

STATE BOARD FOR EDUCATOR CERTIFICATION
MEETING AGENDA
AUGUST 3, 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, August 3, 2018, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Ms. Laurie Bricker, Ms. Rohanna Brooks-Sykes, Mr. Tommy Coleman, Ms. Jill Druessedow, Dr. Susan Hull, Mr. Leon Leal, Ms. Suzanne McCall, Dr. Rex Peebles, Dr. Laurie Turner, and Mr. Carlos Villagrana.

Absent: Ms. Sandra Bridges, Dr. Art Cavazos, Ms. Sandie Mullins, and Dr. Scott Ridley.

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 and engagement at the work session. Mr. Franklin welcomed Sarah Wolfe and Rosalind Hunt from the Office of the Attorney General as the Board's outside counsel. Mr. Franklin commended the team for the efforts in delivering principal preparation program training earlier in the week as well as the work session. He pointed out the need for a correction to the minutes from the May meeting.

3. Public Comment

None.

CONSENT AGENDA

4. Consider and Take Appropriate Action on Request to Approve May 18, 2018 Board Meeting Minutes

The May 18, 2018 SBEC meeting minutes were approved with corrections.

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 and Ms. Pogue presented this item to the Board. Dr. Jones opened the item by highlighting the major changes in Chapter 228 that were brought forward from the proposal. Dr. Jones specifically mentioned: (1) clarification on the definition of field supervision, (2) the addition of Marketing and Health Science certifications as abbreviated certifications in addition to the Trade and Industrial Workforce Training certificate, (3) the definition of long term substitute, (4) adding to the clinical teaching exception language to deny or revoke an exception, (5) EC-3 additions of required themes and concepts from stakeholder input, and (6) additional flexibility for an EPP to help educational aides move toward certification.

Ms. Pogue shared with the Board that the professional organizations representing Health Science and Marketing educators were contacted, as requested by Dr. Cavazos, and none of them expressed concerns or reservations regarding an abbreviated pathway. Ms. Pogue also presented the Board with the summarized public comments.

Public Comment was provided by:
Representative Gervin-Hawkins
Holly Eaton
Jill Marshall
Bryan Weatherford
Erica Garza
Patty Quinzi
Kate Kuhlmann
Jennifer Bergland

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 228, Requirements for 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 motion passed. Ms. Bricker, Ms. Brooks-Sykes, Mr. Coleman, Dr. Hull, Mr. Leal, and Dr. Turner voted in favor of the motion, and Ms. McCall voted against the motion.

Motion and vote:

Motion was made by Dr. Hull to amend proposed §228.35(f)(2)(A)(iv) and §228.35(f)(2)(B)(i) to add "bereavement" to the list of reasons by which an EPP may permit a clinical teaching assignment to be up to 10 half days fewer than the minimum clinical teaching assignment and to the list of reasons by which an EPP may permit an internship up to 30 school days fewer than the minimum, respectively, so that the rule text in §228.35(f)(2)(A)(iv) reads:

"An EPP may permit a full day clinical teaching assignment up to 5 full days fewer than the minimum and a half day clinical teaching assignment up to 10 half days fewer than the minimum if due to maternity leave, military leave, illness, or **bereavement.**"

And so that the rule text in §228.35(f)(2)(B)(i) reads:

"An EPP may permit an internship of up to 30 school days fewer than the minimum if due to maternity leave, military leave, illness, **bereavement**, or if the late hire date is after the first day of the school year."

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

Motion and vote:

Motion was made by Ms. McCall to amend proposed §228.35(c) to strike "Marketing: Grades 6-12 and Health Science: Grades 6-12" from courses in which candidates can seek initial certification so that the rule text in §228.35(c) reads:

"Coursework and training for candidates seeking initial certification in the classroom teacher certification class in Trade and Industrial Workforce Training. An EPP shall provide a minimum of 200 clock-hours of coursework and/or training for a candidate seeking a Trade and Industrial Workforce Training certificate as specified in §233.14(b), (c), and (e) of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area))."

Second was made by Mr. Coleman, and the Board voted against the motion. Ms. Bricker, Dr. Hull, Mr. Leal, and Ms. Brooks-Sykes voted against the motion and Ms. McCall, Dr. Turner, and Mr. Coleman voted in favor of the motion.

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

Ms. Moriarty presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss and adopt proposed amendments to 19 TAC Chapter 247, Educators' Code of Ethics. The proposed amendment to 19 TAC §247.1 would add the definitions of "sexual harassment" and "under the influence of alcohol." The proposed amendment to 19 TAC §247.2 would make educators who act recklessly in diverting money for personal gain or misrepresenting the educator's employment history subject to discipline by the SBEC, would clarify language regarding an educator's illegal use of drugs, and would add a standard regarding educator-on-educator workplace sexual harassment.

Ms. Moriarty presented public comment from Texas State Teachers Association (TSTA), opposing the addition of "recklessly" to the standards regarding diverting money for personal gain and misrepresenting employment history in 19 TAC §247.2(1)(b) and §247.2(1)(k). Ms. Moriarty pointed out that "recklessly" is already defined in 19 TAC §247.1(e)(15), and noted that TSTA's comments did not seem to take into account this definition.

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 247, Educators' Code of Ethics, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Mr. Coleman.

Motion was made by Ms. Brooks-Sykes to make an amendment to the original motion to approve for adoption the proposed amendments to 19 TAC Chapter 247, Educators' Code of Ethics, with the exception of §247.2(1)(b) and §247.2(1)(k). Second was made by Dr. Hull. Ms. Brooks-Sykes and Dr. Hull voted in favor of the motion and Ms. Bricker, Mr. Coleman, Mr. Leal, and Dr. Turner voted against the motion. The motion for amendment failed.

The Board voted unanimously on the motion for adoption of the proposed amendments.

7. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, §249.3, Definitions, §249.5, Purpose; Policy Governing Disciplinary Proceedings; and Subchapter B, Enforcement Actions and Guidelines, §249.15, Disciplinary Action by State Board for Educator Certification

Ms. Moriarty presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss and adopt proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, and Subchapter B, Enforcement Actions and Guidelines. The amendments would add language creating a legal presumption based on educators' violations of written directives from school administrators regarding the educator's behavior toward a student to the definitions of "solicitation of a romantic relationship" and to both the definition and general principle of the term "unworthy to instruct or to supervise the youth of this state." The proposed amendments also would add the existing prohibition on assisting an educator with getting a new job when the educator had an inappropriate relationship with a student or minor to the list of satisfactory evidence on which the SBEC can take disciplinary action, intended to comply with both the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7926, and Texas Education Code (TEC), §21.009(e), and currently proposed to be stricken from 19 TAC Chapter 247, Educators' Code of Ethics.

Ms. Moriarty presented public comment from Texas State Teachers Association (TSTA), opposing the creation of a rebuttable presumption that the violation of written directives regarding an educator's behavior toward students shows that an educator is unworthy to instruct and engaging in solicitation of a romantic relationship, as proposed in the amendments to 19 TAC §§249.3(51)(J) and 249.3(60). Ms. Moriarty noted that such violations show that an educator is unable to control his or her behavior toward students, even when warned to stop.

Motion and vote:

Motion was made by Mr. Coleman to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, §249.3, Definitions, §249.5, Purpose; Policy Governing Disciplinary Proceedings; and Subchapter B, Enforcement Actions and Guidelines, §249.15, Disciplinary Action by State Board for Educator Certification, 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.

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

Ms. Cook presented this item to the Board. Ms. Cook highlighted the key points from discussion with the Board in May. She reviewed the rule text with Board and anchored her conversation around the four Ps (purpose, presentation, priority, and process), highlighting changes to the general authority section, minor edits to remove duplicative text regarding classroom teaching certificates issued, addition of new certificates for Early Childhood: Prekindergarten through Grade 3 and Trade and Industrial Workforce Training, Grades 6-12, and inclusion of a process to request new foreign language certificates.

Ms. Cook shared there were over 220 public comments submitted on the proposed amendments. She assured the Board the comments were largely favorable and bucketed into the following categories: support for Tamil certification and the process to request a new foreign language certificate; general support for the overall changes throughout the chapter; concern about the creation of the Early Childhood through Grade 3 certificate; and support for the creation of the Trade and Industrial Workforce Training certificate.

Ms. Cook followed up on comments regarding appropriate licenses and experience to pursue career and technical education (CTE) certificates. Mr. Villagrana expressed interest in a future opportunity to norm on appropriate licenses for CTE certification. Ms. Cook explained the recommended technical edit proposed for 233.14(b)(2) and confirmed that she believes doing this at adoption will ensure the correct reference to a subsection is in place when the rules are effective.

Motion and vote:

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

9. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 250, Administration, Subchapter A, Purchasing, §250.1, Historically Underutilized Business (HUB) Program, and Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes

Ms. Pogue presented this item to the Board. Ms. Pogue pointed out that the proposed amendment to Subchapter A was a technical change to update relevant cross references to the state's Historically Underutilized Business (HUB) program. Ms. Pogue pointed out that the proposed amendments to Subchapter B was to comply with the statutory requirement as a result of the 84th Texas Legislature that mandates that a petitioner for rulemaking must meet one of the four definitions of an interested person. The criteria as specified in statute is that the petitioner be a resident of Texas, a business entity located in Texas, a governmental subdivision located in Texas, or a public or private organization located in Texas that is not a state agency.

Motion and vote:

Motion was made by Ms. Bricker to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 250, Administration, Subchapter A, Purchasing, §250.1, Historically Underutilized Business (HUB) Program, and Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

10. Consider and Take Appropriate Action on 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. Ms. Cook explained that Chapter 230 is often viewed as a foundation chapter that offers guidance to certification and preparation practices. Ms. Cook discussed the following key changes in the five subchapters:

Subchapter C, Assessment of Educators

- Clarifies the role of canceled examination scores, scores from pilot periods as relates to examination retakes/five-time test attempt limit and confirms the new trade and industrial workforce training certificate is not included in the five-time test attempt limit.
- Updates Figure: 19 TAC §230.21(e) to add the new Principal as Instructional Leader certificate and endorsement and move the Career and Technical Education Certificates information to the appropriate section
- Adds statements about maintaining confidentiality of activities related to scoring tests and the implications for failing to pay testing fees and related costs
- Adds the correct reference for dyslexia

Subchapter D, Types and Classes of Certificates Issued

- 230.36(e)(4) adds new reference for intern certificate for Principal as Instructional Leader and offers information on transition period to issue the certificate without a required test; provides notification of September 1, 2019 start date for requirement to take and pass new Test 268 for issuance of the intern certificate
- 230.41 proposed revisions to the VIT certificate to define the program as one officially approved by the U.S. Department of State
 - Alleviates SBEC and TEA staff from any appearance of favoritism, but also ensures that every sponsor will be operating under a consistent set of guiding principles no matter the country of origin (e.g., Spain, Mexico, China)
 - Points to 230.11 (b)(1-4) general certification requirements
 - Places responsibility on the VIT program sponsor and employing districts for determining English language proficiency and subject matter competence
 - Proposes an option to extend the VIT certificate two additional years, for a maximum of five years total to eligible participants in good standing with the VIT Program

Subchapter E, Educational Aide Certificate

- Removes duplicative reference to English language proficiency
- Adds wording to allow the employing school district to make that determination

Subchapter G, Certificate Issuance Procedures

- New 230.101c adds six new test fees into rule
- Fees 1, 2, 5, and 6 will have immediate impact on candidates
- Fees 3 and 4 are being added now, but there are no new tests that correspond with those fees – work on new assessments will occur as part of the new educator testing contract
- New 230.101(d) specifies the \$11 per test fee retained by the state for administrative purposes
- The fiscal impact section attempts to further address the role of these fees and their impact on candidates for certification

Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

- Adds a reference to Commissioner's Rules, 19 TAC Chapter 152, Exceptions to Examination Requirements for Individuals Certified Outside the State
- Helps inform candidates of the possible exemption from required Texas tests for certificate issuance

In response to a question from Mr. Coleman, Ms. Cook confirmed that placing the testing fees into rule would require TEA staff to propose changes when needed for SBEC review and approval. Ms. Cook thanked the Board again for their attention and patience with the numerous conversations about these rules. Dr. Turner asked about pilot testing for the principal test and Ms. Cook promised that information would be provided by Dr. Jones in the next agenda item. After all questions had been addressed, Ms. Cook asked for the Board's support of this item.

Motion and vote:

Motion was made by Ms. McCall to approve 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, 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.

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

Dr. Jones presented this item to the Board. This item provided the SBEC the opportunity to approve the proposed review for 19 TAC Chapter 241, Principal Certificate in compliance with the four-year rule review cycle for all state agency rules.

Motion and vote:

Motion was made by Mr. Coleman to approve proposed review of 19 TAC Chapter 241, Principal Certificate, 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.

12. Consider and Take Appropriate Action on the 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 provided the SBEC the opportunity to approve the proposal of the repeal and new 19 TAC Chapter 241, Principal Certificate, which establishes the requirements for certification and educator preparation program minimum standards for issuance of a principal certificate. Dr. Jones explained that this item is the first step in implementing the new Principal as Instructional Leader Certificate and a new endorsement for individuals who hold a certificate to serve in the role of principal.

Motion and vote:

Motion was made by Ms. Bricker to approve proposed repeal of 19 TAC Chapter 241, Principal Certificate, and new 19 TAC Chapter 241, Certification as Principal, to be published as proposed in the Texas Register. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

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

Dr. Jones presented this item to the Board. This item provided the SBEC the opportunity to approve the proposed review for 19 TAC Chapter 242, Superintendent Certificate in compliance with the four-year rule review cycle for all state agency rules.

Motion and vote:

Motion was made by Mr. Leal to approve the proposed review of 19 TAC Chapter 242, Superintendent Certificate, 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.

14. Consider and Take Appropriate Action on Request to Approve 2016-2017 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses

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 Training via E-Learning: An Alternative Certification Hybrid as Accredited-Warning. Ms. Pogue reminded the Board that on July 26 they received an updated recommendation to continue the ASEP accreditation status of pending for TeacherBuilder.com until the October 5, 2018 SBEC meeting. Ms. Pogue explained that staff is recommending an extension of the informal review period to allow the program an opportunity to respond to their final submission of data. Ms. Pogue also informed the Board that staff and the program's representatives have been in communication and that the delay is warranted. Ms. Pogue also pointed out that this item provides updates on four programs regarding action plans in compliance with Board rules.

Ms. McCall asked if the action plan and monitor for TeacherBuilder.com would remain in place during this extension. Ms. Pogue explained that the action plan and monitor would be maintained and that staff will be working closely with the monitor in a face-to-face meeting, as well as ongoing communication, to ensure she is aware of exactly what is required of the program.

Motion and vote:

Motion was made by Mr. Leal to approve the 2016-2017 Accountability System for Educator Preparation Programs accreditation statuses and related sanctions as presented. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

15. Consider and Take Appropriate Action on Review of Occupational License Criteria

Mr. Phillips presented this item to the Board. This item provided the SBEC the opportunity to review the requirement for SBEC to maintain, modify, or repeal its criminal history eligibility requirements. Mr. Phillips advised the Board that House Bill (HB) 91 enacted by the 85th Legislature requires that each licensing authority review the requirement and make a recommendation regarding whether the requirement should be retained, modified or repealed. Mr. Phillips recommended the SBEC retain all eligibility requirements related to an applicant's criminal history.

Motion and vote:

Motion was made by Mr. Coleman to approve the recommendation to retain all eligibility requirements related to an applicant's criminal history. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

16. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

1. In the Matter of Misty Alvarado; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
2. In the Matter of Melissa Ciau-Medina; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension

3. In the Matter of Alison Crosby; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
4. In the Matter of Dorothy R. Hanshaw; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
5. In the Matter of Pablo Lopez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
6. In the Matter of Trina Olson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
7. In the Matter of Loyce Willis Reed; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
8. In the Matter of Alyson Reynolds; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
9. In the Matter of Gregory Thackston; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
10. In the Matter of Justin Winkler; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
11. In the Matter of Jacob Daniel Hewitt; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

12. In the Matter of Keshun Smith; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
13. In the Matter of Larry Dean Ward; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
14. In the Matter of Jonathan Barger; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
15. In the Matter of Roy Brown; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 2 year suspension
20. In the Matter of Robin Lee Smith; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
24. In the Matter of Cristina Mercedes Alejandro; 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
25. In the Matter of Alesia Martha Cate; 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
27. In the Matter of Bertha Rosa Frausto; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
28. In the Matter of Maria Ibarra; 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

30. In the Matter of Evan Michael Martin; 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
31. In the Matter of Dana Michelle Morrill; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
32. In the Matter of Jody Daniel Parsons; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
33. In the Matter of Russell Lance Roberts Lockhart; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
34. In the Matter of Lamar R. Williams; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2 year suspension and successful completion of substance abuse treatment program
35. In the Matter of Jessica Marie Caballero; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
38. In the Matter of Mitchell Coey; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
39. In the Matter of Evelyn S. Levario; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 3 year suspension
40. In the Matter of Melissa Ruth Stephens; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

42. In the Matter of Lauren Swafford; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

43. In the Matter of Mary A. Bronson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Dr. Hull to grant Staff's Request for Issuance of Default Judgment and enter final orders consistent with Staff's recommendations on each of the above numbered cases 1-43, excluding cases 16, 17, 18, 19, 21, 22, 23, 26, 29, 36, 37, and 41. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

The following defaults were considered individually:

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

Staff recommendation: Revocation

17. In the Matter of Brenda Jackson Colbert; 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 Default Judgment and enter a final order of Permanent Revocation in each of the above numbered cases, 16-17. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

18. In the Matter of Vanessa Ann Euglon; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendation in the above numbered case, 18. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

19. In the Matter of Melissa Picht; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3 year suspension

21. In the Matter of Octavio R. Villarroel; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3 year suspension

Motion and vote:

Motion was made by Ms. Bricker to grant Staff's Request for Issuance of Default Judgment and enter a final order of Revocation in each of the above numbered cases, 19 and 21. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

22. In the Matter of Matthew Ryan Wackerle; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2 year suspension

Motion and vote:

Motion was made by Ms. Bricker to grant Staff's Request for Issuance of Default Judgment and enter a final order of Revocation in the above numbered cases, 22. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

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

Staff recommendation: Permanent Revocation

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendation in the above numbered case, 23. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

26. In the Matter of Fred Contento; 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 Default Judgment and enter a final order consistent with Staff's recommendation in the above numbered case, 26. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

29. In the Matter of Kathleen Klukas; 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 Default Judgment and enter a final order consistent with Staff's recommendation in the above numbered case, 26. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

36. In the Matter of Karen L. Celestain; 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 Default Judgment and enter a final order of Permanent Revocation in the above numbered case, 36. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

37. In the Matter of Fernando Alvarez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 4 year suspension

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendation in the above numbered case, 37. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

41. In the Matter of Randi Pacheco; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3 year suspension

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendation in the above numbered case, 37. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

SOAH Defaults

1. In the Matter of Herman Joseph Bernal; 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

Motion and vote:

Motion was made by Dr. Hull to grant Staff's Request for Issuance of SOAH Default Judgment and enter a final order consistent with Staff's recommendation in the above numbered case, 1. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701175443.EC, Texas Education Agency, Educator Leadership and Quality Division v. Yuri Alfredo Soto; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 5 year suspension

Staff Recommendation: Accept ALJ recommendation

Mr. Mark Duncan represented TEA. Respondent did not appear.

Motion and vote:

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

2. Docket No. 701180848.EC, Texas Education Agency, Educator Leadership and Quality Division v. Larry Woods; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 2 year suspension

Staff Recommendation: Accept ALJ recommendation

Mr. Jonathan Crabtree represented TEA. Mr. Larry Woods represented himself.

Motion and vote:

Motion was made by Mr. Coleman to accept the Proposal for Decision and issue a final order of a three (3) year suspension dur to the repeated offenses and drug use in a truncated time frame. Motion failed for lack of second.

Motion was made by Ms. Bricker to adopt the Proposal for Decision and issue a final order consistent with the ALJ's recommendations. Second was made by Ms. McCall, and the motion failed with Ms. Bricker, Mr. Coleman and Ms. McCall voting in favor of the motion and Ms. Brooks-Sykes, Dr. Hull, Mr. Leal and Dr. Turner voting against the motion.

Motion was made by Dr. Hull to adopt the Proposal for Decision and enter a Final Order of Revocation. Second was made by Mr. Leal and the motion passed with Ms. Bricker, Ms. Brooks-Sykes, Mr. Coleman, Dr. Hull and Dr. Turner voting in favor of the motion and Ms. McCall voting against.

3. Docket No. 701182696.EC, Texas Education Agency, Educator Leadership and Quality Division v. Eliseo Ramos; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1 year suspension with 6 months probated

Staff Recommendation: 2 year suspension

Mr. Richard Ybarra represented TEA. Respondent did not appear.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to adopt the Proposal for Decision including Findings of Fact Nos. 1 -- 24 and Conclusions of Law Nos. 1 -- 12. I move that the Board modify Conclusion of Law No. 13 as follows:

13. *Eliseo Ramos's educator certification should be suspended for two (2) 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.

The Findings of Fact in this case weigh against the Board deviating from the minimum two-year suspension for felony-level conduct noted in Conclusion of Law 12.

- *Finding of Fact 4 holds that the Board previously disciplined Mr. Ramos in 2012 with an inscribed reprimand for bringing marijuana on to school property.

 - *A strong penalty is necessary to deter him from committing future violations of the Educators' Code of Ethics, in keeping with 19 Texas Administrative Code §249.17(c)(9).**
- *Findings of Fact 6, 7 and 11 show that Mr. Ramos pled guilty to two counts of felony stalking after he repeatedly violated a protective order his wife had obtained against him.

 - *The seriousness of these two felony stalking convictions requires a strong sanction in keeping with 19 Texas Administrative Code §249.17(c)(1).**
- *The mitigating factors that the ALJ identified in Findings of Fact 8-20, reflecting the factors set out in 19 Texas Administrative Code §249.17(c)(5)-(8), prevent the*

seriousness of Mr. Ramos's crimes and his prior sanction from the Board from requiring a penalty higher than the two-year minimum suspension for felony-level conduct noted in Conclusion of Law 12.

A two-year suspension is therefore the appropriate sanction in this case. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

4. Docket No. 701182773.EC, Texas Education Agency, Educator Leadership and Quality Division v. Akeya Peoples; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Appeal denied and no certificate issued

Staff Recommendation: Accept ALJ recommendation

Mr. Jonathan Crabtree represented TEA. Respondent did not appear.

Dr. Hull recused herself from voting on this matter.

Motion and vote:

Motion was made by Ms. Bricker to adopt the Proposal for Decision and enter a 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 Certification and 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;
6. Cause No. D-1-GN-17-006874, In the 459th District Court of Travis County, Texas.

DISCUSSION ONLY**17. Discussion of Proposed New 19 TAC Chapter 235, Classroom Teacher Certification Standards**

Ms. Wu presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss the drafted educator standards for the 6-12 Trade and Instructional Workforce Training certificate and the draft standards for general education teacher certificates, which can also be referred to as TEKS-based educator certifications. Specialized teaching fields such as Bilingual, ESL, and Special Education would necessitate the drafting of specific educator standards.

Ms. Wu discussed the process that aligned to the development of the educator standards pertaining to the 6-12 Trade and Industrial Workforce Training certificate and referred Board members to Attachment II in the item. Ms. Wu stated that due to the condensed number of preparation hours for teacher candidates, TEA staff worked with a standards advisory committee to narrow and prioritize the standards for beginning teachers. In addition, staff and the advisory committee sought to further prioritize the standards needed to meet the needs of students in Trade and Industrial Education courses and take into the account of the entry point of teacher candidates.

Ms. Wu previewed that these standards would be brought back in October for proposal and staff will be asking the Board to ratify and approve the standards committee. Ms. Wu stated that due to the expedited timeline of the legislation and availability of committee members, staff chose to convene the committee in June.

Ms. Wu then discussed the set of standards that tie to the general education teacher certifications or the TEKS-based educator certifications. She stated that the drafted standards would incorporate all educator standards in chapter 235. Previous language of these standards were found in chapters 228 and 230. Ms. Wu referred the Board to Attachment 3 for a crosswalk of the language in previous chapters to the proposed text.

Ms. Wu stated that the standards would also align teacher expectations with student expectations. These standards would create alignment and flexibility for the educator standards to change as the student standards change. The standards also include the grade-banded pedagogy and professional responsibilities (PPR) standards that were passed in 2017.

Dr. Pebbles commented that the Board should keep in mind the need to maintain consistency in the number of preparation hours required per teaching certificate.

Ms. Bricker thanked Ms. Wu for reaching out to the Board for nominations for the Trade and Industrial Workforce Training standards advisory committee and commended the diversity of perspectives represented.

INFORMATION ONLY**18. Board Operating Policies and Procedures (BOPP)**

Information only.

19. 2015 - 2018 Rule Review Plan for State Board for Educator Certification Rules

Information only.

20. Requests from Board Members for Future Agenda Items

Ms. McCall requested that the SBEC review the certification by exam allowance for the those certified through the new abbreviated Trade and Industrial Workforce Training, Health Science, and Marketing certificates. Mr. Villagrana requested that the SBEC provide guidance to the seven years' previous experience for admission requirement into an educator preparation program for the Trade and Industrial Workforce Training certificate. Mr. Franklin clarified that December 2018 SBEC meeting would be the anticipated date that the Board would take up those items for discussion.

21. Requests Received from the Board Since Last Meeting

None.

22. Adjournment

Ms. Druessedow adjourned the meeting at 1:56 PM.

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.