

Item 4:
**Consider and Take Appropriate Action on Request to
Approve October 4, 2019 Board Meeting Minutes**

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the October 4, 2019 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION MEETING AGENDA

OCTOBER 4, 2019 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 4, 2019, 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, Dr. Arturo Cavazos, Mr. Tommy Coleman, Ms. Jill Druessedow, Dr. John Kelly, Dr. Andrew Lofters, Ms. Courtney MacDonald, Mr. Tim Regal, Mr. Jose Rodriguez, and Mr. Carlos Villagrana.

Absent: Dr. Edward Hill, Ms. Shareefah Mason, Ms. Sandie Mullins, and Dr. Laurie Turner.

Ms. Druessedow recognized Associate Commissioner Ryan Franklin to honor the memory of Dr. Rex Peebles, SBEC's representative from the Texas Higher Education Coordinating Board. Mr. Franklin spoke to the leadership, insight, wit, and perspective Dr. Peebles brought to his role. Mr. Franklin also recognized Dr. Andrew Lofters, who is serving as the Texas Higher Education Coordinating Board's representative.

Mr. Rodriguez remembered Dr. Peebles as a consummate public servant who always had an outstretched hand and a smile. Mr. Rodriguez remembered Dr. Peebles's service as a Marine and urged the Board to move forward with fidelity, decorum, reflection, and grace to continue strengthening the teaching profession. Ms. Bricker recognized the fresh, cowboy perspective Dr. Peebles brought to challenging issues and deliberations both at the Coordinating Board and SBEC. Ms. Druessedow noted the Board will miss Dr. Peebles's institutional knowledge and measured voice of reason.

Ms. Druessedow recognized Dr. Lofters to introduce himself to the Board.

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Mr. Franklin introduced Kelvey Oeser, the new deputy commissioner for educator and system support at the Texas Education Agency. Ms. Oeser expressed her excitement in working with the SBEC moving forward and learning more about the Board's work. Mr. Franklin expressed staff's goal of moving as efficiently as possible through the agenda.

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 July 25, 2019 Work Session Minutes

The July 25, 2019 work session minutes were approved.

5. Consider and Take Appropriate Action on Request to Approve July 26, 2019 Board Meeting Minutes

The July 26, 2019 general meeting corrected minutes were approved.

DISCUSSION AND ACTION

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

Dr. Jones presented this item to the Board. He highlighted the implementation date since published as proposed from January 1, 2020 to January 27, 2020.

Dr. Cavazos stated he was looking forward to the impact of holding all programs accountable for content tests for the first two attempts in the fall of 2020.

Public Comment was provided by:
Dr. Rae Queen

Motion and vote:

Motion was made by Dr. Cavazos to approve the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, to be published as proposed in the Texas Register. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

7. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

Dr. Olofson and Ms. Pogue presented this item to the Board. Dr. Olofson highlighted the changes that were made to the item by the Board at the July 2019 SBEC meeting. He highlighted the public comment provided by iTeach and directed the Board to a supplemental motion for technical language clean up.

Ms. Bricker stated the inclusion of commendations was aligned with the Board's core principles. Dr. Kelly asked for Staff comment on the public commentary about the 2017–2018 principal survey. Ms. Pogue provided additional information about the process for the development, adoption, and implementation of the prior survey. Dr. Kelly asked for Staff comment about public comment from Item 6. Ms. Pogue provided additional information about Board action and rationale in 2016 related to test attempts. Mr. Villagrana requested staff provide data to the board about exam pass rates disaggregated by attempt number and demographic category. Dr. Olofson received the request and noted additional data is being made available to the public as well.

Public Comment was provided by:
Dr. Diann Huber
Dr. Rae Queen

Motion and vote:

Motion was made by Dr. Kelly to approve for adoption the proposed amendments to 19 TAC Chapter 229, Accountability System 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.

Amendment was made by Ms. Brooks-Sykes to amend §229.5(c) to strike the phrase "pursuing certification" so that the phrase reads: "candidates in an individual certification class or category..." Second was made by Dr. Kelly and the Board voted unanimously in favor of the amendment.

Board voted unanimously in favor of the amended motion.

8. Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

Ms. Cook presented this item to the Board. She provided a quick overview of the item and explained the technical edit to correctly reference the Commissioner's Rules on test exemption. Ms. Cook highlighted the three key purposes of this rule: implements SB 1200 and meets the December 1, 2019 deadline for established rulemaking; clarifies all members of the military community can reap the benefits of test exemption provisions; and makes a minor adjustment to placement of rule text specific to certificate renewal. Ms. Cook asked the Board to review the summary of public comments document in their purple folder and confirmed both commenters were appreciative of these proposed changes and the ability to work in Texas. Ms. Brooks-Sykes stated that as a mom of a service member she has great respect for all members of the military community and is honored to make the motion. Ms. Pogue offered a point of clarification to ensure Ms. Druessedow provided an accurate reference to Chapter 234 as part of the Board's final vote on this agenda item.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to adopt the proposed revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

9. Consider and Take Appropriate Action on Adoption of Proposed Repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate

Ms. Cook presented this item to the Board. She provided an overview of the item and explained the proposed rulemaking supports legislative mandates in House Bill 3 that specifies effective September 1, 2019, SBEC shall no longer issue or renew master teacher certificates. Ms. Cook explained Chapter 239, Subchapter E was specific to the Master Teacher Certificate. She asked the Board to review the summary of public comments document and explained both commenters hold Master Reading Teacher certificates and expressed concerns about the proposed changes and their effect on certificate holders. Ms. Cook confirmed there are other SBEC rule chapters that reference the master teacher certificate and there will be a need for additional updates and rulemaking opportunities moving forward.

Mr. Rodriguez stated he will support the motion but wanted to ask a question about the two teachers that commented and wanted more information about their concerns. Ms. Cook explained both teachers were holders of the master teacher certificate. She explained the legislation specified the master teacher certificates be changed to "legacy master teacher" as of September 1, 2019. Ms. Cook explained the concern expressed by master teacher certificate holders about not being able to renew their certificates and the impact that could have on their current employment.

Mr. Rodriguez thanked Ms. Cook for the explanation and there were no further questions from the Board.

Motion and vote:

Motion was made by Dr. Cavazos to adopt the proposed repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

10. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 232, General Certification Provisions

Ms. Pogue presented this item to the Board. Ms. Pogue explained this item opens the four-year rule for 19 TAC Chapter 232, General Certification Provisions. She explained the chapter provides requirements relating to certificate renewal and continuing professional education and national criminal history record information review of active certificate holders.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to approve the proposed review of 19 TAC Chapter 232, General Certification Provisions, to be published in the Texas Register. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

11. Consider and Take Appropriate Action on Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases

Ms. Moriaty and Mr. Rodriguez presented this item to the Board. Ms. Moriaty explained the proposed amendments to §§249.12, 249.14, and 249.15 were in the Board's materials as a discussion item at the July 2019 meeting of the SBEC, while the proposed amendments to

§249.17 were added to the item for the October 2019 meeting at the request of SBEC members at the July 2019 meeting, who raised concerns about the definition of “good cause” for contract abandonment. Ms. Moriarty indicated the Board could remove the amendments to §249.17 from the proposal if the Board desired more time for consideration on the issue of “good cause” for contract abandonment.

Mr. Coleman stated he was in favor of splitting off §249.17 for further consideration and suggested possible rule text relating to “good cause” for contract abandonment for the Board’s consideration. Dr. Kelly commented he strongly believed the determination of “good cause” for contract abandonment should be left to school districts to make policy decisions at the local level and opposed the proposed amendments to §249.17(d)(1)(E) and (F). Ms. McDonald stated while she would be in favor of the proposed amendment to §249.17(d)(1)(D) with an amendment to change it from “actual authority” to “apparent authority,” she did not support the proposed amendments to §§249.17(d)(1)(E) and (F). Mr. Coleman offered he was also in favor of changing “actual authority” to “apparent authority” §249.17(d)(1)(D).

Ms. Bricker asked whether “school property” in §249.14(k)(1)(E) would include the school parking lot. Ms. Moriarty stated it would. Dr. Kelly and Dr. Cavazos stated recent legislation allows school employees to carry weapons in their cars in school parking lots and suggested the rule should be amended in the future to reflect that.

Ms. Bricker asked whether SBEC had jurisdiction over private school educators. Ms. Moriarty explained SBEC had jurisdiction over all certified educators, regardless of where the educator was employed. Mr. Villagrana asked whether SBEC’s jurisdiction caused certified private school administrators to have to report educator misconduct to the SBEC. Ms. Moriarty explained that while the new legislation required all private school chief administrative officers to report educator misconduct to SBEC, the only enforcement mechanism for the law was SBEC’s sanctioning of certified educators employed as chief administrative officers of private schools who failed to report as required to SBEC.

Ms. Bricker commented educators may not be aware when they sign a contract with a school district they will be restricted in when they can quit, and the restrictions on contract abandonment likely cause the lower wages for educators due to the lack of competition. Ms. Bricker requested a separate board work session or committee to consider contract abandonment and the Board’s educator discipline rules in detail at another time. Dr. Cavazos agreed the discussion of “good cause” for contract abandonment should be postponed for further consideration especially in light of the new teacher incentive allotments. Dr. Cavazos further commented he was in favor of school districts determining “good cause” for contract abandonment at the local level but was opposed to adding vague provisions to the Board’s rules. Mr. Rodriguez commented he was in favor of a work session or discipline committee, he was in favor of changing “actual authority” to “apparent authority” §249.17(d)(1)(D), and he opposed the proposed §249.17(d)(1)(F).

Public comment was provided by:

Julie Leahy, Texas Classroom Teachers Association
Andrea Chevalier, Association of Texas Professional Educators
Patty Quinzi, Texas American Federation of Teachers
Dr. Crystal Dockery, Texas Association of Community Schools
Dr. Casey McCreary, Texas Association of School Administrators

Jennifer Allmon, Texas Catholic Conference of Bishops and Texas Private School Accreditation Commission

Motion and vote:

Motion was made by Dr. Cavazos to approve the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, to be published as proposed in the Texas Register. Second was made by Mr. Rodriguez.

Motion was made by Mr. Coleman to strike the proposed amendments to §249.17(d)(1). Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the amendment.

Motion was made by Ms. Brooks-Sykes to amend to strike "or" from the end of §249.12(b)(5)(C) and add "or" to the end of §249.12(b)(6) following the semicolon and strike the phrase "those circumstances," from §249.14. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the amendment.

The Board voted unanimously in favor of the amended motion.

The SBEC recessed at 10:32 AM.

The SBEC reconvened at 10:44 AM.

12. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 230, Professional Educator Preparation and Certification

Ms. Cook presented this item to the Board. She explained it was time for the four-year rule review of Chapter 230. She shared the Board's support of the proposed rule review will allow for public comments on all eight of the subchapters, A–H, specifically focused on the foundation of educator preparation and certification. Ms. Cook confirmed she would return in December to share the summary of public comments but would not be proposing any actions on the subchapters at the December meeting. Mr. Villagrana asked questions about the certification requirements for intensive preservice certificate holders assigned to bilingual, English as a second language, and special education settings. Ms. Wu referenced a supplemental document for agenda item 18 found in the Board's yellow folders and shared the certification requirements for intensive preservice would be addressed later in the agenda as part of the discussion of agenda item 18. Mr. Villagrana thanked Ms. Wu for the clarification and there were no further questions from the Board.

Motion and vote:

Motion was made by Dr. Kelly to approve the proposed review of 19 TAC Chapter 230, Professional Educator Preparation and Certification. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

13. Consider and Take Appropriate Action on Agreed Order to Close Texas Alternative Certification Program Brownsville (TACPB) Preparation Program

Dr. Jones presented this item to the Board. The program and the agency reached an agreed order to close the program on August 31, 2020. This will allow current candidates to complete the program.

Motion and vote:

Motion was made by Ms. Bricker to approve the agreed order to close the Texas Alternative Certification Program Brownsville Preparation Program as presented. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

14. Consider and Take Appropriate Action on 2017–2018 and 2018–2019 Continuing Approval Reviews of Educator Preparation Programs

Dr. Jones presented this item requesting 31 programs be approved for 5-year renewal as a result of the 2017–2018 and 2018–2019 continuing approval reviews. Dr. Jones stated additional programs will be brought in December for approval or for possible sanctions.

Motion and vote:

Motion was made by Mr. Coleman to approve the programs as presented for a 5-year renewal of approval. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

15. Consider and Take Appropriate Action on Request to Approve New Educator Preparation Program at Ana G. Méndez University

Dr. Jones presented this item to the Board. Ms. Rosa Reyes, Dr. Iliá Matos, and Mr. Ramon Nieves represented Ana G. Méndez University and stated their instruction will be provided in a dual language setting.

Mr. Coleman and Mr. Rodriguez congratulated Ana G. Méndez University and asked if there were other similar programs. Mr. Rodriguez cited the need for strong English language learner instructors and asked where most of the candidates would be from and how their language proficiency would be assessed.

Mr. Villagrana asked if there is also a university-based certification program and if there would be other educator preparation program locations.

Dr. Lofters asked if the program was supported by Ana G. Méndez University.

Dr. Kelley commended the program for having a dual language program focus in an area that is currently difficult to staff.

Motion and vote:

Motion was made by Dr. Cavazos to approve Ana G. Méndez University as a new educator preparation program as presented. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

16. Discussion and Action on Request to Approve Proposed 2020 State Board for Educator Certification Meeting Dates

Ms. Pogue presented this item to the Board. Ms. Pogue explained the proposed SBEC meeting dates for 2020 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 the dates do not conflict with the state's testing calendar. Ms. Pogue asked the Board to approve the proposed SBEC 2020 meeting dates of February 21, 2020, May 1, 2020, July 24, 2020, October 9, 2020, and December 11, 2020.

Motion and vote:

Motion was made by Mr. Rodriguez to approve the proposed 2020 SBEC meeting dates. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

17. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

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

Staff recommendation: 1-year suspension
2. In the Matter of Jeffry Dean Holmes; Action to be taken: Consideration of Issuance of Default Judgment

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

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

Staff recommendation: 1-year suspension
5. In the Matter of Dennery A. Menelas; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

6. In the Matter of Sara Molchany; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
7. In the Matter of Lisa M. Simpson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
8. In the Matter of Nicole Deann Underwood; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
9. In the Matter of Raquel A. Wade Gant; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
10. In the Matter of Leslie Anne Williams; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
11. In the Matter of Billy Ray Duncan; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
12. In the Matter of Cooper Jones; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
13. In the Matter of Mary Leppert; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
14. In the Matter of William Jalmar Martin; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

15. In the Matter of Whusheane A. Perry; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
16. In the Matter of Jaime S. Ramos; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
17. In the Matter of Brian Sellers; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
18. In the Matter of Lori Lynn Slack; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
19. In the Matter of Ronald Baker; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
20. In the Matter of Stephen Lauren Sanders; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
22. In the Matter of Rhonda Rene Henry; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
24. In the Matter of Eliza Maxine Sutton; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
25. In the Matter of Nancy Ann Weaner; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

26. In the Matter of Melva Williams; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
27. In the Matter of Jena Rebecca Davis; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
28. In the Matter of Aracelia Garcia; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
29. In the Matter of Norris Gene Hart; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
31. In the Matter of Andrea Joyce Harder; 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
32. In the Matter of ONekki Canclibra Holmes; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
33. In the Matter of Kathryn Johnson; 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
34. In the Matter of Melissa E. Kerlick; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
36. In the Matter of Brent Charles Rahlwes; 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

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

Staff recommendation: Revocation

39. In the Matter of Chris D. Zacharie; 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

40. In the Matter of Miriam Hernandez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Dr. Cavazos to grant Staff's request for the Issuance of Default Judgements on the above numbered cases 1–41, with the exception of 21, 23, 30, 35, and 41 and enter final orders consistent with Staff's recommendations. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

21. In the Matter of Tracie L. Evans; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to grant Staff's request for Issuance of Default Judgment on case number 21 and enter a final order consistent with Staff's recommendation. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

23. In the Matter of Stephanie Kristine Reese; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

Mr. Rodriguez recused himself from voting.

Motion and vote:

Motion was made by Dr. Cavazos to grant Staff's request for Issuance of Default Judgment on case number 23 and enter a final order consistent with Staff's recommendation. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

30. In the Matter of Melody L. Baker; 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

35. In the Matter of Kara Marleis Menchaca; 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 on cases number 30 and 35 and enter final orders consistent with Staff's recommendation. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

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

Staff recommendation: 2-year suspension

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's request for Issuance of Default Judgment on case number 41 and enter a final order of revocation. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

The following case was pulled by TEA staff and no action was taken:

37. In the Matter of Felica Ann Rendon; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

SOAH Defaults

1. In the Matter of Nathan McKinley Smith; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Denial of certification

2. In the Matter of Christopher Metta Bexar; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Denial of certification

Motion and vote:

Motion was made by Dr. Cavazos to grant Staff's request for Issuance of SOAH Default Judgments on the above numbered cases 1 and 2 and enter final orders consistent with Staff's recommendations. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

3. In the Matter of Aida M. Hopes; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

Motion and vote:

Motion was made by Mr. Coleman that Respondent, Aide Hopes, did not have good cause for failing to appear on June 12, 2019 at the State Office of Administrative Hearings. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

Motion was made by Dr. Cavazos to grant Staff's request for Issuance of SOAH Default Judgment and enter a final order consistent with Staff's recommendation. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701191711.EC, Texas Education Agency, Educator Leadership and Quality Division v. Eric Walker; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ recommendation

Mr. Crabtree represented TEA staff; Respondent did not appear.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to accept the Proposal for Decision and issue a final order consistent with the ALJ's recommendation and that Mr. Walker's educator certificates be revoked. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

2. Docket No. 701192366.EC, Texas Education Agency, Educator Leadership and Quality Division v. Teresa Enoch; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 3-year suspension and any Board ordered training

Staff Recommendation: Accept ALJ recommendation

Mr. Ybarra represented TEA staff; Respondent did not appear.

Motion and vote:

Motion was made by Dr. Cavazos to accept the Proposal for Decision and issue a final order consistent with the ALJ's recommendation and that Ms. Enoch's educator certificates be suspended for three (3) years. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

3. Docket No. 701190974.EC, Texas Education Agency, Educator Leadership and Quality Division v. Gilbert Salas; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 2-year suspension

Staff Recommendation: Revocation

Mr. Crabtree represented TEA staff; Respondent represented himself.

Motion and vote:

Motion was made by Mr. Coleman that the Board 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. Gilbert Salas's educator certificates should be revoked.

This modification of sanction is necessary because the Administrative Law Judge did not properly apply Board rules.

The factors the Board considers in determining sanctions include:

- *prior misconduct and prior SBEC sanctions,*
- *whether the sanction will deter future violations, and*
- *the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students.*

The ALJ found in Findings of Fact 3, 4, 6 and 7 that Mr. Salas has a significant history of criminal convictions:

- *Driving While Intoxicated and Fleeing a Police Officer in 2013,*
- *Assault—Family Violence in 2016*
- *Driving While Intoxicated again in 2018.*

The ALJ found in Finding of Fact 5 that the Board previously disciplined Mr. Salas in 2016, suspending his educator certificate for 18 months.

The ALJ found in Finding of Fact 19 that “Mr. Salas’s offenses impact his current ability to be a proper role model for students.”

The Findings of Fact show that revocation is the appropriate sanction in this case

- *to address Mr. Salas’s prior misconduct and prior SBEC sanctions,*
- *to ensure that the sanction will deter Mr. Salas from future violations, and*
- *to accurately reflect the effect of the conduct upon the educator’s good moral character and ability to be a proper role model for students.*

I move that the Board order Mr. Salas’s educator certificates be revoked. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

4. Docket No. 701192501.EC, Texas Education Agency, Educator Leadership and Quality Division v. Byron Williams; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Inscribed Reprimand

Staff Recommendation: 2-year suspension

Mr. Hensley represented TEA staff; Respondent did not appear.

Motion and vote:

Motion was made by Dr. Cavazos that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1–24 and Conclusions of Law Nos. 1–9. I move that the Board modify the recommended sanction as follows:

Byron Williams’s educator certificate should be suspended for two (2) years.

This modification of sanction is necessary because the Administrative Law Judge did not properly apply Board rules when she recommended an inscribed reprimand as the appropriate sanction in this case.

The factors the Board considers in determining sanctions include:

- *the seriousness of the violation,*
- *whether the educator attempted to conceal the misconduct, and*
- *whether the sanction will deter future violations.*

The Findings of Fact show that the violation was serious because Mr. Williams:

- *communicated outside of school and on topics not related to education with several students,*
- *went to a student’s place of employment outside of school to confront the student’s co-worker about the student’s personal relationship with the co-worker,*

- *showed a student a picture of his bathtub and described it as “big enough for three people,”*
- *asked a student for pictures of herself,*
- *told a student he would look at pictures of her when he got home,*
- *counseled a student on her clothing and its effect on male students,*
- *told a student that he “could do more to help her after graduation,”*
- *had communications with a student that were unwelcome and made her uncomfortable.*

In Finding of Fact 9, the ALJ found that Mr. Williams attempted to conceal his communications with a student.

A stronger sanction than an inscribed reprimand is necessary to deter both Mr. Williams and other educators in the future.

I move that the Board order Mr. Williams’s educator certificate be suspended for two (2) years. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

5. Docket No. 701194484.EC, Texas Education Agency, Educator Leadership and Quality Division v. Cristal Rodriguez Olsen; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1-year suspension

Staff Recommendation: Accept ALJ recommendation

Ms. Gokhale represented TEA staff; Respondent did not appear.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to accept the Proposal for Decision and issue a final order consistent with the ALJ’s recommendation and that Ms. Rodriguez-Olsen’s educator certificates be suspended for one (1) year. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

6. Docket No. 701193847.EC, Texas Education Agency, Educator Leadership and Quality Division v. Lisa Liberatore; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 3-month suspension

Staff Recommendation: 8-month suspension

Ms. Gokhale represented TEA staff; 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 modify Conclusion of Law No. 9 as follows:

9. Lisa Liberatore’s educator certificates should be suspended for eight (8) months.

This modification of sanction is necessary because the Administrative Law Judge did not properly apply Board rules when she recommended a three-month suspension as the sanction in this case.

Whether the sanction will deter future violations is one of the factors that the Board considers when determining a sanction.

In this case, a suspension of longer than three months is necessary to deter other educators from abandoning their contracts.

An eight-month suspension is consistent with the Board’s decisions in other contract abandonment cases with mitigating factors.

I move that the Board order Ms. Liberatore’s educator certificates be suspended for eight (8) months. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

C. Court Cases*District Court Cases*

1. 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.
2. 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.
3. Blake Tittle v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-18-007716, In the 345th District Court of Travis County, Texas.
4. Cynthia Maria Garcia v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-18-007719, In the 250th District Court of Travis County, Texas.
5. Leo Joseph Tran v. Texas Education Agency, Educator Certification and Standards Division; Cause No. 03-18-00855-CV, In the Court of Appeals, Third District of Texas.

6. Anna Luisa Kell v. Texas Education Agency, Educator Certification and Standards Division; Cause No. 03-19-00051-CV, In the Court of Appeals, Third District of Texas.

The SBEC recessed at 12:07 PM.

The SBEC reconvened at 12:42 PM.

DISCUSSION ONLY

18. Discussion of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, Subchapter E, Educational Aide Certificate, and Subchapter G, Certificate Issuance Procedures

Ms. Wu presented this item to the Board. Ms. Wu highlighted the following changes in Chapter 230 that implement HB 3, SB 1839, HB 2039, and HB 3349 including a reduction in days between retakes to allow for two summer testing opportunities, aligning the required assessments for certification figure to include upcoming assessments and reflect active certifications. Ms. Wu presented the expansion of the educational aide certification to high school students taking Education and Training courses. Finally, Ms. Wu presented a clarification regarding certificate corrections.

Ms. Bricker, Dr Kelly, and Dr. Cavazos asked the agency for additional stakeholder meetings to ensure all perspectives are presented.

Ms. Brooks-Sykes asked how the testimony related to the Special Education Certification Redesign.

Dr. Kelly asked when the students would be issued an educational aide certification. Dr. Kelly and Mr. Rodriguez supported the expansion of educational aide to graduating high school students.

Mr. Villagrana and Mr. Rodriguez supported adding the ESL Supplemental assessment to the intensive pre-service option. Mr. Villagrana asked if the Bilingual Supplemental assessment should also be required.

Public Comment was provided by:

Kaylee Lartigue

Wess Smith

Ron Lucey

Jamie Everett

Kaycee Bennett

Tamara Copeland-Samaripa

Donna Altuna

Susan Tiggs

19. Discussion of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Dr. Jones presented this item to the Board. Dr. Jones highlighted seven changes for the Board in Chapter 228 including: (1) a new figure for EPP compliance, (2) updated program

closure procedures, (3) implementing HB 18 to expand who can offer the mental health, youth suicide, and substance abuse training, (4) completing clinical teaching, internship or practicum with the same program, (5) cleaning up the certification deactivation requirements language, (6) providing clarity regarding summer practicums, and (7) requirements for out of state and out of country clinical teaching and practicum placements.

Mr. Franklin shared the Agency and the Coordinating Board were working on language to implement HB 18.

Dr. Kelly asked a question about completing internships, clinical teaching, and practicums within the same educator preparation program.

Mr. Rodriguez complimented the proposed amendments to the summer practicum.

Public Comment was provided by:
Dr. Rae Queen
Dr. Diann Huber

20. Discussion of 2018–2019 Formal Complaints and Certification Deactivations

Dr. Jones presented this item to the Board. He presented the process that staff uses to process the formal complaints and certification deactivations. He then presented the 2018–2019 summary of formal complaints and certification deactivations.

Dr. Kelly and Dr. Cavazos asked and encouraged that the formal complaint process ensured candidates first exhausted local complaint processes.

Ms. MacDonald asked for additional data such as contract abandonment numbers and the percentage of certifications deactivations per program.

Dr. Lofters asked which institutions were able to issue intern and probationary certifications.

Public Comment was provided by:
Dr. Rae Queen
Dr. Diann Huber

21. Discussion of edTPA Pilot and Test Development Updates

Ms. Wu presented this item to the Board. She referred the Board to upcoming test development dates and presented an update on year 1 of the edTPA pilot.

Mr. Villagrana asked for future clarity about the data that would be collected during the pilot.

INFORMATION ONLY

22. Board Operating Policies and Procedures (BOPP)

Information only.

23. 2019–2022 Rule Review Plan for State Board for Educator Certification Rules

Information only.

24. Requests from Board Members for Future Agenda Items

Mr. Villagrana requested an item in December for the Board to consider updating the BOPP to reflect the roles and responsibilities of non-voting members.

Mr. Coleman and Dr. Cavazos requested an update on the T-TESS pilot.

25. Requests Received from the Board Since Last Meeting

An article sent by Ms. Bricker was provided in the Board's supplemental folders.

26. Adjournment

Ms. Druesedow adjourned the meeting at 2:50 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.