

STATE BOARD FOR EDUCATOR CERTIFICATION MEETING AGENDA

SEPTEMBER 19, 2024 AT 1:00 PM & SEPTEMBER 20, 2024 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:

Moment of Silence

Pledge of Allegiance

1. Call to Order

The State Board for Educator Certification (SBEC) convened its meeting at 8:31am on Thursday, September 19, 2024.

Present on Thursday, September 19, 2024: Dr. Robert Brescia, Ms. Julia Dvorak, Dr. Veronica Galvan, Ms. Bena Glasscock, Mr. Rex Gore, Dr. Emma Gelsinger, Ms. Courtney MacDonald, Dr. Scott Muri, Ms. Kelvey Oeser, Dr. Alma Rodriguez, Ms. Jean Streepey, Mr. Josue Tamarez Torres, and Ms. Bobbie Lynn Weir.

Absent on Thursday, September 19, 2024: Dr. Michael McFarland and Mr. Tommy Coleman.

Present on Friday, September 20, 2024: Dr. Robert Brescia, Mr. Tommy Coleman, Ms. Julia Dvorak, Dr. Veronica Galvan, Ms. Bena Glasscock, Mr. Rex Gore, Ms. Courtney MacDonald, Dr. Scott Muri, Ms. Kelvey Oeser, Dr. Alma Rodriguez, Mr. Josue Tamarez Torres, and Ms. Bobbie Lynn Weir.

Absent on Friday, September 20, 2024: Dr. Michael McFarland, Dr. Emma Gelsinger, and Chair Jean Streepey

2. Associate Commissioner's Comments

Associate Commissioner Jessica McLoughlin welcomed the board and introduced guest speaker, TEA Executive Director of Government Relations, Hunter Thompson to share an update on the upcoming legislative session.

3. Public Comment

Public Commenters:

Adam Jones

CONSENT AGENDA

Ms. McCain presented this item to the Board. She explained the purpose and logistics of the consent agenda. The consent agenda took up agenda items 4 – 7. There was no public testimony on the consent agenda.

4. ***Approve July 18, 2024 Work Session Minutes***
5. ***Approve the July 19, 2024 Meeting Minutes***
6. ***Approve the 2025 SBEC Meeting dates***
7. ***Adoption of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements***

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed amendment to the English language proficiency (ELP) requirements outlined in 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements. The proposed amendment would expand the options for demonstrating ELP. No changes are recommended since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

Motion and Vote:

Motion was made by Ms. MacDonald to approve the consent agenda 4 – 7 as presented. Second was made by Mr. Tamarez Torres and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

8. ***Adoption of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs***

Dr. Mark Olofson presented this item to the board. This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 Texas Administrative Code (TAC) Chapter 229, Accountability System for Educator Preparation Programs. Chapter 229 establishes the performance standards and procedures for educator preparation program (EPP) accountability. The proposed amendments would provide for adjustments to the 2023–2024 *Accountability System for Educator Preparation (ASEP) Manual*; would clarify and streamline language and definitions; would organize the rule text by subchapter; and would include technical updates.

Motion and Vote:

Motion was made by Dr. Muri to approve for adoption, subject to the State Board of Education review, the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs as presented, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. MacDonald and the Board voted unanimously in favor of the motion.

9. Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

Mr. Trenton Law presented this item to the board. This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed amendments would add language specific to the Servicemembers Civil Relief Act (SCRA), allowing the portability of licenses for active-duty military service members or the spouse of a military service member and would provide technical edits to clarify existing language, alphabetize definitions, and remove duplicative language where necessary.

Motion and Vote:

Motion was made by Dr. Brescia to approve the proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, to be published as presented in the Texas Register. Second was made by Ms. Dvorak and the Board voted unanimously in favor of the motion.

10. Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, Subchapter A, General Guidance, Subchapter E, Educator Candidate Clinical Experiences, and Subchapter F, Support for Candidates During Required Clinical Experiences

Ms. Marilyn Cook presented this item to the board. This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs, Subchapter A, General Guidance, Subchapter D, Required Educator Coursework and Training, Subchapter E, Educator Candidate Clinical Experiences, and Subchapter F, Support for Candidates During Required Clinical Experiences. The proposed amendments would further clarify requirements and definitions as applicable to support educator preparation programs (EPPs) and candidates in the successful implementation of these rules.

Public Testimony:

Kelsey Kling

Motion and Vote:

Motion was made by Ms. Glasscock to approve the proposed amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, Subchapter A, General Guidance, Subchapter D, Required Educator Coursework and Training, Subchapter E, Educator Candidate Clinical Experiences, and Subchapter F, Support for Candidates During Required Clinical Experiences, to be published as presented in the Texas Register. Second was made by Ms. Weir and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

11. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

1. In the Matter of Amanda D. Canterbury; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 11-month suspension
2. In the Matter of Benjamin P. Lyda; Action to be taken: Consideration of Issuance of Default Judgment

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

Staff recommendation: 1-year suspension
4. In the Matter of Colton Marshall McCoy; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 11-months suspension
5. In the Matter of Dawn Diana Baxter a/k/a Dawn Diana Thompson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension
6. In the Matter of Erika Lorena Gonzalez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

7. In the Matter of Jamie Laine Lahr; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
8. In the Matter of Mariela Bishop; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
9. In the Matter of Matthew H. Harber; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
10. In the Matter of Rebecca Kirkpatrick; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
11. In the Matter of Rituparna Basu; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
12. In the Matter of Rodrigo Lopez Reyes; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 11-month suspension
13. In the Matter of Stephanie Saenz; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
14. In the Matter of Zacherie R. Miller; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
15. In the Matter of Daniel Eleuterio Tena; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation & Do Not Hire Registry
16. In the Matter of Andres Sarabia, Jr.; Action to be taken: Consideration of Issuance of Default Judgment

- Staff recommendation: Permanent Revocation & Do Not Hire Registry
17. In the Matter of Rachel Beard; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension and proof of successful completion of a substance abuse treatment program
18. In the Matter of Christopher Thomas Cantrell; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension and proof of successful completion of a substance abuse treatment program
19. In the Matter of Amanda Smith; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension and proof of successful completion of a substance abuse treatment program
20. In the Matter of Liza Villanueva; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension and proof of successful completion of a substance abuse treatment program
21. In the Matter of Wendy Lawson Price; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of a substance abuse treatment program
22. In the Matter of Jud A. Moller; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 3-year suspension and proof of successful completion of a substance abuse treatment program
23. In the Matter of Michael R. Duke; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 10-year suspension and proof of successful completion of a substance abuse treatment program
24. In the Matter of Keith Butler; Action to be taken: Consideration of Issuance of Default Judgment

- Staff recommendation: Revocation
25. In the Matter of Edna Nora DeLaGarza; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of a substance abuse treatment program
26. In the Matter of Salvatore Alfieri, IV; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 8-year suspension and proof of successful completion of a substance abuse treatment program
27. In the Matter of Holly Blankenship; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
28. In the Matter of Adriana Stockdale; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Suspension until expiration of aide certificate on October 3, 2024
29. In the Matter of Joshua Chappell; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 15-months suspension
30. In the Matter of Edwin Thomas Hayward; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension
31. In the Matter of Florencia Cruz Sustar; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 3-year suspension
32. In the Matter of Nicholas D. Martinez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation and Do Not Hire Registry

Motion and Vote:

Motion was made by Ms. Glasscock to grant staff's request for Issuance of Default of

Judgement on all cases numbered 1-32 on the agenda, except numbers 5 and 15, and issue Final Orders consistent with staff's recommendations. Second was made by Ms. Dvorak and the Board voted unanimously in favor of the motion.

Motion and Vote:

Motion was made by Mr. Gore to grant staff's request for Issuance of Default Judgement and enter a Final Order issuing a sanction of permanent revocation on default case number 15. Second was made by Ms. Dvorak and the Board voted unanimously in favor of the motion.

SOAH Defaults

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

Staff recommendation: 1-year suspension

Staff was represented by Attorney Richa Kumar.

Respondent was represented by himself.

Motion and Vote:

Motion was made by Dr. Brescia that Respondent Adam Mata did not have good cause for failing to appear on June 5, 2024 at the State Office of Administrative Hearings. Second was made by Ms. Dvorak and the Board voted unanimously in favor of the motion. Ms. Weir abstained.

Motion and Vote:

Motion was made by Dr. Brescia to grant Staff's Request for the Issuance of SOAH Default Judgement and enter a Final Order consistent with Staff's recommendation in the matter of Adam Mata. Second was made by Ms. Dvorak and the Board voted unanimously in favor of the motion. Ms. Weir abstained.

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

Staff recommendation: 1-year suspension

3. In the Matter of Gilbert Sanchez; 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

Motion and Vote:

Motion was made by Ms. Weir that the Board grant Staff's Request for the Issuance of SOAH Default Judgement on SOAH default numbers 2 and 3 and enter Final Orders consistent with Staff's recommendation on the cases. Second was made by Ms. Dvorak and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701-24-01463.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Donald Hodgson II; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation and Do Not Hire Registry

Staff Recommendation: Accept ALJ recommendation

Motion and Vote:

Motion was made by Mr. Gore, in the case of Docket No. 701-24-01463.EC, State Board of Educator Certification v. Donald Hodgson II, to accept the PFD and issue a Final Order consistent with the ALJ's recommendation. Second was made by Ms. Dvorak and the Board voted unanimously in favor of the motion.

2. Docket No. 701-24-03496.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Eduardo Orozco; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ Revocation

Motion and Vote:

Motion was made by Mr. Coleman, in the case of Docket No. 701-24-03496.EC, State Board of Educator Certification v. Eduardo Orozco, to accept the PFD and issue a Final Order consistent with the ALJ's recommendation. Second was made by Ms. Dvorak and the Board voted unanimously in favor of the motion.

3. Docket No. 701-24-13406.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Maria Lyssy; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 8-month suspension

Staff Recommendation: Accept ALJ recommendation

Staff was represented by Attorney Margaret McGee.

The Respondent represented herself.

Motion and Vote:

Motion was made by Dr. Brescia, in the case of Docket No. 701-24-13406.EC, State Board of Educator Certification v. Maria Lyssy, to accept the PFD and issue a Final Order consistent with the ALJ's recommendation. Second was made by Ms. MacDonald and the Board voted unanimously in favor of the motion.

4. Docket No. 701-24-13404.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Nancy Alkema; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No sanction

Staff Recommendation: Accept ALJ recommendation

Motion and Vote:

Motion was made by Ms. MacDonald, in the case of Docket No. 701-24-13404.EC, State Board of Educator Certification v. Nancy Alkema, to accept the PFD and issue a Final Order consistent with the ALJ's recommendation. Second was made by Ms. Weir and the Board voted unanimously in favor of the motion.

Motion for Rehearing

1. In re Jolene Jeffrey: Consider and Take Possible Action on Motion to Extend Deadline to File Motion for Rehearing and to Consider and Take Possible Action on Motion for Rehearing

Motion and Vote:

Motion was made by Mr. Gore to grant Jolene Jeffrey's Motion to Extend Time. Second was made by Ms. MacDonald and the Board voted unanimously in favor of the motion.

Motion and Vote:

Motion was made by Mr. Gore to grant Jolene Jeffrey's Motion for Rehearing and deny staff's Request for Issuance of a Default Judgement to send this matter to SOAH because Jolene Jeffrey had good cause for her failure to answer timely. Second was made by Ms. Weir and the Board voted unanimously in favor of the motion.

C. Court Cases

District Court Cases

1. Texas Education Agency, State Board for Educator Certification, Emily Garcia, Mike Morath, and Calvin Stocker v. A+ Texas Teachers; No. 03-23-00318-CV, In the Third Court of Appeals on Appeal from Case No. D-1-GN-23-001504, in the 53rd District Court

of Travis County, Texas. Possible discussion and action on proposed settlement agreement.

Public Testimony:

Heath Morrison – A+ Teachers

The SBEC moved into Closed Session at 1:19pm on September 19, 2024.

The SBEC reconvened Open Session at 2:31pm on September 19, 2024. No action was taken in Closed Session.

Motion and Vote:

Motion was made by Dr. Brescia to approve the second agreed Final Order as presented in the matter of A+ Texas Teachers. Second was made by Ms. MacDonald and the board voted unanimously in favor of the motion.

DISCUSSION ONLY

12. Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter F, Special Education-Related Services Personnel Assignments

Mr. DeMarco Pitre and Ms. Kelly Torrey presented this item for discussion to the Board. This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose revisions to 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel Assignments, Subchapter F, Special Education-Related Services Personnel Assignments. The proposed revisions would provide requirements for school districts to make personnel assignment decisions based on the correlating certification and demonstration of content proficiency requirements. The proposed revisions would also expand the list of certificates appropriate for personnel serving in special education-related assignments and include a section dedicated to requirements for an assignment of Teachers of Students who are Deafblind.

Public Testimony:

Quinn McCall
Andrea Chevalier
Tricia Cave

13. Discussion of Plans for the Development of the Texas-Specific Teacher Performance Assessment

Ms. Beth Burkhart presented this item for discussion. This item provides the State Board for Educator Certification (SBEC) an opportunity to review and discuss plans for the development of the Texas-specific teacher performance assessment.

The State Board of Educator Certification recessed on September 19, 2024 at 4:06pm.

The State Board of Educator Certification reconvened on September 20, 2024 at 8:34am.

14. Discussion of Proposed Revisions to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases

Ms. Sarah Wolf and Mr. David Rodriguez presented this item to the Board. This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed revisions to 19 Texas Administrative Code (TAC) Chapter 249. Chapter 249 establishes the disciplinary proceedings process and sanctions for educators.

Public Testimony:

Julie Leahy
Lance Cain
Martha Owen

15. Discussion of Proposed Revisions to 19 TAC Chapter 235 Classroom Teacher Certification Standards Subchapter A, General Provisions, Subchapter B, Elementary School Certificate Standards, Subchapter C, Middle School Certificate Standards, and Subchapter D, Secondary School Certificate Standards

Ms. Beth Burkhart presented this item to the Board. This item provides the State Board for Educator Certification (SBEC) an opportunity to review and discuss the proposed new Teacher Pedagogy standards. The SBEC reviewed updates to the standards resulting from Board and stakeholder feedback since the July 2024 SBEC meeting.

Public Testimony:

Andrea Chevalier
Katelyn Damore
Tricia Cave
Kelsey Kling
Mollie Wright
Ana Sepulveda
Kelly Waters

INFORMATION ONLY

16. Update of State Board for Educator Certification Enabling Legislation

17. Board Operating Policies and Procedures (BOPP)

18. 2023–2026 Rule Review Plan for State Board for Educator Certification Rules

19. Adjournment

The State Board of Educator Certification adjourned at 11:42am on September 20, 2024.

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. The presiding officer of the

Board intends to be physically present in Room 1-104, William B. Travis Building, 1701 North Congress Avenue. Some members may attend via videoconferencing.