

**Item 5:**  
**Consider and Take Appropriate Action on Request to  
Approve August 5, 2016 Board Meeting Minutes**

**ACTION**

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

Approve the August 5, 2016 board meeting minutes.

**STATE BOARD FOR EDUCATOR CERTIFICATION**  
**BOARD MEETING MINUTES**  
**AUGUST 5, 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 9:10 a.m. on Friday, August 5, 2016, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Ms. Brooks-Sykes, Ms. Bricker, Ms. Bridges, Dr. Cavazos, Ms. Druesedow, Dr. Hull, Ms. McCall, Ms. Mullins, Dr. Peebles, Dr. Turner, and Mr. Winchester

Absent: Dr. Buckingham, Mr. Leal, and Dr. Simpson

**2. Associate Commissioner's Comments Regarding the SBEC Agenda**

Mr. Franklin asked the four new board members to introduce themselves: Dr. Cavazos, Ms. Mullins, Ms. Brooks-Sykes, and Dr. Turner. Mr. Franklin stated with the loss of Dr. Cain, Ms. Everest, Mr. Allard, and Ms. Robison, we lost some distinguished years of service, and we hope to recognize them for their service at a future board meeting. Mr. Franklin thanked the team for all the hard work that went into the preparation of this agenda, especially Marilyn Cook, Tim Miller, Christie Pogue, Victoria Ellis, and Cindy Parker. Mr. Franklin also thanked the stakeholders that provided input and participated in the process.

**3. Program Recognition**

Dr. Miller presented this item to the board, recognizing Texas Tech University as an outstanding educator preparation program (EPP) for aspiring Texas educators. Representing Texas Tech were Dr. Scott Ridley, Dean of the College of Education, Dr. Doug Hamman, Chair of the Teacher Education Department, Dr. Fanni Coward, Associate Chair of Curriculum and Instruction, and Dr. Rona Pogrud, Professor and Coordinator of Program for Teachers of Students with Visual Impairments.

**4. Public Comment**

Public comment was provided by Dr. Jill Marshall of the University of Texas (UT Austin), Dr. Christina Ellis of Sam Houston State University, Dr. Debra Price of Sam Houston State University, Scott Fikes of Education Career Alternatives Program (ECAP), Ltd., Mike

Meroney of Coalition for Effective Educator Preparation (CEEP), John-Peter Lund of Texas Teachers, and Dr. Lawrence Abraham of UT Austin.

**5. Consider and Take Appropriate Action on Request to Approve June 10, 2016 Board Meeting Minutes**

Hearing no corrections, the June 10, 2016 board meeting minutes were approved.

**6. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs**

Dr. Miller presented this item to the board and explained the recommended change to 19 TAC §§227.10, 227.15, and 227.17 since published as proposed. The proposed amendments to 19 TAC §§227.1, 227.5, 227.10, 227.15, 227.17, 227.19, and 227.20 would include changes to provide clarification to questions that Texas Education Agency (TEA) staff has received from educator preparation programs (EPPs) and applicants to EPPs. In addition, the proposed amendments would clarify minimum standards for all EPPs, allow for flexibility, and ensure consistency among EPPs in the state. Dr. Miller noted that the summary of public comment and responses were distributed to the board and made available to the public.

Public comment was provided by Dr. Jill Marshall of UT Austin and Dr. Lawrence Abraham of UT Austin.

**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 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, 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.*

Hearing no objection from the board, agenda item 8 was considered prior to agenda item 7.

**7. Consider and Take Appropriate Action on 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 noted that the information on the fiscal impact,

procedural and reporting implication, and locally maintained paperwork requirements were distributed to the board and made available to the public.

Public comment was provided by Dr. Rebecca Weinbaum of Lamar University, John-Peter Lund of Texas Teachers, Dr. Beth Maloch of UT Austin, Dr. Diann Huber of iteachTEXAS, Dr. Jill Marshall of UT Austin, Dr. Sandra Stewart of Sam Houston State University, Scott Fikes of ECAP, Ltd., Dr. Lawrence Abraham of UT Austin, Dr. Rae Queen of ACT San Antonio, Mike Meroney of CEEP, Priscilla Aquino Garza of Educate Texas, Dr. Sandra West representing herself, and Gretchen May of Commit Partnership. (The board agreed to extend the 30-minute time limit to accommodate the last two speakers.) Written comments were provided by Dr. Stacey Edmonson of Sam Houston State University and Dr. Michael Marder of UT Austin.

**Motion and vote:**

*Motion was made by Ms. Bricker to approve the proposed revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, to be published as proposed in the Texas Register, with the amendment to 19 TAC §228.35(g) to insert "by the field supervisor" before the phrase "conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection" to read "Formal observations by the field supervisor conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection." Second was made by Dr. Hull, and the board voted unanimously in favor of the motion.*

**8. Consider and Take Appropriate Action on 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. Dr. Miller noted that information on the fiscal impact was distributed to the board and made available to the public.

Public comment was provided by John-Peter Lund of Texas Teachers, Dr. Diann Huber of iteachTEXAS, Scott Fikes of ECAP, Ltd., Dr. Rae Queen of ACT San Antonio, Priscilla Aquino Garza of Educate Texas, Kate Kuhlmann of the Association of Professional Educators (ATPE), and Gretchen May of Commit Partnership.

**Motion and vote:**

*Motion was made by Ms. Bricker to approve 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, to be published as proposed in the Texas Register. Second was made by Ms. Bridges, and the board voted unanimously in favor of the motion.*

The SBEC Board recessed at 12:40 p.m. and reconvened at 1:22 p.m.

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

Dr. Miller and Dr. Vriesenga 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 noted that information on the fiscal impact was distributed to the board and made available to the public.

Public comment was provided by Julie Stadler of Stephen F. Austin State University, Dr. Cynthia Cummings of Lamar University, John-Peter Lund of Texas Teachers, Dr. Jill Marshall of UT Austin, Dr. Christina Ellis of Sam Houston State University, Dr. Debra Price of Sam Houston State University, Dr. Sandra Stewart of Sam Houston State University, Scott Fikes of ECAP, Ltd., Dr. Rae Queen of ACT San Antonio, Mike Meroney of CEEP, and Dr. Sharon Evans of UT Austin. Written comments were provided by Dr. David Carrejo of UT El Paso, Dr. Stacey Edmonson of Sam Houston State University, Patty Motlagh of UT Arlington, Ronald Beebe of University of Houston-Downtown, Dr. Lawrence Abraham of UT Austin, and Gretchen May of Commit Partnership.

**Motion and vote:**

*Motion was made by Ms. Mullins to approve the proposed revisions to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, to be published as proposed in the Texas Register with the following amendment to 19 TAC §229.4(a)(1)(B) and (4)(B). Second was made by Dr. Cavazos, and the board voted unanimously in favor of the motion.*

*Amend proposed 19 TAC §229.4(a)(1)(B) to strike out "within two attempts divided by the total number of individuals who attempted an examination" and insert "an examination on their first or second attempt divided by the number of individuals who passed an examination on their first attempt plus those who passed or failed on their second attempt" to read "The formula for calculation of pass rate is the number of individuals who have passed an examination on their first or second attempt divided by the number of individuals*

*who passed an examination on their first attempt plus those who passed or failed on their second attempt:"*

*Amend proposed 19 TAC §229.4(a)(4)(B) to insert "frequently or" before the phrase "always or almost always" to read, "The performance standard for quality shall be the percentage of candidates who rate the field supervision as "frequently" or "always or almost always" providing the components of structural guidance and ongoing support."*

**10. Consider and Take Appropriate Action on 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.

**Motion and vote:**

*Motion was made by Ms. Brooks-Sykes to approve 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, 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.*

**11. Consider and Take Appropriate Action on 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 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.

**Motion and vote:**

*Motion was made by Dr. Cavazos to approve the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, to be published as proposed in the Texas Register. Second was made by Dr. Hull, and the board voted unanimously in favor of the motion.*

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

Ms. Moriaty presented this item to the board. The proposed amendment to 19 TAC §247.1 would make conforming changes to correctly refer to the titles of cross-referenced sections from 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases. The proposed amendment to 19 TAC §247.2 would implement the Every Student Succeeds Act (ESSA) and would make it a violation of the Educators' Code of Ethics for an educator to be intoxicated on school property or during school activities when students are present.

**Motion and vote:**

*Motion was made by Ms. Bricker to approve the proposed amendments to 19 TAC Chapter 247, Educators' Code of Ethics, to be published as proposed in the Texas Register. Second was made by Dr. Turner, and the board voted unanimously in favor of the motion.*

**13. Consider and Take Appropriate Action on 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**

Ms. Moriaty presented this item to the board. The proposed amendment to 19 TAC §249.14(d) would conform the rule on superintendent reporting to SBEC with changes to the Texas Education Code (TEC), §21.006, as a result of House Bill (HB) 1783, 84th Texas Legislature, Regular Session, 2015. The proposed amendment to §249.14(h) would include inappropriate communications with a student and inappropriate educator-student relationships and boundaries to the behaviors by an educator toward students that qualify as "Priority 1" conduct for purposes of investigation priority, investigative notices, and sanction authority. The proposed amendment to 19 TAC §249.17 would 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 amendment would also require permanent revocation for an educator who injures a student, but is not immune from disciplinary action.

Public comment was provided by Kate Kuhlmann of the Association of Texas Professional Educators.

**Motion and vote:**

*Motion was made by Ms. Bricker to approve 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, to be published as proposed in the Texas Register. Second was made by Ms. Bridges, and the board voted unanimously in favor of the motion.*

#### 14. Consider and Take Appropriate Action on Requests for Waivers from Certification Examination Testing Limit

Ms. McCoy presented this item to the board. There were 10 waiver requests for the board's consideration.

##### **Motion and vote:**

*Motion was made by Dr. Hull to approve the waiver requests for the certification limitation of Jacqueline De La Torre, Rosa Galindo, Nora Munoz, Ron Robertson, Hoa Truong, Latavia Bell, Hannah McFerren, Shandl Noffsinger, Tosha Wright and Sara Sondag. Second was made by Ms. Bricker, and the board voted unanimously in favor of the motion.*

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

Ms. McCoy presented this item to the board. A small part of the standards was inadvertently left out of the item presented to the SBEC on October 16, 2015. These standards delineate what the beginning teacher should know and be able to do. The standards will serve as the foundation for coursework and for new certification examinations.

##### **Motion and vote:**

*Motion was made by Ms. McCall to approve the Educator Standards for Technology Applications EC-12 and Computer Science 8-12 as presented. Second was made by Ms. Brooks-Sykes, and the board voted unanimously in favor of the motion.*

#### 16. Pending or Contemplated Litigation, including Disciplinary Cases

##### **A. Defaults**

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

4. In the Matter of Sarah Johnson; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension
6. In the Matter of Sarina Jones; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension
7. In the Matter of LaQuita Lusk; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension
8. In the Matter of Maisha Kelm Rose; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension
9. In the Matter of James McLaughlin; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension
10. In the Matter of Sholanda Metz; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension
11. In the Matter of Philip Riemer; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension
12. In the Matter of Charles Threatt; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension
13. In the Matter of Skipper Titsworth; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1 Year Suspension

14. In the Matter of Lori Ann Trevino; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

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

Staff recommendation: Permanent Revocation

18. In the Matter of Shawn Hudson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

19. In the Matter of Margil Moreno II; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

20. In the Matter of Rogelio Manuel Corona; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

21. In the Matter of Manuel Davila; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

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

Staff recommendation: Permanent Revocation

23. In the Matter of Adriane Connerly; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

26. In the Matter of Jessica Lea Eady; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

27. In the Matter of Taoshala Grant; 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

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

Staff recommendation: Revocation

29. In the Matter of Kimberly Sims; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

30. In the Matter of Tracy Lee Steinberg; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

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

Staff recommendation: Revocation

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

Staff recommendation: Revocation

33. In the Matter of Jacques Brown; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

34. In the Matter of Roger Gomez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

35. In the Matter of Angela Howard; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2 Year Suspension

36. In the Matter of Monique Law; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

37. In the Matter of Ruth Sides; 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 to enter final orders consistent with staff's recommendation for each of the above numbered cases 1-37, excluding cases 5, 15, 17, 24, and 25. Second was made by Ms. McCall, and the board voted unanimously in favor of the motion.*

**The following defaults were considered individually:**

24. In the Matter of Pat Hrabovsky; 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 a default judgment and to enter a final order of permanent revocation. Second was made by Dr. Hull, and the board voted unanimously in favor of the motion.*

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

5. In the Matter of Tracy Johnson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

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

Staff recommendation: 1 Year Suspension

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

Staff recommendation: Permanent Revocation

25. In the Matter of Daniel Duncan; 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

## B. Contested Cases

### I. Proposals for Decision

1. Docket No. 701163435.EC, Texas Education Agency, Educator Leadership and Quality Division v. Kanya Cardy; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ Recommendation

Mr. Crabtree spoke on behalf of TEA. Ms. Cardy spoke on her own behalf.

#### **Motion and vote:**

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

2. Docket No. 701162860.EC, Texas Education Agency, Educator Leadership and Quality Division v. Luz Marcela Ramirez; 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. Gokhale spoke on behalf of TEA.

**Motion and vote:**

*Motion was made by Ms. McCall to accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendations. Second was made by Ms. Bricker, and the board voted unanimously in favor of the motion.*

3. Docket No. 701162678.EC, Texas Education Agency, Educator Leadership and Quality Division v. Mary Elizabeth Cuervo; 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. Gokhale spoke on behalf of TEA.

**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 recommendations. Second was made by Dr. Hull, and the board voted unanimously in favor of the motion.*

4. Docket No. 701162607.EC, Texas Education Agency, Educator Leadership and Quality Division v. Christie Arsenis; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1 Year Probated Suspension

Staff Recommendation: 9 Month Suspension

Ms. Gokhale spoke on behalf of TEA.

**Motion and vote:**

*Motion was made by Ms. Bricker to adopt the Proposal for Decision including Findings of Fact Nos. 1-13 and Conclusions of Law Nos. 1 - 6, and move that the board modify Conclusion of Law No. 7 as follows:*

7. *Christie Arsenis's educator certification should be SUSPENDED for nine (9) months.*

*This modification is permissible pursuant to Texas Government Code Section 2001.058(e) and is necessary because the Administrative Law Judge did not properly apply board rules.*

*While Texas Administrative Code §249.17(d)(3) allows for a penalty of less than a one-year suspension when a mitigating factor applies under Texas Administrative Code*

*§249.17(d)(2), it does not require the SBEC to adopt a specific penalty, and the SBEC has broad latitude to determine the appropriate sanction.*

*While Ms. Aresenis gave the district more than two weeks of notice that she was abandoning her contract, she left the district to go work at another school district and did not attempt to mitigate the damage to the district by fulfilling any of the other mitigating factors listed in Texas Administrative Code §249.17(d)(2).*

*As a result, an active suspension is appropriate in this case.*

*Second was made by Ms. Bridges. Voted for: Ms. Bricker, Dr. Cavazos, Ms. Bridges, Dr. Hull, Ms. Brooks-Sykes, and Ms. McCall; voted against: Ms. Mullins and Dr. Turner. The motion carried.*

## **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 201<sup>st</sup> 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 126<sup>th</sup> District Court of Travis County, Texas.

### **II. Appellate Cases**

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

## **17. Board Operating Policies and Procedures (BOPP)**

For information only.

## **18. 2015 - 2018 Rule Review Plan for State Board for Educator Certification Rules**

For information only.

**19. Requests from Board Members for Future Agenda Items**

- Item regarding the election of officers, requested by Ms. McCall.
- Item to thank the out-going board members, requested by Ms. Bricker.
- A possible agenda review for board members before meetings, requested by Ms. Bricker.
- Item regarding possibly changing the time limit of three minutes to two minutes per speaker if there are more than 10 signed up for an item, requested by Ms. Bricker.
- Item regarding the possibility of asking for authority to assess administrative penalties or provide for recovery for costs, fees and expenses regarding costs of investigations, requested by Dr. Hull.
- Item for the review of the BOPP and public comments time limits, by Ms. Druessedow.

**20. Requests Received from the Board Since Last Meeting**

None.

**21. Adjournment**

The meeting adjourned at 4:14 p.m.