

MEETING AGENDA
MARCH 2, 2018 AT 8:30 AM
1701 N. CONGRESS AVE. ROOM 1-104

The Board will meet in open session and after determining the presence of a quorum, deliberate and possibly take formal action, including emergency action, on any of the following agenda items:

1. Call to Order

The State Board for Educator Certification (SBEC) convened its meeting at 8:32 AM on Friday, March 2, 2018, in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Ms. Laurie Bricker, Ms. Rohanna Brooks-Sykes, Dr. Art Cavazos, Mr. Tommy Coleman, Ms. Jill Druessedow, Mr. Leon Leal, Ms. Suzanne McCall, Dr. Scott Ridley, and Dr. Laurie Turner.

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

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

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Associate Commissioner Ryan Franklin welcomed the members to the meeting and thanked

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

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

6.

Motion and vote:

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

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

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

Motion and vote:

Motion was made by Dr. Cavazos to approve for adoption, subject to State Board of Education review, the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, with an effective date of 20 days after filing with the Texas Register. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

12. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility

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

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

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

DISCIPLINARY CASES

15. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

1. In the Matter of Jason Bradley Autrey; Action to be taken: Consideration of Issuance of Default Judgment

Staff recomren: ey;

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

23. In the Matter of Maurice Jones; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

24. In the Matter of Pharissee Berry, Jr.; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

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

Staff recommendation: Revocation

27. In the Matter of Leah Ann Brubaker; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

29. In the Matter of Stephan Jahnke; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

31. In the Matter of Cassandra Renee Mendez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

32. In the Matter of Danielle T. Pontus; Action to be taken: Consideration of Issuance of Default Judgment

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

33. In the Matter of Terri Dawn Cooley; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2 year suspension 2 year suspension

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19.

Motion and vote:

Motion was made by Mr. Coleman to grant Staff's Request for Issuance of Default Judgment and enter final orders consistent with Staff's recommendation on each of the above numbered cases 28 and 30. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

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

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

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

Staff recommendation: Revocation

SOAH Defaults

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

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

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

Staff recommendation: 1 year suspension

Motion and vote:

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

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

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

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ recommendation

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

Motion and vote:

Motion was made by Dr. Cavazos that the Board accept the Proposal for Decision and 4.9 (D)2.6 (e)(B0.

2. Michael Jimenez v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-001964, In the 201st District Court of Travis County, Texas.
3. David Turner v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-002298, In the 250th District Court of Travis County, Texas.
4. Anna Luisa Kell v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-002347, In the 419th District Court of Travis County, Texas.
5. Norma Regina Gonzalez (a/k/a Gina Oaxaca) v. Texas Education Agency, Educator Standards Division; Cause No. D-1-GN-17-004263, In the 200th District Court of Travis County, Texas.
6. Joel Trigo v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-006874, In the 459th District Court of Travis County, Texas.

DISCUSSION AND ACTION

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

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

Election of Board Chairperson

Motion and vote:

Motion was made by Ms. Bricker to nominate Ms. Druesedow for Board Chairperson

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

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

Ms. Julie Leahy, Texas Classroom Teachers Association

Ms. Leahy commented that TCTA was concerned about adding in too many provisions designed to discipline misconduct into the Educator’s Code of Ethics. Ms. Leahy indicated TCTA would support adding educator-on-educator sexual harassment to the Educators’ Code of Ethics. With regard to the draft language regarding educators misappropriating funds or property, TCTA requested that the language “for personal gain or advantage” remain to

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

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

Public Comment was provided by:

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

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

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

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

Dr. Jones also walked the Board through a feature in the certificate redesign process that provides for someone currently certified as a principal (either mid-management certification or the renewable #068 principal) to upgrade to the new Principal as Instructional Leader certificate. He explained that this would allo6 (ned)-e66iPriPr0.005 Tc h.6 (des) (r)-rinc91td-11.2 (r)0 Tw 1.6

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

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

INFORMATION ONLY

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

Information Only.

24. Requests from Board Members for Future Agenda Items

None.

25. Requests Received from the Board Since Last Meeting

None.

26. Adjournment

Ms. Druesedow adjourned the meeting at 2:09 PM.

The Board may go into closed session regarding any item on the agenda to the extent it is authorized to do so pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551.