

Item 8:
Request to Approve February 11, 2022 Board Meeting Minutes

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the February 11, 2022 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION
MEETING AGENDA
FEBRUARY 11, 2022 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:

Moment of Silence

Pledge of Allegiance

1. Call to Order

The State Board for Educator Certification (SBEC) convened its meeting at 9:01 AM on Friday, February 11, 2022.

Present: Dr. Robert Brescia, Mr. Tommy Coleman, Dr. Veronica Galvan, Ms. Bena Glasscock, Mr. Rex Gore, Ms. Julia Dvorak, Ms. Courtney MacDonald, Dr. John Kelly, Mr. Andrew Kim, Dr. Andrew Lofters, Ms. Kelvey Oeser, Dr. Alma Rodriguez, Ms. Jean Streepey, and Mr. Josue Tamarez Torres.

Absent: Ms. Melissa Isaacs.

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Associate Commissioner Garcia thanked the Board for their time and commitment and thanked staff for their diligent preparation leading up to the meeting.

3. Public Comment

Public Testimony:

Megan Guidry – Texas Counseling Association, Texas School Counselor Association

CONSENT AGENDA

Ms. Pogue presented this item to the Board. She explained the purpose and logistics of the consent agenda. The consent agenda took up agenda items 4-17 with no discussion.

4. *Request to Approve December 10, 2021 Board Meeting Minutes*

5. **Adoption of Review of 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of review of 19 Texas Administrative Code (TAC) Chapter 229, Accountability System for Educator Preparation Programs. The rules being reviewed provide requirements for the accountability system for educator preparation programs (EPPs), including the assignment of an EPP accreditation status, and allow the SBEC to intervene in cases of low performance.

6. **Adoption of Review of 19 TAC Chapter 247, Educators' Code of Ethics**

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of review of 19 Texas Administrative Code (TAC) Chapter 247, Educators' Code of Ethics. The rules being reviewed provide the code of ethics for Texas educators.

7. **Adoption of Review of 19 TAC Chapter 250, Administration**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of review of 19 Texas Administrative Code (TAC) Chapter 250, Administration. The rules being reviewed establish procedures for SBEC purchasing and for handling petitions for the adoption of rules that the SBEC receives.

8. **Adoption of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training**

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed amendments to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training. The proposed amendments would implement Senate Bills (SBs) 226 and 1590 and House Bills (HBs) 139 and 159, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would allow educator preparation programs (EPPs) the flexibility to conduct certain required formal observations virtually; would provide for training requirements for all educators with regard to students with disabilities and virtual instruction and virtual learning; and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience. No changes are recommended

since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

9. **Adoption of Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements**

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed amendments to 19 Texas Administrative Code (TAC) Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements. The proposed amendments would implement the statutory requirements of Senate Bills (SBs) 199, 1267, and 2066, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would require that all educators receive continuing professional education (CPE) training in educating students with disabilities; would update the CPE training requirements for classroom teachers, principals, and school counselors; and would provide for the SBEC to determine the training guidelines for CPE credit regarding the use of an automated external defibrillator (AED). The proposed amendments would also allow for a school district to request a hardship exemption for an educator who has an invalid certificate due to not having the required CPE hours for certificate renewal; would require educators to receive dyslexia training for certificate renewal; and would add CPE activities to the list of topics that educators can receive for certificate renewal. No changes are recommended since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

10. **Adoption of Proposed Amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries**

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed amendments to 19 Texas Administrative Code (TAC) Chapter 245, Certification of Educators from Other Countries. The proposed amendments would update the requirements for certification of educators from other countries. The proposed amendments reflect guidance provided by the SBEC at the July 2021 meeting. No changes are recommended since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

11. **Adoption of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed amendments to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

States. Chapter 230, Subchapter H, serves as a foundation for the practices and procedures related to issuance of Texas certification to individuals licensed in other states. The proposed amendments would provide clarification and updates to requirements for individuals licensed in other states to obtain a standard Texas educator certificate. No changes are recommended since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

12. Proposed Review of 19 TAC Chapter 235, Classroom Teacher Certification Standards

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the proposed review of 19 Texas Administrative Code (TAC) Chapter 235, Classroom Teacher Certification Standards. The rules being reviewed specify the educator standards for the classroom teacher class of certificates.

13. Proposed Review of 19 TAC Chapter 241, Certification as Principal

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the proposed review of 19 Texas Administrative Code (TAC) Chapter 241, Certification as Principal. The rules being reviewed provide requirements for issuance of a principal certificate.

14. Proposed Review of 19 TAC Chapter 242, Superintendent Certificate

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the proposed review of 19 Texas Administrative Code (TAC) Chapter 242, Superintendent Certificate. The rules being reviewed provide requirements relating to the certification of superintendents.

15. Proposed Amendment to 19 TAC Chapter 250, Administration, Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose an amendment to 19 Texas Administrative Code (TAC) Chapter 250, Administration, Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes. The proposed amendment would update the SBEC's petition procedures to allow for increased ease in submitting a petition for rulemaking for the SBEC's consideration.

16. 2020–2021 Continuing Approval Reviews of Educator Preparation Programs

This item provides the State Board for Educator Certification (SBEC) an opportunity to approve educator preparation programs for continuing approval for five years based on the results of the 2020-2021 reviews.

17. Request to Approve New Class of Certificate at Region 10 Education Service Center

This item provides the State Board for Educator Certification (SBEC) an opportunity to approve a request by Region 10 Education Service Center, an approved educator preparation program (EPP), located in Richardson, Texas, to offer the Principal as Instructional Leader class of certificate as part of their certificate inventory. Texas Education Agency (TEA) staff reviewed the proposal and found that it complied with provisions of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Chapter 228, Requirements for Educator Preparation Programs, Chapter 229, Accountability System for Educator Preparation Programs, and Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements.

Motion and vote:

Motion was made by Mr. Kim to approve the Consent Agenda items 4-17 as presented. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION**18. Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; and Subchapter E, Grades 9–12 Assignments**

Ms. Cook presented this item to the Board. She stated that these rules provide districts with guidance on appropriate certificates to place individuals into various assignments. Ms. Cook summarized the proposed changes that include removal of outdated/incorrect courses or certificate references; addition of new SBOE-approved courses; updates to certificate listings for various course assignments; and an update to requirements to teach Cosmetology to comply with recent legislation. Dr. Kelly commented that there is not much debate around these changes as most comply with either SBOE updates, technical edits, or legislative changes. Dr. Galvan asked a clarifying question about the Early Childhood: Prekindergarten-Grade 3 certificate, and Ms. Cook confirmed that all five STR-related certificates (i.e., Core Subjects with Science of Teaching Reading, Early Childhood-Grade 6; Core Subjects with Science of Teaching Reading, 4-8; Early Childhood: Prekindergarten-Grade 3; English Language Arts and Reading with Science of Teaching Reading, 4-8; and English Language Arts and Reading/Social Studies with Science of Teaching Reading, 4-8) would be added into rule with this round of proposed changes. There were no additional questions from the Board.

Motion and vote:

Motion was made by Ms. Glasscock to approve the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten-Grade 6 Assignments; Subchapter C, Grades 6-8 Assignments; and Subchapter E, Grades 9-12 Assignments, as presented. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

19. Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment

Ms. McLoughlin presented this item to the Board. She began by inviting Dr. Amy Hickman from Texas Tech University to answer questions following the work session Board members engaged in during the previous day. During this time, Ms. McLoughlin provided clarification related to the timeline and requirements for edTPA portfolio completion. Superintendent Kim asked Dr. Hickman about enrollment in her program and whether her edTPA candidates face barriers when attempting to enter the teacher pipeline. Following Superintendent Kim's question, Ms. McLoughlin and Dr. Hickman respond to a question from Deputy Commissioner Kelvey Oeser, clarifying that the edTPA submission timeline could potentially vary depending on programmatic context. Dr. Rodriguez asked if candidates were allowed to submit the same materials for resubmission (if need be) or if they needed to complete a new portfolio. Dr. Hickman described that an important part of support for her program's candidates is to include enough time in the submission timeline to ensure that candidates have time to resubmit if they receive any condition codes. Ms. McLoughlin added that the 5 test attempt policy would also apply to edTPA portfolio submission.

The SBEC recessed at 10:38 AM.

The SBEC reconvened at 10:49 AM.

Mr. Gore then asked if Pearson would have the capacity to support the scoring of Texas edTPA portfolios given the size of the state, citing concerns about scaling up, the time it would take to score Texas portfolios, and the expertise needed to ensure accurate scoring. Deputy Commissioner Oeser then prompted TEA staff to respond to Mr. Gore's question by discussing Texas' unique edTPA scoring context. Ms. McLoughlin shared that edTPA scorers have subject and grade level expertise along with being teachers and/or teacher educators who go through rigorous training to ensure calibration across portfolios. Ms. McLoughlin further explained that there is an ongoing process to ensure consistent quality of scoring and calibration and adds that a number of portfolios are also double scored as a means to evaluate the calibration of edTPA scorers around a given cut score. She ended her response by sharing that all of Texas' portfolios in Year 3 of the edTPA Pilot have been double scored to gather data on the implications of double scoring. Dr. Rodriguez then asked if there would still be a push to have Texas scorers from Texas to which Ms. McLoughlin responded that Board support in edTPA would encourage stakeholders from the field to become scorers.

Dr. Kelly asked if all other states using the edTPA were using it as a summative assessment. Ms. McLoughlin shared that at least 17 states utilize edTPA as a summative assessment. Dr. Rodriguez asked a follow up question about scorers, their qualifications, and where they come from. Ms. McLoughlin shared that scorers are educators and further explained plans to engage in recruitment efforts for qualified Texas scorers. Dr. Galvan asked about edTPA's potential financial burden on candidates and programs' ability to purchase vouchers for edTPA. To continue, Mr. Gore asked if TEA staff had an opportunity to view research from other states that evaluated edTPA's impact on teacher quality and student outcomes. Ms. McLoughlin responded to both questions by sharing an overview of TEA staff's plan to address the cost concerns with use of financial assistance waivers and

vouchers. Dr. Rodriguez followed by questioning if the option to purchase vouchers for certification exams would be contingent upon the Board's approval of edTPA. Ms. McLoughlin provided further clarification around financial assistance waivers and vouchers and stated that the potential option to purchase vouchers for other certification exams would be available to programs and would not depend on edTPA's approval with the Board. Associate Commissioner Emily Garcia added that the option to purchase vouchers for candidate certification exams would allow programs to further support aspiring teachers. Ms. McLoughlin continued and explained that edTPA would present opportunities to potentially streamline certification exams for candidates, further curbing the cost for certification. Dr. Kelly shifted the conversation to Mr. Gore's question about edTPA correlation with student outcomes, and Ms. McLoughlin shared staff findings regarding edTPA and student achievement. Superintendent Kim followed by emphasizing that there are several different factors that impact student achievement and that the goal of edTPA implementation would be to highlight teacher preparedness.

The SBEC recessed at 11:53 AM.

The SBEC reconvened at 12:31 PM.

After public testimony concluded, Ms. Streepey asked if intensive pre-service could be added as a requirement during the edTPA implementation timeline. Ms. McLoughlin shared staff could bring rule text for the Board to discuss that would require intensive pre-service to be added to rules for issuance of an intern certificate and requirements for educator preparation programs.

Ms. McLoughlin provided an overview of the proposed edTPA implementation timeline. She shared the proposed 3-year phased-in edTPA implementation timeline reflected feedback and lessons learned from edTPA pilot participants. Dr. Rodriguez asked if 2022-23 edTPA data would be included in standard setting processes. Ms. McLoughlin shared the data collected within the 3-year pilot period and edTPA data collected from the 2022-23 academic year would be included for standard setting. Dr. Rodriguez suggested staff identify former edTPA candidates to examine longitudinal effects of edTPA on retention and effectiveness.

Ms. McLoughlin provided an overview of the proposed amendments to the testing figure in which the certifications and aligned certification exams can be found. Dr. Rodriguez asked how the implementation timeline would affect candidates who had not passed their certification exams, for example PPR, if edTPA was adopted. Ms. McLoughlin explained that during the 2022-23 academic year, both the PPR and edTPA would be options for candidates to complete. She went on further to explain that the last operational date for PPR would be August 31, 2023, but candidates could use their passing PPR scores for certification until August 31, 2024. Finally, Ms. McLoughlin noted that staff would be sending frequent communications to educator preparation programs and candidates regarding the timeline and sunset of PPR. Dr. Kelly asked if candidates would be required to complete more than one edTPA. Ms. McLoughlin stated that candidates would only be required to complete one edTPA. Dr. Rodriguez asked if elementary education candidates would be required to complete the fourth edTPA task. Ms. McLoughlin confirmed that elementary education candidates would not be required to complete the fourth edTPA task but that a

program could require their candidates to complete the edTPA portfolio that includes the fourth task. Ms. Garcia noted that programs may work with their LEA partners to determine their needs and identify which edTPA portfolio candidates should complete to meet the district's needs. Ms. Streepey asked if the title in the testing figure would be updated to allow for an alternative to edTPA be added. Ms. McLoughlin confirmed the title, Pedagogical Requirement(s), would be amended to be Required Pedagogy Test(s) in the testing figure, which could allow for an alternative pedagogical exam to be added if later vetted and approved by the Board.

Dr. Kelly asked Board members to share last-minute thoughts or questions. Mr. Gore, Dr. Lofters, and Mr. Coleman shared a concern regarding edTPA being used as a formative/programmatic versus a capstone/summative assessment for certification. Superintendent Kim shared that there is not a singular factor affecting teacher shortage, and even given teacher shortages, the Board should not decrease the standards because students need well-prepared teachers. Mr. Tamarez Torres echoed Superintendent Kim's sentiment in terms of students needing well-prepared teachers, more than ever before because of learning loss due to the pandemic. Dr. Brescia and Ms. MacDonald shared the Board had been given the necessary information to make the best decision for Texas teacher candidates and students. Dr. Kelly concluded by sharing that edTPA was indicative of the forward progress for certification exams and recommended TEA staff and the Board revisit the notion of vetting and approving an alternative to edTPA.

Public Testimony:

Dr. Jerrie Jackson – Our Lady of the Lake University

Ms. Addison Old – Teach Plus

Ms. Tania Tasneem – Teach Plus

Dr. Gina Anderson – Texas Woman's University

Dr. Jim Van Overschelde – REDEE Center

Dr. Andrea Chevalier – Association of Texas Professional Educators

Ms. Carrie Griffith – Texas State Teachers Association

Dr. Tim Miller – Charles Butt Foundation

Ms. Amy Hickman – EdTPA Regional Coordinators

Dr. Elizabeth Ward – Texas Wesleyan University

Mr. Anthony Hernandez – Urban Teachers

Ms. Leslie Cooper – ESC-20 Certification Programs

Motion and vote:

Motion was made by Dr. Brescia to approve the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, to be published as proposed in the Texas Register. Second was made by Ms. Dvorak. The motion passed with Ms. Streepey, Ms. Dvorak, Ms. MacDonald, Dr. Brescia, Dr. Kelly, Mr. Tamarez Torres, and Mr. Kim voting in favor, and Mr. Coleman, Ms. Glasscock, and Mr. Gore voting against the motion.

20. Request to Approve 2020–2021 Accountability System for Educator Preparation (ASEP) Accreditation Statuses

Dr. Olofson presented this item to the Board. Dr. Olofson explained the accountability system and highlighted that at the October 2021 meeting the Board had adopted rule text providing a status of Not Rated: Declared State of Disaster for the 2020-2021 academic year. He further noted that EPPs which previously had a rating of Accredited: Warned or Accredited: Probation who met the threshold for “Accredited” based on their 2020-2021 data would have their status reset, and that the programs would be eligible for commendations.

Mr. Kim asked about the requirements for EPPs to report data related to the accountability system. Dr. Olofson noted the sources of data for all the ASEP indicators for the Board.

Motion and vote:

Motion was made by Mr. Coleman to approve the 2020–2021 Accountability System for Educator Preparation Programs accreditation statuses as presented. Second was made by Mr. Gore, and the Board voted unanimously in favor of the motion.

21. Request to Approve 2020–2021 Educator Preparation Program (EPP) Commendations

Ms. McLoughlin and Dr. Olofson presented this item to the Board. Dr. Olofson explained the commendation framework and the related processes for determining commendation categories 1-3. Ms. McLoughlin described the process for determining commendation category 4 and work of the SBEC EPP Commendations Committee. Ms. Streepey, the chair of the SBEC EPP Commendations Committee, provided an overview of the work of the committee and the decision-making process. She noted the quality of the programs and the work of the committee members. Ms. Streepey communicated the recommendation of the SBEC EPP Commendations Committee to recognize Sam Houston State University and UT – San Antonio with the Innovative Educator Preparation commendation.

Dr. Kelly commended the committee for their work. Ms. Garcia noted that Excellence in Teaching, Dr. Galvan’s program, was recognized with a commendation. Ms. Streepey noted that UT-RGV, Dr. Rodriguez’s program, was also recognized with a commendation.

Motion and vote:

Motion was made by Mr. Coleman to approve the 2020–2021 Educator Preparation Program Commendations as presented. Second was made by Mr. Tamarez Torres, and the Board voted unanimously in favor of the motion.

22. Approval of Agreed Order for Lubbock Christian University Educator Preparation Program

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin provided an overview of Lubbock Christian University’s EPP’s five-year continuing approval review process and the findings from the review. She presented an overview of the steps following the review, including an overview of the requirements of the Agreed Order presented to the SBEC for approval. Ms. McLoughlin noted that due to the specific components that are out of

compliance, Lubbock Christian University may continue enrolling candidates into the program during the period of the Agreed Order set forth by TEA and Lubbock Christian University.

Motion and vote:

Motion was made by Ms. Streepey to approve the agreed order for Lubbock Christian University educator preparation program as presented. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

23. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

1. In the Matter of Adam Canton; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
2. In the Matter of Catherine Graven; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
3. In the Matter of Chrystal Franks; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
4. In the Matter of Ryan Joel Pena; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
5. In the Matter of Palmira Leal; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
6. In the Matter of Lori Taylor; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation

7. In the Matter of Bernard Bell, Sr.; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 10-year suspension and successful completion of substance abuse treatment program

8. In the Matter of Yvette Sumrow; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 10-year suspension and successful completion of substance abuse treatment program

9. In the Matter of Tyson Schrader; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 5-year suspension and successful completion of substance abuse treatment program

10. In the Matter of Donaldo Nunez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2-year suspension and successful completion of substance abuse treatment program

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

Staff recommendation: 2-year suspension and successful completion of substance abuse treatment program

12. In the Matter of Sherry Duncan; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2-year suspension and successful completion of substance abuse treatment program

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

Staff recommendation: 2-year suspension and successful completion of substance abuse treatment program

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

- Staff recommendation: 1-year suspension and successful completion of substance abuse treatment program
15. In the Matter of Leala Anthony-Aycock; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
16. In the Matter of Lloyd Frizzell; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
17. In the Matter of Nicholas Velasquez-Cone; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
18. In the Matter of Charles Kilborn; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
19. In the Matter of Idolina Rodriguez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension
20. In the Matter of Joshua B. Wallace; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
21. In the Matter of Alishia Thomas; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
22. In the Matter of Christina Baker; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
23. In the Matter of Jill B. Strawbridge; Action to be taken: Consideration of Issuance of Default Judgment

24. Staff recommendation: Permanent Revocation
In the Matter of John R. Sanders; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
25. In the Matter of Maria Sanchez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
26. In the Matter of Nola F. Smith Tatum; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
27. In the Matter of Laura Christian; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 4-year suspension
28. In the Matter of Takosha Ragsdale; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 18-month suspension
29. In the Matter of Leyla Tindall; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

Motion and Vote:

Motion was made by Mr. Kim to grant staff's request for issuance of default judgment on cases numbered 1-29, excluding number 28, 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.

SOAH Defaults

1. In the Matter of Gregory Nicholson; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
2. In the Matter of Jeffrey Lewis; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2-year suspension

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

Staff recommendation: Permanent Revocation

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for the issuance of default judgments in SOAH defaults numbers 2 and 3 as listed on the agenda and enter final orders consistent with staff's recommendations. Second was made by Mr. Kim, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701-21-0443.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Michael T. Gauen; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Non-Inscribed Reprimand

Staff Recommendation: 2-year suspension

Motion and vote:

Motion was made by Mr. Coleman that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 – 22 and Conclusions of Law Nos. 1 – 12, and that the Board modify Conclusion of Law No. 13 as follows:

13. Michael T. Gauen's educator certificates should be SUSPENDED for TWO (2) years.

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

In its rules, the Board has set out factors that it considers in determining sanctions in educator discipline cases. Those factors include the seriousness of the violation, whether the misconduct was intentional, and whether the sanction will deter future violations.

The ALJ failed to properly apply these rules in making her sanctioning recommendation of a non-inscribed reprimand because Mr. Gauen's conduct in this case was serious, intentional, and because a non-inscribed reprimand is insufficient to deter either Mr. Gauen or other educators.

In Findings of Fact Nos. 7 – 9, the ALJ found that Mr. Gauen exchanged 524 text-messages with a student, unrelated to school activities. This is a serious violation.

The ALJ found that Mr. Gauen violated two separate provisions of the Educators' Code of Ethics by engaging in inappropriate communication with a student and violating local written school board policies.

Mr. Gauen acted intentionally when he messaged the student—there are no Findings of Fact that suggest his conduct was the result of accident or mistake.

Moreover, the recommended sanction of a non-inscribed reprimand is not sufficient to deter either Mr. Gauen or other educators from engaging in similar behavior in the future because a non-inscribed reprimand does not appear on the face of an educator's public-facing certification record.

A two-year suspension will allow Mr. Gauen time to reflect on his inappropriate conduct and will deter both him and other educators from engaging in inappropriate communications with students in the future.

Second was made by Ms. Dvorak and the motion passed with Mr. Coleman, Ms. Streepey, Ms. Dvorak, Mr. Kim and Dr. Brescia voting in favor of the motion and Dr. Kelly, Ms. Glasscock and Mr. Tamarez Torrez voting against the motion.

2. Docket No. 701-21-1915.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v Gabriel Ginithan; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanently Revocation

Staff Recommendation: Accept ALJ recommendation

Motion and vote:

Motion was made by Dr. Brescia that the Board accept the Proposal for Decision and Issue a final order consistent with the ALJ's recommendation. Mr. Ginithan's educator certificates should be permanently revoked. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.

3. Docket No. 701-21-2749.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Ramona Kolacz; 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

Motion and vote:

Motion was made by Dr. Brescia 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 Ms. Kolacz's educator certificates. Second was made by Mr. Coleman, and the Board voted in favor of the motion with Dr. Brescia, Mr. Coleman, Ms. Dvorak, and Mr. Tamarez-Torrez voting in favor of the motion and Mr. Kim, Dr. Kelly, and Ms. Streepey voting against the motion.

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. 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.

Motion and vote:

DISCUSSION ONLY

24. Discussion of Effective Preparation Framework Development

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin provided an update of the development timeline for the Effective Preparation Framework (EPF). She noted the stakeholder engagement that had occurred and future stakeholder engagement opportunities to further iterate the EPF. Ms. McLoughlin also shared that TEA staff would continue to share updates with the Board and bring the final EPF and recommendations for updating TAC §228 to codify best practices the Board consistently reinforces at the December 9, 2022 Board meeting.

Dr. Rodriguez asked for clarification regarding the regional and EPP commendations' feedback sessions and other feedback sessions. She also asked for clarification for the times in which the Board would have opportunities to review the draft EPF. Further, Dr.

Rodriguez recommended the EPF be given the necessary time and attention for the Board to identify and highlight high-quality EPPs' effective practices.

Dr. Galvan asked for clarification regarding the potential functions the EPF could serve and additional information related to trainings for EPPs.

Dr. Kelly asked for the make-up of the Educator Preparation Advisory Committee (EPAC).

25. Discussion of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter E, Educational Aide Certificate, §230.55, Certification Requirements for Educational Aide I

Ms. Cook presented this item to the Board. She highlighted the Board's support in 2020 to allow the educational aide I certificate to be used in issuance of industry-based certification to high school students. Ms. Cook confirmed the changes included in draft rule text update Texas Essential Knowledge and Skills rule text chapters and adds four courses to the list of course offerings that could be completed by high school students to obtain industry-based certification. Dr. Kelly commented on the benefits of the Grow Your Own Program and sees the benefits of industry-based certification for high school students. There were no questions from the Board.

INFORMATION ONLY

26. Update of State Board for Educator Certification Enabling Legislation from the 87th Texas Legislature

27. Board Operating Policies and Procedures (BOPP)

28. 2019–2022 Rule Review Plan for State Board for Educator Certification Rules

29. Adjournment

Dr. Kelly adjourned the meeting at 3:55 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.