

Item 4:
**Consider and Take Appropriate Action on Request to
Approve October 7, 2016 Board Meeting Minutes**

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Approve the October 7, 2016 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION
BOARD MEETING MINUTES
OCTOBER 7, 2016 AT 9:00 AM
1701 N. CONGRESS AVE. ROOM 1-104

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

1. Call to Order

The State Board for Educator Certification (SBEC) convened its meeting at 9:07 a.m. on Friday, October 7, 2016, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Ms. Laurie Bricker, Ms. Sandra Bridges, Ms. Rohanna Brooks-Sykes, Dr. Arturo Cavazos, Ms. Jill Druesedow, Mr. Leon Leal, Ms. Suzanne McCall, Dr. Rex Peebles, Dr. Laurie Turner, and Mr. Martin Winchester

Dr. Susan Simpson Hull arrived at 9:10 a.m.

Absent: Dr. Dawn Buckingham, Ms. Sandie Mullins, and Dr. Grant Simpson.

2. Commissioner's Comments

Commissioner Mike Morath thanked the Board for all their hard work and dedication to the school children of Texas. He addressed the strategic process for the agency and the importance of recruiting, supporting, and retaining teachers in the State of Texas. Commissioner Morath informed the Board that Texas spends 50% of public education dollars on teachers, instruction of teachers, principals, and assistant principals. He identified the single most important in-school factor is teachers in the classroom and expressed his deep interest in the work of the Board and laying the policy landscape for teachers in the State of Texas by improving the teacher certification process so that it more closely aligns with the actual practice of teaching. Commissioner Morath stated the importance of professional standards of teachers and principals and how those standards get integrated into educator preparation programs along with the agency's work from a policy perspective to encourage integration between preparation programs and school districts. He shared with the Board that the agency has already initiated efforts to support educators in the profession and supports a more rigorous standard of entry into the profession. Commissioner Morath thanked the Board for their work and thoughtfulness on the issues.

Ms. Druesedow thanked Commissioner Morath for appointing Mr. Martin Winchester as the Commissioner's designee on the SBEC and commended his hard work and dedication.

Dr. Hull thanked Commissioner Morath for working with and listening to the districts and superintendents in the state. She expressed her concern to protect the right to every citizen of Texas to a free and appropriate public education.

3. Associate Commissioner's Comments Regarding the SBEC Agenda

Mr. Franklin thanked all the Board members for being present and noted the absence of two staff members. He thanked Cheryl Aker, who has taken a position in Instructional Materials, for her years of service and concern for the interests of the Board. Additionally, Laura Moriaty will be absent from this meeting and December's meeting as well. Mr. Franklin also thanked the staff for their hard work and stepping up in the absence of others to make the meeting successful. He introduced and thanked Kameryn McCain for her efforts in support of the Board and for helping keep everyone on track with public testimony and legal cases. Mr. Franklin also emphasized that there are seven items for adoption, which is a testament to the hard work of the Board and the staff.

4. Public Comment

Public comment was provided by:
Mr. Scott Fikes of ECAP, Ltd.

5. Consider and Take Appropriate Action on Request to Approve October 7, 2016 Board Meeting Minutes

Hearing no corrections, the August 5, 2016 board meetings minutes were approved.

6. Discussion and Action on Election of State Board for Educator Certification Officers

Ms. Pogue presented the procedures for the election of State Board for Educator Certification officers as stated in the Board's operating policies and procedures (BOPP).

Election of Board Chairperson

Motion and vote:

Motion was made by Ms. McCall to nominate Ms. Jill Druesedow. There were no other nominations, Ms. Druesedow was elected Chairperson by acclamation.

Election of Board Vice-Chairperson

Motion and vote:

Motion was made by Mr. Leal to nominate Ms. Laurie Bricker. Motion was made by Ms. Bricker to nominate Ms. Suzanne McCall.

The Board voted by paper ballot. Ms. Bricker received four votes: Dr. Hull, Mr. Leal, Ms. Brooks-Sykes and Ms. Bricker. Ms. McCall received five votes: Ms. Bridges, Dr. Cavazos,

Ms. Druesedow, Ms. McCall and Dr. Turner. Ms. Druesedow declared Ms. McCall elected as Vice-Chairperson.

Election of Board Secretary

Motion was made by Dr. Hull to nominate Ms. Laurie Bricker. There were no other nominations, Ms. Bricker was elected Secretary by acclamation.

7. Discussion and Action on Request to Approve 2017 State Board for Educator Certification Meeting Dates

Ms. Pogue presented the proposed 2017 SBEC meeting dates: March 3, June 9, August 4, October 6, and December 8, 2017.

Ms. Bricker requested that there not be a Board retreat or work session at the June 9, 2017 meeting due to her not being able to attend.

Motion and vote:

Motion was made by Ms. Bricker to approve the proposed 2017 meeting dates. Second was made by Ms. Bridges and the Board voted unanimously in favor of the motion.

8. Discussion and Action Related to the State Board for Educator Certification Legislative Committee

Ms. Pogue presented this item to allow an opportunity for Board Chair, Ms. Druesedow to appoint a maximum of two additional SBEC members to serve on the Legislative Committee. Ms. Druesedow appointed Ms. Bridges and Ms. Brooks-Sykes.

9. Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

Ms. Cook and Dr. Miller presented this item to the Board. The proposed amendments to 19 TAC §§230.1, 230.11, 230.13, 230.31, 230.33, 230.35, 230.37, 230.41, 230.53, 230.71, 230.73, 230.75, 230.77, 230.79, 230.81, 230.83, 230.91, 230.93, 230.97, 230.101, 230.105, 230.111, and 230.113; proposed new 19 TAC §§230.36, 230.63, 230.65, 230.104, and 230.107; and proposed repeal of 19 TAC §230.15 and §230.39 would result from SBEC Board input, stakeholder input, and input received from staff at the Texas Education Agency (TEA). Chapter 230 provides for rules that establish guidelines and procedures for certification requirements, fees, permits, educational aides, and assignment criteria relating to professional educator preparation and certification. Ms. Cook informed the Board that a

summary of public comments and responses was distributed. Ms. Cook described the additional changes recommended to 19 TAC §§230.37(d)(1)(B)(i), 230.71(j), and 230.101(a)(8) since published as proposed.

Public testimony was provided by:

Mr. Scott Fikes, Education Career Alternatives Program (ECAP), Ltd
Ms. Sharon Fikes, ECAP, Ltd.
Mr. Carlos Villagrana, YES Prep Public Schools
Dr. Rae Queen, ACT San Antonio
Dr. Rose Benitez, Texas Association of School Personnel Administrators (TASPA)
Ms. Priscilla Aquino Garza, Educate Texas
Ms. Kate Kuhlmann, Association of Texas Professional Educators (ATPE)

Written testimony was provided by:

Mr. Calvin Stocker, YES Prep Public Schools

Motion and vote:

Motion was made by Dr. Hull to approve for adoption, subject to State Board of Education review, the proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, 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.

10. Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Dr. Miller presented this item to the Board. The proposed amendments to 19 TAC §§228.2, 228.10, 228.20, 228.30, 228.35, 228.40, 228.50, 228.60, and 228.70 and proposed new 19 TAC §228.15 and §228.17 would include changes as the result of recent legislative changes, SBEC input, stakeholder input, and input received from staff at the Texas Education Agency (TEA). Chapter 228 encompasses all the requirements that each educator preparation program (EPP) must provide to prospective teachers to ensure they are prepared sufficiently. Dr. Miller informed the Board that substitute rule text was distributed for 19 TAC §§228.2(12), (22), (23), and (30); 228.20(g); 228.35(e)(2)(C)(ii); 228.35(e)(2)(F); 228.35(g)(7); and Figure: 19 TAC §228.10(b)(1) and described the recommended changes. Dr. Miller also informed the Board that a summary of public comments and responses was distributed.

The SBEC voted to extend the 30-minute total time allotted for public testimony to allow all registrants an opportunity to address the Board. Public testimony was provided by:

Dr. Michele Henry, Texas Music Educators Association and Baylor University
Dr. Rae Queen, ACT San Antonio

Dr. Diann Huber, iteachTEXAS
Dr. Ann Smisko, Raise Your Hand Texas
Dr. Rosemary Robbins, Quality ACT
Dr. Beth Maloch, The University of Texas at Austin (UT-Austin)
Dr. Jill Marshall, UT-Austin
Mr. Carlos Villagrana, YES Prep Public Schools
Dr. Patrice Werner, Texas State University
Ms. Priscilla Aquino Garza, Educate Texas
Dr. Sharon Evans, UT-Austin
Dr. Elizabeth Ward, Texas Wesleyan University
Dr. Cynthia Cummings, Lamar University
Dr. Sandra West, Texas State University
Dr. Bob Spina, Lamar University

Written testimony was provided by:
Mr. Calvin Stocker, YES Prep Public Schools

The SBEC Board recessed for lunch at 12:00 p.m. and reconvened at 12:45 p.m.

Following the lunch break, Dr. Miller and Ms. Cook distributed revised substitute rule text based on Board discussion while presenting the agenda item and Dr. Miller described the changes.

Motion and vote:

Motion was made by Ms. McCall to approve for adoption, subject to State Board of Education review, the proposed revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, with the substitute text for §§228.2(12), (22), (23), and (30), 228.20(g), 228.35(e)(2)(C)(ii), 228.35(e)(2)(F), 228.35(g)(7), and changes to the Figure: 19 TAC §228.10(b)(1), with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Bridges, and the Board voted unanimously in favor of the motion.

11. Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

Dr. Miller presented this item to the Board. The proposed amendments to 19 TAC §§229.1-229.9 and the proposed repeal of 19 TAC §229.21 would include changes as the result of recent legislative changes, SBEC input, stakeholder input, and input received from staff at the Texas Education Agency (TEA). Dr. Miller informed the Board that substitute rule text was distributed for 19 TAC §229.9(7) to delay the collection of the Accountability System for Educator Preparation Programs technology fee from admitted educator preparation program candidates until March 15, 2017. Dr. Miller also informed the Board that a summary of public comments and responses was distributed.

Public testimony was provided by:
Ms. Gretchen May, The Commit! Partnership

Dr. Jill Marshall, UT-Austin
Dr. Rae Queen, ACT San Antonio
Dr. Ann Smisko, Raise Your Hand Texas

Written testimony was provided by:
Mr. Calvin Stocker, YES Prep Public Schools

Motion and vote:

Motion was made by Ms. Bricker to approve for adoption, subject to State Board of Education review, the proposed revisions to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, with the substitute text for §229.9, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Bridges, and the Board voted unanimously in favor of the motion.

Hearing no objection from the Board, agenda item 16 under contested cases was considered prior to agenda item 12.

12. Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments

Ms. Cook presented this item to the Board. The proposed amendments to 19 TAC §§231.97, 231.241, 231.251, 231.257, 231.365, and 231.611 and proposed new 19 TAC §231.175 would identify the appropriate credential for placement in a particular teaching assignment, incorporate courses approved by the State Board of Education (SBOE), and provide guidance to districts on special education assignments. Ms. Cook noted that a technical edit to 19 TAC §231.611(a) was included in the item to correct the reference to the high objective uniform State standard of evaluation for elementary and secondary special education teachers since the Board approved the proposed amendments at the August SBEC meeting.

Motion and vote:

Motion was made by Ms. McCall to approve for adoption, subject to State Board of Education review, the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

13. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

Ms. Cook presented this item to the Board. The proposed amendments to 19 TAC §§233.5, 233.8, 233.10, and 233.14 would make conforming changes from Chapter 231, update the list of courses eligible to be taught with these certificates, identify any additional requirements to obtain certification, provide guidance to districts on special education assignments, and establish a new Dance: Grades 6-12 certificate. Ms. Cook noted that a technical edit to 19 TAC §233.8(a) was included in the item to correct the reference to the high objective uniform State standard of evaluation for elementary and secondary special education teachers since the Board approved the proposed amendments at the August SBEC meeting.

Motion and vote:

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

14. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 247, Educators' Code of Ethics

Mr. Franklin presented this item to the Board. The proposed amendments to 19 TAC Chapter 247 would implement provisions of the Every Student Succeeds Act (ESSA) making it a violation of the Educators' Code of Ethics for an individual to assist another school employee with obtaining a new job if the individual knows or has probable cause to believe that the individual seeking a job has engaged in sexual misconduct regarding a minor or student. The amendments would also make it a violation for an educator to be intoxicated on school property or during school activities where students are present. There are no changes since the Board approved the proposed amendments at the August SBEC meeting.

Motion and vote:

Motion was made by Dr. Cavazos to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 247, Educators' Code of Ethics, 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.

15. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition; and §249.17, Decision-Making Guidelines

Public testimony was provided by:

Ms. Holly Eaton, Texas Classroom Teachers Association
Ms. Kate Kuhlmann, Association of Texas Professional Educators

Mr. Franklin presented this item to the Board. The proposed amendments to 19 TAC §249.14 align the rule on superintendent reporting with recent legislative changes and would require inappropriate educator-student relationships, communication, and boundaries to be "Priority 1" conduct. The proposed amendments to 19 TAC §249.17 create a mandatory minimum sanction for an educator who tests positive for, possesses, or is under the influence of drugs or alcohol on campus. The proposed amendments would also require permanent revocation for an educator who injures a student without justification. Mr. Franklin and Mr. Phillips addressed the Board's questions regarding the public testimony. There are no changes since the Board approved the proposed amendments at the August SBEC 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 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition; and §249.17, Decision-Making Guidelines, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Mr. Leal.

Ms. McCall requested to amend the motion by striking §249.17(i)(7). Second was made by Ms. Brooks-Sykes. Voting in favor of the amendment: Ms. McCall and Ms. Brooks-Sykes. Voting against the amendment: Ms. Bricker, Ms. Bridges, Dr. Cavazos, Ms. Druesedow, Dr. Hull, Mr. Leal, and Dr. Turner. Motion to amend failed.

Original motion carried with Ms. Bricker, Ms. Bridges, Dr. Cavazos, Ms. Druesedow, Dr. Hull, Mr. Leal, and Dr. Laurie Turner voting in favor, and Ms. McCall and Ms. Brooks-Sykes voting against.

16. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

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

Staff recommendation: 1 Year Suspension

3. In the Matter of Lashia Bowers; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

5. In the Matter of Crystal Ann Grider; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

10. In the Matter of Sean Thomas Malone; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

12. In the Matter of Keila Tarango; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: Revocation

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

Staff recommendation: Revocation

18. In the Matter of Jenna Marie Graves; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

28. In the Matter of Chris Garcia; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

29. In the Matter of Juan Antonio Gomez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3 Year Suspension

30. In the Matter of Michael Jon McCarthy Jr.; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

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

Staff recommendation: Permanent Revocation

32. In the Matter of Caesar Villarreal; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

33. In the Matter of Jodie Nicole Parker; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Dr. Hull to approve staff's request for Issuance of Default Judgments and enter Final Orders consistent with staff's recommendation for each of the above numbered cases 1-33, excluding cases 2, 15, 19, 20, 21, 22, 23, 24, 25, 26, and 27. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

The following defaults were considered individually:

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

Staff recommendation: 1 Year Suspension

Motion and vote:

Dr. Hull recused herself from voting on this case.

Motion was made by Ms. Bricker to approve staff's request for Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

19. In the Matter of Kathrynne Anne Thompson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 5 Year Suspension

Motion and vote:

Motion was made by Ms. Bricker to approve staff's request for Issuance of Default Judgment and enter a Final Order of revocation. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

20. In the Matter of Crystal Cook; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to approve staff's request for Issuance of Default Judgment and enter a Final Order of permanent revocation. Second was made by Ms. Bridges, and the Board voted unanimously in favor of the motion.

21. In the Matter of Julie Ann Douglas; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to approve staff's request for Issuance of Default Judgment and enter a Final Order of permanent revocation. Second was made by Dr. Hull. Motion carried with Ms. Bricker, Ms. Bridges, Dr. Cavazos, Ms. Druesedow, Dr. Hull, Mr. Leal, Ms. Brooks-Sykes, and Dr. Laurie Turner voting in favor, and Ms. McCall voting against.

22. In the Matter of Kendra Uvett Eddington; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

TEA staff suggested the Board take a vote on Default cases 22, 23, 25, 26 and 27 all at once. The Board decided to hear each case individually and make decisions based on the allegations and facts of each case.

Motion and vote:

Motion was made by Ms. Bricker to approve staff's request for Issuance of Default Judgment and enter a Final Order of permanent revocation. Second was made by Dr. Hull, and the Board voted unanimously favor of the motion.

23. In the Matter of Sandra Doreen Izell; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to approve staff's request for Issuance of Default Judgment and enter a Final Order of permanent revocation. Second was made by Dr. Hull. Motion carried with Ms. Bricker, Dr. Cavazos, Ms. Druessedow, Dr. Hull, Mr. Leal, Ms. Brooks-Sykes, and Dr. Laurie Turner voting in favor, and Ms. McCall and Ms. Bridges voting against.

25. In the Matter of Shawna H. Newton; Action to be taken: Consideration of Issuance of Default Judgment

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

Motion and vote:

Motion was made by Ms. Bricker to approve the staff's request for Issuance of Default Judgment and enter a Final Order consistent of permanent revocation. Motion died for lack of a second.

Motion was made by Dr. Cavazos to approve staff's request for Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

26. In the Matter of Katherine L. Schilling; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to approve staff's request for Issuance of Default Judgment and enter a Final Order of permanent revocation. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

27. In the Matter of LaVail K. Washington; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to approve staff's request for Issuance of Default Judgment and enter a Final Order of permanent revocation. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

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

15. In the Matter of Yaoyun Zhang; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

24. In the Matter of Yara Lozada; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

SOAH Default

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: Permanent Revocation

3. In the Matter of Misty Malley-Duryea; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bridges to approve staff's request for Issuance of SOAH Default Judgments and enter Final Orders consistent with staff recommendations on each of the above numbered cases, 1- 3. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

B. Contested Cases**I. Proposals for Decision**

1. Docket No. 701162438.EC, Texas Education Agency, Educator Leadership and Quality Division v. Kelvin Fuller; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ Recommendation

Ms. Gokhale represented the Texas Education Agency. Mr. Fuller represented himself.

Motion and vote:

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

2. Docket No. 701163501.EC, Texas Education Agency, Educator Leadership and Quality Division v. Bradley Reynolds; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Recommendation

Staff Recommendation: 1 Year Suspension

Ms. Mazzantini represented the Texas Education Agency. Mr. Reynolds did not appear.

Motion and vote:

Motion was made by Ms. Bricker to accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

3. Docket No. 701163501.EC, Texas Education Agency, Educator Leadership and Quality Division v. Danielle Reynolds; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Recommendation

Staff Recommendation: 1 Year Suspension

Ms. Mazzantini represented the Texas Education Agency. Ms. Reynolds did not appear.

Motion and vote:

Motion was 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. Bricker, and the Board voted unanimously in favor of the motion.

4. Docket No. 701163332.EC, Texas Education Agency, Educator Leadership and Quality Division v. Christopher Joseph Wildman; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Disciplinary Action be Taken

Staff Recommendation: Accept ALJ Recommendation

Mr. Duncan represented the Texas Education Agency. Mr. Enoch represented Mr. Wildman.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

5. Docket No. 701163859.EC, Texas Education Agency, Educator Leadership and Quality Division v. Jolene Ann Amburn; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1 Year Suspension

Staff Recommendation: Accept ALJ Recommendation

Ms. Mazzantini represented the Texas Education Agency. Ms. Amburn did not appear.

Motion and vote:

Motion was made by Ms. Bricker to accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

6. Docket No. 701163612.EC, Texas Education Agency, Educator Leadership and Quality Division v. Joseph Etheredge, Sr.; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1 Year Suspension

Staff Recommendation: Accept ALJ Recommendation

Ms. Mazzantini represented the Texas Education Agency. Mr. Etheredge did not appear.

Motion and vote:

Motion was made by Dr. Cavazos to accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion

7. Docket No. 701161592.EC, Texas Education Agency, Educator Leadership and Quality Division v. Adrian Jones; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ Recommendation

Ms. Mazzantini represented the Texas Education Agency. Ms. Edwards, attorney for Mr. Jones, withdrew her request to address the Board on the morning of the meeting.

Dr. Turner requested information pertaining to the Board's ability to change the recommended sanction from revocation to permanent revocation. Ms. Mazzantini explained the current rules do not mandate a permanent revocation for physical abuse but that the Board has discretion to make that recommendation if they choose.

Dr. Cavazos raised concerns about changing the sanction to permanent revocation without the respondent's attorney present. Attorney General Representative, Ms. Bunker-Henderson, explained that any respondent should be on notice that the Board has the authority to modify Conclusions of Law and the sanction pursuant to the Administrative Procedure Act.

Ms. Bricker requested clarification regarding the Final Order, whether or not their decision at the meeting would in fact be final or if they changed the decision could the respondent(s) still appeal. Ms. Bunker-Henderson clarified that any Board decision is a final decision that is subject to appeal.

Motion and vote:

Motion was made by Dr. Turner to accept the Proposal for Decision including Findings of Fact Nos 1 – 21 and Conclusions of Law Nos 1 – 15, and move that the Board modify Conclusion of Law No. 16 to which the Board insert permanently before revocation. Pursuant to §2001.058(e), this sanction is appropriate based on the Board's past precedents and the seriousness of the conduct in this case. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

8. Docket No. 701161592.EC, Texas Education Agency, Educator Leadership and Quality Division v. Daronda Nicole Newbill; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ Recommendation

Ms. Mazzantini represented the Texas Education Agency. Ms. Edwards, attorney for Ms. Daronda Nicole Newbill, withdrew her request to address the Board on the morning of the meeting.

Motion and vote:

Motion was made by Dr. Turner to accept the Proposal for Decision including Findings of Fact Nos 1 – 21 and Conclusions of Law Nos 1 – 15, and move that the Board modify Conclusion of Law No. 16 to which the Board insert permanently before revocation. Pursuant to §2001.058(e), this sanction is appropriate based on the Board's past precedents and the seriousness of the conduct in this case. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

9. Docket No. 701162950.EC, Texas Education Agency, Educator Leadership and Quality Division v. Daniel Ray Jordan; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No Disciplinary Action be Taken

Staff Recommendation: Accept ALJ Recommendation

Mr. Ybarra represented the Texas Education Agency. Mr. Jordan did not appear.

Motion and vote:

Motion was 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 Dr. Turner, and the Board voted unanimously in favor of the motion.

II. Motions for Rehearing

None.

C. Court Cases

For information. No action taken.

I. District Court Cases

1. Barry Ryan Davis v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN12003413, In the 201st District Court of Travis County, Texas.
2. Leo Joseph Tran v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN16001802, In the 126th District Court of Travis County, Texas.

II. Appellate Cases

None.

17. 2015 - 2018 Rule Review Plan for State Board for Educator Certification Rules

Information only.

18. Requests from Board Members for Future Agenda Items

The following requests were made:

- Ms. Brooks-Sykes requested more information on contract abandonment cases.
- Dr. Hull requested a future agenda item to consider options for an early childhood certificate (EC-3) addressing core components and core competencies.
- Ms. Bricker requested to discuss default cases at the next work session for the new board members and an agenda item in 2017 on 19 TAC, Chapter 242, and Superintendent Certificate.

19. Requests Received from the Board Since Last Meeting

Ms. Pogue presented the Board with an update on all requests made at the August 2016 meeting.

20. Adjournment

Ms. Druesedow adjourned the meeting at 4:03 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.