

Item 4:
**Consider and Take Appropriate Action on Request to
Approve February 21, 2020 Board Meeting Minutes**

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the February 21, 2020 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION MEETING AGENDA

FEBRUARY 21, 2020 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:

Pledge of Allegiance

1. Call to Order

The State Board for Educator Certification (SBEC) convened its meeting at 8:30 AM on Friday, February 21, 2020, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Ms. Laurie Bricker, Ms. Rohanna Brooks-Sykes, Dr. Arturo Cavazos, Mr. Tommy Coleman, Dr. John Kelly, Dr. Andrew Lofters, Ms. Shareefah Mason, Ms. Kelvey Oeser, and Mr. Jose Rodriguez.

Absent: Ms. Jill Druesedow, Dr. Edward Hill, Ms. Courtney MacDonald, Ms. Sandie Mullins, Dr. Laurie Turner, and Mr. Carlos Villagrana.

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Associate Commissioner Ryan Franklin welcomed the Board. Mr. Franklin introduced Jessica McLoughlin as the new director of educator standards and testing. He recognized Ms. McLoughlin's familiarity with the Board's work, particularly related to Principal as Instructional Leader, Early Childhood–3, and Science of Teaching Reading certification examination development.

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.

Public Comment was provided by:
Scott Fikes

CONSENT AGENDA**4. Consider and Take Appropriate Action on Request to Approve December 6, 2019 Board Meeting Minutes**

The December 6, 2019 meeting minutes were approved.

DISCUSSION AND ACTION**5. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates, Subchapter E, Educational Aide Certificate, and Subchapter G, Certificate Issuance Procedures**

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin summarized the key amendments to the rule that the Board proposed in December 2019. Ms. McLoughlin then walked the Board through adjustments made to the rule since proposal. Ms. McLoughlin explained that based on stakeholder feedback and ongoing TEA staff discussion, adjustments were made to Figure 230.21(e). Ms. McLoughlin directed their attention to their orange folder, which included substitute language. Ms. McLoughlin walked the Board through six key changes to Figure 230.21(e), in which language was reverted. Ms. McLoughlin explained that language was reverted for four of the certification fields to accommodate the development of certificate names for those certification fields impacted by the science of teaching reading exam requirement. Ms. McLoughlin then stepped aside for public comment.

Mr. Fikes provided comments regarding the content certification exams, TxPACT. Ms. McLoughlin shared that the TxPACT exams are intended for admission and the TExES content pedagogy exams are intended to measure a candidate's knowledge of the student standards and pedagogy as a certification exam. Ms. McLoughlin then highlighted comments in support of the Educational Aide credential and the reduction in time between examination windows from 45 to 30 days. She also highlighted comments indicating concerns related to hiring flexibility with the adoption of the Early Childhood: EC–Grade 3 certification exam. She clarified that the Core Subjects: Early Childhood–Grade 6 certification exam continued to be offered to ensure flexibility.

Ms. Bricker asked Ms. McLoughlin to clarify her response related to the PACT exams. Mr. Franklin clarified that the new PACT tests are optional exams used for admission only, unless candidates have not met GPA or content hour requirements, that differ from the summative certification exams.

Public Comment was provided by:
Scott Fikes

Motion and vote:

Motion was made by Ms. Bricker to adopt the review of Chapter 230. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

6. Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 239, Student Services Certificates

Ms. Cook presented this item to the Board. She asked for the Board's support in adopting the four-year rule review and provided a couple of clarifications on the standard practice of the four-year rule review. She shared the purpose of the review is to offer the public an opportunity to share their thoughts on whether there is purpose for the review to continue, and oftentimes the public takes the opportunity to also share recommendations for rule changes at future opportunities. Ms. Cook then directed the Board's attention to the purple folder that contained a summary of public comments. Ms. Cook shared that overall she is happy that everyone believes it is a good idea that we have these rules. She then highlighted comments from the School Counselor community to allow the current rules to remain in place. Ms. Cook explained there were a few comments from the School Librarian community to maintain high standards for that certification and to also consider some updates to the rules at a future opportunity. Ms. Cook shared a comment from the Reading Specialist community to add their standards into rule at a future rulemaking opportunity. She then highlighted comments regarding the Master Reading Teacher certificate and the fact that these certificate holders no longer have the option to renew their certificates to maintain employment.

Ms. Chevalier provided comments regarding the impact on master teacher certificate holders. Mr. Rodriguez asked questions about her testimony as relates to impact on master teacher certificate holders, the transition to legacy master teacher status, and options for employment once that certificate expires. Mr. Rodriguez then asked Mr. Franklin a follow-up question to further clarify what is happening. Mr. Franklin then explained the relationship of the master teacher certificate and its ability to be utilized with other classroom teacher certificate areas and afford flexibility in the subject and grade levels they can teach. Ms. Cook confirmed the accuracy of Mr. Franklin's response and also shared she would be happy to come back to the Board with options for consideration in May for their review and consideration. Dr. Kelly stated concerns about taking away certification from someone that earned it. Mr. Franklin then stated we received clarification on legislative intent during the course of the meeting. Dr. Cavazos expressed the need to bring back options for consideration within the scope of the Board's purview. Ms. Bricker asked a clarifying question regarding social workers and Ms. Cook confirmed that while there are no rules for this credential in Chapter 239, there is flexibility provided in Chapter 231 to allow districts to employ social workers that hold the appropriate credentials issued by their licensing board.

Public Comment was provided by:
Andrea Chevalier

Motion and vote:

Motion was made by Ms. Brooks-Sykes to adopt the review of Chapter 239. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.

7. Consider and Take Appropriate Action on Proposed Revisions to 19 TAC Chapter 232, General Certification Provisions

Ms. Pogue and Mr. Rodriguez presented this item to the Board. Ms. Pogue explained the purpose of the proposal to provide major clean-up and reorganization of the chapter for clarity and to implement recent legislation as a result of the 86th Texas Legislative Session.

She pointed out the process with timeline with internal/external stakeholders. She noted the legislative changes regarding continuing professional education requirements related to mental health and substance abuse for educators; sexual abuse, human trafficking, and other maltreatment of children for superintendents; and the prohibition of student loan default for certification renewal.

Mr. Rodriguez explained that the purpose of the proposal was to update the chapter to reflect changes in the fingerprinting workflow. Mr. Rodriguez categorized the updates as changes to technology and/or process. As background, he explained that TEA/SBEC uses the fingerprint vendor selected by the Texas Department of Public Safety. Therefore, as necessary, TEA/SBEC made enhancements to its IT systems when the fingerprint vendor rolled-out new technology requiring updates.

Public Comment was provided by:
Julie Leahy

Motion and vote:

Motion was made by Ms. Brooks-Sykes to approve the proposed revisions of Chapter 232. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

8. Consider and Take Appropriate Action on Request to Approve 2018–2019 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses

Ms. Pogue and Dr. Olofson presented this item to the Board. Ms. Pogue explained the ASEP system and how accreditation statuses are determined. She noted the informal review process that occurred and pointed out the EPP statuses. She highlighted the EPPs that have failed the content exam standard for individual certification categories for two years. Dr. Lofters asked for clarification on the field observation standard. Ms. Pogue and Dr. Olofson explained the standard and relevant calculations.

Public Comment was provided by:
Scott Fikes

Motion and vote:

Motion was made by Ms. Bricker to approve the 2018–2019 Accountability System for Educator Preparation Programs accreditation statuses and related sanctions as presented. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion. Updated motion was made by Ms. Brooks-Sykes to amend the 2018–2019 Accountability System for Educator Preparation Programs accreditation status and related sanctions as presented. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

9. Consider and Take Appropriate Action on Request to Approve 2018–2019 Educator Preparation Program (EPP) Commendations

Dr. Olofson presented this item to the Board. He explained the EPP commendation system. Mr. Coleman commented in support of the EPP commendation system and asked about the genesis of the system. Dr. Olofson noted that the SBEC, particularly Ms. Bricker, provided

leadership for a commendation system. Dr. Kelly and Ms. Bricker also voiced their support for the commendation system.

Motion and vote:

Motion was made by Dr. Kelly to approve the 2018–2019 Educator Preparation Program Commendations as presented. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion. Updated motion was made by Ms. Bricker to amend the 2018–2019 EPP commendations to reflect the recommended commendations as presented. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

10. Consider and Take Appropriate Action on Establishing a Board Committee to Review and Recommend Educator Preparation Programs for SBEC Commendations

Dr. Olofson presented this item to the Board. He explained that the EPP commendation system category for innovative educator preparation allows for EPP application and SBEC review. Dr. Cavazos established the committee and Mr. Rodriguez, Dr. Kelly, Ms. Bricker, Ms. Mason volunteered for the committee, and appointed Mr. Rodriguez to chair the committee.

11. Consider and Take Appropriate Action on Agreed Order to Close Intern Teacher ACP Alternative Certification Program

Dr. Jones presented this item to the Board. He summarized the recent history of the program including the compliance plan that came as a result of a Board order from 2017 and a scheduled onsite visit for the fall of 2019 to verify compliance with the conditions of the order. He also explained that in November of 2019 the program indicated they would voluntarily close due to the upcoming retirement of the owner and chose to waive the onsite review. The agreed order was drawn up and signed by the program on January 29, 2020. He indicated this was a small program that offers the EC–6 Core Subjects, bilingual supplemental, supplemental certifications and that TEA staff are ready to begin assisting the program to contact candidates in preparation for closure.

Dr. Lofters asked for clarification on how a program can receive commendations in an earlier item be recommended for closure in a later item. Dr. Jones used the illustration of two sides of the same coin to explain that the commendations were one side of the coin and represented the ASEP and Board-approved indicator performance for the 2018–2019 year, whereas the other side of the coin was the compliance side that comes from onsite and desk reviews. He explained that the program had a Board order from 2017 with items that had not been corrected from the program's last onsite visit in 2016.

Motion and vote:

Motion was made by Mr. Coleman to approve the agreed order to close Intern Teacher ACP Alternative Certification Preparation Program as presented. Second was made by Dr. Kelley, and the Board voted unanimously in favor of the motion.

12. Revisions to the Board Operating Policies and Procedures (BOPP)

Ms. Pogue presented this item to the Board. Ms. Pogue reminded the Board that there was a request by an individual Board member to formalize the informal policy of the non-voting

SBEC members in the Board Operating Policies and Procedures (BOPP). She clarified that the revisions to the BOPP reflected the informal Board policy and included the provisions that non-voting members will not make or second motions or serve as SBEC officers.

Motion and vote:

Motion was made by Ms. Bricker to approve the revisions to the BOPP as presented. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

13. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

1. In the Matter of Javad Ameri Sianaki; Action to be taken: Consideration of Issuance of Default Judgment

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

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

Staff recommendation: 1-year suspension
5. In the Matter of Albert W. Brown; Action to be taken: Consideration of Issuance of Default Judgment

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

Staff recommendation: 1-year suspension
7. In the Matter of Eason Christian Campbell; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

8. In the Matter of Megan Kristene Carmichael; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
9. In the Matter of Thomas R. DeRosa; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
10. In the Matter of Kimberly Leah Fielding; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
11. In the Matter of Avion Riley Frazier; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
12. In the Matter of Michael David Garcia; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
13. In the Matter of Sandy Rebecca Hogan; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
15. In the Matter of Angela Leal; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
16. In the Matter of Angela T. Nguyen; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
17. In the Matter of Amanda Nicole Richardson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Suspension of Probationary Certificate through expiration on August 12, 2020

18. In the Matter of Stephen Robertson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
19. In the Matter of Elene Rodriguez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Suspension of Intern Certificate through expiration on August 12, 2020
20. In the Matter of Josefina Sanchez-Money; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
21. In the Matter of Corey Senque Brown; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
22. In the Matter of James Robert Bunton; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
23. In the Matter of Sylvia M. Davis; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
24. In the Matter of Casey J. Green; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
26. In the Matter of Garrett Spencer Perkins; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
27. In the Matter of Julio Esteban Ramirez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

29. In the Matter of James Edward Smith; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
30. In the Matter of Tonya Sue Figueroa; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
31. In the Matter of Claudia Eglantina Focht; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
32. In the Matter of Brandon Gardner; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
34. In the Matter of Cynthia A. Heredia; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
35. In the Matter of Gloria Jean Jacobs; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 2-year suspension
37. In the Matter of Javier Lopez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
38. In the Matter of Leslie Ann Couch; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
39. In the Matter of Jo Ann Breckenridge Jackson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

40. In the Matter of Hollie Rochelle Grounds; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
41. In the Matter of Juan Felix Hernandez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
42. In the Matter of William Dwight McKissic; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
43. In the Matter of Lynette Lea Moore; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
45. In the Matter of Andrea A. Brown; 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
46. In the Matter of Ryan Kersey; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension and proof of successful completion of substance abuse treatment program
47. In the Matter of Judith Farahi Martinez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension and proof of successful completion of substance abuse treatment program
48. In the Matter of Mario Partida; 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

49. In the Matter of Kirk Vaughan Richardson; 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
50. In the Matter of Daiquiri Richard; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension
51. In the Matter of Bobby L. Green; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension
52. In the Matter of Christi Lynn Gallegos; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension
53. In the Matter of Cami Jo Rogers; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's request for Issuance of Default Judgment on cases 1–53, with the exception of 2, 14, 25, 28, 33, 34, 36, and 44 and enter final orders consistent with Staff's recommendations. Second was made by Dr. Kelly and the Board voted unanimously in favor of the motion.

25. In the Matter of Tammy Leanne McLeod; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
33. In the Matter of Christopher P. Henderson; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation

44. In the Matter of Scott Allen Witzenburg; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Ms. Mason recused herself from voting on this matter.

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's request for Issuance of Default Judgement on cases numbered 25, 33, 44 and enter final orders consistent with Staff's recommendations. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

36. In the Matter of Leandra Johnson; 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 Judgement on case number 36 and enter a final order of revocation. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

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

2. In the Matter of Robert Anthony Barnes; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

14. In the Matter of Marandia Ola Marie Kirkmon; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

28. In the Matter of Valerie Reyes Mojica; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

SOAH Defaults

1. In the Matter of Don E. Broyles; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

2. In the Matter of Valdemar Stanley Herrera; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Denial of Certification

3. In the Matter of Bobbie J. Garrett a/k/a Bobbie J. Dunlap; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

4. In the Matter of Jennifer Munson; 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 SOAH Default Judgment on cases numbered 1–4 and enter final orders consistent with Staff's recommendations. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701195055.EC, Texas Education Agency, Educator Leadership and Quality Division v. Brandilyn N. Cooke; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Non-Inscribed Reprimand and classes

Staff Recommendation: Inscribed Reprimand and proof of successful completion of 16 hours of classroom management classes

Mr. Ybarra represented TEA staff. Mr. Bagley represented the Respondent.

Motion and vote:

Motion was made by Dr. Kelly that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Ms. Cooke's educator certificate should be issued a non-inscribed reprimand and Ms. Cooke should be required to complete 16 hours of classroom management training. Second was made by Ms. Bricker and the motion passed with Ms. Bricker, Ms. Brooks-Sykes, Dr. Kelly, Ms. Mason and Mr. Rodriguez voting in favor of the motion and Mr. Coleman voting against the motion.

2. Docket No. 701196348.EC, Texas Education Agency, Educator Leadership and Quality Division v. Andrew Salazar; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Inscribed Reprimand

Staff Recommendation: 1-year suspension

Ms. McGee represented TEA staff. Mr. Latimer 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. 1–64 and Conclusions of Law Nos. 1–9. Based on the Findings of Fact and Conclusions of Law, I move that the Board reject the ALJ’s sanction recommendation and instead order Mr. Salazar’s paraprofessional certificate suspended for one (1) year.

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

In Conclusion of Law No. 6, the ALJ found that Mr. Salazar violated four separate provisions of the Educators’ Code of Ethics.

In Findings of Fact Nos. 57 and 59, the ALJ found that Mr. Salazar’s conduct was deliberate and that he tried to conceal it. These are among the factors the Board considers in determining sanctions under 19 Texas Administrative Code § 249.17 (c).

An inscribed reprimand is not sufficient to address Mr. Salazar’s multiple violations.

Instead, a one-year suspension will allow Mr. Salazar time away from education to consider how he will maintain more appropriate educator-student relationships in the future.

A one-year suspension will also better deter other educators from engaging in inappropriate educator-student relationships. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

3. Docket No. 701196437.EC, Texas Education Agency, Educator Leadership and Quality Division v. Giulio Romano; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Denial of certification

Staff Recommendation: Accept ALJ recommendation

Mr. Crabtree represented TEA staff. Mr. Brim represented the Respondent.

Motion and vote:

Motion was made by Ms. Bricker that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Mr. Romano's application for educator certificate number XXX-XX-24-46 should be DENIED. Second was made by Ms. Brooks-Sykes and the motion passed with Ms. Bricker, Ms. Brooks-Sykes, and Dr. Kelly voting in favor of the motion and Mr. Coleman and Mr. Rodriguez voting against the motion.

4. Docket No. 701195043EC, Texas Education Agency, Educator Leadership and Quality Division v. Aniete Daniel Akpan; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No disciplinary action to be taken

Staff Recommendation: Accept ALJ recommendation

Mr. Ybarra represented TEA staff. Mr. Lungwitz represented the Respondent.

Motion and vote:

Motion was made by Ms. Brooks-Sykes that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. No disciplinary action should be taken against Mr. Akpan's educator certificates. Second was made by Ms. Bricker and the motion passed with Ms. Bricker, Ms. Brooks-Sykes, Dr. Cavazos and Dr. Kelly voting in favor of the motion, and Mr. Coleman, Ms. Mason and Mr. Rodriguez voting against the motion.

5. Docket No. 701193197.EC, Texas Education Agency, Educator Leadership and Quality Division v. Thomas Walser; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ Recommendation

Mr. Henlsey represented TEA staff. Mr. King represented the Respondent.

Motion and vote:

Motion was made by Dr. Kelly that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Mr. Walser's Texas educator certificates numbered XXX-XX-96-38 should be permanently revoked. Second was made by Mr. Coleman, 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. Christopher Greene v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-18-000016, In the 345th District Court of Travis County, Texas.
6. Gilbert Salas v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-19-008786, In the 345th District Court of Travis County, Texas.
7. 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.

The SBEC recessed at 1:02 PM.

The SBEC reconvened at 1:35 PM.

DISCUSSION ONLY**14. Discussion of Proposed Amendments to 19 TAC Chapter 249, Decision-Making Guidelines**

Ms. Moriarty presented this item to the Board. Ms. Moriarty walked the Board through the results of a stakeholder meeting regarding good cause for contract abandonment, noting that the stakeholders had been unanimous in all their recommendations except on the issue of whether good cause should include an educator's reasonable reliance on a written acceptance of the educator's resignation by a person acting with actual or apparent authority. With regard to that issue, the stakeholders had split into factions between educators and administrators, with educators supporting the addition of "apparent authority," and administrators adamantly opposed to any reference to "apparent authority." Ms. Moriarty presented draft language recommended by the stakeholders that added a provision to the

definition of good cause so that it would include an educator's change in job to a position that required a different class of educator certification, and would add an explicit reference to the mitigating factors in 19 Texas Administrative Code §249.17 (c) that apply to all Board cases to the list of mitigating factors that apply specifically for contract abandonment cases.

Public comment was provided by Julie Leahy of the Texas Classroom Teachers Association, Carrie Griffith of the Texas State Teachers Association, Dr. Crystal Dockery of the Texas Association of Community Schools, Dr. Casey McCreary of the Texas Association of School Administrators, Mark Terry of the Texas Elementary Principals and Supervisors Association, Dr. Lolly Guerra of the Texas Association of School Personnel Administrators, Rolinda Schmidt of the Texas Association of School Boards, and Patty Quinzi of the American Federation of Teachers.

Mr. Coleman commented that he felt it was important to give the Board as much leeway as possible, and to not limit the Board's authority too much through defining good cause narrowly. Dr. Kelly stated that it is important for local school boards to have broad authority to decide why to report individuals for contract abandonment, and that adding new factors to the definition of good cause was not necessary or appropriate if the goal is to protect students from having their teachers leave in mid-year. Dr. Kelly stated that he did not favor including either "apparent authority" or a change in position to a role that required a new class of educator certificate in the definition of good cause for contract abandonment. Ms. Bricker inquired about the Board's authority over certified educators who work in private schools. Ms. Bricker pointed out that the draft language would allow an educator to change positions to another district and did not only apply to promotions or career changes within a district. Dr. Lofters inquired about whether there was training for educators regarding where to submit their resignations. Dr. Cavazos said that the information is typically conveyed to school employees annually through the district handbook. Dr. Cavazos further commented that he was opposed to adding "apparent authority" because it could cause larger problems, in that teachers could believe that department chairs or team leaders have apparent authority despite the fact that the district's handbook sets out the person who has actual authority. Dr. Cavazos further noted that he was opposed to adding a provision regarding change in position to a new class of certification to the definition of good cause, because educator promotions still cause disruptions to the students in the classroom. Mr. Rodriguez commented that this was a difficult policy issue, but that he favored local control.

Ms. Moriaty asked the Board whether anyone was in favor of the draft provision adding to the definition of good cause an educator's change in job to a position requiring a new class of certification. Only Ms. Brooks-Sykes indicated that she was in favor of the draft provision.

Public Comment was provided by:

Julie Leahy
Carrie Griffith
Dr. Crystal Dockery
Dr. Casey McCreary
Mark Terry
Dr. Lolly Guerra
Rolinda Schmidt
Patty Quinzi

The SBEC recessed at 10:28 AM.

The SBEC reconvened at 10:35 AM.

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

Dr. Jones presented this discussion item to the Board. He highlighted nine areas of revision in Chapter 228, noting two of the nine areas that had changed since the December 6, 2019 Board meeting. The two changes from December centered on (1) the section on Program Consolidation or Closure where the focus was on an EPP not admitting or recommending candidates for intern or probationary certificates within one year of closure, and (2) the section on Assessment and Evaluation of Candidates for Certification and Program Improvement where additional wording was included to address candidates that did not take their certification exam while a student in the preparation program and return in future years and desire to test and the test and/or the standards have changed in the years since the student completed the program.

16. Discussion of Proposed Revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards

Ms. Andujar and Ms. McLoughlin presented this item to the Board. Ms. Andujar provided an overview of the proposed revisions to the standards. Ms. Andujar shared that the proposed revisions would specify the standards for the specialized Special Education certifications and the Bilingual Spanish supplemental certification. She also outlined the technical changes to the Science of Teaching Reading standards to implement the statutory requirements of House Bill 3, 86th Legislative session and align language with best practices in the science of teaching reading. She then provided an overview of adjustments to address implementation requirements and to improve readability.

Mr. Rodriguez complimented the work that had been done to the Science of Teaching Reading standards, reinforced the importance of preparing teachers in the foundations of teaching reading, and expressed appreciation that the state is moving in this direction.

Dr. Kelly asked about the use of the word “activist” in a specific Bilingual Spanish standard. He also stated that the item was strong but wondered if the Bilingual and Special Education standards could be condensed.

Ms. McLoughlin signaled that TEA staff would circle back with the advisory committees to discuss all the feedback received during the meeting.

Public Comment provided by:
Steven Aleman

17. Discussion of edTPA Pilot and Test Development Updates

Ms. Burkhart and Ms. McLoughlin presented this item to the Board. Ms. Burkhart provided the Board with an update on the implementation of the first year of the edTPA pilot and the selection of educator preparation programs to participate in the second year of the edTPA pilot. Ms. Burkhart also provided the Board with an update on the selection of three regional coordinators to support programs implementing edTPA.

Mr. Franklin also provided an update on a previous Board request for a side-by-side of the edTPA pilot with the Sam Houston State University pilot. He shared with the Board that TEA staff did not have that update yet, but has continued to engage in conversation with Dr. Ellis and Dr. Edmonson on the development of a comparison document comparing the standards the Board had discussed since the summer with Sam Houston State University's pilot and edTPA. Mr. Franklin indicated that TEA staff would bring that document back for the Board's review in May.

Dr. Cavazos stated that at the beginning of the process the Board did an all-call for programs who were interested in conducting a parallel pilot. He asked if the Board should indicate a date by when all parallel pilot programs would be considered. He explained that if the Board intended to study the results of the pilot programs with due diligence, they would need to determine that the pilots were conducted during similar timeframes and aligned with the same standards the Board expects edTPA to follow. Dr. Cavazos asked TEA staff if they had considered establishing a timeframe by which programs indicate that they are pursuing a pilot and share the components of their program. Mr. Franklin responded that if TEA staff received indication from programs by April 1st, then TEA staff could provide the information to the Board to consider in May. He stated that this would ensure that the second-year timelines of the pilots would run parallel and allow the Board to evaluate whether the criteria were met and that the proposed pilots were parallel in substance as well as time.

Dr. Kelly shared that he agreed with the idea, stating that this would indicate that the Board is keeping an open mind and would put structure to the pilot process. Dr. Cavazos then directed Mr. Franklin to move forward with the Board's request.

Ms. McLoughlin then provided the Board with an update on test development. She highlighted the Science of Teaching Reading exam's operational date of January 1, 2021. She shared that this exam will be a requirement for all educators who teach students in early childhood through Grade 6. She discussed the ongoing communication TEA staff has provided to educator preparation programs and the field regarding the requirement to date and indicated that TEA staff would provide an overview of an updated communication plan at the May meeting.

Dr. Ellis provided an update on the Sam Houston State University's parallel pilot program.

Public Comment provided by:
Dr. Christina Ellis

18. Discussion of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments

Ms. Cook presented this item to the Board. She explained that the majority of the changes presented are specific to adding the new reference to legacy master teacher certificates throughout the rule chapter to align with legislation. Ms. Cook provided a quick overview of additional changes to align with SBOE-approved courses and mentioned the following courses: Languages Other than English for grades 6–8 and grades 9–12, American Sign Language for grades 9–12, and the new African American Studies course added the Ethnic Studies course series for grades 9–12. Ms. Cook also shared that she anticipated incorporating additional career and technical education (CTE) specific course changes following action taken at the April 2020 meeting of the State Board for Educator Certification.

INFORMATION ONLY

19. 2019–2022 Updated Rule Review Plan for State Board for Educator Certification Rules

Information only.

20. Requests from Board Members for Future Agenda Items

None.

21. Requests Received from the Board Since Last Meeting

None.

22. Adjournment

Dr. Cavazos adjourned the meeting at 2:18 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.