

STATE BOARD FOR EDUCATOR CERTIFICATION
BOARD MEETING MINUTES
FEBRUARY 12, 2016 AT 9:00 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 convened its meeting at 9:02 a.m. on Friday, February 12, 2016, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Mr. Allard, Mr. Berry, Ms. Bricker, Ms. Druesedow, Ms. Everest, Dr. Hull, Mr. Leal, Ms. McCall, Dr. Peebles, Ms. Robison

Absent: Ms. Bridges, Dr. Buckingham, Dr. Simpson

2.

Mr. Franklin stated that it is a very exciting and busy time here at the agency and a time of transition. Another transition at the agency is that Nichole Bunker-Henderson has left as the deputy general counsel at TEA and has gone to the Office of the Attorney General where she is the chief of the administrative law division. With that move, she is going to serve as

work session on Thursday, April 14, 2016 (the day before the Board meeting) related to educator preparation and certification rules, specifically chapters 228, 229 and 230.

3. Program Recognition

The University of Mary Hardin-Baylor was recognized for meeting all the criteria within each of the six continuing approval review components and for

5.

Motion and vote:

Motion was made by Ms. Druesedow to approve for adoption, subject to State Board of Education review, the proposed amendments, with amendments as reflected in the substitute rule text, to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten-Grade 6 Assignments, Subchapter C, Grades 6-8 Assignments

Policy Governing Disciplinary Proceedings; Subchapter B, Enforcement Actions and Guidelines, §249.15, Disciplinary Action by State Board for Educator Certification, and §249.17, Decision-Making Guidelines; and Subchapter D, Hearing Procedures, §249.35, Disposition Prior to Hearing; Default, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.

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

Dr. Miller presented this item to the Board. The proposed amendments to 19 TAC §230.21 and §230.25 would implement the requirement from the 84th Texas Legislature, Regular Session, 2015, to enforce a limit of five attempts on any certification examination, unless the SBEC approves an additional attempt based on an individual's demonstration of good cause. The proposed amendments to 19 TAC §230.21 and §230.25 would also implement a clarification from the 84th Texas Legislature, Regular Session, 2015, that the commissioner of education approves the satisfactory level of performance required for certification examinations.

Public comment was provided by Dr. Elizabeth Ward of Texas Wesleyan University.

Motion and vote:

Motion was made by Dr. Hull to approve the proposed amendments, with amendments as reflected in the substitute rule text, to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, to be published as proposed in the Texas Register. Second was made by Mr. Allard, and the Board voted unanimously in favor of the motion.

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

Dr. Miller presented this item to the Board. The proposed amendments to 19 TAC §§232.7, 232.9, 232.11, 232.13, 232.15, 232.17, 232.19, 232.21, and 232.23 and the proposed repeal of 19 TAC §232.27 would implement the requirement from the 84th Texas Legislature,

13. Consider and Take Appropriate Action on Proposed New 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

Ms. Cook presented this item to the Board. The proposed new 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans would address recent legislation, consolidate rules specific to the military community into one chapter, and streamline future military-related rulemaking opportunities.

Motion and vote:

Motion was made by Ms. Bricker to approve proposed new 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 Dr. Hull, and the Board voted unanimously in favor of the motion.

14. Consider and Take Appropriate Action on Proposed Repeal of and New 19 TAC Chapter 241, Principal Certificate, §241.15, Standards Required for the Principal Certificate

Mr. Regal presented this item to the Board. The proposed rule actions would update the standards required for principal certification, including those standards taught by principal preparation programs and tested on the state certification examination. Proposed new 19 TAC §241.15 would update the principal standards to align with the commissioner of education's principal appraisal standards.

Motion and vote:

Motion was made by Ms. Everest to approve the proposed repeal of and new 19 TAC Chapter 241, Principal Certificate, §241.15, Standards Required for the Principal Certificate, to be published as proposed in the Texas Register. Second was made by Ms. Druesedow, and the Board voted unanimously in favor of the motion.

15. Consider and Take Appropriate Action on Recommendations from Classroom Teacher Standards Advisory Committee

work.

No action taken.

16. Consider and Take Appropriate Action on Requests for Waivers from Certification Examination Testing Limit

This item provides the State Board for Educator Certification (SBEC) with an opportunity to take action on requests to waive the limit of four retakes of a certification examination.

1. In the Matter of Stefanie Roberts Taylor;
Waiver Request: Retake Core Subjects EC-6 Science Subtest
2. In the Matter of Bernadette Erakovich;
Waiver Request: Retake Core Subjects EC-6 Science Subtest

12. In the Matter of Erica Lynell Williams; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

13. In the Matter of Carolyn Dewberry; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation:

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

Staff recommendation: Permanent Revocation

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

Staff recommendation: Permanent Revocation

26. In the Matter of Tyler Broughton; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

numbered cases 1-27, excluding cases 2, 3, 4, 5, 6, 7, 11, 14, 18, 19, and 27. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.

4. In the Matter of Weldon Rainey; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 Year Suspension

Motion and vote:

Motion was made by Mr. Leal to approve the current recommendation of a 1 Year Suspension. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.

6. In the Matter of Tshakalisa Khupe; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker judgment and to enter a final order of permanent revocation. Second was made by Ms. Everest, and the Board voted unanimously in favor of the motion.

7. In the Matter of John Ayers Lawley; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 3 Year Suspension

Motion and vote:

by Ms. McCall, and the Board voted unanimously in favor of the motion, with Ms. Everest recusing herself.

11. In the Matter of Javier Valladarez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was judgment and to enter a final order of permanent revocation. Second was made by Mr. Allard, and the Board voted unanimously in favor of the motion.

14. In the Matter of Jaci Gardner; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

*and enter a final order consistent w
Everest, and the Board voted unanimously in favor of the motion.*

18. In the Matter of Debra Denise Jones; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

*judgment and to enter a final order of permanent revocation. Second was made by Dr. Hull,
and the Board voted unanimously in favor of the motion.*

19. In the Matter of Joana E. Morin; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 4 Year Suspension and proof of successful completion of substance abuse treatment program

Ms. Moriarty advised that the staff recommendation in the agenda was misstated. The recommendation is a 4 Year Suspension.

Motion and vote:

*judgment and to enter a final order of 4 Year Suspension. Second was made by Ms.
Everest, and the Board voted unanimously in favor of the motion.*

27. In the Matter of Shalinthia Shanta Grant; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

*judgment and to enter a final order of permanent revocation. Second was made by Ms.
Everest, and the Board voted unanimously in favor of the motion.*

The SBEC Board went into Executive Session to receive advice of legal counsel at 11:33 a.m. pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551.

The SBEC Board reconvened in open session at 12:19 p.m.

B. Contested Cases

I. Proposals for Decision

1. Docket No. 701155134.EC, Texas Education Agency, Educator Leadership and Quality Division v. Ricardo Ramirez; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Same

Mr. Crabtree spoke on behalf of TEA. Mr. Ramirez spoke on his own behalf.

Motion and vote:

Motion was made by Mr. Leal to accept the proposal for decision and issue a final order recommendation of revocation. Second was made by Dr. Hull.

Voted in favor: Dr. Cain, Mr. Leal, Ms. Bricker, Ms. Everest, Dr. Hull, Ms. Druesedow; voted against: Ms. Robison, Mr. Allard, Ms. McCall. The motion carried.

2. Docket No. 701153992.EC, Texas Education Agency, Educator Leadership and Quality Division v. Leo Joseph Tran; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Suspended until such time as he can provide the Board with an evaluation that demonstrates that he currently has the mental and psychological qualities that will enable him to render the services essential to the accomplishment of the goals and mission of the State Board for Educator Certification policy and the code

Staff Recommendation: Revocation

Ms. Mazzantini spoke on behalf of TEA. Mr. Tran spoke on his own behalf.

Motion and vote:

timeline for convening the advisory committee meetings for 19 TAC Chapter 239, Student Services Certificates

No action taken.

20. Discussion and Action Related to the State Board for Educator Certification Legislative Committee

This item was presented by Ms. Pogue as an opportunity to consider and discuss the SBEC Legislative Committee in preparation for the upcoming 85th Texas Legislative Session.

Dr. Cain asked Ms. McCall to chair the Legislative Committee, and she accepted. Mr. Leal, Ms. Bricker, Ms. Druesedow, Ms. Everest, Dr. Peebles, and Mr. Allard all volunteered to be on the Committee.

21. Board Operating Policies and Procedures (BOPP)

For information only.

22. Requests from Board Members for Future Agenda Items

No specific agenda items were received.

23. Requests Received from the Board Since Last Meeting

None.

24. Adjournment

The meeting adjourned at 1:48 p.m.