

Item 12:**Update and Report of the SBEC Board Committee on Educator Discipline****DISCUSSION ONLY**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss the report and recommendations of the Committee on Educator Discipline regarding the SBEC's process for investigating and disciplining certified educators.

STATUTORY AUTHORITY: The statutory authority for the SBEC's discipline of educators includes Texas Education Code §21.031 and §21.041.

PREVIOUS BOARD ACTION: The SBEC established a committee to consider certified educator discipline issues at its March 6, 2015 meeting. At the August 7, 2015 meeting, the SBEC appointed members to the committee and further delineated the committee's purpose to focus on creating more specific penalty guidelines for Texas Education Agency (TEA) staff to follow in settling or prosecuting educator discipline cases.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC's Board Operating Policies and Procedures (BOPP) allows the board to establish regular, standing, temporary, or advisory committees as it may deem appropriate to perform such functions as it may designate. The BOPP also provides for the Board Chairperson to appoint an appropriate number of members to serve on the committees, including one to serve as presiding officer.

On October 15, 2015 the SBEC Committee on Educator Discipline, consisting of Jill Druessedow, Laurie Bricker, Leon Leal, Suzanne McCall, Rex Peebles and Grant Simpson met with TEA staff to consider and make recommendations regarding the SBEC's process for investigating and disciplining certified educators. The committee developed directives for the Board's consideration as well as an action plan and timeline to implement and execute those directives. TEA staff will provide potential rule and Disciplinary Policy Guideline changes to implement the recommended directives.

TEA staff will conduct a stakeholder meeting on November 12, 2015 to gather input on the committee's recommendations and action plan along with the potential rule and Disciplinary Policy Guideline changes that the Board will be considering. TEA staff will present that feedback to the committee during the next committee meeting on December 10, 2015.

Included in this agenda are action items for the board's consideration to implement the committee's recommended directives.

Staff Members Responsible: Doug Phillips, Director
Educator Investigations

Laura Moriarty, Director
Legal Services for Educator Leadership and Quality

- Attachments:**
- I. SBEC Committee on Educator Discipline Recommended Board Directives
 - II. SBEC Committee on Educator Discipline Timeline and Action Plan

Attachment I

SBEC Committee on Educator Discipline
Recommended Board Directives

Recommendations to the Full Board:

1. *Maintain current Disciplinary Policy Guidelines that state educator conduct is the point of emphasis in sanctioning educators.*
2. *Sanctions should not always be based on the original charge at arrest.*
3. *Sanctions should not always be based on the charge at conviction.*
4. *If an educator is on felony probation, the educator should not be in the classroom.*
5. *If an educator is on misdemeanor probation, the sanction should be no less than an inscribed reprimand.*
6. *On Agreed Orders, suspensions for educators on felony probation should, at a minimum, run concurrent with criminal probation beginning with the first day of court-ordered probation.*
7. *On Agreed Orders for contract abandonment cases, suspensions should run for one year beginning on the day the contract was abandoned.*
8. *On Defaults and SOAH petitions, suspensions for educators on felony probation should, at a minimum, begin at the time the final order is signed by the Board president and be equal to the length of the ordered probation.*
9. *On Defaults and SOAH petitions for contract abandonment, suspensions should last for one year and begin on the date the final order is signed by the Board.*
10. *On Agreed Orders involving felony probation, if the educator is employed as an educator while on probation, the suspension begins at the effective date of the Agreed Order, extends beyond the end of the educator's probation but is less than the court-ordered probation.*
11. *On Agreed Orders in contract abandonment cases, if an educator is employed by another school district after abandoning a contract, the suspension begins at the beginning of the following school year.*
12. *On Agreed Orders involving felony probation, if an educator's probation ends before they are sanctioned by SBEC, the suspension begins at the effective date of the Agreed Order, and is at least half of the court-ordered probation.*
13. *Criminal conduct occurring on school property or school sponsored events result in more serious sanctions.*
14. *Administrators should be held to a higher level of personal conduct than teachers.*
15. *Good causes for contract abandonment are: illness of educator or close family member, relocation of spouse to new job in different city, family needs given priority.*
16. *Testing violations should receive a sanction not less than a suspension.*
17. *Where appropriate, Agreed Orders will include a requirement for rehabilitation, counseling, or training programs.*

Attachment II**SBEC Committee on Educator Discipline
Summary of Committee Meeting With Recommended Time Line and Action Plan****October 15th Committee Meeting Summary:**

1. Overview of Sanctioning Process and Current Rules and Policy Guidelines
2. Provided Recommended Directives to TEA Staff Concerning Sanctioning Process for Board Consideration
3. Provided Recommended Rule and Policy Guideline Changes for Board Review
4. Provided Recommended Time Line and Action Plan for Implementation of Directives for Board Review

October 16th SBEC Meeting Action:

1. Review Committee on Educator Discipline Recommended Directives with Discussion Rule Text and Policy Guidelines Potential Changes
2. Review Committee on Educator Discipline Recommended Time Line and Action Plan for Implementation of Directives
 - a) TEA Staff to Conduct Stakeholder Meeting to Obtain Feedback on Board Directives
 - b) Additional Committee Meeting on December 10th to Consider Stakeholder Comments
 - c) SBEC December 11th Action Items:
 - I. Propose Rule Changes to 19 TAC Chapter 249 to Implement Board Directives
 - II. Adoption of SBEC Disciplinary Policy to be Published in *Texas Register*
 - III. Delegate Settlement Authority to TEA

December 10th Committee Meeting:

1. Consider Stakeholder Comments Concerning SBEC's Sanctioning Directives
2. Consider Any Modifications to Time Line or Action Plan for Implementation of Directives for Board Consideration

December 11th SBEC Meeting Action:

1. Propose Rule Changes to 19 TAC Chapter 249 to Implement Board Directives
2. Adoption of SBEC Disciplinary Policy to be Published in *Texas Register*
3. Delegate Settlement Authority to TEA