

Item 4:

**Request to Approve February 10, 2023 Board Meeting
Minutes**

ACTION

ASSOCIATE COMMISSIONER'S RECOMMENDATION:

Approve the February 10, 2023 Board meeting minutes.

STATE BOARD FOR EDUCATOR CERTIFICATION
MEETING AGENDA
FEBRUARY 10, 2023 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:

Moment of Silence

Pledge of Allegiance

1. Call to Order

The State Board for Educator Certification (SBEC) convened its meeting at 8:32 AM on Friday, February 10, 2023.

Present: Dr. Robert Brescia, Dr. Veronica Galvan, Ms. Bena Glasscock, Mr. Rex Gore, Ms. Courtney MacDonald, Ms. Julia Dvorak, Dr. Scott Muri, Dr. Michael McFarland, Ms. Cristina Galindo, Dr. Emma Gelsinger, Ms. Kelvey Oeser, Dr. Alma Rodriguez, Ms. Jean Streepey, Mr. Tommy Coleman, and Mr. Josue Tamarez Torres.

Absent: None.

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Ms. Garcia shared an update to the structure of the department of Educator Preparation, Certification and Enforcement. Ms. Garcia also shared news of the passing of Dr. Doug Hamman, Ph.D. Dr. Hamman's contribution to the field of education through his work with high quality educator preparation at Texas Tech University has had an impact across the state of Texas.

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

Ms. Streepey welcomed two new SBEC members: Dr. Michael McFarland, Crowley ISD, as an administrator representative; and Dr. Emma Gelsinger, Ector County ISD, as a representative from the Higher Education Coordinating Board. Ms. Streepey also thanked Mr. Kim and Dr. Lofters for their service on the SBEC Board.

4. Public Comment

Public Testimony:
Dr. Audrey Young – Citizen

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 5-9 with no discussion.

5. ***Request to Approve December 9, 2022 Meeting Minutes***
6. ***Proposed Review of 19 TAC Chapter 232, General Certification Provisions***
7. ***Proposed Review of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases***
8. ***Adoption of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates***
9. ***Adoption of Proposed Revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, and Subchapter D, Reading Specialist Certificate***

Motion and vote:

Motion was made by Ms. MacDonald to approve consent agenda items 5 - 9. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

10. ***Adoption of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.25, Test Exemptions for Persons with a Hearing Impairment***

Ms. McLoughlin presented this item to the Board. She shared that the item was developed in response to input from stakeholders at the September 2022 SBEC meeting regarding challenges with the SBEC's current rules related to test exemptions for persons with hearing impairments. She reviewed the proposed amendments to the rule and shared that the proposed changes had been informed by stakeholder feedback. She shared that 15 public comments had been submitted on the item and provided a summary of the input, including the additional amendment informed by public comment to clarify that candidates be unable to process "auditory linguistic information" to qualify for an exemption from the Science of Teaching Reading certification exam.

Public Testimony:

Ms. Kayla Hughes – Nacogdoches Regional Day School Program for the Deaf

Motion and vote:

Motion was made by Dr. Brescia to approve for adoption, subject to the State Board of Education (SBOE) review, the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.25, Test Exemptions for Persons with a Hearing Impairment, as presented, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Dr. McFarland, and the Board voted unanimously in favor of the motion.

11. Request to Approve 2021–2022 Accountability System for Educator Preparation (ASEP) Accreditation Statuses

Dr. Olofson and Dr. Landa presented this item to the Board. Dr. Olofson defined key terms, summarized the indicators used to determine accreditation statuses, and described the ASEP timeline. Dr. Landa shared information to summarize the recommended accreditation statuses. He offered clarification of the new index system as it relates to the legacy system of evaluating EPPs and noted how the systems were used to determine the accreditation evaluation rating for the 2021-2022 academic year. He shared about the informal review process and outcomes. Finally, Dr. Olofson discussed the consolidation of Sul Ross State University – Rio Grande Valley and how it relates to their recommended accreditation status of Accredited - Probation – Year 3.

Mr. Coleman asked about previous consolidations and Ms. Lorrie Ayers noted that it has occurred in the past and the process benefits candidates. Dr. Muri asked about lessons learned from the legacy versus the index systems. Dr. Landa noted the administrative challenges of administering multiple systems, and that the implementation of the index system is still in the early stages and that we do not yet have information about how EPPs use this information and staff will coordinate to learn more. Dr. Olofson added that the SBEC moved to this system because of better differentiation between programs and the ability to focus more broadly on improvement efforts. Dr. Muri asked if support has changed from the new system, and Dr. Olofson noted that staff will have a better holistic understanding related to the accountability system. Dr. Galvan asked about supplemental test inclusion in ASEP and Dr. Olofson noted they are included in indicator 1b. She also asked with pending changes in certification tests where future tests will be counted, and Dr. Olofson noted previous SBEC action to remedy these challenges. Dr. Galvan asked about the weights in the index system, and Dr. Olofson noted they were built in collaboration with guidance from the Board and input from stakeholders. He also noted the forthcoming opportunity at the SBEC meeting in April to discuss issues related to Chapter 229. Deputy Commissioner Oeser expressed thanks to the team and noted that there are opportunities for the Board to continue aligning the weights. She also noted the index aims to increase transparency to candidates and programs about quality, identify programs in need of intervention, and support programs to continuously improve. Dr. Rodriguez also voiced interest in discussing weights related to Indicator 1b. Chair Streepey asked whether there was an opportunity to speak with EPPs about streamlining the data submissions. Dr. Olofson noted that data processes were unchanged despite the change to the calculations. Dr. Muri asked about when the growth measure will be available for use, and Dr. Olofson provided the timeline.

Motion and vote:

Motion was made by Ms. MacDonald to approve the 2021 – 2022 Accountability System for Educator Preparation Programs accreditation statuses as presented. Second was made by Ms. Galindo, and the Board voted unanimously in favor of the motion.

12. Request to Approve 2021–2022 Educator Preparation Program (EPP) Commendations

Dr. Landa presented this item to the Board. He shared an overview of the commendations system, reviewed the commendations categories, noted the procedures to determine the commendations for each category, and highlighted the recipients across the three commendations categories.

Dr. Muri congratulated all the programs receiving a commendation. Mr. Gore noted the pass rates commendation may indicate more rigorous EPP admissions standards rather than preparation and asked about opportunities to take that into account. Dr. Landa noted that this could be explored if the Board recommends it. Dr. McFarland asked about the rationale for the innovative EPP commendation, and Dr. Olofson explained that the board moved this to an every-other year cadence to allow the field to react to the call. Chair Streepey further explained that in the Board's prior evaluation, EPPs were in process of implementing innovations, but there was no evidence available for EPPs to share on how their innovation was working. Mr. Tamarez Torres asked for clarification about the standard. Dr. Landa explained how that calculation was determined. Chair Streepey asked about the standard. Dr. Landa noted the overall 5-year retention, and Dr. Olofson noted the standard for commendation was based on modeling in the prior year. Chair Streepey also asked to the impact of COVID, and Dr. Olofson noted that this is a possible explanation. Associate Commissioner Garcia noted that the performance standards serve to identify top performers, either relative to the field or based on a cut score. She noted the opportunity for future dialogue about performance standards and the benefits of commendations. Dr. Galvan discussed the work of EPPs to support candidates and their success on certification tests. Chair Streepey congratulated UT-RGV on their commendation, and Dr. Rodriguez thanked her and her program faculty and educator candidates.

Motion and vote:

Motion was made by Ms. Glasscock to approve the 2021 – 2022 Educator Preparation Program Commendations as presented. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

The SBEC recessed at 9:57 AM.

The SBEC reconvened at 10:11 AM.

13. Consider and Take Appropriate Action on Request to Approve New Class of Certificate at University of Houston-Downtown

Ms. Ayers and Ms. Sandlin presented this item to the Board. Ms. Ayers began by providing an overview of the application process and TEA staff's role in the review that leads to recommendation for approval by the SBEC. Ms. Ayers highlighted that applications are

reviewed with an eye towards successful implementation of and adherence to SBEC rules. Ms. Sandlin provided an overview of her work with the application review and complimented the extensive research completed on the need to offer this certificate class in Houston. Ms. Sandlin introduced Dr. Jonathan Schwartz and Dr. Diane Miller, representatives from the University of Houston-Downtown, to answer questions from the Board and provide a brief overview of their application. Dr. Schwartz and Dr. Miller shared that if approved, the University of Houston-Downtown would continue their strong service to support high-poverty, diverse schools and would have an opportunity to increase recruitment of principals as pursuing that certification would be a natural progression from their undergraduate program. Several SBEC members expressed congratulations and asked questions that allowed Dr. Schwartz and Dr. Miller to further highlight the unique offerings of their program and their plans for success in the new area of certification. Once all questions were answered, the Board voted on this item.

Motion and vote:

Motion was made by Dr. Muri to approve the University of Houston-Downtown application to offer the Principal as Instructional Leader EC-12 certificate class as presented. Second was made by Dr. McFarland and the Board voted unanimously in favor of the motion.

14. Consideration of Petition for Adoption of Rule Change Concerning 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, and Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates

Ms. Pogue presented this item to the Board. Ms. Pogue explained the requirements, processes, and options when an interested party submits a petition for rulemaking to the SBEC. She presented the petition for rulemaking submitted to the SBEC at the December 9, 2023 Board meeting. Ms. Pogue clarified the rule text changes requested by the petitioner, the impact of each rule change, and the recommendation by TEA staff.

The SBEC provided the following comments for denial:

- Candidates would be issued an Intern certificate and become a teacher of record;
- The SBEC wants to strengthen the profession at every possible turn and the Board has adopted rules for educator preparation programs to prepare teachers that are sound;
- The SBEC does not want to consider rules that soften or water down the profession and wants to stand firm with what the Board has set as a precedent; and
- Current educator preparation candidates are struggling when confronted with the realities of the classroom, and the Board desires to uphold what was put in place to ensure educator preparation programs are making necessary adjustments to ensure that all teachers are fully trained.

Motion and vote:

Motion was made by Mr. Coleman to Deny the petition concerning Intern certificate requirements in 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, and Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates. Second was made by Ms. MacDonald and the Board voted unanimously in favor of the motion.

DISCIPLINARY CASES**15. Pending or Contemplated Litigation, including Disciplinary Cases****A. Defaults****No Answer Defaults**

1. In the Matter of Anthony Funes; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
2. In the Matter of Benjamin Gooding; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
3. In the Matter of Brenton Combre; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
4. In the Matter of Brittany Lopez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
5. In the Matter of Cassandra Garcia; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
6. In the Matter of Emily Elizabeth Su; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension

7. In the Matter of Jeanette Lozano; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
8. In the Matter of Jocelyn Stephens; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
9. In the Matter of Maria Hernandez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
10. In the Matter of Maria Samantha Hernandez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
11. In the Matter of Marissa Trevino; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
12. In the Matter of Michael Hokom; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
13. In the Matter of Piero Deur; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
14. In the Matter of Rene Resendez; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension
15. In the Matter of William Jacob; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 1-year suspension

16. In the Matter of Jennifer Sikes; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Inscribed Reprimand
17. In the Matter of Brandi Russell; 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
18. In the Matter of Eugene Curry; 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
19. In the Matter of Jorge Hinojosa; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 2-year suspension
20. In the Matter of JB Flowers, Jr.; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: 6-year suspension
21. In the Matter of Dorothea Caldwell-Pickens; Action to be taken: Consideration of Issuance of Default Judgment
Staff recommendation: Permanent Revocation
22. In the Matter of LeKeshia Mercedes Jones; 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 on cases and enter final orders consistent with staff's recommendations on default cases numbered 2, 5 – 7, 9, 11, 14, 16, 17, 20, and 22. Second was made by Ms. Glasscock, and the Board voted unanimously in favor of the motion.

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for issuance of default judgment and issue a final order with a sanction of Permanent Revocation on default case number 19. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

Ms. Galindo recused herself from deliberating and voting on cases numbered 1, 3, 4, 8, 10, 12, and 18.**Motion and vote:**

Motion was made by Ms. Glasscock to grant staff's request for the issuance of default judgments and enter final orders consistent with staff's recommendations on default cases 1, 3, 4, 8, 10, 12, and 18. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.

No action was taken on defaults numbered 13, 15, or 21.**SOAH Defaults**

1. In the Matter of Nova Jamerson Wilson; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Denial of application for Educational Aide Certificate

Motion and vote:

Motion was made by Mr. Coleman to grant staff's request for the issuance of SOAH default judgment and enter a final order consistent with staff's recommendation. Second was made by Mr. Tamarez Torres, and the Board voted unanimously in favor of the motion.

B. Contested Cases

Proposals for Decision

1. Docket No. 701-20-4159.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v Jerry Carreon; 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. MacDonald that the Board accept the Proposal for Decision and issue a final order consistent with the ALJ's recommendation that Mr. Carreon's educator certificate be permanently revoked. Second was made by Dr. Brescia, and the Board voted unanimously in favor of the motion.

Ms. Galindo recused herself from deliberations and voting on PFD-2.

2. Docket No. 701-22-08784.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v Moniqua Sexton; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 1-year suspension

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 that Ms. Sexton's educator certificate be suspended for one year. Second was made by Dr. McFarland, and the Board voted unanimously in favor of the motion.

Ms. Galindo recused herself from deliberations and voting on PFD-2.

3. Docket No. 701-22-09450.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v Chelsea Gardner; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 11-month suspension

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 that Ms. Gardner's educator certificate be suspended for eleven months. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.

C. Court Cases

District Court Cases

1. Bradley Keith Bowen v. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division; 03-22-00331-CV; In the Seventh Court of Appeals, Amarillo, Texas, on Appeal from Cause No. D-1-GN-18-004203, In the 98th District Court of Travis County, Texas.
2. Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. David Demiglio; No. 13-21-00331-CV; In the Court of Appeals for the Thirteenth Judicial District, Corpus Christi, Texas, On Appeal from Cause No. D-1-GN-20-001242, in the 353rd Judicial District for Travis County, Texas.

DISCUSSION ONLY

16. Discussion of Proposed Amendment to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter G, Special Education Certificate Standards

Mr. DeMarco Pitre and Ms. Kelly Torrey presented this item to the Board. Mr. Pitre began by sharing background information on the development of the Bilingual Special Education Standards and House Bill 2256. Mr. Pitre then reviewed an overview of the Bilingual Special Education Standards Educator Standards Advisory Committee and the goal of the advisory committee. Ms. Torrey then reviewed an overview of the committee timeline as well as the standards groups that comprise the draft Bilingual Special Education standards. Ms. Torrey then reviewed specific language from the sixth standard group. Mr. Pitre reviewed the next steps related to the adoption of Bilingual Special Education standards as well as opportunities for additional stakeholder engagement. Mr. Pitre also reviewed a tentative exam launch timeline, with an anticipated launch date of Fall 2027.

Public Testimony:

Dr. Steve Przymus – Texas Christian University

Dr. Lizdelia Pinon – International Development Research Association

Mr. Steven Aleman – Disability Rights Texas

17. Discussion of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, and Subchapter C, Assessment of Educators

Ms. McLoughlin and Mr. Pitre presented this item to the Board. Ms. McLoughlin provided background information related to the SBEC's previous discussions centering a teacher performance assessment as a certification exam, potential "carve out" options for programs and candidates, and draft implementation timelines. During this time, Ms. McLoughlin revisited the Board's direction to staff to pursue the teacher performance assessment (TPA) as the certification requirement and to begin procurement processes related to the development of a TxTPA and a process to vet alternative TPA options. Ms. McLoughlin then

discussed updates to potential candidate “carve out” options based on feedback at the December SBEC meeting. Next, Ms. McLoughlin facilitated the Board in a conversation centering draft implementation timelines related to the implementation of a teacher performance assessment as a certification requirement. Ms. McLoughlin moved on to summarize proposed amendments to Chapter 230 A and C in addition to test development updates, and she concluded the item by naming next steps that include a discussion item in April related to the development of a TxTPA and vetting of alternative TPAs.

Public Testimony:

Dr. Suzanne Nesmith – TCEP; Baylor University

18. Discussion of Proposed New Teacher Residency Certificate and Appointment of Standards Advisory Committee

Ms. McLoughlin, Ms. Yoder, and Ms. Burkhart presented this item to the Board. Ms. McLoughlin and Ms. Burkhart provided background information on teacher residency models, including a common definition for teacher residencies, national and state specific research regarding the impact of residencies, and alignment of residency priorities with the SBEC’s goals. Ms. Yoder also provided background context on grants and technical assistance that have been provided to local education agencies (LEAs) and EPPs through federal and state COVID relief funding to support the implementation of teacher residencies and development of strategic staffing models that enable LEAs to pay teacher residents during their residency experience. Ms. McLoughlin then shared with the Board draft components of a residency preparation pathway including components related to coursework and instructional settings, supervision and coaching, and evaluation and continuous improvement supports. Finally, Ms. McLoughlin framed for the Board that there are two potential mechanisms to implement a residency pathway, either through a new certification class or a new preparation route under the teacher certification class and that staff would provide an updated recommendation in April. Ms. McLoughlin also shared that if the recommendation was to move forward with pursuing teacher residencies as a new certification class, TEA staff would also bring forward an Educator Standards Advisory Committee for SBEC approval in April. Ms. McLoughlin addressed questions from Board members. SBEC members provided input on the residency components including the need for additional consideration regarding field-based experience requirements, timing of coursework requirements pre-residency, timing for exam requirements, placement of the teacher resident in one or more classroom, selection criteria, training requirements and supports for cooperating teachers, and parameters for performance gates. Board members also reinforced the need to balance flexibility and the need for quality oversight when developing requirements for the residency pathway.

Public Testimony:

Dr. Elizabeth Ward – Texas Wesleyan University

The SBEC recessed at 2:39 PM.

The SBEC reconvened at 2:49 PM.

19. Discussion of Proposed Repeal of 19 TAC Chapter 228, Requirements for Educator Preparation Programs, and New 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Ms. Moriarty and Ms. Ayers presented this item to the Board. Ms. Moriarty highlighted the goals for the redesign of Chapter 228 were grounded in improving readability and ease of reference, clarifying areas that have caused confusion in the past, improving enforceability of existing provisions, and implementing legislation. Ms. Moriarty shared that the intensive pre-service option created in 2019, has to date not been utilized by candidates. Ms. Moriarty and Ms. Ayers responded to the Board's questions about intensive pre-service and confirmed that additional stakeholder feedback regarding this option would be gathered to share with the Board in April. Ms. Moriarty and Ms. Ayers responded to the Board's questions regarding the definition for "authentic school setting" for field-based experiences and stated that additional stakeholder feedback would also be gathered regarding this definition and other proposed changes to improve the current rules.

Public Testimony:

Dr. Suzanne Nesmith – TCEP; Baylor University

Mr. Cody Huie – Charles Butt Foundation

INFORMATION ONLY

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

21. Board Operating Policies and Procedures (BOPP)

22. 2023–2026 Rule Review Plan for State Board for Educator Certification Rules

23. Adjournment

Chair Streepey adjourned the meeting at 3:51 PM.

24. Statutory Citations

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. The presiding officer of the Board intends to be physically present in Room 1-104, William B. Travis Building, 1701 North Congress Avenue. Some members may attend via videoconferencing.