund of Texas Teachers. Written comment was provided by Mike Meroney of Coalition for Effective Educator Preparation and Charles Pickett of UTeach Dallas.

Dr. Miller presented this item to the Board as an opportunity to discuss the provisions in 19 TAC Chapter 228, Requirements for Educator Preparation Programs. Dr. Miller provided an update and status to allow the Board to discuss possible revisions to the rules as the result of recent legislative changes, Board input, stakeholder input, and input received from staff at TEA.

No action taken.

17. Discussion of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

Public comment was provided by Sharon Fikes of ECAP and JP Lund of Texas Teachers. Written comment was provided by Dr. Diann Huber of iteachTEXAS.

Dr. Miller presented this item to the Board as an opportunity to discuss the provisions in 19 TAC Chapter 229, Accountability System for Educator Preparation Programs. Dr. Miller provided an update and status to allow the Board to discuss possible revisions to the rules as the result of recent legislative changes, Board input, stakeholder input, and input received from staff at TEA.

No action taken.

Ms. Bricker left at 4:29 p.m.

18. Discussion of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten-Grade 6 Assignments, Subchapter C, Grades 6-8 Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, and Subchapter E, Grades 9-12 Assignments

Ms. Cook presented this item to the Board as discussion only. The final version of proposed revisions will be presented to the Board in December for approval to be published as proposed. The proposed rule changes would clarify the appropriate credentials for placement in a particular teaching assignment, ensure alignment with changes to public school curriculum, and implement applicable legislation passed during the 2015 session.

No action taken.

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

Public comment was provided by Kimberly Countz representing herself. Written comment was provided by Scott Graves of El Paso ISD.

Ms. Cook presented this item to the Board as discussion only. The final version of proposed revisions will be presented to the Board in December for approval to be published as proposed. The proposed rule changes would provide an accurate listing of certificate categories within the certificate classes for classroom teachers, incorporate applicable legislation passed during the 2015 session, and create a new certificate for Junior Reserve Officer Training Corps (JROTC).

No action taken.

Ms. Everest left at 4:40 p.m.

20. Consider and Take Appropriate Action on Petition for Adoption of Rule Change Concerning 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)

Written comment was provided by Scott Graves of El Paso ISD.

Ms. Cook advised the Board of Mr. Gonzalez's request to withdraw the petition.

No action taken.

21. Update on Educator Investigations

Mr. Phillips presented this item to the Board, updating the Board on educator discipline cases handled by the Educator Investigations department during FY 2015.

22. Update on the Legal Contested Case Docket

Ms. Moriaty presented this item to the Board, updating the Board on contested cases handled by the Division of Legal Services during FY 2015.

23. Pending or Contemplated Litigation, including Disciplinary Cases and Agreed Orders

A. Defaults

2. In the Matter of Jade Divita; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

3. In the Matter of Victoria D. McNair; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

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

Staff recommendation: 1 year Suspension

5. In the Matter of Amanda Dawn Stallings; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

6. In the Matter of Alberto Alaniz, III; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

7. In the Matter of Shirley Bell; 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

8. In the Matter of Kevin Ray Briggs; 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

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

Staff recommendation: Revocation

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

Staff recommendation: Revocation

11. In the Matter of James Allen Smith; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 10 year Suspension and proof of successful completion of substance abuse treatment program

12. In the Matter of Rodolfo Soto; Action to be taken: Consideration of Issuance of Default Judgement.

Staff recommendation: Revocation

13. In the Matter of Robert Stephen Villarreal; Action to be taken: Consideration of Issuance of Default Judgement.

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

14. In the Matter of Rocio Arredondo; Action to be taken: Consideration of Issuance of Default Judgement.

Staff recommendation: Permanent Revocation

15. In the Matter of Benjamin A. Haynes; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

16. In the Matter of Jennifer O'Neill; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

18. In the Matter of Amanda Janelle Gonzales; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

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

Staff recommendation: Revocation

22. In the Matter of Sherry Blevins; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 year Suspension

23. In the Matter of Kathi Chene' Milam; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 year Suspension

Motion and vote:

Motion was made by Ms. Everest 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 1-23, except numbers 1, 17, 20, and 21. Second was made by Ms. Bridges, and the motion carried.

The following were considered individually:

1. In the Matter of Mario Barbosa; 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 judgments 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.

17. In the Matter of Lisa Davenport Tang; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 year suspension

Motion and vote:

Motion was made by Ms. Bricker to issue a final order of revocation. Second was made by Ms. Everest and the motion carried.

20. In the Matter of Clarissa Elia 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 Ms. Robison and the motion carried with Ms. McCall and Ms. Druesedow voting against.

21. In the Matter of Robert Michael Hagler; 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 motion carried with Ms. McCall and Ms. Druessedow voting against.

B. Agreed Orders

I. Investigations

1. In the Matter of Vickie Bruce
2. In the Matter of Jodie L. Hornsby
3. In the Matter of Stephanie Jimenez
4. In the Matter of Jill Rachal Koenning
6. In the Matter of Heather Phillips
7. In the Matter of Megan Elizabeth Updegraff
8. In the Matter of Deborah Turner Wise
9. In the Matter of Paul D. Holding
11. In the Matter of Samuel Joseph Haire
12. In the Matter of Andrea K. Bookout
13. In the Matter of Brandon K. West
14. In the Matter of Mary Ann Arroyo
15. In the Matter of Noelle King
16. In the Matter of Kasey Pierce
17. In the Matter of Christene Nicole Sullivan
18. In the Matter of Laura E. Reynolds Beatty
19. In the Matter of Mary Helen Harris

Motion and vote:

Motion was made by Mr. Leal to approve agreed final orders, Investigations, numbers 1-19 as presented, except numbers 5 and 10. Second was made by Ms. Bricker, and the motion carried.

The following were considered individually:

5. In the Matter of Sue Otwell

Motion and vote:

Motion was made by Ms. McCall to approve the agreed final order as presented. Second was made by Ms. Bricker, and the motion carried.

10. In the Matter of Nestor Torres

Motion and vote:

Motion was made by Ms. Bricker to approve the agreed final order as presented. Second was made by Mr. Allard, and the motion carried.

II. Legal

1. In the Matter of Lindsey Eason Balderaz
2. In the Matter of Megan J. Buckley
3. In the Matter of Katie Murray
4. In the Matter of Eufemia Rodriguez-Soto
5. In the Matter of Claudia Velasco
6. In the Matter of Jeffrey Michael Akin
7. In the Matter of Rodney D. Flannigan
8. In the Matter of Eduardo Javier Martinez
9. In the Matter of Brice Taylor Reynolds
10. In the Matter of Patricia Elizabeth Uptergrove
11. In the Matter of Stephanie Sullenger
12. In the Matter of Diana C. Dominguez
13. In the Matter of Priscilla Terrazas

Motion and vote:

Motion was made by Mr. Leal to approve agreed final orders, Legal, numbers 1-13 as presented. Second was made by Dr. Hull, and the motion carried.

C. Contested Cases

I. Proposals for Decision

1. Docket No. 701152441.EC, Texas Education Agency, Educator Leadership and Quality Division v. Evangelina Garcia; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Suspension concurrent with community supervision; probated after year 1

Staff Recommendation: 10 year Suspension concurrent with felony community supervision

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 of Suspension concurrent with community supervision; probated after year 1. Second was made by Ms. Bricker. Voted in favor: Allard; voted against: Dr. Cain, Mr. Leal, Ms. Bricker, Ms. Bridges, Dr. Hull, Ms. McCall, Ms. Druesedow, with Ms. Everest abstaining. The motion failed.

Motion was made by Ms. Everest to adopt the Proposal for Decision consistent with the staff recommendation, including Findings of Fact Nos. 1-21 and Conclusions of Law Nos. 1-6 and modify Conclusion of Law No.7 as follows:

7. Based on Findings of Fact and Conclusions of Law, Respondent's educator certificate should be suspended for ten years, to run concurrently with the term of her felony community supervision.

This modification is permissible pursuant to Texas Government Code Section 2001.058 (e)(1) and is necessary because Ms. Garcia's educator certification should be suspended while she is on felony community supervision to be consistent with prior SBEC decisions, SBEC policy and practice.

II. Motions for Rehearing

None.

D. Court Cases

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.
2. Elizabeth Kiel v. Texas Education Agency, Educator Certification and Standards Division; Cause No. B-192236, In the 60th District Court of Jefferson County, Texas.

II. Appellate Cases

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

24. Board Operating Policies and Procedures

For information only.

25. Requests from Board Members for Future Agenda Items

None.

26. Requests Received from the Board Since Last Meeting

None.

27. Adjournment

The meeting was adjourned at 4:51 p.m.