

Item 4:
**Consider and Take Appropriate Action on Request to
Approve May 18, 2018 Board Meeting Minutes**

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Approve the May 18, 2018 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION
MEETING AGENDA
MAY 18, 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 8:37 AM on Friday, May 18, 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, Ms. Sandie Mullins, Dr. Rex Peebles, Ms. Jill Druessedow, Mr. Leon Leal, Ms. Suzanne McCall, and Mr. Carlos Villagrana.

Absent: Ms. Sandie Bridges, Mr. Tommy Coleman, Dr. Scott Ridley, and Dr. Laurie Turner

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Associate Commissioner Ryan Franklin welcomed the members to the meeting and thanked them for their attendance. Mr. Franklin recognized what a challenging time of year it is for scheduling, particularly for educators. He reminded the Board of the need to maintain a quorum. Mr. Franklin reminded the Board of the Thursday, August 2nd Work Session. In recognition of likely amendments during the meeting, he recommended that Board members take their time with any amendments to ensure clarity.

3. Public Comment

Scott Kessel, Texas Counseling Association

CONSENT AGENDA

4. Consider and Take Appropriate Action on Request to Approve March 2, 2018 Board Meeting Minutes

Hearing no corrections, the March 2, 2018 Board meetings minutes were approved.

DISCUSSION AND ACTION**5. Consider and Take Appropriate Action on Proposed Amendments to 19 TAC Chapter 247, Educators' Code of Ethics**

Ms. Moriarty presented this item to the Board. This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 247, Educators' Code of Ethics. The proposed amendment to 19 TAC §247.1 would add the definitions of "sexual harassment" and "under the influence of alcohol." The proposed amendment to 19 TAC §247.2 would make educators who act recklessly in diverting money for personal gain or misrepresenting the educator's employment history subject to discipline by the SBEC, would clarify language regarding an educator's illegal use of drugs, and would add a standard regarding educator-on-educator workplace sexual harassment.

Ms. Moriarty noted that staff had met with stakeholders who recommended that the Educator's Code of Ethics be a source of legal authority that applied particularly to educators because of their special role and influence over students, and did not exist in other laws. The proposed amendment to 19 TAC §247.2 would strike Standard 1.14 (a prohibition on assisting an educator with getting a new job when the educator had an inappropriate relationship with a student or minor, intended to implement the requirements of other state and federal laws) with the intent to move that provision to 19 TAC §249.15, in an effort to keep 19 TAC Chapter 247 free from provisions that make other sources of legal authority enforceable against educators.

Public Comment was provided by:

Ms. Amanda Moore, Texas State Teachers Association

Motion and vote:

Motion was made by Ms. McCall to approve the proposed amendments to 19 TAC Chapter 247, Educators' Code of Ethics, to be published as proposed in the Texas Register. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

6. Consider and Take Appropriate Action on Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, §249.3, Definitions, §249.5, Purpose; Policy Governing Disciplinary Proceedings; and Subchapter B, Enforcement Actions and Guidelines, §249.15, Disciplinary Action by State Board for Educator Certification

Ms. Moriarty presented this item to the Board. This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, and Subchapter B, Enforcement Actions and Guidelines. Ms. Moriarty explained that the amendments made to Chapter 249 were connected with the changes from Chapter 247, Educators' Code of Ethics, in that proposed revisions that set evidentiary standards or implemented other sources of law were recommended as amendments to Chapter 249 rather than Chapter 247 in an effort to keep Chapter 247 a stand-alone set of ethical guidelines that apply specifically to educators due to their special role and unique influence over students. The amendments would add language creating a legal presumption based on educators' violations of written directives from school administrators regarding the

educator's behavior toward a student to the definitions of "solicitation of a romantic relationship" and to both the definition and general principle of the term "unworthy to instruct or to supervise the youth of this state." The proposed amendments also would add the existing prohibition on assisting an educator with getting a new job when the educator had an inappropriate relationship with a student or minor to the list of satisfactory evidence on which the SBEC can take disciplinary action, intended to comply with both the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7926, and Texas Education Code (TEC), §21.009(e), and currently proposed to be stricken from 19 TAC Chapter 247, Educators' Code of Ethics.

Public Comment was provided by:
Amanda Moore, Texas State Teachers Association

Motion and vote:

Motion was made by Ms. McCall to approve the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, §249.3, Definitions, §249.5, Purpose; Policy Governing Disciplinary Proceedings; and Subchapter B, Enforcement Actions and Guidelines, §249.15, Disciplinary Action by State Board for Educator Certification, to be published as proposed in the Texas Register. Second was made by Mr. Leal, and the Board voted unanimously in favor of the motion.

7. Consider and Take Appropriate Action on Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

Ms. Cook presented this item to the Board. Ms. Cook highlighted pertinent points from the background and justification section of the agenda item and provided an overview of the proposed changes that fall into four categories: *Purpose* (to address the general authority section); *Presentation* (to eliminate references to certificates no longer issued by the SBEC, and remove duplicative information already addressed in other rule chapters about what a certificate holder can teach); *Priority* (to add new certificates mandated by legislation into the chapter); and *Process* (to incorporate steps to request new language other than English certificates). The Board had no additional questions after Ms. Cook's overview of the proposed changes.

Motion and vote:

Motion was made by Dr. Hull to approve the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, to be published as proposed in the Texas Register. Second was made by Ms. Brooks-Sykes, and the Board voted unanimously in favor of the motion.

8. Consider and Take Appropriate Action on Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Dr. Jones presented this item to the Board. Dr. Jones highlighted for the Board six of the most significant changes, which came primarily from implementing language from legislation in addition to providing more clarification in rule language. These highlights were summarized on a side-by-side document in the supplemental materials folder.

Public Comment was provided by:
Representative Gervin-Hawkins
Holly Eaton
Lindsay Sobel
Mary Malone
Bryan Weatherford
Kate Coleman
Patty Quinzi

Motion and vote:

Motion was made by Dr. Hull to approve the proposed amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, to be published as proposed in the Texas Register. Second was made by Ms. Bricker.

Motion was made by Dr. Hull to make an amendment to her original motion in 19 TAC Chapter 228.2(12) Cooperating Teacher and (23) Mentor, adding "including training in how to coach and mentor teacher candidates". Second was made by Ms. Bricker.

After further discussion, Dr. Hull withdrew her amended motion and offered a revised amended motion.

Motion and vote:

Motion was made by Dr. Hull to make a new amendment to her original motion in 19 TAC Chapter 228.2(12) Cooperating Teacher, (23) Mentor, and (30) Site Supervisor adding the language "including training in how to coach and mentor teacher candidates". Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

After public comment, Board discussion centered on two areas: (1) expanding the original legislation contained in HB 3349 for Trade and Industrial Workforce Training to include Marketing Grades 6-12 and Health Science Grades 6-12 with the abbreviated program requirements and (2) the impact of decreasing the preparation hours required. The request to expand the bill came from recent stakeholder feedback from the San Antonio area. Dr. Cavazos asked for staff to reach out to stakeholder groups representing Marketing and Health Science to have input from these groups for the next meeting.

Dr. Jones thanked Representative Gervin-Hawkins and her staff for being so readily available and to many TEA staff members who worked on this item.

Motion and vote:

Motion was made by Ms. McCall to make an amendment to the original motion that would strike the language in 19 TAC Chapter 228.35(c). The motion failed due to the lack of a second.

Motion and vote:

Motion was made by Ms. McCall to amend the original motion in 19 Chapter 228.35(c) to require the coursework and/or training to be provided by the candidate's EPP. The motion failed due to the lack of a second.

Motion and vote:

Motion was made by Ms. Brooks-Sykes to make an amendment to the original motion that in 19 Chapter 228.35(c)(2) to replace the word "may" with "shall." Second was made by Ms. Bricker. Ms. Bricker and Ms. Brooks-Sykes voted in favor of the motion and Mr. Leal, Dr. Cavazos, Ms. Mullins, Dr. Hull, and Ms. McCall voted against. The motion failed.

Motion and vote:

Motion was made by Dr. Hull to approve the proposed amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, to be published as proposed in the Texas Register. Second was made by Ms. Bricker. The motion passed, with Ms. McCall voting against the motion.

9. Consider and Take Appropriate Action on Proposed Amendments to 19 TAC Chapter 250, Administration, Subchapter A, Purchasing, §250.1, Historically Underutilized Business (HUB) Program, and Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes

Ms. Pogue presented this item to the Board. Ms. Pogue pointed out the proposed amendment to Subchapter A, was a technical change to update relevant cross references to the state's Historically Underutilized Business (HUB) program. Ms. Pogue pointed out that the proposed amendments to Subchapter B, was to comply with the statutory requirement as a result of the 84th Texas Legislature that mandates that a petitioner for rulemaking must meet one of the four definitions of an interested person. The criteria as specified in statute is that the petitioner be a resident of Texas, a business entity located in Texas, a governmental subdivision located in Texas, or a public or private organization located in Texas that is not a state agency.

Motion and vote:

Motion was made by Ms. Bricker to approve the proposed amendments to 19 TAC Chapter 250, Administration, Subchapter A, Purchasing, §250.1, Historically Underutilized Business (HUB) Program, Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes, to be published as proposed in the Texas Register. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

10. Consider and Take Appropriate Action on Request to Approve 2016-2017 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses

Dr. Miller presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) the opportunity to approve the proposed 2016-2017 Accountability System for Educator Preparation Programs (ASEP) accreditation statuses for educator preparation programs (EPPs). Currently, one hundred and eighteen (118) programs are recommended to be rated as "Accredited," three (3) programs as "Accredited-Not Rated," four (4) programs as "Accredited-Warned," and eight (8) programs as "Accredited-Probation." Thirty-six (36) programs will be required to develop an action plan to address deficiencies in aggregated and/or disaggregated group performance. Fifty-six (56) programs will be provided with a notice regarding a certification examination performance issue with one or more certification fields.

Dr. Miller explained that the Board had been sent revised recommendations from staff a week before the Board meeting. The revised recommendations were also included in the Board's supplemental materials folder. Dr. Miller explained the components of the accreditation system by presenting the table that was included in attachment two of the item. A status of Accredited-Probation or Accredited-Warned was being recommended if a program did not meet the performance standard for certification examinations or field supervision. Programs that did not meet a performance standard are required to develop an action plan to address any deficiencies. Programs that did not meet the performance standard for an individual certification examination were also provided notice by TEA staff. Dr. Miller mentioned that TEA staff was recommending a monitor to be assigned to any program that was recommended as Accredited-Probation. This was based on the input that the Board provided in the March 2, 2018 meeting so that struggling programs were provided with monitor support sooner rather than later.

Public Comment was provided by:
Dr. Phylliss Metcalf-Turner

After public comment, Ms. Brooks-Sykes asked when programs were required to provide the data that is used for accountability, when programs were notified of their accreditation status, and if there was anything the Board could do to assist programs that had received notices of not meeting the performance standard for individual certification examinations. For her first question, Dr. Miller responded that September 15 was the deadline for programs to provide the data. For her second question, Dr. Miller responded that programs are notified of their accreditation status several months after the September 15 deadline because TEA staff must work with programs to ensure that the data is accurate. For her third question, Dr. Miller responded that the Board may want to consider requiring an action plan for programs that do not meet the performance standard for an individual certification examination. Dr. Hull asked what would happen to programs if the Board acted on the TEA staff recommendations. Dr. Miller responded that programs would be required to develop and implement an action plan to address deficiencies. Programs that are Accredited-Probation would have the assistance of a monitor. Programs that are Accredited-Warned would have the assistance of TEA staff. Intern Teacher ACP would have a deadline of December 1, 2018 to address all deficiencies.

Dr. Hull asked if Dr. Metcalf-Turner was making a request or sharing information. Dr. Miller responded that it was his understanding that Dr. Metcalf-Turner was sharing information

about how Prairie View A&M University was making improvements. Dr. Miller invited Dr. Metcalf-Turner to return to the podium to respond. Dr. Metcalf-Turner confirmed that she was sharing information. Dr. Hull asked Dr. Metcalf-Turner if Dr. Ruth Simmons, the new president of Prairie View A&M University, was aware of the accreditation status of the program. Dr. Metcalf-Turner confirmed that she was on the president's cabinet and that the president was fully aware of the program's status. Ms. Bricker commented that the sanctions the Board was putting in place were intended to support programs and thanked Dr. Metcalf-Turner for her work in improving the program. Ms. McCall asked if the same information that was presented in attachment two would be shared on the Consumer Information web page. Dr. Miller confirmed that a very similar table with accompanying descriptions would be published on the page.

Motion and vote:

Motion was made by Dr. Cavazos to approve the 2016-2017 accountability system for educator preparation programs accreditation statuses and related sanctions as presented. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

11. Consider and Take Appropriate Action on Agreed Order to Close 21st Century Leadership Principal Preparation Program

Dr. Miller presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) the opportunity to approve an agreed order to close the 21st Century Leadership Principal Preparation Program (21st Century Leadership).

Dr. Miller explained that this item was a follow-up to an item on the March 2, 2018 agenda when the Board assigned 21st Century Leadership an Accredited-Probation accreditation status. Because the TEC and the SBEC rules require the Board to revoke a program if it is assigned an Accredited-Probation status for three consecutive years, the Board directed Mr. Winchester to work with TEA and SBEC legal staff to determine all options to consider. After researching the options and meeting with 21st Century Leadership staff, the three options were for 21st Century to agree to revocation, to voluntarily close, or to seek an administrative law judge ruling on the revocation at the State Office of Administrative Hearings. Because the Government Code authorizes the Board to settle contested cases through agreed orders, TEA staff recommended that the Board approve the closure of 21st Century Leadership. The program would not be allowed to admit any new candidates as of May 2, 2018 and the current cohort of candidates would be allowed to finish the program by August 31, 2018. The program would need to notify all candidates who had completed the program but who were not certified about the closure of the program so that all candidates would have the opportunity to attempt the certification examination two times. The monitor who had been assigned to the program would be released on August 31, 2018 and the program would no longer be able to recommend candidates for certification after March 31, 2019. The current legal authority, chief executive officer, and members of the governing body of 21st Century Leadership would not be eligible to apply to become an educator preparation program.

Dr. Susan Hull asked if there would be any issues for another educator preparation program if the program hired the legal authority, chief executive officer, or member of the governing body. Dr. Miller responded that there would not be any issues for another program and that 21st Century Leadership would also retain their ability to offer continuing professional education. Dr. Peebles asked if the ineligibility to apply to become an educator preparation

program was for a specific period or for life. Dr. Miller responded that the ineligibility would be for life.

Motion and vote:

Motion was made by Dr. Cavazos to approve the agreed order to close the 21st Century Leadership Principal Preparation Program as presented. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

12. Consider and Take Action on Clinical Teaching Exception Request

Dr. Miller presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss and take action on the request by the University of Houston teachHOUSTON Program for an exception to the clinical teaching options described in SBEC rule.

Dr. Miller explained that this request was very similar to the request from the University of Texas at Austin and the University of North Texas because they were all UTeach replication sites. The purpose of the UTeach program is to increase the number of high quality math and science teachers in Texas and throughout the United States. Instead of requiring 14 weeks of full day clinical teaching experiences, the University of Houston teachHOUSTON program would require less than a full day of clinical teaching with extra support for its teacher candidates. The teachHOUSTON would need to annually compare the performance of clinical teachers participating in the exception program to clinical teachers in programs inside and outside of the University of Houston. The teachHOUSTON would also need to maintain at least the same level of performance as the average of the previous four years. Dr. Cavazos commented that the UTeach program was a very good program and he supported approving the request as presented.

Motion and vote:

Motion was made by Dr. Cavazos to approve the recommendation for the clinical teaching exception request with conditions as presented. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES

13. Pending or Contemplated Litigation, including Disciplinary Cases

A. Defaults

No Answer Defaults

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

Staff recommendation: 1 year suspension

2. In the Matter of Shabelee Bowie; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
3. In the Matter of Emmanuel Carrillo; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
4. In the Matter of Brandon Hohfeld; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
5. In the Matter of Alexandria Livoti; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
6. In the Matter of Jessica Maldonado; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
7. In the Matter of Landon Penn; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
8. In the Matter of Joel Phong Ruthenbeck; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
9. In the Matter of Joshua Sermon; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1 year suspension
12. In the Matter of Adrien B. Anderson; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

13. In the Matter of Berenice Garcia; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
14. In the Matter of Miguel Angel Morales; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
15. In the Matter of Lexteun Salazar; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
17. In the Matter of Moises Fernando Hinojosa; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
18. In the Matter of Charles A. Brown, II; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
19. In the Matter of Jayden Carlos; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
20. In the Matter of Erica Caro; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 2 year suspension
21. In the Matter of Kellie Davis; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
22. In the Matter of Meagan Renee' Gurley; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation

23. In the Matter of Alfredo Guzman, III; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
24. In the Matter of Jacqueline G. Hildebrand; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 2 year suspension
25. In the Matter of Darion Ragsdale, Sr.; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
28. In the Matter of Felicia Shuler; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
29. In the Matter of Daniel Vanderburg; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
30. In the Matter of Jamie Lynn Weeks; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
31. In the Matter of Leo Kevin Cavazos; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 4 year suspension and proof of successful completion of substance abuse treatment program
32. In the Matter of Gina Cooper; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Revocation
33. In the Matter of Damian D. Davis; 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

34. In the Matter of Langston Grady; 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
35. In the Matter of Stephanie Hardin; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 4 year suspension and proof of successful completion of substance abuse treatment program
36. In the Matter of Stephanie Lewis; 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
37. In the Matter of Eric Ramos; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
38. In the Matter of Michael Schleider; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1 year suspension and proof of successful completion of substance abuse treatment program
39. In the Matter of Valerie Spillman; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 4 year suspension and proof of successful completion of substance abuse treatment program
40. In the Matter of Sean Preston; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
41. In the Matter of Lupe Sarinana; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2 year suspension
42. In the Matter of Jason K. Campbell; Action to be taken: Consideration of Issuance of Default Judgment

43. Staff recommendation: 4 year suspension
In the Matter of Carl Durr, Jr.; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
44. In the Matter of Sergio D. Garcia; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
45. In the Matter of Bianca Odom; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
46. In the Matter of Nathalie Pate; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2 year suspension
47. In the Matter of Humberto Rene Garza; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
48. In the Matter of Jaya Jacob; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1 year suspension and proof of successful completion of anger management classes

Motion and vote:

Motion was made by Dr. Hull to grant Staff's Request for Issuance of Default Judgment and enter final orders consistent with Staff's recommendations on each of the above numbered cases 1-38, excluding cases 10, 11, 16, 26, and 27. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

The following defaults were considered individually:

11. In the Matter of Ronald Wise; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1 year suspension
- Dr. Hull recused herself from voting on this matter.

Motion and vote:

Motion was made by Dr. Cavazos to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendation on the above numbered case, 11. Second was made by Mr. Leal, and the Board voted unanimously in favor of the motion.

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

Staff recommendation: 1 year suspension

Motion and vote:

Motion was made by Ms. Bricker to grant Staff's Request for Issuance of Default Judgment and enter a final order of Permanent Revocation. Motion died for lack of a second.

Motion was made by Dr. Cavazos to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendation on the above numbered case, 16. Second was made by Ms. Brooks-Sykes, and the Board voted in favor of the motion.

26. In the Matter of Mario Alberto Salinas; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Dr. Hull recused herself from voting on this matter.

Motion and vote:

Motion was made by Ms. Bricker to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendation on the above numbered case, 26. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

27. In the Matter of Christopher P. Shelton; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. McCall to grant Staff's Request for Issuance of Default Judgment and enter a final order consistent with Staff's recommendation on the above numbered case, 27. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

The following defaults were pulled from the agenda by TEA Legal (no action taken):

10. In the Matter of Christina Lockett Wilson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1 year suspension

SOAH Defaults

1. In the Matter of Christopher Arthur Durham; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Dr. Hull recused herself from voting on this matter.

Motion and vote:

Motion was made by Ms. Bricker to grant Staff's Request for Issuance of SOAH Default Judgment and enter a final order of Permanent Revocation. Second was made by Mr. Leal, and the Board voted unanimously in favor of the motion.

2. In the Matter of Susana L. Lopez; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

Motion and vote:

Motion was made by Ms. Bricker to grant Staff's Request for Issuance of SOAH Default Judgment and enter a final order of consistent with Staff's recommendation. Second was made by Ms. McCall, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701175182.EC, Texas Education Agency, Educator Leadership and Quality Division v. Bradley Bowen; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Non-inscribed Reprimand

Staff Recommendation: 2 year suspension

Mother of Student A and Father of Student A addressed the Board.

Mr. Hensley represented TEA staff. Mr. Gorman and Ms. Odediran represented Respondent.

At 12:45 PM, the Board entered into Executive Session to receive legal advice pursuant to Government Code §551.071.

At 1:01 PM, the Board closed Executive Session and recessed for lunch.

At 1:11 PM, the Board returned to open session.

Motion and vote:

Motion was made by Dr. Hull that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 -- 108 and Conclusions of Law Nos. 1 -- 14. I move that the Board modify Conclusion of Law No. 15 as follows:

15. *Bradley Bowen's educator certification should be PERMANENTLY REVOKED.*

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

The Administrative Law Judge found that Mr. Bowen violated two separate sets of directives from his school administrators by

- *repeatedly contacting a student that he was forbidden to contact,*
- *repeatedly contacting the family of the same student,*
- *repeatedly failing to tell school officials when he had contact with the student and the family, and*
- *continuing to discuss the student and his feelings about the student with another staff member after he was directed to stop.*

Under the factors set out in 19 Texas Administrative Code §249.17(c), Mr. Bowen's conduct deserves a permanent revocation because his violations of the school district's directives were:

- *Serious violations—repeated, flagrant and involved two separate sets of directives;*
- *Premeditated and intentional— Findings of Fact show Mr. Bowen carefully planned, anticipated and discussed his contact with the student with his co-worker;*
- *Concealed by Mr. Bowen— Findings of Fact show Mr. Bowen did not report his contact with the student and the student's family to school officials;*
- *Potentially dangerous to the health and welfare of students and detrimental to the student victim of the conduct—Findings of Fact show that contact with Mr. Bowen made the student uncomfortable and afraid, made the student cry, and made the student's stomach hurt.*

Mr. Bowen's repeated violations of the two separate sets of school district directives show that Mr. Bowen was not able to rehabilitate himself, and that a mild sanction is unlikely to deter him.

Such repeated, serious behavior requires a stronger sanction than the non-inscribed reprimand the Administrative Law Judge recommended.

Moreover, a permanent revocation of Mr. Bowen's educator certificate will better deter other Texas educators from violating school district directives and policies than a non-inscribed reprimand. Second was made by Dr. Cavazos, and the Board voted unanimously in favor of the motion.

2. Docket No. 701174846.EC, Texas Education Agency, Educator Leadership and Quality Division v. Shane D. Dunn; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Inscribed Reprimand

Staff Recommendation: 1 year suspension

Mr. Duncan represented TEA staff. Mr. Gorman and Ms. Odediran represented Respondent.

Motion and vote:

Motion was made by Dr. Cavazos that the Board adopt the Proposal for Decision including Findings of Fact Nos. 1 -- 25 and Conclusions of Law Nos. 1 -- 10. I move that the Board modify Conclusion of Law No. 11 as follows:

11. *Shane Dunn's educator certification should be SUSPENDED for ONE (1) YEAR.*

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

The Administrative Law Judge found in Conclusions of Law 7-9 that Mr. Dunn violated the Educators' Code of Ethics and was subject to discipline by the Board because:

- *he violated written school board policies,*
- *engaged in conduct that met the elements of assault under the Texas Penal Code, and*
- *failed to maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.*

Under the factors set out in 19 Texas Administrative Code §249.17(c), Mr. Dunn's conduct deserves a strong sanction because his violations of the Board's rules were:

- *Serious violations that amounted to criminal misconduct, violated three separate provisions of the Board's rules, and included behavior that presents a danger to students and assaultive behavior, and*

- *Potentially dangerous to the health and welfare of students and detrimental to the victims of the conduct, as reflected in Finding of Fact 15 and Conclusions of Law 7-8, in which the Administrative Law Judge noted that Mr. Dunn's behavior made students uncomfortable, was "a danger to students," and was "assaultive."*

Moreover, the inscribed reprimand that the Administrative Law Judge recommended Mr. Dunn's conduct is insufficient to deter either Mr. Dunn or other Texas educators from future violations of this sort. A one-year suspension is appropriate because it reflects Mr. Dunn's multiple violations of Board rules and will allow Mr. Dunn time away from teaching to reflect on his behavior toward students. Second was made by Dr. Hull, and the motion passed with Dr. Cavazos, Dr. Hull, Ms. Bricker, Mr. Leal, Ms. Mullins and Ms. McCall voting in favor of and Ms. Brooks-Sykes voting against the motion.

3. Docket No. 701175023.EC, Texas Education Agency, Educator Leadership and Quality Division v. Dale Faulks; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ recommendation

Mr. Crabtree represented TEA staff. Mr. Faulks represented himself.

Motion and vote:

Motion was made by Dr. Hull that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendations. Second was made by Mr. Leal, and the Board voted unanimously in favor of the motion.

4. Docket No. 701181840.EC, Texas Education Agency, Educator Leadership and Quality Division v. Derrick Thomas; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ recommendation

Mr. Crabtree represented TEA staff. Mr. Thomas represented himself.

Motion and vote:

Motion was made by Ms. McCall that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendations. Second was made by Dr. Hull, and the Board voted unanimously in favor of the motion.

5. Docket No. 701182574.EC, Texas Education Agency, Educator Leadership and Quality Division v. Joel Provencio; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Permanent Revocation

Staff Recommendation: Accept ALJ recommendation

Ms. McGee represented TEA staff. Mr. Provencio represented himself.

Motion and vote:

Motion was made by Ms. Hull that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendations. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

6. Docket No. 701180636.EC, Texas Education Agency, Educator Leadership and Quality Division v. Laura Zuniga; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Accept ALJ recommendation

Mr. Hensley represented TEA staff. Ms. Zuniga did not appear.

Motion and vote:

Motion was made by Dr. Cavazos that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendations. Second was made by Ms. Bricker, and the Board voted unanimously in favor of the motion.

C. Court Cases

District Court Cases

1. Leo Joseph Tran v. State Board for Educator Certification; Cause No. D-1-GN-16-001802, In the 126th District Court of Travis County, Texas.
2. David Turner v. State Board for Educator Certification; Cause No. D-1-GN-17-002298, In the 250th District Court of Travis County, Texas.
3. Anna Luisa Kell v. State Board for Educator Certification; Cause No. D-1-GN-17-002347, In the 419th District Court of Travis County, Texas.
4. Norma Regina Gonzalez (a/k/a Gina Oaxaca) v. State Board for Educator Certification; Cause No. D-1-GN-17-004263, In the 200th District Court of Travis County, Texas.
5. Joel Trigo v. State Board for Educator Certification; Cause No. D-1-GN-17-006874, In the 459th District Court of Travis County, Texas.

DISCUSSION ONLY

14. Discussion of Proposed Repeal of and New 19 TAC Chapter 241, Principal Certificate

Dr. Jones presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss the proposed repeal of and new 19 TAC Chapter 241. Dr. Jones explained that this item revises the chapter on principal certification and takes the first steps toward implementing the new Principal as Instructional Leader certification redesign as outlined at the March meeting.

He explained that because the current version of Chapter 241 is so specific to the current principal requirements, staff prepared language that creates two subchapters for Chapter 241. Subchapter A outlines the new Principal as Instructional Leader and new principal endorsement provisions and requirements. Subchapter B provides all the provisions and requirements for the current principal certification. An attachment (Attachment III) was provided for the Board to show both the repealed language as well as the language for discussion. He noted that the standards are the same for Subchapter A and Subchapter B, and the preparation remains the same. Dr. Jones thanked the Board for their support in the principal certification redesign process.

15. Discussion of Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours

Dr. Miller presented this item to the Board. This item provided the State Board for Educator Certification (SBEC) an opportunity to discuss an amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours. The proposed amendment would provide continuing professional education (CPE) credit for individuals who pass the components of the performance assessment for the recommended Principal as Instructional Leader endorsement.

Dr. Miller explained that this item went along with the Chapter 241 item that was presented by Dr. Jones. The amendment to the certification renewal rules would allow educators who currently hold a Principal certificate and pass the performance examinations that are required for the Principal as Instructional Leader endorsement to earn 150 hours of continuing professional education toward the renewal of their five-year standard certificate. Dr. Miller added that TEA staff would probably bring this item back to the board during the 2018-2019 academic year.

16. Discussion of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

Ms. Cook presented this item to the Board. Ms. Cook highlighted pertinent points from the background and justification section of the agenda item and provided an overview of the proposed changes. Ms. Cook asked the Board to refer to a document in their supplemental materials folder. Ms. Cook explained she has discussed these issues with the Board during previous meetings and needs some focused guidance on a few issues.

Ms. Cook highlighted the anticipated changes in Subchapter C to update Figure: 19 TAC §230.21(e) to add testing requirements for the Principal as Instructional Leader Certificate and the Principal as Instructional Leader Endorsement. Ms. Cook also explained the technical edit to correct the statutory reference to testing accommodations for persons with dyslexia.

During the discussion of Subchapter D, Ms. Cook explained the proposed change to support candidates seeking the new Principal as Instructional Leader Certificate. Adding a transition timeframe to issue an intern certificate. Ms. Cook shared the reasons the staff believes these changes are a good idea. Dr. Hull asked if there were any Chapter 21 implications with the new intern certificate (e.g., if an intern certificate candidate is eligible for a term contract versus a multi-year contract). Mr. Franklin offered he does not believe the certificate held has any bearing on the type of contract offered by the district. Dr. Jones also explained the transition period allows these candidates to be handled the same way as those intern certificate holders pursuing the current Principal certificate.

Ms. Cook discussed the changes to Subchapter E to address the duplicative reference for determining English language proficiency for individuals serving in the role of educational aide and becoming eligible for issuance of the certificate. The Board did not express any concerns about the conversation.

Ms. Cook then discussed proposed changes to Subchapter H to address new Commissioner's Rules related to exemptions from examination requirements. Ms. Cook explained that a slight addition to SBEC rules will build a bridge between SBEC rules and Commissioner Rules to ensure candidates completing the credentials review process for Texas certification are also aware of the process to be considered for test exemptions.

Ms. Cook returned to the discussion of proposed changes to Subchapter D specific to Visiting International Teacher Certificate. Ms. Cook shared that the SBEC has had several opportunities to talk about this topic, and TEA staff have reaped the benefit of a good working relationship with Region 13 in their role as the lone provider of VIT certificate holders. Ms. Cook shared it was never TEA staff's intent to indicate there should only be one provider of VIT certificate holders and hopes to bring forward rule changes that allow other entities to participate in this optional program.

Ms. Cook mentioned other states with VIT programs. She asked the Board for guidance on continued research on VIT Program process. Ms. Bricker stated the importance of having guidelines because we want districts to have the freedom to recruit from wherever they would like to. She feels it is important to have rules in place. Mr. Leal feels it is important to get other state information but would like for Texas to be the innovators in coming up with what we believe to be our own thoughts about the best way and the right way to do things. Ms. McCall also confirmed moving ahead with additional stakeholder feedback. Ms. Cook wanted to follow-up on the question about multiple entities being able to serve as a program sponsor. Ms. Cook asked for clarification on approval to serve as a VIT Program sponsor. Ms. McCall asked for more information to serve as a program sponsor. Dr. Hull would like the Board to create and approve the rules and have TEA staff implement the rules. Dr. Hull also expressed the importance of having rules in place, especially in dealing with immigration laws and Visa requirements. Does not want this to become something that a for-profit comes in and attempts to serve education.

Ms. Cook asked for clarification about the information/updates that the Board wants for the VIT Program. Dr. Peebles commented it would be good to hear the number of participants but did not feel evaluation data was necessary. Dr. Peebles stated there is often a lot of behind the scenes work going on that boards are not aware of until there are quarterly updates.

Ms. Cook asked about the English language proficiency requirement and discussed the duplicative requirement. She sought guidance on TOEFL iBT only or flexibility in assessment of English language proficiency. Mr. Leal stated we need to be smart about this issue and use common sense when approaching this topic. He further stated that we need to not be so stringent that we cannot help people come in where we need them, but we do need to ensure there are requirements and guidelines. He added that we do not be so narrow that we cannot recruit others. Ms. Bricker stated if TOEFL is a good measurement of proficiency, that it should be good for all; however, if there are other like tests that we can be comfortable with then we need to know and be assured of this. Other tests of like rigor to the TOEFL. Ms. Bricker asked that the Board be provided with pros and cons of extending the VIT certificate beyond three years. Dr. Peebles asked if the VIT certificate is three years only or is there an option to extend. Ms. Cook confirmed we could do rulemaking to continue issuing for three years and offer options for extension. Dr. Hull stated she would support research and offering option to extend to accommodate teachers as the other Visa process is lengthy.

Ms. Cook expressed appreciation for the discussion and thanked the Board for their help and time.

INFORMATION ONLY

17. Board Operating Policies and Procedures (BOPP)

Information Only.

18. 2015 - 2018 Rule Review Plan for State Board for Educator Certification Rules

Information Only.

19. Requests from Board Members for Future Agenda Items

Ms. Brooks-Sykes requested a timeline of when the Board would be convening the SBEC Legislative Committee in preparation for the upcoming Texas Legislative Session. Ms. Pogue clarified that rather than a separate Legislative Committee meeting, the August 2, 2018 work session would include an opportunity for the Board to discuss legislative priorities.

20. Requests Received from the Board Since Last Meeting

None.

21. Adjournment

Ms. Druesedow adjourned the meeting at 2:44 PM.