

Item 5:
**Consider and Take Appropriate Action on Request to
Approve April 26, 2019 Board Meeting Minutes**

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Approve the April 26, 2019 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION MEETING AGENDA

APRIL 26, 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 8:38 AM on Friday, April 26, 2019, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Arturo Cavazos, Mr. Tommy Coleman, Ms. Jill Druessedow, Dr. Edward Hill, Dr. John Kelly, Ms. Courtney MacDonald, Dr. Rex Peebles, Mr. Jose Rodriguez, Dr. Laurie Turner, Mr. Carlos Villagrana, and Mr. Martin Winchester.

Absent: Ms. Laurie Bricker, Ms. Rohanna Brooks-Sykes, Ms. Shareefah Mason, and Ms. Sandie Mullins.

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 at both the meeting and the work session. Mr. Franklin noted the substantial content in 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.

Ms. Druessedow recognized Commissioner of Education Mike Morath for comments. Commissioner Morath thanked the Board for their service both in their professional capacities and as Board members. He noted that the work we do to build a support system for those entering the profession of educators is quite possibly the most important work we can do in public education. Commissioner Morath stressed the need to give the 5.4 million students in Texas an extraordinary individual who has been well-trained in the craft of teaching and noted the difficulty and uniqueness of the craft, science, and practice of teaching. Commissioner Morath spoke to the demands of teaching requiring a knowledge of psychology and human emotions/reactions all with an ability to keep students motivated and focused and working to overcome adversity. He stressed that teaching requires tremendous

training and practice related content knowledge, classroom management, and lesson planning. Commissioner Morath noted that the job of SBEC is to create a framework through which all aspiring teachers can be equipped for the difficult work of teaching. He observed that the SBEC agenda includes a noticeable shift in how we better prepare teachers and stated that he is very excited about opportunity and option to roll out these changes. He noted that there is a methodical change management plan to mitigate any unintended consequences. Commissioner Morath reported that superintendents tell him that the current talent base is not fully equipped for the difficulties in first year in the classroom. From those conversations, he believes it is very clear that we need to change how we prepare teachers.

Commissioner Morath expressed his excitement about the proposal to take action on switching from the multiple-choice PPR to a performance-based assessment that will ensure some mastery in lesson planning, lesson execution, and reflection on those lessons. He noted that these are skills that educators need and are a key piece of the puzzle. Commissioner Morath noted that this change could significantly impact educator preparation and encourage educator preparation programs to work more closely with districts and increase the level of practice necessary before being in charge of a classroom. He expressed his hope that the Board would give staff's recommendation consent later in the meeting. He reiterated that TEA does not intend to move quickly but that it is very clear that change is necessary, and this change seems to set us up for positive results in the first year of experience for our new teachers.

CONSENT AGENDA

4. Consider and Take Appropriate Action on Request to Approve February 22, 2019 Board Meeting Minutes

The February 22, 2019 meeting minutes were approved.

DISCUSSION AND ACTION

5. Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases

Ms. Moriarty presented this item to the Board. She explained that this was SBEC's opportunity to approve the adoption of the review of 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases. The rules under review set out SBEC's authority and procedures for sanctioning certified educators and denying certification to unfit applicants. Ms. Moriarty noted that the Board had received a public comment from the Texas State Teachers' Association, requesting that the Board remove the presumption that an educator who violates a written directive from an administrator regarding the educator's behavior toward students is unworthy to instruct.

Motion and vote:

Motion was made by Mr. Coleman to approve the adoption of the review of 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

6. Consider and Take Appropriate Action on Adoption of New 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter F, Supplemental Certificate Standards

Ms. Wu presented this item to the board. This item brings to the Board the educator standards for the English as Second Language EC-12 supplemental certificate. Two public comments were received during the public comment period, but both were outside the scope of this chapter. No changes were made to the standards since the Board proposed them in February.

Motion and vote:

Motion was made by Dr. Cavazos to approve for adoption the proposed revision to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter A, General Provisions, and Subchapter D, Secondary School Certificate Standards, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Dr. Turner, and the Board voted unanimously in favor of the motion.

7. Consider and Take Appropriate Action on Adoption of Proposed Amendment to 19 TAC Chapter 241, Certification as Principal, Subchapter B, Principal Certificate, §241.41, General Provisions

Dr. Jones presented this item to the board. He explained that this item brings to the Board close-out dates for the current 068 principal certification both for candidates to meet all qualifications and program requirements and for programs to recommend candidates for their certification. The action sets the stage for the new 268 Principal as Instructional Leader certification. No changes were made to the rule text since the Board proposed them in February.

Motion and vote:

Motion was made by Mr. Coleman to approve for adoption, subject to State Board of Education review, the proposed amendment to 19 TAC Chapter 241, Certification as Principal, Subchapter B, Principal Certificate, §241.41, General Provisions, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

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

Ms. Cook presented this item to the Board. She explained the proposed four-year review of 19 Texas Administrative Code (TAC) Chapter 233, Categories of Classroom Teaching Certificates, would provide opportunity to receive feedback on the continued need for these rules. 19 TAC Chapter 233 sets out SBEC's authority to issue classroom teaching certificates in various content areas and grade levels. Ms. Cook shared that with the Board's support the proposed review can begin and will afford her an opportunity to summarize any public comments for discussion during the July 2019 SBEC meeting. There were no questions from the Board.

Motion and vote:

Motion was made by Dr. Cavazos to approve the proposed review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, to be published as proposed in the Texas Register. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

9. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers

Ms. Pogue presented this item to the Board. Ms. Pogue explained that this item opens the four-year rule review for 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers. She explained that the chapter establishes the certification requirements for of appraisers performing appraisals of educators and that the requirements point back to the commissioner rules in 19 TAC Chapter 150. She stated that staff is not anticipating changes and that the item will be presented for adoption at the July 2019 meeting, along with any public comments received.

Motion and vote:

Motion was made by Mr. Coleman to approve the proposed review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, to be published as proposed in the Texas Register. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

10. Consider and Take Appropriate Action on Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter H, Assignments for Teachers Certified Before 1966

Ms. Cook presented this item to the Board. She explained that Chapter 231 guides school districts for how to place teachers into various teaching and administrative assignments. Ms. Cook referenced the background information on pages two through four that offers rationales for the proposed changes. She referenced the February 2019 discussion of the three buckets of proposed changes: State Board of Education (SBOE)-approved courses, technical edits, and removal of vintage rule text for educators certified between the years of 1962 through 1966. Ms. Cook explained the new bucket of proposed changes are in response to written testimony submitted to the Board in February. The three changes affect the following courses: Principles of Architecture; Principles of Instruction, Grades 9-12; Robotics I, Grades 9-12; and Transportation, Distribution, and Logistics, Grades 9-12. Mr. Rodriguez asked a clarifying question about the Robotics I course. Ms. Cook confirmed the proposed change was necessary to correct an oversight made during the last round of rulemaking specific to career and technical education courses.

Motion and vote:

Motion was made by Dr. Kelly to approve the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, to be published as proposed in the Texas Register. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

11. Consider and Take Appropriate Action on Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services

Ms. Cook and Ms. Wu presented this item to the Board. Ms. Cook presented to the Board the seven Cs (change, challenge, clarity, connection, community, collaboration, and commitment) to frame the upcoming chapter. Ms. Cook referenced back to the work session on April 25th and the statutory purpose of educator certification and the Board's principles and mission. Ms. Cook presented the current reality of Texas education including the current student achievement and the number of teachers who leave mid-year. Ms. Wu presented the tenets of day-one readiness and the comparison of the current EC-12 Pedagogy and Professional Responsibilities (PPR) EC-12 assessment to the proposed edTPA. Ms. Wu stated that a pilot would bring about important information that could lead to thoughtful policy decisions by the Board.

Ms. Cook highlighted that this is an optional pilot and programs have shown interest in this opportunity. Dr. Cavazos, Dr. Peebles, and Mr. Villagrana discussed if staff could work to mitigate other factors to ensure the fidelity of the data gathered from the edTPA pilot. Mr. Villagrana asked if those participating in the edTPA pilot was representative of the state's teaching demographics. Dr. Hill asked if there was a way to negotiate with the testing vendor to see if additional costs for the candidates could be covered. Dr. Peebles, Dr. Cavazos, Dr. Kelly, and Mr. Coleman asked to see if there could be a T-TESS aligned pilot in addition to the edTPA pilot in the 2020-2021 school-year. Staff clarified that this is an optional edTPA pilot and that in future, the Board would be given the opportunity to determine how the edTPA and the PPR will be used. Dr. Turner asked for a list of the pilot programs and transparency throughout the pilot process.

Mr. Villagrana asked if the ESL EC-12 examination should be taken for the issuance of the intern certification for candidates participating in the intensive pre-service route.

Public Comment was provided by:

Rick Kershner

Scott Fikes

Dr. Diann Huber

Dr. Eric Brown

Elizabeth Kastiel

Dr. Robert DeHaas

Dr. Gina Anderson

Dr. Christina Ellis

Dr. Sandra Stewart

Dr. Jannah Nerren

Dr. Elizabeth Ward

Dr. Glenda Ballard

Dr. Patrice Werner

Dr. Beth Maloch

Dr. Michele Henry

Dr. Suzanne Nesmith

Karyn Irwin
Andrea Lucas
Vladimir Dinolov
Austin Hawk
Lindsay Sobel
Anthony Castro
Emily Garcia
Dr. Ellie Cook
Priscilla Aquino Garza
Dr. Michael Vrisenga

Motion and vote:

Motion was made by Mrs. MacDonald to approve the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services, to be published as proposed in the Texas Register. Second was made by Dr. Kelly, and the motion passed with Dr. Cavazos, Dr. Turner, Dr. Kelly, Mrs. MacDonald, and Mr. Rodriguez, voting in favor and Mr. Coleman voting against.

Motion was made by Dr. Kelly to amend §230.101(c) to add subsection (c)(7) that adds the \$111 teacher cost of retaking the Performance-Based Assessments to the list of certification tests and applicable fees. Motion was made by Dr. Kelly to amend proposed §230.36(d)(1) to clarify that candidates must pass content pedagogy examinations, to amend proposed §230.36(f) to make conforming technical edits and add a third requirement to the conditions by which an intern certificate may be issued, and to amend proposed §230.37(f) to make conforming technical edits and add an additional requirement as proposed new subsection (f)(3) to the conditions by which a probationary certificate may be issued. Second on all of the amendments moved by Dr. Kelly was made by Mrs. MacDonald, and the motion on all of the amendments passed with Dr. Cavazos, Dr. Turner, Dr. Kelly, Mrs. MacDonald, and Mr. Rodriguez, voting in favor and Mr. Coleman voting against.

The SBEC recessed at 10:40 AM.

The SBEC reconvened at 10:51 AM.

The SBEC recessed at 1:21 PM.

The SBEC reconvened at 1:58 PM.

12. Consider and Take Appropriate Action on Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Dr. Jones and Ms. Wu presented this item to the Board. Ms. Wu opened the item by highlighting the optional intensive pre-service route for EPPs, which would incentivize more pre-service practice for candidates and defer the testing requirements for one year. Dr. Jones then reviewed the three main proposed changes including: (1) creating a definition for

intensive pre-service along with programmatic requirements an implementation date of January 1, 2020, and guidance for intern and probationary certificates while participating in the intensive pre-service route, (2) providing language to guide programs who have changed ownership and ownership desires a name change for the program, and (3) providing language to guide programs and candidates seeking initial certification in more than one field to have clinical teaching with support in the second field.

Mr. Villagrana asked to have the coach for intensive pre-service to have the same content and pedagogy expertise in the same area in which they were providing supervision to candidates.

Public Comment was provided by:
Robert Carreon
Dr. Sandra West

Motion and vote:

Motion was made by Dr. Cavazos to approve the proposed revisions with amendments to 19 TAC Chapter 228, Requirements for Educator Programs, to be published as proposed in the Texas Register. Second was made by Mr. Coleman, and the motion passed unanimously.

Motion was made by Dr. Cavazos to amend §228.2(20) to expand the definition of intensive pre-service to include probationary certificates. Motion was made by Dr. Cavazos to amend proposed §228.33(b)(1) to replace the phrase, "a candidate coach performs" with "a candidate coach participates in." Motion was made by Dr. Cavazos to amend proposed §228.35(e)(2)(A) to add and strike language in clause (i) and add new clause (ii) to specify clinical teaching requirements for a candidate seeking initial certification in only one subject area or in more than one subject area. Motion was made by Dr. Cavazos to amend §228.35(g)(7) to add language for an all-level clinical teaching assignment requirement for a candidate seeking certification in an additional area. Second on all the amendments was made by Dr. Turner and the amended motions passed unanimously. Motion was made by Mr. Coleman to amend proposed §228.33(b) to add subsection (b)(3) so that the rule text would include the candidate coach shall have a current certification in the class in which supervision is provided. Second was made by Dr. Kelly and the amended motion passed unanimously.

13. Discussion and Approval of Standards Advisory Committee

Ms. Wu presented this item to the Board. This item brings to the Board the opportunity to approve the standards advisory committee for the Bilingual Spanish supplemental certificate. The advisory committee serves as a follow-up from the Bilingual forum that was conducted in March. At the forum, the members recommended streamlining the content from the current Bilingual Supplemental and the BTLPT (Bilingual Target Language Proficiency Test) to reduce the barriers of entry into the profession.

Motion and vote:

Motion was made by Dr. Cavazos to approve the members of the Bilingual Standards Advisory Committee as presented. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

14. Consider and Take Appropriate Action on Request to Approve 2017-2018 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses

Ms. Pogue and Dr. Olofson presented this item to the Board. Ms. Pogue explained that this item would allow the Board to approve the remaining 2017-2018 ASEP accreditation statuses for EPPs in Texas. Ms. Pogue reminded the Board of the ASEP indicators that EPPs are held accountable to and their corresponding performance standards as required in SBEC rule. She further explained that the Board took action on 77 EPPs in February and that remaining 56 programs were left pending due to recent SBEC rule changes and unpaid ASEP technology fees.

Dr. Olofson explained the process of Indicator 2, the Principal Survey, scoring and calculations. Ms. Pogue reminded the Board of the principal survey development and approval along with the soundness and validity of the instrument. Ms. Pogue presented the communication process the agency took to support and encourage the high response rate of over 84%.

Motion and vote:

Motion was made by Dr. Cavazos to approve the 2017-2018 Accountability System for Educator Preparation Programs accreditation statuses and related sanctions as presented. Second was made by Dr. Turner, and the Board voted unanimously in favor of the motion.

Public Comment was provided by:

John Peter Lund
Dr. Michael McFrazier
Dr. Denise Staudt
Dr. Rae Queen

DISCIPLINARY CASES**15. Pending or Contemplated Litigation, including Disciplinary Cases****A. Defaults****No Answer Defaults**

1. In the Matter of William Berthold, IV.; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension

2. In the Matter of Evan Leroy Blanks, Sr.; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
3. In the Matter of Sierra Grafton; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
6. In the Matter of Brent Isham; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
7. In the Matter of Stephen McLemore, III; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
10. In the Matter of Alyssa Marie Renfroe; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
11. In the Matter of Corey Matthew Starnes; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
12. In the Matter of Kamaria S. Swan; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
15. In the Matter of Lindsey Renee Webber; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
17. In the Matter of Daniel M. Barker; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

18. In the Matter of Deanna Lynn Cousin; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
19. In the Matter of Reginald D. English; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
20. In the Matter of Marc R. Mackey; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
21. In the Matter of Marcus E. Johnson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
22. In the Matter of Roberto Lucero, Sr.; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
24. In the Matter of Mary E. Bohn; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
25. In the Matter of Stephanie Nesbitt; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 4 year suspension
26. In the Matter of Gracen Averil; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
27. In the Matter of Rickey Goins, Jr.; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

28. In the Matter of Bryce Reed; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
29. In the Matter of Amy Lynn Maxson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 2 year suspension and proof of successful completion of substance abuse treatment program
30. In the Matter of Rachel Y. Woodrome-Holmes; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
33. In the Matter of Shawna Chalmers; 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 the above numbered cases 1 – 34, with the exception of 4, 5, 8, 9, 13, 14, 16, 23, 31, 32, and 34 and issue final orders consistent with staff's recommendation on each of the above numbered cases. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

The following cases were considered individually:

4. In the Matter of Cynthia E. Harris; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
5. In the Matter of Miranda Holt; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
8. In the Matter of Kristina D. Ramos; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

13. In the Matter of Lalanea T. Taitano; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

14. In the Matter of Sean M. Tarver; 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 the above numbered cases 4, 5, 9, 13, 14 and issue final orders with a suspension to run for the remainder of the certifications on each of the above listed cases. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

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

Staff recommendation: 1 year suspension

Mr. Rodriguez recused himself from voting on this matter.

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for Issuance of Default Judgment on the above numbered case, Default 16, and issue a final order consistent with staff's recommendation. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

23. In the Matter of Richard Dean Hollis, Jr.; 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 on the above numbered case, Default 23, and issue a final order consistent with staff's recommendation. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

31. In the Matter of Nicholas R. Calhoun; 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

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for Issuance of Default Judgment on the above numbered case, Default 31, and issue a final order consistent with staff's recommendation. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

32. In the Matter of Kelly Elaine Roberts (Cline); Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2 year suspension and proof of successful completion of substance abuse treatment program

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for Issuance of Default Judgment on the above numbered case, Default 32, and issue a final order of a four-year suspension and proof of successful completion of substance abuse treatment program. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

34. In the Matter of Sandra Montes; 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 on the above numbered case, Default 34, and issue a final order of Revocation. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

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

9. In the Matter of Sarah Sutphin Medina; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension

B. Contested Cases

Proposals for Decision

1. Docket No. 701183945.EC, Texas Education Agency, Educator Leadership and Quality Division v. Emily Carney; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Six (6) month suspension

Staff Recommendation: Nine (9) month suspension

Mr. Mark Duncan represented TEA staff. Mr. Larry Watts represented the Respondent.

Motion and vote:

Motion was made by Mr. Coleman that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 -- 22 and Conclusions of Law Nos. 1 –6. I move that the Board modify Conclusion of Law No. 7 as follows:

7. *Emily Carney's educator certification should be SUSPENDED FOR NINE (9) MONTHS.*

This is modification of sanction is permissible pursuant to Texas Government Code §2001.058(e) and is necessary because the Administrative Law Judge did not properly apply Board rules.

The SBEC rules set out a one-year minimum sanction for contract abandonment.

The SBEC rules also set out specific mitigating factors that can reduce a sanction for contract abandonment below the one-year minimum.

As the Administrative Law Judge noted in Conclusion of Law 6, Ms. Carney met three of those mitigating factors:

- *she continued to work until the district hired a replacement educator,*
- *she showed good faith in her communications and negotiations with the school district, and*
- *she provided lesson plans for classes following her resignation.*

The Administrative Law Judge recommended a six-month suspension, but that is insufficient to deter other educators from abandoning their contracts without good cause.

A nine-month suspension is the appropriate sanction because:

- *it provides a one-month reduction in suspension time for each of the mitigating factors in Conclusion of Law 6, and*
- *will better deter other educators from abandoning their contracts.*

I move that the Board order Ms. Carney's educator certification SUSPENDED for NINE MONTHS. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

2. Docket No. 701191388.EC, Texas Education Agency, Educator Leadership and Quality Division v. Mildred Duran; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Six (6) month suspension

Staff Recommendation: Nine (9) month suspension beginning June 1, 2019

Ms. Margaret McGee represented TEA staff. Ms. Mildred Duran represented herself.

Motion and vote:

Motion was made by Mr. Coleman that the Board accept the Proposal for Decision and Issue a final order of a six-month suspension to begin on June 1, 2019. Second was made by Dr. Turner, and the Board voted unanimously in favor of the motion.

3. Docket No. 701181895.EC, Texas Education Agency, Educator Leadership and Quality Division v. Jamie Belinoski; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Non-Inscribed Reprimand

Staff Recommendation: 1 year suspension

Mr. Kyle Hensley represented TEA staff. Mr. Terry Gorman represented Respondent.

Motion and vote:

Motion was made by Mr. Coleman that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 – 32 and Conclusions of Law Nos. 1 – 9. I move that the Board modify Conclusion of Law No. 10 as follows:

10. *Jamie Belinoski's educator certifications should be SUSPENDED FOR ONE (1) YEAR.*

This modification of sanction is permissible pursuant to Texas Government Code §2001.058(e) and is necessary because the Administrative Law Judge did not properly apply Board rules and policies when he recommended a non-inscribed reprimand as the appropriate sanction in this case.

Under the Board's rules, a non-inscribed reprimand is not sufficient to address the severity of Ms. Belinoski's actions.

The factors in the SBEC rules that the Board considers in determining a sanction show that a more severe sanction is necessary due to the seriousness of Ms. Belinoski's

conduct, the fact that her conduct was intentional and premeditated, the fact that she attempted to conceal her misconduct, and the need for a sanction sufficient to deter future violations.

The Findings of Fact state that Respondent went to great lengths to craft multiple fake documents and lied about it, showing that her conduct was serious, premeditated and intentional, and that she attempted to conceal it.

Moreover, while a non-inscribed reprimand is not public and therefore has little deterrent value, a one-year suspension of Ms. Belinoski's educator certificate will deter both Ms. Belinoski and other Texas educators from engaging in such behavior in the future.

I move that the Board order Ms. Belinoski's educator certifications SUSPENDED for ONE YEAR. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

4. Docket No. 701191480, Texas Education Agency, Educator Leadership and Quality Division v. David Neal Stribling, Jr.; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 2 year suspension with the last year probated

Staff Recommendation: 2 year suspension

Ms. Yvonne Patton represented TEA staff. Mr. David Stribling 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 -- 22 and Conclusions of Law Nos. 1 – 10. I move that the Board modify Conclusion of Law No. 11 as follows:

11. David Neal Stribling, Jr.'s educator certifications should be SUSPENDED FOR TWO (2) YEARS.

This modification of sanction is permissible pursuant to Texas Government Code §2001.058(e) and is necessary because the Administrative Law Judge did not properly apply Board rules and policies when she recommended a sanction of a two-year suspension with the second year probated.

Under the Board's rules, a probated suspension is not sufficient to address the severity of Mr. Stribling's actions.

Applying the factors that the Board considers in determining a sanction to the Findings of Fact in this case reveals that a more severe sanction is necessary.

Findings of Fact Nos. 5-7 show that Mr. Stribling's conduct was intentional and premeditated.

Finding of Fact No. 11 shows that Mr. Stribling attempted to conceal his misconduct.

Findings of Fact Nos. 5-12 show that Mr. Stribling's conduct was serious moral turpitude.

Finding of Fact No. 12 shows that Mr. Stribling has repeatedly committed this conduct, so he is not easily deterred from his actions.

An active two-year suspension is appropriate for Mr. Stribling's conduct and will provide a strong deterrent to prevent Mr. Stribling or any other Texas educator from committing such an act again.

I move that the Board order Mr. Stribling's educator certifications SUSPENDED for TWO YEARS. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

5. Docket No. 701184829.EC, Texas Education Agency, Educator Leadership and Quality Division v. Andre Berry; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ Recommendation

Mr. Jonathan Crabtree represented TEA staff. Mr. Terry Gorman represented Respondent.

Motion and vote:

Motion was made by Mr. Coleman that the Board adopt the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation of Permanent Revocation. Second was made by Dr. Kelly, 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. Adrian Charles Woodson v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-19-001181, In the 201st District Court of Travis County, Texas.
6. 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.

Dr. Cavazos left the meeting at 3:44 PM.

DISCUSSION ONLY

16. Discussion 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. Ms. Pogue reminded the Board that this item reflects discussion items in October and December 2018 regarding opportunities for comprehensive changes to Chapter 229, as well as stakeholder input from the data work group and educator preparation advisory committee on those potential changes. She explained that staff was requesting input from the SBEC related to the draft rule text in preparation for the proposal item that will be presented at the July 2019 meeting.

Dr. Olofson presented the proposed recognition framework for high performing EPPs; the ASEP accountability manual; and the determination of accreditation status to include EPPs being accountable for all tests they recommend; establishing the non-PPR pass rate standard at 75%; the teacher survey standard at 70%; and clarification of small group exception.

Ms. Pogue presented proposed rule text providing sanctions for EPPs that violate an SBEC order or fail to pay the ASEP technology fee; opportunities for SBEC to require action plans to address program deficiencies, providing for contested case hearing for certification class or category revocations; and technical edits to remove outdated provisions, clarification of processes, and for formatting purposes.

No action taken.

Public Comment was provided by:

Dr. Diann Huber

Dr. Rae Queen

John Peter Lund

17. Discussion of Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs

Dr. Jones and Ms. Wu presented this item to the Board. Dr. Jones highlighted three changes for the board including: (1) a word change that would require programs to inform all

applicants about the required criminal history background check prior to employment as an educator and prior to clinical teaching, (2) admission requirements for the Trade and Industrial Workforce Training Grades 6-12 certificate that align with HB 3349, and (3) admission requirements for the Early Childhood through Grade 3 (EC-3) certificate that align with SB 1838 and HB 2039. Ms. Wu highlighted the changes in admission where candidates take a content knowledge-only test for admission purposes and would not require the current practice of taking a test that asks a candidate how to teach the content for admission in a program. Ms. Wu also highlighted the January 1, 2020 implementation date considering the earlier discussion related to edTPA.

The Board asked for additional information from staff at the next meeting that would describe the implications for a September 1, 2020 implementation date or a January 1, 2020 implementation date.

Public Comment was provided by:

Scott Fikes

Dr. Diann Huber

18. Discussion of Special Education Forum Recommendations and Test Development Updates

Ms. Wu presented this item to the Board. She highlighted the webinars and full-day forums that led to the recommendations for a grade-banded and eligibility-banded special education certification, creation of a deaf/blind supplemental certification, and the removal of the certification by examination route. She stated that this recommendation came after reviewing state student data and comparing Texas outcomes to other states and their certification structures. None of the top five states in the nation of special education student achievement currently have an all-level, all-eligibility special education certification. Other models were considered during the forums, including continuing the current EC-12 all-level, all-eligibility special education certification with subsequent endorsements. The ultimate results of the forums were to specialize to ensure that teachers were ready to properly support students with special needs.

Dr. Peebles supported the grade-banded and eligibility-banded special education certification, citing that his wife currently teaches students that she is not necessarily specialized in to support. Dr. Turner supported the grade-banded and eligibility-banded special education certification stating that this would structure improve pre-service training and preparation.

Public Comment was provided by:

Robbie Caldwell

Rachael Early

Dr. Glenna Billingsley

Beth Gavin

Scott Fikes

Michelle Settles

Chris Montgomery

Susie Tiggs

Tiffany Williams

Samantha Greenleaf

19. Discussion of 2017-2018 and 2018-2019 Continuing Approval Reviews of Educator Preparation Programs

Dr. Jones presented this discussion item to the Board. He reviewed the purpose of the item since it had not been on Board agendas in recent years, and then reviewed the purpose for conducting a regular periodic review of programs for continuing approval as required by statute and by administrative code. He highlighted the process and timelines that were used in the reviews and presented the list of EPPs that had a completed review and those EPPs still in the queue to be reviewed. He noted that a more complete list of program reviews completed will be provided for discussion at the July Board meeting, followed by an anticipated action item at the October meeting.

INFORMATION ONLY**20. Board Operating Policies and Procedures (BOPP)****21. 2019-2022 Rule Review Plan for State Board for Educator Certification Rules****22. Requests from Board Members for Future Agenda Items****23. Requests Received from the Board Since Last Meeting****24. Adjournment**

Ms. Druessedow adjourned the meeting at 6:40 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.