

Item 6:
Request to Approve October 1, 2021 Board Meeting Minutes

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the October 1, 2021 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION
MEETING AGENDA
OCTOBER 1, 2021 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:

Moment of Silence

Pledge of Allegiance

1. Call to Order

The State Board for Educator Certification (SBEC) convened its meeting at 8:32 AM on Friday, October 1, 2021.

Present: Mr. Tommy Coleman, Dr. Veronica Galvan, Ms. Bena Glasscock, Mr. Rex Gore, Ms. Melissa Isaacs, Dr. John Kelly, Mr. Andrew Kim, Dr. Andrew Lofters, Ms. Kelvey Oeser, Dr. Alma Rodriguez, and Ms. Jean Streepey.

Absent: Dr. Robert Brescia, Ms. Julia Dvorak, Ms. Courtney MacDonald, and Ms. Shareefah Mason.

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Associate Commissioner Emily Garcia welcomed the Board and thanked staff for their hard work in preparation for the meeting. Ms. Garcia ceded the rest of her time to Deputy Commissioner Kelvey Oeser.

3. Deputy Commissioner's Comments and TEA Update

Deputy Commissioner Kelvey Oeser presented this item to the Board. Ms. Oeser provided data related to the impact of the COVID-19 pandemic on student achievement in Texas and highlighted the supports being provided to local education agencies by the Texas Education Agency. She also provided data linking the work of the SBEC to actions intended to improve teacher quality and student outcomes across the state.

4. State Board for Educator Certification Welcome New Board Member and Recognition of Former Board Member

Ms. Pogue presented this item to the Board. The Board welcomed Ms. Bena Glasscock as the school counselor representative and thanked Ms. Rohanna Brooks Sykes for her service on the SBEC.

5. Public Comment

Jan Friese – Texas Counseling Association

CONSENT AGENDA**6. Request to Approve July 22, 2021 Board Work Session Minutes**

The July 22, 2021 work session minutes were approved.

7. Request to Approve July 23, 2021 Board Meeting Minutes

The July 23, 2021 meeting minutes were approved.

Ms. Pogue provided the Board with an overview of the types of items on the agenda. She clarified key differences between discussion, proposal, and adoption items and the Board's opportunities for action in each phase of the rulemaking process. Ms. Pogue also highlighted the navigation cues within the Power Point presentation that would be utilized by staff as each agenda item is presented for the Board's consideration.

DISCUSSION AND ACTION**8. Adoption of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**

Dr. Olofson presented this item to the Board. He provided background on the Accountability System for Educator Preparation Programs (ASEP). He explained that the proposed amendments would extend the status of Not Rated: Declared State of Disaster for the 2020-2021 year and provide for EPPs that meet the standard for Accredited to break any consequential count of years. He further noted that the amendments clarified the calculation of certificate category pass rates, and that the updates to the ASEP manual would provide clarity to the field about all associated calculations. Dr. Olofson also explained that the amendments provide clarity about the alignment of current rule with the requirements in House Bill (HB) 159, 87th Texas Legislature, Regular Session, 2021 to add students with disabilities to the student achievement ASEP performance indicator regarding student performance. He summarized the 4 received public comments.

Dr. Rodriguez asked for clarity about the timeline of implementation for ASEP indicator 3. Dr. Olofson noted that the Performance Reporting division at TEA anticipated having relevant data at the end of 2022, so this would likely be the first of two report only years, but that the Board would be updated as progress is made. Dr. Rodriguez asked about the implementation of the ASEP index system, and Dr. Olofson noted that the proposed amendments continue to allow for an overlap year for implementation. Dr. Galvan asked for clarification about TEC 21.0452(c), and Dr. Olofson explained that current surveys distributed by the TEA comply with this statutory requirement.

Motion and vote:

Motion was made by Mr. Coleman to approve for adoption, subject to the State Board of Education (SBOE) review, the proposed amendments to 19 TAC Chapter 229, Accountability System for Education Preparation Programs, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Mr. Kim, and the Board voted unanimously in favor of the motion.

9. Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters

Ms. Moriaty presented this item to the Board. She provided background information on the July 2015 Sunset Commission Report's recommendations regarding standard sanctions for educators, the history of the standard one-year suspension sanction for contract abandonment, the contents of House Bill 2519, 87th Legislature, Regular Session, and the results of the Board's work session on contract abandonment in October.

Public Testimony:

Andrea Chevalier – Association of Texas Professional Educators

Crystal Dockery – Texas Association of Community Schools

Laura Kravitz – Texas State Teachers Association

Julie Leahy – Texas Classroom Teachers Association

Kevin Brown – Texas Association of School Administrators

Patty Quinzi – Texas American Federation of Teachers

Leslie Stephens – Texas Urban Council and Austin Independent School District

The SBEC recessed at 10:19 AM.

The SBEC reconvened at 10:29 AM.

The Board discussed the proposed changes to contract abandonment good cause and mitigating factors. Ms. Streepey proposed moving the proposed good cause factor that the educator "had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district" to become a mitigating factor. Ms. Moriaty revised the draft rule language to comport with Ms. Streepey's suggestion and presented it to the Board for a vote.

Motion and vote:

Motion was made by Mr. Gore to approve the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, as presented to be published in the Texas Register. Second was made by Ms. Streepey.

Mr. Coleman offered an amendment to the motion to include a reduction in an educator's base pay and an educator's reliance upon written permission from a school administrator to be good cause for contract abandonment, rather than mitigating factors. No second was made and the amendment failed.

Mr. Kim offered an amendment to the motion to strike §249.14(d)(2)(i), which was a proposed mitigating factor that would allow a reduced sanction for contract abandonment when an educator “had a change in the educator’s campus assignment that caused a significant adverse impact on the educator’s health condition or family need.” Second was made by Dr. Kelly. The motion failed with Mr. Kim and Dr. Kelly voting in favor, and Mr. Coleman, Ms. Streepey, Ms. Glasscock, and Ms. Isaacs voting against the amendment.

The main motion passed with Ms. Streepey, Ms. Isaacs, Mr. Gore and Ms. Glasscock voting in favor of the motion and Mr. Coleman, Dr. Kelly, and Mr. Kim voting against the motion.

10. Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements

Ms. Cook presented this item to the Board. She stated the proposed changes are specific to the requirement for demonstration of English language proficiency for certificate issuance. Ms. Cook explained the proposed changes would align SBEC’s list of approved countries with lists that the University of Texas and Texas A&M University systems use to exempt their students from the English language proficiency requirement for purposes of admission. Ms. Cook highlighted the five countries being added to the list; explained the provision to eliminate duplication of English language proficiency if additional certification is pursued later; and provided a quick overview of the minor technical and grammatical edits to the list of countries in the figure. There were no questions from the Board.

Motion and vote:

Motion was made by Mr. Kim to approve the proposed amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements, 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. Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

Ms. Cook presented this item to the Board. She stated Chapter 234 provides guidance on certification licensure, preparation, testing, and renewal for members of the military community. Ms. Cook explained the proposed changes would implement legislative provisions specified in House Bill (HB) 139, 87th Legislature, Regular Session, 2021 to add space force to the list of branches of the United States Armed Forces and allow military community members to use clinical and professional experience to substitute for certification requirements.

Dr. Rodriguez asked for an example of types of clinical and professional experience that an EPP could approve for members of military community. Dr. Galvan asked for additional clarification on acceptable clinical and professional experience and expressed the need to ensure that processes and guidance for EPPs is clearly outlined to accurately support the legislation. Superintendent Kim shared his support of the legislative provisions and offered positive feedback on district abilities to utilize members of the military community in K-12

settings. Ms. Cook responded to all questions from Board members. She also confirmed that Ms. McLoughlin's discussion item on Chapter 228, scheduled for a later time in the agenda, would address some of the questions and feedback from Dr. Galvan. Ms. Cook thanked the Board for their feedback and support.

Motion and vote:

Motion was made by Mr. Kim to approve the proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, to be published as proposed in the Texas Register. Second was made by Ms. Isaacs, and the Board voted unanimously in favor of the motion.

12. 2020–2021 Continuing Approval Reviews of Educator Preparation Programs

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin shared that the item provided the SBEC with the opportunity to approve existing EPPs for continuing approval for five years based on the results of the 2020-2021 continuing approval reviews. Ms. McLoughlin presented an overview of the five-year continuing approval review process and outcomes. She presented fifteen programs to the Board for continuing approval that met all requirements in their review. She also shared that twelve programs were still being evaluated because their deadline for submitting review materials was too close to the SBEC meeting for staff to finish out the process and that TEA staff anticipated presenting the remaining programs to the Board at future meetings. Lastly, Ms. McLoughlin shared those four programs closed in the 20-21 year, and all programs that closed in 20-21 were able to successfully transfer out any remaining candidates.

Mr. Gore asked if the programs that closed in 20-21 closed due to economic considerations or other factors. Ms. McLoughlin shared that two programs closed in lieu of engaging in the continuing approval review process and one program closed due to lack of candidates.

Dr. Galvan asked if all programs recommended for continuing approval were accredited in ASEP. Ms. McLoughlin clarified that ASEP accreditation status dictated the depth of the review conducted but that all programs recommended to the SBEC met all requirements of the continuing approval review.

Motion and vote:

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

13. Approval of Proposed 2022 State Board for Educator Certification Meeting Dates

Ms. Pogue presented this item to the Board. Ms. Pogue explained the proposed SBEC meeting dates for 2022 comply with the statutory requirements that the SBOE have 90 days to review all SBEC proposed rules and the 180 days to take action once the Board proposes a rule. Ms. Pogue pointed out the dates were approved by SBEC Chair, Dr. Kelly, and do not conflict with the state's testing calendar. Ms. Pogue asked the Board to approve the

proposed SBEC 2022 meeting dates of February 11, 2022, April 29, 2022, July 21, 2022 Work Session, July 22, 2022, September 30, 2022, and December 9, 2022.

Motion and vote:

Motion was made by Mr. Kim to approve the proposed 2022 SBEC meeting dates. Second was made by Ms. Streepey, and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

14. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

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

Staff recommendation: 1-year suspension
3. In the Matter of Christopher Rutledge, Jr.; Action to be taken: Consideration of Issuance of Default Judgment

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

Staff recommendation: 1-year suspension
5. In the Matter of Jadah P. Odom; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension
6. In the Matter of Jeanine Abuahmad; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension
7. In the Matter of Kimberly Dair Taylor; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

8. In the Matter of LaMonica Jiles; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
9. In the Matter of Lynn C. Patterson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
10. In the Matter of Patrice Craft; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
11. In the Matter of Roberto Ernesto Nanes, III; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
12. In the Matter of Sandra E. Gibson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
13. In the Matter of Andre Daniels; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
14. In the Matter of Rebecca Vaughan; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
16. In the Matter of Christia Schock; 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
17. In the Matter of Eric Gomez; 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

- 18. In the Matter of Justin Piwonka; 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

- 19. In the Matter of Marcum Joseph Olano II; 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

- 20. In the Matter of Valerie Bittner; 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

- 21. In the Matter of Susan Bobbitt; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3-year suspension and proof of successful completion of a substance abuse treatment program

- 22. In the Matter of Yvonne Sanchez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 5-year suspension and proof of successful completion of substance abuse treatment program

- 23. In the Matter of Andres Rodriguez, Jr.; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

- 24. In the Matter of David Anthony Balsinger; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

- 25. In the Matter of Salim Edward Black; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

26. In the Matter of Sammy Cruz Martinez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
27. In the Matter of Timothy Watson; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
28. In the Matter of Amber Parker; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
30. In the Matter of Alicia Villarreal; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
32. In the Matter of Payne Stinchfield; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
33. In the Matter of Derrick Wright; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

Motion and vote:

Motion was made by Mr. Kim to grant Staff's request for issuance of default judgments on cases numbered 1 – 33, excluding cases 1, 15, 29, and 31 and issue final orders consistent with Staff's recommendations. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

29. In the Matter of Nicole Layvonne Warrior; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Streepey to grant Staff's request for issuance of default judgment and issue a final order with a sanction of permanent revocation. Second was made by Mr. Kim, and the Board voted unanimously in favor of the motion.

31. In the Matter of Beverly K. Logue; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 10-year suspension

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's request for issuance of default judgment and issue a final order with a sanction of permanent revocation. Second was made by Mr. Gore, and the Board voted unanimously in favor of the motion. Mr. Gore abstained from the vote.

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

1. In the Matter of Adiba Fayyaz Ratani; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

15. In the Matter of Adam Stickelbault; 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

SOAH Defaults

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

Staff recommendation: 1-year suspension

2. In the Matter of Raul Salinas; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

3. In the Matter of Jhoccio Gonzalez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

Motion and vote:

Motion was made by Mr. Kim to grant Staff's request for the issuance of SOAH default judgments on cases 1-3, and issue final orders consistent with Staff's recommendations. Second was made by Ms. Streepey, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701211525.EC, Texas Education Agency, Educator Leadership and Quality Division v. Kenneth Dupre, II; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ recommendation

Motion and vote:

Motion was made by Mr. Kim to accept the Proposal for Decision and Issue a Final Order with the ALJ's recommendation. Mr. Dupre's educator certificates should be revoked. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

2. Docket No. 701211724.EC, Texas Education Agency, Educator Leadership and Quality Division v. Luis Garza; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ recommendation

Motion and vote:

Motion was made by Mr. Kim that the Board accept the Proposal for Decision and Issue a Final Order of permanent revocation. This modification of sanction is permissible pursuant to Texas Government Code §2001.058(e) and is necessary because the ALJ did not properly apply board rules, specifically the factors the Board considers in determining a sanction under 19 TAC 249.5 and 249.17(c).

A permanent revocation is appropriate because Mr. Garza's conduct was serious and represented a potential danger to the health and welfare of students. Findings of Fact 8 and 9 show that Mr. Garza has engaged in violent acts that threatened the lives of those around him. In Finding of Fact 9, the ALJ found that respondent pled guilty to unlawful restraint-substantial risk of serious bodily injury, a third-degree felony, for the conduct at his parents' house. Further, in conclusion of law 10, the ALJ found the respondent is unworthy to instruct or supervise the youth of this state.

Given the serious violation of SBEC's rules, it is important that the sanction in this case address the potential danger the conduct poses to the health and welfare of students.

For these reasons, the appropriate sanction in this case, in keeping with the Board's rules, is permanent revocation. Second was made by Ms. Streepey, and the Board voted unanimously in favor of the motion.

3. Docket No. 701210009.EC, Texas Education Agency, Educator Leadership and Quality Division v. Hector Galvan; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Inscribed reprimand or a 1-year probated suspension

Staff Recommendation: 3-year suspension

Motion and vote:

Motion was made by Mr. Kim that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 – 35 and Conclusions of Law Nos. 1 – 17 and that the Board modify the recommended sanction of an inscribed reprimand or one-year probated suspension as follows:

Hector Galvan's educator certification should be suspended for three years.

This modification of sanction is permissible pursuant to Texas Government Code §2001.058(e) and is necessary because the Administrative Law Judge ("ALJ") did not properly apply Board rules, specifically the factors the Board considers in determining a sanction under 19 Texas Administrative Code §249.5 and §249.17(c).

Findings of Fact 22, 26, 27, 32, and 34 and Conclusions of Law 7 and 15 show that Mr. Galvan's conduct was serious: the ALJ found that it constituted a felony, found that it amounted to three separate violations of the Board's rules, and described the dangerous, serious situation Mr. Galvan created when a pistol fell out of his pocket on school property without him even noticing.

Findings of Fact 18 and 19 show that Mr. Galvan's misconduct was intentional because he brought the gun to school regularly and intentionally, and its presence on campus was not the result of an unconscious mistake.

In Findings of Fact 19, 20, 22 and 32, the ALJ described how Mr. Galvan's conduct was potentially dangerous to the health and welfare of students when he carried an unholstered pistol to school in his pants and allowed it to fall out where a student could pick it up. As provided in 19 Texas Administrative Code §249.5, one of the primary purposes the Board seeks to achieve in educator disciplinary matters is to protect the safety and welfare of Texas schoolchildren.

Given the ALJ's holding in Findings of Fact 26, 27, 32, and 34 and Conclusions of Law 7 and 15 that Mr. Galvan had committed three separate violations of the SBEC rules,

including a felony on a school campus, it is important that the sanction in this case be a strong deterrent to both Mr. Galvan himself and to other educators. Neither an inscribed reprimand nor a probated suspension offers significant deterrent value because both allow Mr. Galvan to remain continuously employed in the classroom.

For these reasons, the appropriate sanction in this case, in keeping with the Board's rules, is a three-year suspension. Second was made by Jean Streepey and the motion failed with Mr. Kim, Ms. Glasscock, and Ms. Streepey voting in favor of the motion and Mr. Coleman, Dr. Kelly and Mr. Gore voting against the motion.

Motion was made by Mr. Coleman that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 – 35 and Conclusions of Law Nos. 1 – 17. I move that the Board modify the recommended sanction of an inscribed reprimand or one-year probated suspension as follows:

Hector Galvan's educator certification should be suspended for one-year beginning April 7, 2021.

This modification of sanction is permissible pursuant to Texas Government Code §2001.058(e) and is necessary because the Administrative Law Judge ("ALJ") did not properly apply Board rules, specifically the factors the Board considers in determining a sanction under 19 Texas Administrative Code §249.5 and §249.17(c).

Findings of Fact 22, 26, 27, 32, and 34 and Conclusions of Law 7 and 15 show that Mr. Galvan's conduct was serious: the ALJ found that it constituted a felony, found that it amounted to three separate violations of the Board's rules, and described the dangerous, serious situation Mr. Galvan created when a pistol fell out of his pocket on school property without him even noticing.

Findings of Fact 18 and 19 show that Mr. Galvan's misconduct was intentional because he brought the gun to school regularly and intentionally, and its presence on campus was not the result of an unconscious mistake.

In Findings of Fact 19, 20, 22 and 32, the ALJ described how Mr. Galvan's conduct was potentially dangerous to the health and welfare of students when he carried an unholstered pistol to school in his pants and allowed it to fall out where a student could pick it up. As provided in 19 Texas Administrative Code §249.5, one of the primary purposes the Board seeks to achieve in educator disciplinary matters is to protect the safety and welfare of Texas schoolchildren.

Given the ALJ's holding in Findings of Fact 26, 27, 32, and 34 and Conclusions of Law 7 and 15 that Mr. Galvan had committed three separate violations of the SBEC rules, including a felony on a school campus, it is important that the sanction in this case be a strong deterrent to both Mr. Galvan himself and to other educators. Neither an inscribed reprimand nor a probated suspension offers significant deterrent value because both allow Mr. Galvan to remain continuously employed in the classroom.

For these reasons, the appropriate sanction in this case, in keeping with the Board's rules, is a one-year suspension beginning April 7, 2021. Second was made by Dr. Kelly, and the motion passed with Dr. Kelly, Mr. Coleman, Mr. Gore, Ms. Glasscock and Ms. Streepy voting in favor of the motion and Mr. Kim voting against the motion.

4. Docket No. 701211958.EC, Texas Education Agency, Educator Leadership and Quality Division v Austin Mintas; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Approve application for certification

Staff Recommendation: Accept ALJ recommendation

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 recommendation. Mr. Mintas's application for Texas educator certificates should be approved. Second was made by Mr. Kim, and the Board voted unanimously in favor of the motion.

C. Court Cases

District Court Cases

1. David Turner v. Texas Education Agency, Educator Preparation, Certification, and Enforcement 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 Preparation, Certification, and Enforcement Division; Cause No. D-1-GN-18-004203, In the 98th District Court of Travis County, Texas.
3. Jamie Belinoski v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. D-1-GN-19-002926, In the 53rd District Court of Travis County, Texas.
4. David Demiglio v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. D-1-GN-20-001242, In the 459th District Court of Travis County, Texas.

DISCUSSION ONLY

15. Discussion of Continuing Professional Education Requirements

Ms. Pogue presented this item to the Board. She stated that the item would cover continuing professional education (CPE) changes due to SB 1267 and as a result of stakeholder input.

She outlined the changes that SB 1267 requires by striking certain CPE topics with limitations of total CPE hours can be used for certificate renewal purposes. The Board provided guidance to keep those topics in rule as allowable topics to comply with the bill while supporting the importance of the topics. Ms. Pogue also presented options for the SBEC to allow for educators to have an exemption for CPE hours to allow a local school district to hire an individual who has an invalid certificate due to the lack of CPE hours and to add CPE requirements for dyslexia training. The Board provided guidance for staff to bring back proposed rule text at the December 2021 meeting that incorporates these changes.

Public Testimony:

Josette Saxton – Texans Care for Children

Andrea Chevalier – Association of TX Professional Educators

Jan Friese – Texas Counseling Association

Megan Guidry – Texas Counseling Association

Holly Eaton – Texas Classroom Teachers Association

16. Discussion of Effective Preparation Framework Development

Ms. McLoughlin presented this item to the Board. She stated that this item would provide the Board with the opportunity to continue the discussion around the development of an Effective Preparation Framework. Ms. McLoughlin shared that at the July 2021 SBEC meeting, the Board provided direction to TEA staff to begin the process of developing a framework to codify the quality components of EPPs that would allow the Board to recognize high-quality educator preparation and support EPP continuous improvement. Ms. McLoughlin summarized the feedback that the Board provided to staff at that time, which she named would help guide the development of the framework moving forward. Ms. McLoughlin provided an overview of the proposed functions of the framework and work that had been done to date by stakeholder committees to develop the framework content. Finally, Ms. McLoughlin shared next steps in the framework development process, including upcoming opportunities for further stakeholder engagements and updates to the Board.

Members of the SBEC provided feedback and input on the stakeholders involved in the framework development process to ensure that there are experts in educator preparation included early in the development process. Ms. Pogue also addressed questions from members of the Board on the makeup of the Educator Preparation Advisory Committee (EPAC), reinforcing the diverse representation on the committee.

17. Discussion of the edTPA Pilot Updates

Ms. McLoughlin and Mr. Pitre presented this item to the Board. Ms. McLoughlin shared that item would cover the background and rationale for implementation of the edTPA pilot, provide an overview of the Year 1 and Year 2 edTPA pilots, and provide an overview of Year 3 pilot activities and next steps. Ms. McLoughlin shared background context on policy actions the SBEC has taken since 2015 in alignment with the Board's core beliefs and areas of focus, including the implementation of the edTPA pilot in 2019. Ms. McLoughlin provided an overview of how the edTPA aligns with the SBEC's focus areas and measures a candidate's ability to demonstrate foundational pedagogical skills in a Texas classroom. Ms.

McLoughlin compared the content of the edTPA as a certification exam to the current pedagogy certification exam, the Pedagogy and Professional Responsibilities (PPR) exam, reinforcing that the edTPA requires teacher candidates to demonstrate their skills for issuance of a professional license, unlike the PPR. Mr. Pitre then shared his experience completing the edTPA as a teacher candidate.

Ms. McLoughlin then provided an overview of the participation and performance outcomes for teacher candidates who participated in the Year 2 edTPA pilot. Ms. McLoughlin shared that Texas candidates mean scores had increased overall in Year 2 in comparison to Year 1 but remained below the national mean. In addition, she shared that candidate performance by race/ethnicity increased for all groups from Year 1 to Year 2 and that candidates performed near parity across race/ethnicity groups in Year 2.

Finally, Ms. McLoughlin provided an overview of plans to support edTPA implementation in Year 3 of the edTPA pilot and named that staff planned to bring forward discussion rule text at the December SBEC meeting to discuss implementation of the edTPA to replace the PPR exam at the end of the edTPA pilot.

Members of the SBEC asked if there was middle ground between the current PPR exam and the edTPA, given feedback provided by public testimony. Ms. McLoughlin shared that there is strong alignment between edTPA and T-TESS and reinforced the value of the feedback provided by field supervisors and cooperating and mentor teachers to candidates. She named that the SBEC, in issuing a professional license to teach, has required a third party validation of a candidate's readiness through a certification exam. She shared that edTPA, as a valid and reliable performance assessment, is the best option for a certification exam given this charge. Members of the SBEC also requested to see modeled pass rate data for candidates participating in the pilot in comparison to national standards. Ms. McLoughlin shared that she would bring that data back to the SBEC in December 2021.

Public Testimony:

Mike Vriesenga – University of Texas San Antonio

Claudia Garcia – University of Texas San Antonio

18. Discussion of the Special Education Certification Redesign and Test Development Updates

This item was not presented to the Board.

19. Discussion of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, §228.35, Preparation Program Coursework and/or Training

Ms. McLoughlin presented this item to the Board. She stated that the item provided the SBEC an opportunity to discuss proposed amendments to Chapter 228, Requirements for Educator Preparation Programs to implement four bills from the 87th regular session that impacted educator preparation. Ms. McLoughlin provided an overview of each of the four bills, Senate Bills (SB) 226 and 1590 and House Bills (HB) 139 and 159. Ms. McLoughlin provided an overview of amendments to preparation program curriculum requirements to

include the SB 226 requirement to include “virtual instruction” and “virtual learning” to the list of topics that EPPs must include in their curriculum. She then provided an overview of amendments to coursework and training requirements to implement the HB 139 requirement to add “clinical and professional experience” training to the list of appropriate credit toward certification requirements for military service members, spouses, and veterans that EPPs must develop criteria and procedures to allow. Then, she provided an overview of amendments to definitions, approval processes, and curriculum requirements to implement HB 159 which established training requirements for educators regarding proactive instructional planning techniques and evidence-based instructional practices for students with disabilities. Finally, Ms. McLoughlin provided an overview of the SB 1590 bill language and the translation of the statute to amendments to coursework and training requirements regarding virtual observations. Ms. McLoughlin named that staff’s interpretation of the rule allowed the Board to make rules at or above what is stated in the statute but named that some stakeholders had differing interpretations.

Dr. Kelly inquired further on the legislative intent provided, naming that the SBEC is bound by the plain language of the statute but wanted to be cognizant of the intent. Mr. Coleman stated that the plain reading of the statute conflicted with staff’s proposed rule text. Ms. McLoughlin reinforced that the Board had the opportunity to speak with their attorney in closed session to receive further guidance. Dr. Kelly asked the Board if they would like to go into executive session. Dr. Lofters named that he did not think executive session was necessary but inquired further on the legislative intent. Ms. Garcia reinforced that the phrase “at least” within the statute led to the proposed rule text, which adhered to the minimum requirements outlined in the statute and maintained the Board’s current requirements. Dr. Kelly provided guidance for staff to bring back proposed rule text at the December 2021 meeting for further discussion and input.

Public Testimony:

Adam Jones – iTeach Texas

Andrea Chevalier – Association Texas of Professional Educators

Priscilla Aquino Garza – Educate Texas

Marissa Hernandez – Teach Plus

Patty Quinzi – American Federation of Teachers

Eric Nustrom – Texas Teachers of Tomorrow

20. Discussion of Proposed Amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries

This item was not presented to the Board due to meeting adjournment.

21. Discussion of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

This item was not presented to the Board due to meeting adjournment.

INFORMATION ONLY

22. SBEC-Related Legislative Update from the 87th Texas Legislature

Information Only.

23. Board Operating Policies and Procedures (BOPP)

Information Only.

24. 2019–2022 Rule Review Plan for State Board for Educator Certification Rules

Information Only.

25. Requests from Board Members for Future Agenda Items

None.

26. Requests Received from the Board Since Last Meeting

None.

27. Adjournment

Dr. Kelly adjourned the meeting at 5:10 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.