

Item 6:
Request to Approve April 30, 2021 Board Meeting Minutes

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the April 30, 2021 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION
MEETING AGENDA
APRIL 30, 2021 AT 8:30 AM
VIRTUAL MEETING (LIVESTREAM ON ADMINMONITOR.COM)

Due to Governor Greg Abbott's March 13, 2020 proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, the April 30, 2021 meeting of the State Board for Educator Certification will be held by video conference call, as authorized under Texas Government Code section 551.125.

Members of the public will have access to this meeting by watching the livestream on the Admin Monitor website: <http://www.adminmonitor.com/tx/tea/>. Members of the public will have a means to participate in this meeting, by video conference call, by signing up for public comment. Information regarding registering for public comment can be found at: <https://tea.texas.gov/about-tea/leadership/state-board-for-educator-certification/sbec-meetings>. An electronic copy of the agenda and meeting materials is now available at <https://tea.texas.gov/about-tea/leadership/state-board-for-educator-certification/sbec-meetings>. A recording of the meeting will be available on the Admin Monitor's website after the meeting.

The Board will meet virtually 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 virtual meeting at 8:33 AM on Friday, April 30, 2021 via Zoom Meetings.

Present: Dr. Robert Brescia, Ms. Rohanna Brooks-Sykes, Dr. Arturo Cavazos, Mr. Tommy Coleman, Ms. Julia Dvorak, Ms. Melissa Isaacs, Dr. John Kelly, Dr. Andrew Lofters, Ms. Courtney MacDonald, Ms. Kelvey Oeser, Dr. Alma Rodriguez, and Ms. Jean Streepey.

Absent: Ms. Emily Garcia, Ms. Shareefah Mason, and Ms. Sandie Mullins.

2. Interim Associate Commissioner's Comments Regarding the SBEC Agenda

Interim Associate Commissioner Marilyn Cook welcomed and thanked the Board for participating in the virtual meeting. Ms. Cook also thanked TEA staff for their help and preparation for the meeting. Ms. Cook highlighted the upcoming Harlingen CISD retirement ceremony to honor Dr. Cavazos and expressed thanks to Dr. Cavazos on behalf of the SBEC family for always being a shining example of excellence in leadership.

3. State Board for Educator Certification Welcome New Board Members and Recognition of Former Board Members

Dr. Cavazos welcomed two new classroom teacher representatives, Dr. Robert “Bob” Brescia with Ector County ISD and Ms. Melissa Isaacs with Buffalo ISD. Dr. Cavazos also thanked Mr. Jose Rodriguez and Dr. Laurie Turner for their service on the SBEC Board.

4. Public Comment

None.

CONSENT AGENDA**5. Consider and Take Appropriate Action on Request to Approve February 12, 2021 Board Meeting Minutes**

The February 12, 2021 meeting minutes were approved.

DISCUSSION AND ACTION**6. Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments**

Ms. Cook presented this item to the Board. She explained this chapter establishes the rules specific to personnel assignments and identifies the appropriate SBEC-issued certificates to qualify for placement into various roles. Ms. Cook shared this item was seeking the Board’s support to adopt the four-year rule review of Chapter 231. Ms. Cook stated there were 33 public comments received and summarized for the Board’s review, and that those comments would afford her an opportunity to return in the future with proposed rule changes for the Board’s consideration. There were no questions from the Board.

Motion and vote:

Motion was made by Mr. Coleman to adopt the review of 19 TAC Chapter 231, Requirements for Public School Personnel Assignments. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

7. Consider and Take Appropriate Action on Adoption of Proposed Review of 19 TAC Chapter 245, Certification of Educators from Other Countries

Ms. Cook presented this item to the Board. She explained this chapter establishes the rules specific to certificate issuance for individuals licensed to teach in other countries. Ms. Cook shared this item was seeking the Board’s support to adopt the four-year rule review of Chapter 245. She confirmed the rule review process mirrored that utilized for the Chapter 231 rule review discussed earlier. Ms. Cook stated there was one public comment received and summarized for the Board’s review, and that comment would afford her an opportunity to return in the future with proposed rule changes for the Board’s consideration. There were no questions from the Board.

Motion and vote:

Motion was made by Ms. MacDonald to adopt the review of 19 TAC Chapter 245, Certification of Educators from Other Countries. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

8. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

Ms. McLoughlin presented this item to the Board. She explained that this chapter establishes the rules regarding the requirements candidates must possess to be considered for admission to an educator preparation program (EPP). She shared that the four-year rule review proposal allows for the opening of a 30-day public comment period, which allows members of the public to provide comment on the relevance and need for the rules.

Motion and vote:

Motion was made by Dr. Kelly to propose the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, to be published as proposed in the Texas Register. Second was made by Ms. Streepey, and the Board voted unanimously in favor of the motion.

9. Consider and Take Appropriate Action on Proposed Review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Ms. McLoughlin presented this item to the Board. She explained that this chapter establishes the rules regarding the requirements for educator preparation programs (EPPs). She shared that the four-year rule review proposal allows for the opening of a 30-day public comment period, which allows members of the public to provide comment on the relevance and need for the rules.

Motion and vote:

Motion was made by Ms. MacDonald to propose the review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs, to be published as proposed in the Texas Register. Second was made by Ms. Streepey, and the Board voted unanimously in favor of the motion.

10. Consider and Take Appropriate Action on Request to Approve Advisory Committee Members

Ms. McLoughlin presented this item to the Board. She reminded the SBEC that at their December 11, 2020 meeting, they approved TEA staff to begin the process of soliciting nominations and compiling educator standards advisory committees for the School Librarian and Reading Specialist certification categories, in accordance with feedback received from educators during the Chapter 239, Student Services Certificates, four-year rule review. Ms. McLoughlin shared that the educator standards advisory committees, once approved, would draft updated educator standards for the certification categories that would serve as the foundation for certification exams and EPP coursework and training requirements. She shared the proposed committee lists, stating that all applicants who met the committee

qualifications were accepted to their respective committees. She also shared the timeline for educator standards development, including the plan to bring the committee recommended standards to the SBEC for discussion in December 2021. Dr. Cavazos thanked TEA staff for reaching out across the state to ensure diverse representation on the educator standards advisory committees. There were no questions from the SBEC.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to approve the School Librarian and Reading Specialist educator standards advisory committees as presented. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

11. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

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

Staff recommendation: 1-year suspension
2. In the Matter of Dyllin Black; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Suspension until expiration of probationary certificate on August 26, 2021.
3. In the Matter of Alonzo Renell Burton; Action to be taken: Consideration of Issuance of Default Judgment

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

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

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

- Staff recommendation: 1-year suspension
7. In the Matter of Michelle Castellani Leppard; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
8. In the Matter of Micaela Lowery; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
9. In the Matter of Elizabeth Mandujano; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension of paraprofessional certificate and suspension of intern certificate until expiration on August 24, 2021
10. In the Matter of Grant Riley; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
11. In the Matter of Jonathan Schryvers; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
12. In the Matter of Krystle Vodron; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
13. In the Matter of Persephone Ann Walker; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
14. In the Matter of Bonnie West; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
15. In the Matter of Shannon Mick; Action to be taken: Consideration of Issuance of Default Judgment

- Staff recommendation: Permanent Revocation
16. In the Matter of Skylor Williams; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
18. In the Matter of Dana R. Green; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
19. In the Matter of Aaron Pancardo; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
20. In the Matter of Jerome M. Weber; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
21. In the Matter of Robert Garcia; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 6-year suspension
22. In the Matter of Shelley Byars; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
23. In the Matter of Sauvignon Johnson; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
24. In the Matter of Aaron A. 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
25. In the Matter of Jason C. Cunningham; 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

26. In the Matter of Pamela Bellomy; 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
27. In the Matter of Daniel Palmer; 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
28. In the Matter of Margaret Amanda May Medhurst; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
29. In the Matter of Osamu Matsuda; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension
30. In the Matter of Kyle David Clay; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 3-year suspension of educator certificate and revocation of paraprofessional certificate

Motion and vote:

Motion was made by Ms. Brooks-Sykes to approve Staff's request for issuance of default judgments on cases numbered 1-30, as listed on the agenda, except number 17, 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.

17. In the Matter of David Scott Edwards; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 4-year suspension

Motion and vote:

Motion was made by Mr. Coleman to approve Staff's request for issuance of default judgments on case number 17 and issue a final order of a five (5) year suspension. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

SOAH Defaults

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

Staff recommendation: Revocation

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

Staff recommendation: 2-year suspension

Motion and vote:

Motion was made by Dr. Brescia to approve Staff's request for issuance of SOAH default judgments on cases numbered 2 and 3, as listed on the agenda, and enter final orders consistent with staff's recommendations. Second was made by Ms. Streepey, and the Board voted unanimously in favor of the motion.

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

Staff recommendation: Permanent Revocation

Motion and vote:

Motion was made by Mr. Coleman that Sonja Armstrong did not have good cause for failure to appear at the State Office of Administrative Hearings on January 25, 2021. Second was made by Dr. Brescia and the motion passed with Mr. Coleman, Dr. Bescia, Ms. Streepey, Ms. Dvorak, Ms. Isaacs and Ms. MacDonald voting in favor of the motion and Ms. Sykes voting against the motion.

Motion was made by Dr. Brescia to approve Staff's request for issuance of SOAH default judgment on case number 1, as listed on the agenda, and enter a final order consistent with staff's recommendation of permanent revocation. Second was made by Mr. Coleman, and the motion passed with Mr. Coleman, Dr. Bescia, Ms. Streepey, Ms. Dvorak, Ms. Isaacs, and Ms. MacDonald voting in favor of the motion and Ms. Sykes voting against the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701203193.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Gilbert McClure; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ Recommendation

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. Mr. McClure's educator certificates should be permanently revoked. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

2. Docket No. 701203931.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Robert Marion; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Non-Inscribed Reprimand

Staff Recommendation: 1-year suspension

Motion and vote:

Motion was made by Ms. Brooks-Sykes that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 – 15 and Conclusions of Law Nos. 1 – 8. I move that the Board modify the recommended sanction of a non-inscribed reprimand as follows:

Robert Marion's educator certification should be suspended for one-year.

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.

A non-inscribed reprimand does not appear on an educator's public-facing certification record, so it cannot achieve the Board's goals of:

- protecting the safety and welfare of school children,*
- upholding the public trust, and*
- deterring future violations.*

The Board's rules require a stronger sanction in this case.

In Finding of Fact No. 3, the ALJ found prior misconduct: Mr. Marion had received a written directive in 2017 from his principal to stop "flipping the hair of students" because "the behavior was unprofessional, and Respondent agreed not to continue the behavior."

In Finding of Fact No. 4, the ALJ found that Respondent nevertheless "continued to touch and flip students' hair" during the 2018-2019 school year.

The ALJ did not make any findings to suggest that Mr. Marion had been rehabilitated from his continuing misconduct.

In Conclusion of Law No. 6, the ALJ found that “[b]y touching and flipping students’ hair, Mr. Marion violated Standard 3.8 of the Educators’ Code of Ethics,” which requires that all educators “maintain appropriate professional educator-student relationships and boundaries.”

Mr. Marion’s violation of educator-student boundaries—after he had been given a written directive to stop—shows that he is not deterred by mere written warnings, making a non-inscribed reprimand as a sanction insufficient deterrence.

His prior misconduct and his lack of evidence of rehabilitation also require a strong sanction.

For these reasons, the appropriate sanction in this case in keeping with the Board’s rules is a one-year suspension. Second was made by Ms. Isaacs, and the Board voted unanimously in favor of the motion.

3. Docket No. 701204650.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Reginald Young; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: No disciplinary action should be taken

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. No disciplinary action should be taken against Mr. Young’s educator certificates. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.

Motion for Rehearing

1. In the Matter of John Michael Banas; Action to be taken: Consider and take appropriate action on Motion to Extend Deadline to File Motion for Rehearing and Motion for Rehearing

Motion and vote:

Motion was made by Ms. Brooks-Sykes that the Board grant Mr. Banas’s Motion to Extend Time. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

Motion was made by Mr. Coleman that the Board deny Mr. Banas’s Motion for Rehearing. Hearing no second, the motion failed.

The Motion for Rehearing was overruled by operation of law.

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. Gilbert Salas v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. D-1-GN-19-008786, In the 345th District Court of Travis County, Texas.
5. 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.
6. Leo Joseph Tran v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; Cause No. 21-0003, In the Supreme Court of Texas.

DISCUSSION ONLY

12. Discussion 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 and related processes. He identified the content of the discussion item as pertaining to extending the accreditation status of Not Rated: Declared State of Disaster for another year and providing updates to the ASEP manual. Dr. Olofson noted that the extension of the Not Rated: Declared State of Disaster was responsive to continued conditions to the field, stakeholder feedback, and aligned with prior action from the Board. He further explained that staff planned to discuss impacts on provisions in Chapter 228 in the context of an agenda item related to Chapter 228. He also spoke to the Board's prior action on commendations to use the system to identify only those highest performing EPPs. Related to the ASEP manual, Dr. Olofson noted updates for transparency and currency. He explained updates to certificate category pass rates necessitated in part by the Science of Teaching Reading exam, and updates based on the actions of the SBEC EPP Commendation Committee.

Dr. Rodriguez asked about the continued opportunity for EPPs to offer feedback related to the calculation of the certificate category pass rate. Dr. Olofson explained that additional feedback would be sought from the EPAC and other EPP stakeholders. He noted that the approach in the discussion item would not be the only approach discussed. Dr. Rodriguez asked for clarification related to the core subjects adjustment described in the manual. Dr. Olofson explained the procedure, clarified that it was applicable to historic data, and confirmed Dr. Rodriguez's assumption that data available through the ECOS portal would be closer to ASEP pass rates for these impacted certificate categories.

13. Discussion of the edTPA Pilot and Test Development Update

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin provided an update on the current status of the edTPA Year 2 Pilot, sharing that 34 programs are participating with 777 candidates having submitted edTPA portfolios to date. She also shared that, as an outcome of the SBEC's approval of a third year of the edTPA pilot, TEA staff opened an application for new and continuing EPPs to participate in the Year 3 pilot. She explained that 40 EPPs, including 17 institutions of higher education (IHEs) and 23 alternative certification programs (ACPs), applied to join or continue participation in the edTPA pilot. She shared that all programs that applied were accepted, including 15 new programs joining the pilot in Year 3. Ms. McLoughlin shared that TEA staff plan to provide strong pilot program support throughout the third year, including increasing the number of edTPA regional coordinators and continuing to offer reimbursements and stipends to candidates and mentor and cooperating teachers and grant funds to pilot programs. She also shared that support for the edTPA Year 3 pilot was already underway, with TEA staff and the broader Texas edTPA community hosting an edTPA Spring Institute. Ms. McLoughlin shared that over 100 edTPA pilot program faculty, staff, and partners attended the institute, which was focused on supporting programs in planning for strong Year 3 edTPA pilot implementation.

Ms. McLoughlin also provided an update on educator certification exam development processes, sharing that the updated School Counselor and Trade and Industrial Pedagogy and Professional Responsibilities (PPR) exams will launch in September 2021 and updated English Language Arts and Reading (ELAR) 4-8 and 7-12 exams will launch in January 2022 and September 2023 respectively. She also shared that test development for the new Deafblind EC-12 and special education certification exams are also underway, given the SBEC's adoption of the respective standards that went into effect October 2020.

Dr. Rodriguez asked Ms. McLoughlin what specific lessons learned could be shared with school districts that are partnering with EPPs in the implementation of the edTPA. Dr. Rodriguez shared that in order to be successful in the edTPA, there must be a strong collaborative partnership between the EPP and partner school districts. Ms. McLoughlin shared that the edTPA Spring Institute was focused on supporting pilot programs in building strong partnerships with school districts to ensure that all have a shared understanding of the edTPA process and a shared vision for the purpose and outcome of the edTPA. She also explained that TEA staff anticipate sharing training materials and resources with pilot programs in upcoming monthly webinars along with additional resources that could be distributed directly to partner districts, including resources for mentor and cooperating teachers.

INFORMATION ONLY

14. Legislative Session Update

Information Only.

15. Board Operating Policies and Procedures (BOPP)

Information Only.

16. 2019–2022 Rule Review Plan for State Board for Educator Certification Rules

Information Only.

17. Requests from Board Members for Future Agenda Items

None.

18. Requests Received from the Board Since Last Meeting

None.

19. Adjournment

Dr. Cavazos adjourned the meeting at 11:46 AM.

<p>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.</p>
