

**STATE BOARD FOR EDUCATOR CERTIFICATION
MEETING AGENDA
MARCH 2, 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 8:32 AM on Friday, March 2, 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, Dr. Art Cavazos, Mr. Tommy Coleman, Ms. Jill Druessedow, Mr. Leon Leal, Ms. Suzanne McCall, Dr. Scott Ridley, and Dr. Laurie Turner.

Absent: Ms. Sandie Mullins, Dr. Rex Peebles, and Mr. Carlos Villagrana.

Mr. Martin Winchester arrived at 8:40 AM, Dr. Susan Simpson Hull arrived at 8:56 AM, and Ms. Sandra Bridges arrived at 1:20 PM.

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. Mr. Franklin also thanked the members who were able to attend the Learning Roundtable in January, which focused on recruiting, preparing, and retaining top teachers.

3. Public Comment

None.

CONSENT AGENDA

4. Consider and Take Appropriate Action on Request to Approve December 8, 2017 Board Meeting Minutes

Hearing no corrections, the December 8, 2017 Board meetings minutes were approved.

DISCUSSION AND ACTION**5. Update on Divisions of Educator Leadership and Quality Department**

Ms. Cook, Dr. Miller, and Ms. Moriarty provided brief overviews of the scopes of work handled by their divisions and shared highlights, trends, and key data points. TEA staff confirmed the agenda was printed prior to the end of second quarter (December through February) and indicated the additional information will be included in the next quarterly update to the Board.

6. Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

Dr. Miller presented this item to the Board. Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presented for SBEC approval the adoption of the review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs. The rules being reviewed provide requirements for the accountability system for educator preparation programs (EPPs), including the assignment of an EPP accreditation status, and allow the SBEC to intervene in cases of low performance.

Dr. Miller explained that while no public comment had been received on the review of 19 TAC Chapter 229, the Educator Preparation Data Workgroup had convened in January and had provided TEA staff with input on some potential changes to this chapter that TEA staff will bring to the Board for consideration at a future meeting. Dr. Miller recommended that the Board adopt the review of 19 TAC Chapter 229.

Motion and vote:

Motion was made by Dr. Cavazos to adopt the review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs. 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 Review of 19 TAC Chapter 247, Educators' Code of Ethics

Ms. Moriarty presented this item to the Board. Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 TAC Chapter 247, Educators' Code of Ethics. The rules being reviewed provide the code of ethics for Texas educators.

Public Comment was provided by:
Ms. Julie Leahy, Texas Classroom Teachers Association

Texas Classroom Teachers Association commented that while TCTA supported the continued existence of the Educators' Code of Ethics as codified in Chapter 247, the SBEC should exercise caution in revising Chapter 247 to ensure that it remained primarily an ethical guide for educators rather than a disciplinary tool for the SBEC.

Motion and vote:

Motion was made by Ms. McCall to adopt the review of 19 TAC Chapter 247, Educators' Code of Ethics. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

8. Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 250, Administration

Ms. Pogue presented this item to the Board. Ms. Pogue explained that no public comment had been received on the review of 19 TAC Chapter 250 and that staff anticipates bringing proposed rule text changes at the May meeting.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to adopt the review of 19 TAC Chapter 250, Administration. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

9. Consider and Take Appropriate Action on Proposed Amendment to 19 TAC Chapter 250, Administration, Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes

Ms. Pogue presented this item to the Board. Staff requested this item be moved to the May 18, 2018 SBEC meeting to address technical edits for the Board's consideration that were not included in the posted agenda. Board agreed to postpone this item and no further action was taken.

10. Consider and Take Appropriate Action on Adoption of Proposed New 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter B, Elementary School Certificate Standards

Ms. McLoughlin and Ms. Wu presented this item to the Board. Ms. McLoughlin reminded the Board that this item includes the two other sets of educator standards that comprise the Early Childhood: Prekindergarten-Grade 3 certificate (Science of Teaching Reading and Content standards) as well as the Early Childhood-Grade 6 Pedagogy and Professional Responsibilities standards that were approved by the Board in December.

Ms. McLoughlin stated that this item had received one comment in opposition where the commenter stated that they agreed with the quality of the standards, but stated that the rules did not empower local school districts and campus-level teachers to create their own educator preparation programs. Ms. McLoughlin stated that the comment was acknowledged; however, it fell outside the scope of this item and therefore there were no changes made to the item.

Ms. McLoughlin stated that this item would also be working with Dr. Miller's item 19 (Chapter 228), regarding Educator Preparation program requirements, where the Early Childhood-Grade 3 Institution of Higher Education committee has proposed IHE coursework and training requirements for the Early Childhood-Grade 3 certification programs.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to approve for adoption, subject to State Board of Education review, the proposed new 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter B, Elementary School Certificate Standards, as proposed with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Mr. Leal, and the Board voted unanimously in favor of the motion.

11. Consider and Take Appropriate Action on Adoption of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment

Ms. Cook presented this item to the Board. She reminded the Board of the conversation in December about updates to the figure that identifies all SBEC-issued certificates and required tests for licensure as well as language added to strengthen information related to testing irregularities and confidential integrity. Ms. Cook walked the Board through the changes proposed for adoption and shared that no comments were received during the public comment period.

Motion and vote:

Motion was made by Dr. Cavazos to approve for adoption, subject to State Board of Education review, the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, with an effective date of 20 days after filing with 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 Adoption of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility

Dr. Miller presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. The proposed amendments would implement the statutory requirements of Senate Bill (SB) 1839 and House Bills (HBs) 2039 and 1508, 85th Texas Legislature, Regular Session, 2017. The proposed amendments would also implement changes based on stakeholder input and Texas Education Agency (TEA) staff recommendations.

Dr. Miller explained that TEA staff recommended a change at adoption that would strike two subsections that had been proposed by the Board. TEA staff recommended removing the two subsections because they address program requirements for individuals seeking an Early Childhood: Prekindergarten-Grade 3 certificate, and it would be more appropriate to include program requirements in 19 TAC Chapter 228. Dr. Miller explained that these program requirements were included in a discussion item for Chapter 228 later in the agenda.

Dr. Miller summarized the public comment that had been received during the 30 days of public comment and told the Board that TEA staff does not recommend any additional changes to the proposed amendments based on the public comment. Dr. Miller recommended that the Board adopt the proposed amendments as presented.

Motion and vote:

Motion was made by Mr. Leal to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility, with an effective date of 20 days after filing with the adoption notice with the Texas Register. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

13. Consider and Take Appropriate Action on Adoption of Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours

Dr. Miller presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, a proposed amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours. The proposed amendment would implement changes resulting from the 85th Texas Legislature, Regular Session, 2017, which include adding new continuing professional education (CPE) topics for all educators. The proposed amendment would also add minimum requirements for several CPE topics for individuals holding standard classroom teacher, principal, and school counselor certificates.

Dr. Miller summarized the public comment that had been received during the 30 days of public comment and told the Board that TEA staff does not recommend any additional changes to the proposed amendments based on the public comment.

Public Comment was provided by:
Ms. Kate Kuhlmann

Dr. Miller recommended that the Board adopt the proposed amendments as presented.

Motion and vote:

Motion was made by Ms. Bricker to approve for adoption, subject to State Board of Education review, the proposed amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours, 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.

14. Consider and Take Appropriate Action on Request to Approve 2016-2017 Accountability System for Educator Preparation Programs (ASEP) Accreditation Status for 21st Century Leadership Principal Preparation Program

Dr. Miller presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) the opportunity to approve the proposed 2016-2017 Accountability System for Educator Preparation Programs (ASEP) accreditation status for 21st Century Leadership Principal Preparation Program (21st Century) as Accredited-Probation (Year Three).

Dr. Miller provided the Board with a summary of information that led to the TEA staff recommendation for the Board to assign 21st Century an accreditation status of Accredited-Probation and continue the assignment of a monitor to assist 21st Century. Dr. Miller also addressed each of the issues that 21st Century raised in their request for an informal review of the recommendation. For each issue, Dr. Miller explained why there was not a reason to change the recommendation. Dr. Miller also explained that if the Board took this action, the next step would be for TEA staff to notify 21st Century that TEA staff would be recommending the Board assign an accreditation status of Not Accredited-Revoked because 21st Century had been assigned an Accredited-Probation status for three consecutive years.

21st Century was represented by Charlotte Watson and Naomi Green. Ms. Watson and Ms. Green provided the Board with information as to why 21st Century should not be assigned an accreditation status of Accredited-Probation and why they should be provided with more time to improve their program.

After the representatives of 21st Century presented their information, Dr. Miller explained that the Board did not have discretion as to the assignment of the Accredited-Probation status. Dr. Miller recommended that the Board approve the accreditation status and related sanctions as presented.

At 9:50 AM, the Board entered into Executive Session to receive legal advice on Item 14 pursuant to Government Code §551.071.

At 10:18 AM, the Board returned to open session.

Motion and vote:

Motion was made by Mr. Leal to approve the 2016-2017 Accountability System for Educator Preparation Programs accreditation status and related sanctions for 21st Century Leadership Principal Preparation Program as presented. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

A second motion was made by Ms. Bricker to direct Mr. Winchester, as a Board member, along with Board counsel and TEA legal counsel to discuss all legal options with the program and their counsel prior to the May Board meeting. Second was made by Dr. Hull, and the motion passed with Ms. Bricker, Dr. Cavazos, Dr. Hull, Dr. Turner, and Mr. Coleman voting in favor and Ms. McCall, Mr. Leal, and Ms. Brooks-Sykes voting against.

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

1. In the Matter of Jason Bradley Autrey; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
2. In the Matter of Stephanie Harry; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
3. In the Matter of Christina Kime; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
5. In the Matter of Teresa Martinez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
6. In the Matter of Robert Philip Carwithen; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
7. In the Matter of Priscilla Acosta Casas; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
8. In the Matter of James Michael Fuller; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
9. In the Matter of Walter Hunt III; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

10. In the Matter of Melanese N. Malcolm; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
11. In the Matter of Eric Martinez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
12. In the Matter of Christy Molinar; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
13. In the Matter of Miguel Ruiz; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
14. In the Matter of Cesia Salvador Perez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
15. In the Matter of Robert Denney Applewhite; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
17. In the Matter of Jorge Emilio Flores; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
18. In the Matter of Domingo Salinas; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
22. In the Matter of Teresa Gail Head; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

23. In the Matter of Maurice Jones; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
24. In the Matter of Pharissee Berry, Jr.; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
26. In the Matter of Lisa Broilier; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
27. In the Matter of Leah Ann Brubaker; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
29. In the Matter of Stephan Jahnke; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
31. In the Matter of Cassandra Renee Mendez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
32. In the Matter of Danielle T. Pontus; 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
33. In the Matter of Terri Dawn Cooley; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 2 year suspension
34. In the Matter of Andrea F. Rodriguez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

35. In the Matter of Laura Diane West; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

36. In the Matter of Justin Gent; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

37. In the Matter of Kathi Chene' Milam; 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 1-38, excluding cases 4, 16, 19, 20, 21, 25, 28, and 30. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

4. In the Matter of Rosa Maria Krishnan; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension

Dr. Hull recused herself from voting on this matter.

Motion and vote:

Motion was made by Dr. Cavazos to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendations on the above numbered case, 4. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

16. In the Matter of Robert Scott Curry; 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 with a sanction of Permanent Revocation on the above numbered case, 16. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

19. In the Matter of Robert Lynn Fairchild; 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 and enter a final order with a sanction of Permanent Revocation on the above numbered case, 19. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

20. In the Matter of Marcellars Lamont Mason; 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 with a sanction of Permanent Revocation on the above numbered case, 20. Second was made by Dr. Turner, and the Board voted unanimously in favor of the motion.

25. In the Matter of Shannon Bonner; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Dr. Turner to grant Staff's Request for Issuance of Default Judgment and enter a final order with a sanction of Permanent Revocation on the above numbered case, 25. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

28. In the Matter of Renaud Roman Chavana; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

30. In the Matter of Kimber Komurke; 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 and enter final orders consistent with Staff's recommendation on each of the above numbered cases 28 and 30. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

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

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

Staff recommendation: 2 year suspension and proof of successful completion of substance abuse treatment classes
38. In the Matter of Eric Rodney Hayes; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

SOAH Defaults

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

Staff recommendation: Revocation
2. In the Matter of Felecia Caruthers; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation
3. In the Matter of Daniel Spencer; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension

Motion and vote:

Motion was made by Dr. Cavazos to grant Staff's Request for Issuance of SOAH Default Judgements and enter final orders consistent with Staff's recommendations on each of the above numbered cases. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701175501.EC, Texas Education Agency, Educator Leadership and Quality Division v. Troy French; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Permanent Revocation

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

Motion and vote:

Motion was by Ms. Bricker that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 -- 14 and Conclusions of Law Nos. 1 -- 11. I move that the Board modify the ALJ Recommendation as follows:

TROY FRENCH's educator certification should be PERMANENTLY REVOKED.

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. 19 Texas Administrative Code §249.17(i) requires that the SBEC shall permanently revoke the teaching certificate of any educator...if, after a contested case hearing, it is determined that the educator or applicant...solicited any sexual contact or romantic relationship with a student or minor.

The Administrative Law Judge found that:

- *Mr. French "engaged in a romantic and sexual relationship with Student A while he was Student A's high school coach and that Respondent demonstrated he lacked good moral character and is unworthy to instruct or supervise Texas youths" in Finding of Fact 12;*
- *Respondent "failed to maintain an appropriate professional educator-student relationship with Student A when he had sexual contact with this student" in Finding of Fact 13;*
- *Respondent "engaged in illegal conduct with Student A by engaging in sexual contact with his student, Respondent committed an offense directly related to the duties and responsibilities of the education profession and posed a threat to the health, safety, or welfare of a student" in Finding of Fact 14;*
- *The ALJ stated, "After a contested case hearing, if an educator is found to have engaged in any sexual contact or in a romantic relationship with a student, the Board must permanently revoke the educator's teaching certificate" in Conclusion of Law 11.*

Due to these determinations by the Administrative Law Judge, the appropriate penalty is permanent revocation, in keeping with the requirements of 19 Texas Administrative Code §249.17(i). Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

2. Docket No. 701174930.EC, Texas Education Agency, Educator Leadership and Quality Division v. Edward Elizondo; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ recommendation

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

Motion and vote:

Motion was made by Dr. Cavazos that the Board accept the Proposal for Decision and issue 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.

3. Docket No. 701172887.EC, Texas Education Agency, Educator Leadership and Quality Division v. Linda Holmes; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No disciplinary action be taken

Staff Recommendation: Accept ALJ recommendation

Mr. Duncan represented TEA staff and Ms. Soto appeared on behalf of respondent. Both parties waived their right to address the Board.

Motion and vote:

Motion was made by Mr. Coleman that the Board accept the Proposal for Decision and issue a Final Order consistent with the ALJ's recommendations. Second was made by Dr. Hull, 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. Michael Jimenez v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-001964, In the 201st District Court of Travis County, Texas.
3. 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.
4. 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.
5. Norma Regina Gonzalez (a/k/a Gina Oaxaca) v. Texas Education Agency, Educator Standards Division; Cause No. D-1-GN-17-004263, In the 200th District Court of Travis County, Texas.
6. Joel Trigo v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-006874, In the 459th District Court of Travis County, Texas.

DISCUSSION AND ACTION

16. Consider and Take Appropriate Action on Election of State Board for Educator Certification Officers

Ms. Pogue presented the procedures for the election of State Board for Educator Certification officers as stated in the Board's operating policies and procedures (BOPP).

Election of Board Chairperson

Motion and vote:

Motion was made by Ms. Bricker to nominate Ms. Druesedow for Board Chairperson. There were no other nominations, Ms. Druesedow was elected Board Chairperson by acclamation.

Election of Board Vice-Chairperson

Motion and vote:

Motion was made by Dr. Hull to nominate Dr. Cavazos for Board Vice-Chairperson. There were no other nominations, Dr. Cavazos was elected Board Vice-Chairperson by acclamation.

Election of Board Secretary

Motion and vote:

Motion was made by Ms. Bricker to nominate Mr. Leal for Board Secretary. There were no other nominations, Mr. Leal was elected Board Secretary by acclamation.

17. Board Operating Policies and Procedures Review

Ms. Pogue presented this item to the Board. Ms. Pogue clarified to the Board that this is the annual review of the SBEC Board operating policies and procedures. No changes were recommended, but Ms. Pogue reminded the Board that any suggested changes would be brought for Board action.

DISCUSSION ONLY

18. Discussion of Proposed Amendments to 19 TAC Chapter 247, Educators' Code of Ethics

Ms. Moriarty presented this item to the Board. This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed amendments to 19 TAC Chapter 247, Educators' Code of Ethics. The proposed amendments would add definitions to 19 TAC §247.1 to make the Educators' Code of Ethics more clear and enforceable, would make educators who act recklessly in diverting money or misrepresenting the educator's employment history subject to discipline by the SBEC, would clarify that educators are subject to discipline by the SBEC for violating written directives from school administrators, and would include all educators who have had an inappropriate relationship with a student or minor among the people that another educator cannot assist in getting a job. Ms. Moriarty explained that while discussing proposed amendments to 19 TAC Chapter 247 with stakeholders, additional changes were made, and she provided substitute text to the Board members.

Mr. Leal asked about adding a standard to the Educators' Code of Ethics regarding educator-on-educator sexual harassment. He stated that while he understands sexual harassment can be handled at the local level as an employment matter, he also believes the Board has an obligation to set rules in place for all educators.

Dr. Cavazos suggested that when considering language for the Educators' Code of Ethics regarding staff-on-staff sexual harassment behavior, the Board needs to set a high threshold in order to avoid the SBEC becoming involved in too many minor issues best handled by the local human relations department.

Dr. Cavazos also suggested that the suggested amendment to §247.2(1)(G) regarding written directives be limited to directives regarding an educator's behavior toward students, so as to avoid the SBEC enforcing directives that are more related to an educator's employee performance than the educator's ethics.

Ms. McCall stated that the suggested rule changes are too broad and would cause unnecessary sanctions on educators. She explained that she could support more specific language for §247.2(1)(G) as suggested by Dr. Cavazos.

Mr. Coleman stated that he is concerned the Board is trying to put too many disciplinary rules into a Code of Ethics that should be more of an inspirational creed worthy of framing. Mr. Coleman suggested that most of the recommended changes are more appropriately housed in 19 TAC Chapter 249 with the other rules regarding educator discipline.

Public Comment was provided by:
Ms. Patti Quinzi, American Federation of Teachers

Ms. Quinzi commented that AFT did not support the proposed changes. With regard to the draft definition for “under the influence,” AFT did not support using a blood alcohol content percentage as part of the definition because such tests lacked reliability. With regard to the draft changes regarding educators misappropriating school funds or property, AFT felt that recklessness was too low a standard, and that the requirement that the misappropriation must be “for personal gain” should be added back in. With regard to directives from supervising administrators, AFT felt that the proposed language was too broad and interfered in areas that were best left to employment attorneys and human relations departments on the local level. With regard to the draft provision regarding an educator recklessly making misstatements in a job application regarding the educator’s employment history, disciplinary history or criminal record, AFT felt that recklessness was too low a standard because people make mistakes in filling out applications.

Ms. Julie Leahy, Texas Classroom Teachers Association

Ms. Leahy commented that TCTA was concerned about adding in too many provisions designed to discipline misconduct into the Educator’s Code of Ethics. Ms. Leahy indicated TCTA would support adding educator-on-educator sexual harassment to the Educators’ Code of Ethics. With regard to the draft language regarding educators misappropriating funds or property, TCTA requested that the language “for personal gain or advantage” remain to prevent simple accounting mistakes or educators moving money from one school account to another from being subject to discipline. With regard to directives from supervising administrators, TCTA expressed concern regarding illegal directives and whether the draft language would require SBEC to enforce them.

Ms. Kate Kuhlmann, Association of Texas Professional Educators

Ms. Kuhlman cautioned against making the provisions of the Educators’ Code of Ethics so broad that they incorporated matters that were best left to employment action by local district human relations departments rather than disciplinary action by the SBEC.

The SBEC recessed for lunch at 12:00 PM.

The SBEC reconvened at 12:34 PM.

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

Dr. Miller presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs. The proposed amendments would implement the statutory requirements of Senate Bills (SBs) 7 and 1839 and House Bills (HBs) 2039, 3349, and 1963, 85th Texas Legislature, Regular Session, 2017. The proposed amendments would also implement changes based on stakeholder input and Texas Education Agency (TEA) staff recommendations.

Dr. Miller explained that there had been twelve changes to this item since it was discussed with the Board at its December 2017 meeting. Dr. Miller mentioned that TEA staff had worked with a number of stakeholders and stakeholder groups over the past several months to gather input on this chapter. Dr. Miller thanked Tam Jones and Christie Pogue for producing a handout that described each of these issues, the input that had been received from stakeholders on each issue, and the rationale for the TEA staff recommendation on each issue.

Dr. Miller highlighted the changes to field supervisor experience requirements, the curriculum and training requirements for the Trade and Industrial Workforce Training certificate, the number of consecutive days of long-term substitute experience that could be credited for field-based experience, the coursework and field experience requirements for the Early Childhood: Prekindergarten-Grade 3 certificate, and the clinical teaching requirements for a teacher candidate who is employed as an educational aide.

Public Comment was provided by:

Ms. Stephanie Stoebe
Ms. Holly Eaton
Ms. Lindsay Sobel
Ms. Kate Kuhlmann

After public comment was provided, Mr. Franklin drew attention to the written public comments that had been submitted to the Board regarding the training requirements for the Trade and Industrial Workforce Training certificate. While the commenters requested that the certificate cover other certificate areas such as Health Science and Marketing, Mr. Franklin explained to the Board that TEA staff had aligned the new certificate with the existing Trade and Industrial Education certificate because of the language that was included in the statute that created the new certificate. Unless the Board directed staff to expand the scope of the new certificate, the work plan and budget for the new certificate would cover areas such as automotive, HVAC, and plumbing.

Mr. Leal commented that there was a need for Trade and Industrial Education teachers and there needed to be a balance of flexibility and training. Mr. Franklin mentioned that districts had considerable flexibility in hiring teachers for this area. In 2015, the Texas Legislature created a school district teaching permit for non-core career and technical education teachers. The permit did not require approval by the TEA and allowed districts to train their own personnel. Mr. Franklin also mentioned that many districts have exempted themselves from the certification requirement by including this exemption in a District of Innovation designation. With these two options available to districts, Mr. Franklin asked the Board to consider the value of certification. Mr. Leal asked if a floral design teacher would be eligible for one of these two options. Mr. Franklin confirmed that a floral design teacher is a good example of the legislative intent to provide districts with local control over who they hire as teachers. Ms. McCall asked about the requirements of a non-core school district teaching permit. Mr. Franklin responded that the requirements included that the district provide at least 20 hours of training in areas such as classroom management. Ms. McCall thanked those who provided public comment and said that she was in support of increasing the number of training hours for this new certificate from 200 to 250 hours.

Ms. McCall also said that she was in support of adding coaching and mentoring to the cooperating teacher requirements. Ms. Brooks-Sykes agreed with Ms. McCall on the addition of these topics to the requirements.

Dr. Ridley expressed his concern about crediting substitute teaching experience for field-based experiences. While substitute teaching provides for classroom context, he explained that it does not provide the substitute teacher with the strategies necessary to be successful. He expressed his concern that cutting corners on preparation would devalue certification.

Dr. Miller drew attention to another theme that was included in the written public comments. The commenters requested that there should be less training required before a Trade and Industrial Workforce Training certificate candidate could be hired as a teacher of record. The commenters also requested that there be more flexibility as to who could provide the training to candidates. Dr. Miller reminded the Board that it had increased the number of hours of training required before a candidate could be a teacher of record from 110 hours to 180 hours with amendments to its rules in 2016. Dr. Miller also reminded the Board that it amended the rules in 2016 to require programs to provide training rather than allowing training to be provided by other entities. Dr. Miller asked Board members if they had any thoughts on changing the requirements for this new certificate.

Dr. Cavazos asked if there was a requirement for a person hired on a school district teaching permit to become certified and, if not, why would a person want to seek certification. Mr. Franklin replied that there was no requirement to become certified because a person could stay with the same district on a permit. Mr. Franklin added that the benefit to becoming certified was that the person could use that certification in other districts. Dr. Cavazos commented that each district makes its own decision on whether or not to hire with permits and that a District of Innovation designation is also a decision each district makes on its own. Ms. McCall commented that she was not in support of providing more flexibility for this new certificate because the reason for the changes to the requirements was to raise the standards for all programs. Ms. McCall also thanked staff for providing the handout that described each of the issues. Dr. Turner commented that a certificate needs to be desirable and reasonable to attain. Mr. Franklin thanked the Board members for their input and explained that there was additional work that needed to be done before TEA staff brought this item back to the Board for proposal.

20. Discussion and Update on Principal Certification Redesign

Dr. Tam Jones presented this item to the Board. He reminded the Board that the principal certification redesign is much more than just a new test, but includes a new principal certification name (*Principal as Instructional Leader*) along with a new certification examination, an option for a tiered phase-in process for obtaining the standard principal certificate, and an endorsement for currently certified principals and assistant principals. He walked the Board back to April 2016 when the Board adopted new principal standards based on the how the role of the principal has changed since 2002 and mentioned that for the first time, Texas principal standards are aligned to the Texas teacher evaluation and support system (T-TESS).

Dr. Jones then walked the Board through the changes in the kinds of questions and demonstration of mastery that will be required on the new principal exam to show how the

test reflects an increased rigor that will better position new campus leaders for success, including the increased costs on the new exam from using constructed response test items that will require hand scoring. He also reviewed the optional phase-in process for the certification tests which allows a candidate to choose to take the performance assessment immediately following passing the TExES Principal Examination (#268), or choose to proceed on an intern certificate to allow individuals time to experience the role as a principal prior to completing the performance assessment. He explained that this would allow flexibility for candidates in determining when to progress toward earning the standard principal certificate.

Dr. Jones also walked the Board through a feature in the certificate redesign process that provides for someone currently certified as a principal (either mid-management certification or the renewable #068 principal) to upgrade to the new *Principal as Instructional Leader* certificate. He explained that this would allow individuals the flexibility to have the new principal certificate title on their Texas Educator Certificate and show they have modeled continuous improvement.

Dr. Jones discussed the draft timelines for implementation along with the affected chapters that would have some anticipated changes as a result of the new principal certificate.

Dr. Turner commented that the new performance-based assessment gives candidates a chance to demonstrate the knowledge base and application of the skills taught in their program.

Dr. Cavazos mentioned that it was important to work the plan so that programs have time to make the necessary changes so that candidates are not caught in the middle, along with the importance of how we communicate to the programs. Dr. Cavazos also requested staff to conduct an informational forum for the southern quarter of the State to ensure they have access to the information provided at the Regional Forums regarding the principal redesign.

21. Discussion of Proposed Amendments to 19 TAC Chapter 230, Educator Preparation and Certification, Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; 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 stated the conversation would be anchored around pages 2-4 of the item. She shared her intent to walk the Board through the bulleted points for each of the four subchapters and questions she has for the Board. For Subchapter C, Ms. Cook explained Figure §230.21(e) in Item 11 from today's agenda will be presented to the Board again for updates at the May meeting to incorporate the new Principal as Instructional Leader certificate to ensure it completes the rulemaking process and allows the process to be ready to issue the new certificate. Ms. Cook also mentioned Dr. Miller's earlier conversation in Item 19 as it relates to the educator preparation program work related to the EC-3 and Trade and Industrial Workforce Training Certificates. She shared that depending on the outcome of the next testing contract award, TEA staff may or may not have additional information specific to the required tests for issuance of both certificates (EC-3 and Trade and Industrial Workforce Training) ready to propose in rule by the May meeting. For Subchapter D, Ms. Cook indicated additional adjustments may be needed to support issuance of intern and probationary certificates for the new Principal as Instructional Leader

certificate. Ms. Cook shared that while she has previously discussed various aspects related to the Visiting International Teacher Certificates, that staff has not dived into the specifics of the rule text until now.

For Subchapter E, Ms. Cook referenced conversations from earlier in the day related to the work being completed by Ms. Moriaty and her team specific to sanctions of educational aide certificates now that they are issued for a shorter timeframe (i.e., two years versus five years). Ms. Cook explained there is a duplicative English language proficiency requirement reference in these rules like the ones for Visiting International Teacher certificate. Ms. Cook shared it is TEA staff's belief that determining one's command of the English language and his or her suitability to serve in the role of educational aide should be left up to the district. For Subchapter E, Ms. Cook referenced some technical edits needed to improve a few sentences in the rules. She also referenced the SB 1839 provision that allows the Commissioner of Education to establish rules that would exempt eligible candidates certified outside the state from Texas testing requirements.

Ms. Cook returned to the Board to gauge their feelings about the direction she plans to take to ensure readiness to propose rules for Board consideration in May. Dr. Cavazos stated you did exceptionally well. His only question was why consider something other than TOEFL? Also mentioned in previous conversations where we commented why even require a test at all for visiting international teachers? Ms. Cook confirmed there was some concern about cost but also some recognition of the level of assessment and vetting of candidates that is done before selection to participate in the program. A significant amount of work is done to ensure quality candidates are admitted into the program. Dr. Cavazos also referenced wording "as rigorous as the TOEFL." Ms. Cook referenced the IELTS assessment that many outside the U.S. take as well as other assessments that might be in place that include rigor similar to that of the TOEFL. Dr. Cavazos shared we might be looking at an alternative to the TOEFL requirement for everyone. Ms. Cook indicated it was not staff's intent to change the TOEFL requirement for out-of-country candidates but did want to explore an option to testing related to issuance of the VIT certificate. Ms. Druessedow confirmed the Board's willingness to allow Ms. Cook to proceed in the direction outlined in the item and shared with the Board. Ms. Cook shared the conversation has been extremely helpful, and as always, she will put a lot of care into the item development..

22. Discussion of Educator Testing Contract and Request for Proposal

Ms. Cook presented this item to the Board. Ms. Cook highlighted the work being done under the current educator testing contract, and an overview of activities completed to date related to the request for proposal (RFP). Ms. Cook shared that we are in the last contract year with the current vendor, ETS, and directed the Board to Attachment I on page 2 and highlighted the RFP activities completed to date by TEA staff and reviewers of the RFP. Ms. Cook advised we are in the month to select a new vendor(s) to partner with us over the next four years in bringing forth the Board's vision and to finish development of current assessments such as Principal, EC-3, Trade and Industrial Workforce Training, and other assessments to be determined. Ms. Cook also shared her plans to return in May with an update related to the contract award and next steps to continue the great work that staff has been discussing with the Board. Staff remains extremely appreciative of the collaboration we have with this Board and our strong working relationship the Commissioner. Ms. Cook mentioned how Attachment II on page 3 provides a visual that explains our varying roles and responsibilities and

demonstrates the importance of all of us working together and staying in constant communication to ensure a successful testing program that supports our goals and mission.

INFORMATION ONLY

23. 2015 - 2018 Rule Review Plan for State Board for Educator Certification Rules

Information Only.

24. Requests from Board Members for Future Agenda Items

None.

25. Requests Received from the Board Since Last Meeting

None.

26. Adjournment

Ms. Druesedow adjourned the meeting at 2:09 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.