

STATE BOARD FOR EDUCATOR CERTIFICATION MEETING AGENDA

OCTOBER 5, 2018 AT 8:30 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 8:35 AM on Friday, October 5, 2018, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Ms. Laurie Bricker, Mr. Tommy Coleman, Ms. Jill Druesedow, Dr. Susan Hull, Mr. Leon Leal, Ms. Suzanne McCall, Ms. Sandie Mullins, Dr. Rex Peebles, and Dr. Laurie Turner,

Absent: Ms. Rohanna Brooks-Sykes, Ms. Sandra Bridges, and Mr. Carlos Villagrana.

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Associate Commissioner Ryan Franklin welcomed the members to the meeting and thanked them for their attendance. Mr. Franklin noted the significance of the agenda in concluding work in several areas and paving the way for future work coming out of the August work session. Mr. Franklin informed the Board of Dr. Scott Ridley's resignation as the Board's dean representative. Mr. Franklin recognized Dr. Ridley as a transformative leader who pushed the staff's thinking and expressed gratitude for Dr. Ridley's service. Ms. Druesedow, Dr. Hull, and Mr. Winchester all acknowledged Dr. Ridley's contributions to the Board and teacher preparation in the state. Mr. Franklin also recognized Cindy Parker for her service and her upcoming retirement.

3. Public Comment

The Board shall allocate up to thirty (30) minutes at the beginning of each regularly scheduled meeting of the full Board for public comment on non-agenda and consent agenda items. In accordance with SBEC Board Operating Policies and Procedures, late registration for providing oral or written comment will be accepted up to 30 minutes prior to the beginning of the Board meeting.

CONSENT AGENDA

4. Consider and Take Appropriate Action on Request to Approve August 3, 2018 Board Meeting Minutes

The August 3, 2018 meeting minutes were approved.

DISCUSSION AND ACTION

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

Dr. Jones presented this item to the board. Texas Education Code (TEC), §21.042, requires the State Board for Educator Certification (SBEC) to submit a written copy of each rule it proposes to adopt to the State Board of Education (SBOE) for review. At its September 14, 2018 meeting, the SBOE rejected the proposed amendments to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. Dr. Jones explained that the item provides the SBEC an opportunity to discuss and reconsider the action taken at the August 2018 SBEC meeting to adopt, subject to SBOE review, the proposed amendments to 19 TAC Chapter 228. To address the SBOE's concerns, Dr. Jones highlighted that TEA staff recommends that the SBEC remove the proposed amendment to §228.35 that allowed educator preparation programs (EPPs) to provide candidates seeking certification in Marketing: Grades 6-12 and Health Science: Grades 6-12 with fewer than 300 clock-hours of coursework and/or training. Dr. Jones also presented the Board with the summarized public comments.

Public Comment was provided by:
Holly Eaton
Kate Kuhlmann

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 228, Requirements for Educator Preparation Programs, with changes, with an effective date of 20 days after filing the adoption notice with the Texas Register as presented. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

6. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; 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 presented this item to the board. This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed amendments to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; 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. Chapter 230 serves as a foundation for the practices and procedures related to educator preparation and certification. The subchapters being amended outline testing requirements for certification; provide general eligibility, recommendation, and issuance requirements for several types of certificates;

identify fees for certification services; and confirm the overall process for individuals already certified in other states or countries to obtain Texas certification.

Ms. Cook explained that the proposed amendments to Subchapter C would implement the statutory requirement of House Bill 3349 to specify that there are no test attempt/retake limits for the Trade and Industrial Workforce Training Certificate and update the figure to add the required exams for issuance of the Principal as Instructional Leader certificate and endorsement; proposed amendments to Subchapter D would allow organizations to administer an exchange visitor program for the teacher category; proposed amendments to Subchapter E would provide for district-level determination of English language proficiency for educational aides; proposed amendments to Subchapter F would identify testing fees for certification purposes; and proposed amendments to Subchapter H would outline the process for individuals certified outside the state to qualify for an exemption from tests for certificate issuance.

Ms. Cook also presented the Board with the summarized public comments, all in support of the proposed changes for the VIT program. Ms. Cook discussed the one comment on proposed changes that would require successful completion of a test for issuance of the intern certificate for Principal as Instructional Leader. Ms. Cook confirmed the new requirement for issuance of that intern certificate would become effective on September 1, 2019. Ms. Cook stated it was staff's recommendation to retain all language as proposed and paused to allow the board time to review the comments and ask questions. There were no additional questions from the board.

Motion and vote:

Motion was made by Ms. McCall to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certifications Issued; Subchapter E, Educational Aide Certificate; 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 Dr. Cavazos, and the Board voted unanimously in favor of the motion.

7. Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 241, Principal Certificate

Dr. Jones presented this item to the board. Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 Texas Administrative Code (TAC) Chapter 241, Principal Certificate. The rules being reviewed provide requirements relating to the certification of principals. Dr. Jones also presented the Board with the summarized public comment that requested direct instruction for principal candidates include all aspects of a comprehensive school counseling program. Dr. Jones explained that standards should remain broad and flexible that can adjust as the needs change, and citing a specific resource or model is best suited for the test framework and test development.

Motion and vote:

Motion was made by Ms. Bricker to adopt the review of 19 TAC Chapter 241, Principal Certificate. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

8. Consider and Take Appropriate Action on Adoption of Proposed Repeal of 19 TAC Chapter 241, Principal Certificate, and New 19 TAC Chapter 241, Certification as Principal

Dr. Jones presented this item to the board. This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed repeal of 19 Texas Administrative Code (TAC) Chapter 241, Principal Certificate, and new 19 TAC Chapter 241, Certification as Principal. Dr. Jones explained that the proposed repeal of and new 19 TAC Chapter 241 would reorganize the chapter to allow for the chapter title to reflect both the proposed new principal certificate as well as the current principal certificate, would establish the requirements for the proposed new principal certificate, and would provide for a proposed new endorsement for individuals who hold a certificate to serve in the role of principal.

Dr. Jones also presented the Board with the summarized public comments that were categorized into three areas: (1) comments that requested modifying the new rules to generally include the duties and roles of school counselors into principal preparation, (2) comments that requested adding the phrase, "Texas Model for Comprehensive School Counseling Programs" be added to the new Chapter 241 rules, and (3) comments that requested the phrase "comprehensive school counseling programs" be added to specific portions of rule text, as well as adding the phrase, "Texas Model for Comprehensive School Counseling Programs" be also added to specific portions of rule text. Dr. Jones explained that standards should remain broad and flexible that can adjust as the needs change, and citing a specific resource or model is best suited for the test framework and test development.

Public Comment was provided by:
Jan Friese

Motion and vote:

Motion was made by Dr. Hull to approve for adoption, subject to State Board of Education review, the proposed repeal of 19 TAC Chapter 241, Principal Certificate, and new 19 TAC Chapter 241, Certification as Principal, 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.

9. Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 242, Superintendent Certificate

Dr. Jones presented this item to the board. Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 Texas Administrative Code (TAC) Chapter 242, Superintendent Certificate. The rules being reviewed provide requirements relating to the certification of

superintendents. Dr. Jones also presented the Board with the summarized public comments. Comments by the Texas Association of School Administrators and the Association of Texas Professional Educators stated that they support maintaining the current rules for superintendent certification. Comments from the Texas Counseling Association requested that all aspects of a comprehensive school counseling program be required in a superintendent preparation program. Dr. Jones also explained that standards should remain broad and flexible to adjust as the needs change, and citing a specific resource or model is best suited for the test framework and test development.

Public Comment was provided by:
Kevin Brown
Jan Friese

Motion and vote:

Motion was made by Dr. Cavazos to adopt the review of 19 TAC Chapter 242, Superintendent Certificate. Second was made by Mrs. Bricker, and the Board voted unanimously in favor of the motion.

10. Discussion and Approval of Standards Advisory Committees

Ms. Wu presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to approve the membership of the standards advisory committees for the Trade and Industrial Workforce Training: Grades 6-12 and the English as Second Language: EC-12 certificates. Ms. Wu noted that in addition to the regional diversity presented in the English as Second Language: EC-12 committee, there was also diversity in the grade-band taught by the committee members and the primary language of the students taught by the committee members.

Ms. Bricker thanked Ms. Wu for including the Board in the nomination process and encouraged that the members on the Trade and Industrial Workforce Training: Grades 6-12 committee be included in the upcoming test framework and test development processes.

Motion and vote:

Motion was made by Dr. Hull to approve the members of the Trade and Industrial Workforce Training: Grades 6-12 and English as Second Language: Grades EC-12 Standards Advisory Committees as presented. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

11. Consider and Take Appropriate Action on Proposed Revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter A, General Provisions, and Subchapter D, Secondary School Certificate Standards

Ms. Wu presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss and propose revisions to 19 TAC Chapter 235. The proposed revisions would add the Texas Essential Knowledge and Skills (TEKS)-based certification standards; would add reference to the new certification standards for the Trade and Industrial Workforce Training: Grades 6-12; and would clarify the effective date of Subchapter D.

Ms. Wu explained the components of the TEKS-based certification or general educator certification standards. These standards would comprise the knowledge of the related TEKS and ELPs; the ability to teach the related TEKS and ELPs, and the related grade-banded Pedagogy and Professional Responsibilities (PPR) standards adopted by the board in 2017.

Motion and vote:

Motion was made by Ms. Bricker to approve the proposed revision to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter A, General Provisions, and Subchapter D, Secondary School Certificate Standards, 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 Amendment to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.4, Determination of Accreditation Status

This item was presented by Ms. Pogue and Dr. Olofson. Ms. Pogue clarified that the purpose of this item was two-fold: first, to address some immediate needs that staff were recently made aware of, and second, to lay the foundation for longer-term opportunities for a more comprehensive accountability system. Ms. Pogue pointed out that the immediate needs were removal of action plans (to be addressed in the longer-term opportunity with the assistance of Dr. Peebles), clarification of performance standards which provides for separate accountability indicators for pass rates and field observation, and the removal of outdated provisions.

Dr. Olofson clarified the small group exception calculation to specify there must be between 1 and 10 candidates, not just under 10 for accountability purposes. Dr. Olofson explained that the proposed changes to the performance standards for examinations be stricken at this time to be addressed in the longer-term opportunity. Dr. Olofson stated that staff would be meeting with stakeholders and would update the SBEC at the December 7, 2018 meeting.

Dr. Olofson explained that staff was recommending that the SBEC maintain a 70% performance standard for principal appraisals at this time. Dr. Olofson clarified that adopting the “report-only” standard of 70% would allow for consistency and stability as programs work to improve their quality of their programs.

Motion and vote:

Motion was made by Dr. Cavazos to approve the proposed amendment to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.4, Determination of Accreditation Status, to be published as proposed in the Texas Register. Second was made by Ms. Bricker.

Motion was made by Dr. Hull to amend proposed §229.4(a)(1)(C) to revert back to the original rule text, allowing the performance standard for non-PPR examinations to remain at a 5% increase each year to that it reads:

"(C) ~~(ii)~~ For ~~for~~ non-PPR examinations, the pass rate will be calculated as described in subparagraph (A) ~~(B)~~ of this paragraph and the performance standard shall be:

~~(I) — a pass rate of 70% for the 2016-2017 academic year (reporting year only using the percent of individuals who passed an examination within the first two attempts);]~~

(I) ~~(II)~~ a pass rate of 75% for the 2017-2018 academic year;

(II) ~~(III)~~ a pass rate of 80% for the 2018-2019 academic year;

(III) ~~(IV)~~ a pass rate of 85% for the 2019-2020 academic year; and

(IV) ~~(V)~~ a pass rate of 90% for the 2020-2021 academic year and beyond;"

Second was made by Ms. McCall, and the Board voted unanimously in favor of the amendment.

The Board voted unanimously in favor of the main motion.

13. Consider and Take Appropriate Action on Request to Approve 2016-2017 Accountability System for Educator Preparation Programs (ASEP) Accreditation Status for TeacherBuilder.com

Ms. Pogue presented this item to the Board. This item provided the SBEC the opportunity to approve the proposed 2016-2017 Accountability System for Educator Preparation Programs ASEP accreditation status for TeacherBuilder.com as Accredited-Warned. Ms. Pogue reminded the Board that TeacherBuilder.com was afforded an extension of the informal review period to allow the program an opportunity to respond to their final submission of data. Ms. Pogue explained that based on the informal review, staff changed the recommendation from Accredited-Probation to Accredited-Warned for the 2016-2017 academic year. Ms. Pogue clarified that the action plan and monitor would be maintained and that staff will be working closely with the monitor to as the program works towards compliance of the December 1, 2018 deadline for submission of a curriculum matrix for all certification fields be approved by TEA as a condition of continual program approval.

Motion and vote:

Motion was made by Dr. Cavazos to approve the 2016-2017 Accountability System for Educator Preparation Programs accreditation status for TeacherBuilder.com as presented. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

14. Consider and Take Appropriate Action on Request to Approve Educator Preparation Advisory Committee Members

Dr. Jones presented this item to the board. This item provides the State Board for Educator Certification (SBEC) with an opportunity to approve Educator Preparation Advisory Committee (EPAC) members. The SBEC is statutorily authorized to approve members of advisory committees. Dr. Jones explained that committee members for the EPAC are representative of the diverse types of educator preparation programs (EPPs) in the state. The committee meets at least quarterly each year to provide input on issues related to EPPs in Texas.

Motion and vote:

Motion was made by Mr. Coleman to approve the appointment of the Educator Preparation Advisory Committee members as presented. Second was made by Mr. Leal, and the Board voted unanimously in favor of the motion.

15. Consider and Take Appropriate Action on 2019-2022 Rule Review Plan for State Board for Educator Certification Rules

Ms. Pogue presented this item to the Board. Ms. Pogue explained that the proposed 2019-2022 rule review plan complies with the statutory requirement in Texas Government Code, §2001.039, that requires all state agency rules be reviewed every four years to ensure that the reasons for initially adopting the rule continue to exist.

Motion and vote:

Motion was made by Dr. Hull to approve the proposed 2019-2022 Rule Review Plan for State Board for Educator Certification Rules as shown in Attachment II. Second was made by Ms. Mullins, and the Board voted unanimously in favor of the motion.

16. Discussion and Action on Request to Approve Proposed 2019 State Board for Educator Certification Meeting Dates

Ms. Pogue presented this item to the Board. Ms. Pogue clarified that the proposed SBEC meeting dates for 2019 comply with the statutory requirements that the SBOE have 90 days to review all SBEC proposed rules and the 180 days to take action once the Board proposes a rule. Ms. Pogue pointed out changes to the 2019 meeting dates: to minimize educational conflicts for the educator board members in attending SBEC meetings, the May and August meetings will be moved to April and July, respectively, and the first meeting of the year will be in February rather than March. Ms. Pogue asked the Board to approve the proposed SBEC 2019 meeting dates of February 22, 2019, April 26, 2019, July 26, 2019, October 4, 2019, and December 6, 2019, as well as July 25, 2019 for the SBEC work session.

Motion and vote:

Motion was made by Ms. Mullins to approve the proposed 2019 SBEC meeting dates and work session date. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

17. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

Good Cause Determination

1. In the Matter of Blake Tyler Tittle; Action to be taken: Determination of Good Cause and Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

Ms. Moriarty represented TEA. Mr. Gorman represented the Respondent.

Motion and vote:

Motion was made by Mr. Leal that Mr. Tittle did not have good cause for failing to file an answer timely. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

Motion was made by Dr. Cavazos to grant staff's request for Issuance of Default Judgment and issue a final order consistent with staff's recommendation. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

No Answer Defaults

2. In the Matter of Meagan Victoria Bonds; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension
3. In the Matter of Jerred Caskey; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension
4. In the Matter of Julie DePierri; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension
5. In the Matter of Sherry Nicole Goodman; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension
6. In the Matter of Ryan Livingston; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension
8. In the Matter of Melanie A. Rich; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension
10. In the Matter of Antonio Camacho, Jr.; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

11. In the Matter of Gose R. Cavazos; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
12. In the Matter of Carlos Chung-Salazar; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
13. In the Matter of Kearney Day; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
15. In the Matter of Domenic J. Livoti; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
16. In the Matter of Terrill Yeager; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
17. In the Matter of Isaac Aldaco; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
18. In the Matter of Clarence Appleby; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
19. In the Matter of Ronald Hogan; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
20. In the Matter of Dana Markaya Rothman; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
21. In the Matter of Ariana Marie Cary; Action to be taken: Consideration of Issuance of Default Judgment

- Staff recommendation: Permanent Revocation
22. In the Matter of Zachary Michael McOmber; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
23. In the Matter of Diandra Sheppard; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
24. In the Matter of Bobby Rosalio Cantu; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
25. In the Matter of Neiva Janett Diaz; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
26. In the Matter of Joshua Gomez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
27. In the Matter of Mirtha Hernandez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
28. In the Matter of Brian Eric Paque; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
29. In the Matter of Casey T. Andrews; 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
30. In the Matter of Andrea Megan Bearden; Action to be taken: Consideration of Issuance of Default Judgment

- Staff recommendation: Revocation
31. In the Matter of Rebecca Clements; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
32. In the Matter of Mariza Elizondo; 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
33. In the Matter of Paul Alton Fincher; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
34. In the Matter of Raul Larralde; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
35. In the Matter of Satchie Dolan Leighton; 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
36. In the Matter of Tamara Leigh Maldonado; 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
37. In the Matter of Sylvia Medrano; 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
38. In the Matter of Mariely Morales Del Valle; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
39. In the Matter of Rachel R. Ramirez; 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
40. In the Matter of Emory Sidney; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1 year suspension and proof of successful completion of substance abuse treatment program
41. In the Matter of Rebecca Susan Vaughn; 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
42. In the Matter of Willie Wilson; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
43. In the Matter of Diana E. Najera; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
44. In the Matter of Debbie Rodriguez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
45. In the Matter of Alma Gonzalez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
46. In the Matter of Deborah Michele Gueperoux; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
47. In the Matter of Maureen Sharon Youngblood; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2 year suspension
48. In the Matter of Alma Nery Villanueva; 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

49. In the Matter of Kathy J. Ware; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2 year suspension

50. In the Matter of Tim Wiggins; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. McCall to grant staff's request for Issuance of Default Judgment on the above numbered cases 1 – 50, with the exception of 1, 7, 9 and 14, and issue final orders consistent with staff's recommendation on each of the above numbered cases. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

The following cases were considered individually:

1. In the Matter of Jena J'Niece Aust; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension

7. In the Matter of Simon G. Razavi; 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 the above listed cases.

Motion was made by Dr. Cavazos to grant staff's request for Issuance of Default Judgment on the above numbered cases 1 and 7, and issue final orders consistent with staff's recommendation on each of the above numbered cases. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

The following cases were pulled by TEA Staff and no action was taken:

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

Staff recommendation: 1 year suspension

14. In the Matter of Eric Owen Johnson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

SOAH Defaults

1. In the Matter of Ashley Nichole Dreahn; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for Issuance of SOAH Default Judgment on the above numbered case, 1, and issue a final order consistent with staff's recommendation. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

The SBEC recessed at 10:39 A.M.

The SBEC returned at 10:53 A.M.

B. Contested Cases

Proposals for Decision

1. Docket No. 701182501.EC, Texas Education Agency, Educator Leadership and Quality Division v. Debbie Casares; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 6 month suspension

Staff Recommendation: 2 year suspension

Ms. Yvonne Patton presented TEA. Respondent did not appear.

Motion and vote:

Motion was made by Mr. Coleman that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 -- 21 and Conclusions of Law Nos. 1 -- 8. I move that the Board strike Conclusions of Law Nos. 9, 10, and 11 and modify Conclusion of Law No. 12 as follows:

12. Debbie Casares's paraprofessional certification should be SUSPENDED for TWO YEARS.

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 and policies.

Under the SBEC rules, educator discipline is based on the educator's conduct, not determined by criminal penalties or criminal sanctions. The outcome of Ms. Casares's pre-trial diversion is irrelevant to whether Ms. Casares has violated SBEC's rules. Conclusions of Law Nos. 9-10 are incorrect interpretations of SBEC's rules because they suggest that Ms. Casares's completion of her pre-trial diversion makes her exempt from punishment by the SBEC.

Under the SBEC rules, "crimes relating directly to the duties and responsibilities of the education profession" and "acts of moral turpitude" show a lack of good moral character. Ms. Casares pled guilty to Theft—stealing several thousand dollars of students' money from the school where she worked— which is a crime of moral turpitude and an offense directly related to the duties and responsibilities of the education profession, as defined in the SBEC rules.

The SBEC rules also state that any conduct by an educator that "indicates dishonesty or untruthfulness" also "demonstrate[s] that an educator or applicant lacks good moral character, is a negative role model to students, and does not possess the moral fitness necessary to be a certified educator." Ms. Casares's theft of money from school indicates dishonesty and untruthfulness, and therefore shows that she is unworthy to instruct and not of good moral character. Conclusions of Law Nos. 9, 10 and 11 reflect a misinterpretation of SBEC rules. Conclusion of Law No. 8 is correct, stating that Ms. Casares lacks good moral character and is unworthy to instruct or supervise the youth of this state.

Further, the factors the Board must consider in determining a sanction show that a strong penalty is necessary in this case. Findings of Fact Nos. 2-8 state that Ms. Casares stole several thousand dollars of students' money from the school where she worked, leaving the school with insufficient funds for yearbooks. This is serious conduct that negatively impacted the school and the students who had paid for their yearbooks. Finding of Fact No. 9 notes that her crime was a serious offense, requiring a strong penalty. Finding of Fact 5 shows that her actions were intentional, not accidental—a factor that weighs in favor of a more serious sanction. Only one factor weighs against a severe sanction: Findings of Fact Nos. 16 and 17 show that Ms. Casares has been rehabilitated from the prior conduct. The penalty recommended in Conclusion of Law 12 is not sufficient to deter future violations of this sort.

Due to the seriousness of Ms. Casares's crimes, Ms. Casares's paraprofessional certification should be SUSPENDED for TWO (2) YEARS.

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

2. Docket No. 701183458.EC, Texas Education Agency, Educator Leadership and Quality Division v. Cynthia M. Garcia; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ Recommendation

Ms. Sonali Gokhale represented TEA. Ms. Cynthia Garcia represented herself.

Motion and vote:

Motion was made by Mr. Leal that the Board adopt the Proposal for Decision and issue a Final Order consistent with the ALJ's recommendations. Second was made by Dr. Hull, and the motion passed with Mr. Leal, Dr. Hull, Dr. Cavazos, Ms. Mullins, Ms. McCall, and Mr. Coleman voting in favor and Dr. Turner voting against the motion.

3. Docket No. 701180638.EC, Texas Education Agency, Educator Leadership and Quality Division v. Jana Gillespie; 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. Robert Hensley represented TEA. Mr. Terry Gorman represented the Respondent.

Motion and vote:

Motion was made by Dr. Hull that the Board adopt the Proposal for Decision and issue Final Order consistent with the ALJ's recommendations. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

C. Court Cases

District Court Cases

1. Leo Joseph Tran v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-16-001802, In the 126th District Court of Travis County, Texas.
2. David Turner v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-002298, In the 250th District Court of Travis County, Texas.
3. Anna Luisa Kell v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-002347, In the 419th District Court of Travis County, Texas.
4. Norma Regina Gonzalez (a/k/a Gina Oaxaca) v. Texas Education Agency, Educator Standards Division; Cause No. D-1-GN-17-004263, In the 200th District Court of Travis County, Texas.
5. Joel Trigo v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-006874, In the 459th District Court of Travis County, Texas.

6. Bradley Keith Bowen v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-18-004203, In the 98th District Court of Travis County, Texas.
7. Shelby Junge v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-18-000707, In the 200th District Court of Travis County, Texas.

DISCUSSION ONLY

18. Discussion and Update on Teacher Certification Redesign

Ms. Wu presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss an update on the Teacher Certification Redesign, presented to the Board on August 2, 2018, including substituting subject-matter only assessments for pre-admission content tests (PACT), the option of an intensive pre-service pathway towards certification, updating the current content exams, and the phase-in of edTPA, a performance-based portfolio assessment. Ms. Wu explained that the proposed 2021 pathway would follow the progression of requiring subject-matter knowledge for admission into an Educator Preparation Program, a combination of content pedagogy and pedagogy for issuance of an intern certificate, and the demonstration of content pedagogy for issuance of a standard certificate.

Ms. Wu stated that the agency has begun stakeholder meetings and referenced a side-by-side document in the supplemental folder that contained a summary of the concerns and an additional public comment submitted by Texas Woman's University. Dr. Cavazos and Ms. Mullins asked and encouraged staff to increase stakeholder meetings and involvement regarding edTPA. Additionally, Dr. Cavazos recommended delaying rule-making related to edTPA until after the December SBEC meeting and further stakeholder discussion.

Public Comment was provided by:
Dr. Christina Ellis
Dr. Glenda Ballard

INFORMATION ONLY

19. Board Operating Policies and Procedures (BOPP)

Information only.

20. 2015 - 2018 Rule Review Plan for State Board for Educator Certification Rules

Information only.

21. Requests from Board Members for Future Agenda Items

None.

22. Requests Received from the Board Since Last Meeting

None.

23. Adjournment

Ms. Druesedow adjourned the meeting at 11:47AM.

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.