

Item 17:

Pending or Contemplated Litigation, including Disciplinary Cases

DISCIPLINARY POLICY GUIDELINES

As provided in 19 Tex. Admin. Code (TAC) § 249.5, the primary purposes the State Board for Educator Certification (SBEC) seeks to achieve in educator disciplinary matters are to:

- (1) protect the safety and welfare of Texas schoolchildren and school personnel;
- (2) ensure educators and applicants are morally fit and worthy to instruct or to supervise the youth of the state; and
- (3) fairly and efficiently resolve educator disciplinary proceedings.

The SBEC's focus on the safety and welfare of students is also reflected in the SBEC Mission Statement, Core Principles, and Goals that were adopted on February 6, 2009.

Without diminishing in any way the SBEC 19 TAC Chapter 249 procedural and substantive rights of educators to contest allegations of educator misconduct, it is the policy of the SBEC to fully investigate such allegations and, if those allegations are found to have merit, to ensure that any sanction that is imposed furthers these purposes.

A certified educator holds a unique position of public trust with almost unparalleled access to the hearts and minds of impressionable students. Therefore, the conduct of an educator must be held to the highest standard. Because SBEC sanctions are imposed for reasons of public policy, and are not penal in nature, criminal procedural and punishment standards are not appropriate to educator discipline proceedings.

General Principles:

1. Because the SBEC's primary duty is to safeguard the interests of Texas students, educator certification must be considered a privilege and not a right.
2. SBEC disciplinary sanctions are based on educator conduct that is proved by a preponderance of the evidence, without regard to whether there has been a criminal conviction, deferred adjudication or other type of community supervision, an indictment, or even an arrest. Under the Educators' Code of Ethics, an educator may be sanctioned for conduct underlying a criminal conviction even if the crime is not subject to sanction under the Texas Occupations Code, Chapter 53. An educator may also be sanctioned for conduct underlying a criminal conviction even if the conduct is not specifically listed in 19 TAC § 249.16, as long as the conduct renders the educator unworthy to instruct.
3. Because the SBEC recognizes that an educator's good moral character, as defined in 19 TAC § 249.3, constitutes the essence of the role model that the educator represents to students both inside and outside the classroom, criminal law, 19 TAC Chapter 247, the Educator's Code of Ethics, and 19 TAC Chapter 249, providing for educator disciplinary proceedings, are merely a minimum base line standard for educator conduct. Active community supervision, as well as conduct that indicates dishonesty, untruthfulness, habitual impairment through drugs or alcohol, abuse or neglect of students and minors,

including the educator's own children, or reckless endangerment of the safety of others, may demonstrate that the person lacks good moral character, is a negative role model to students, and does not possess the moral fitness necessary to be a certified educator.

4. "Unworthy to instruct or to supervise the youth of this state," which serves as a basis for sanctions under 19 TAC § 249.15(b) (2), is a broad concept that is not limited to the specific criminal convictions that are described in Texas Education Code (TEC) §§ 21.058 and 21.060. The SBEC 19 TAC § 249.3(45) definition of "the determination that a person is unfit to hold a certificate under the TEC, Chapter 21, Subchapter B, or to be allowed on a school campus under the auspices of an educator preparation program" predates the adoption of TEC §§ 21.058 and 21.060, and is based upon the TEC, Chapter 21, Subchapter B grant of authority to the SBEC to "regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators." As a Texas Court of Civil Appeals ruled in the seminal case of *Marrs v. Matthews*, 270 S.W. 586 (1925), "unworthy to instruct" "means the lack of 'worth'; the absence of those moral and mental qualities which are required to enable one to render the service essential to the accomplishment of the object which the law has in view." Therefore, the moral fitness of a person to instruct the youth of this state must be determined from an examination of all relevant conduct, is not limited to conduct that occurs while performing the duties of a professional educator, and is not limited to conduct that constitutes a criminal violation or results in a criminal conviction.
5. Educators have positions of authority, have extensive access to students when no other adults (or even other students, in some cases) are present, and have access to confidential information that could provide a unique opportunity to exploit student vulnerabilities. Therefore, educators must clearly understand the boundaries of the educator-student relationship that they are trusted not to cross. The SBEC considers any violation of that trust, such as soliciting or engaging in a romantic or sexual relationship with any student or minor, to be conduct that may result in permanent revocation of an educator's certificate.
6. The SBEC recognizes and considers evidence of rehabilitation with regard to educator conduct that could result in sanction, denial of a certification application, or denial of an application for reinstatement of a certificate, but must also consider the nature and seriousness of prior conduct, the potential danger the conduct poses to the health and welfare of students, the effect of the prior conduct upon any victims of the conduct, whether sufficient time has passed and sufficient evidence is presented to demonstrate that the educator or applicant has been rehabilitated from the prior conduct, and the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students. Where appropriate, Agreed Orders will include a requirement for rehabilitation, counseling, or training programs.

On December 11, 2015, the Board adopted Educator Certification Disciplinary Policy Guidelines in order to articulate and provide notice of its guiding policy considerations in educator discipline matters.

A. Defaults**No Answer Defaults**

1. In the Matter of Aimee Clifton Arnold; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
2. In the Matter of Robert Bozeman; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
3. In the Matter of Claudia Denning; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
4. In the Matter of Cassie Seelbach; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
5. In the Matter of Stanley Walker; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
6. In the Matter of Lauren Ware; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension
7. In the Matter of Marshall Todd Davis; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
8. In the Matter of Jessica Guilbeaux; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation
9. In the Matter of Megan Nicole Nicholson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

10. In the Matter of Ruben Rivas; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
11. In the Matter of Timothy Brian Sheard; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
12. In the Matter of Wiley W. Murrell; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
13. In the Matter of Emily Stevenson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
14. In the Matter of Richard Tossapon Wrangpetch; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
15. In the Matter of Lynette Marie Albracht; 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
16. In the Matter of Tal Fletcher Belvin; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
17. In the Matter of Rene Cantu; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
18. In the Matter of Amber Nicole Foley; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

19. In the Matter of Debra Ann Hollinger; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
20. In the Matter of Alan Menchaca; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
21. In the Matter of Delmonico Montgomery; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
22. In the Matter of Jamie Smith; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
23. In the Matter of Andrea K. Bookout; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
24. In the Matter of Reginald Gilmon; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
25. In the Matter of Julie Diane Klen; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
26. In the Matter of Ida Olivarez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
27. In the Matter of Samantha Phillips; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

28. In the Matter of Melissa Marie Wolford; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
29. In the Matter of Marlorie Nicole Clay; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
30. In the Matter of Deitra Coleman; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
31. In the Matter of Alan Guyton; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
32. In the Matter of Jacquelyn Nicole Pena; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
33. In the Matter of Ricardo Juan Artalejo; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
34. In the Matter of Brenda Gail Boubel; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
35. In the Matter of Byron Ramon Criddle; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
36. In the Matter of Janet Lakeya Davis; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

37. In the Matter of Wilhmenia Harris; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
38. In the Matter of Juan Manuel Gonzalez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
39. In the Matter of Kenneth Justin Lattimore, Jr.; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
40. In the Matter of Armando Montes; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
41. In the Matter of Ramon Pena; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 2 Year Suspension
42. In the Matter of Christopher Thomas; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
43. In the Matter of Robert Eugene Thompson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
44. In the Matter of Antonio Daniel Gomez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
45. In the Matter of Ryan Jamile Hill; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

46. In the Matter of James Holmes, Jr.; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

47. In the Matter of Chelsea Shriner; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

48. In the Matter of Makenzie Oliver; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

B. Contested Cases

Proposals for Decision

1. Docket No. 701143692.EC, Texas Education Agency, Educator Leadership and Quality Division v. Anna Luisa Kell; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation of all certificates

Staff Recommendation: Accept ALJ Recommendation

2. Docket No. 701143692.EC, Texas Education Agency, Educator Leadership and Quality Division v. Juan Manuel Duran; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Inscribed Reprimand and a probated 3 year suspension of all certificates

Staff Recommendation: Revocation of Superintendent/Principal Certificates and two (2) year suspension for Secondary/Educator Certificates to commence on the date the Final Order is signed

3. Docket No. 701165186.EC, Texas Education Agency, Educator Leadership and Quality Division v. Michael Jimenez; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1 Year Suspension

Staff Recommendation: Permanent Revocation

4. Docket No. 701164722.EC, Texas Education Agency, Educator Leadership and Quality Division v. Rachel P. Anaya; 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
5. Docket No. 701164719.EC, Texas Education Agency, Educator Leadership and Quality Division v. Maryam Roland; 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
6. Docket No. 701163637.EC, Texas Education Agency, Educator Leadership and Quality Division v. Robert Sollers; 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
7. Docket No. 701165966.EC, Texas Education Agency, Educator Leadership and Quality Division v. David Turner; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ Recommendation
8. Docket No. 701163953.EC, Texas Education Agency, Educator Leadership and Quality Division v. David Valerio; 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
9. Docket No. 701170484.EC, Texas Education Agency, Educator Leadership and Quality Division v. David Lee; 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

C. Court Cases**District Court Cases**

1. Barry Ryan Davis v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-12-003413, In the 201st District Court of Travis County, Texas.
2. 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.

The Board may discuss any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.