STATE BOARD FOR EDUCATOR CERTIFICATION
DISCUSSION AND ACTION SESSION AGENDA
October 7, 2011
Minutes

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 the following agenda items:

1. Call to Order

The State Board for Educator Certification convened its meeting at 9:01 a.m. on Friday, October 7, 2011 in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Ms. Pogue, Ms. Bricker, Ms. McCall, Ms. Everest, Ms. Druesedow, Dr. Culwell, Mr. Allard, Dr. Barnes, Dr. Simpson, Ms. Bridges, Ms. Robison

Absent: Mr. Trevino

2. Recognition and Presentation

Dr. Cain recognized former Board member, Janie Baszile, and expressed the Board's appreciation for her service to the Board in 2006-2011.

3. Associate Commissioner's Comments Regarding the SBEC Agenda

Dr. Smisko reviewed the agenda.

4. Public Testimony

No public testimony on non-agenda items.

Consent Agenda

5. Approval of August 12, 2011 Board Meeting Minutes

Motion and Vote:

Motion was made by Ms. Pogue to approve the August 12, 2011 board meeting minutes. Second was made by Dr. Culwell and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

6. Adoption of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, and 19 TAC Chapter 247, Educators' Code of Ethics, §247.1, Purpose and Scope; Definitions

Public Testimony was provided by:

Patty Quinzi, Texas American Federation of Teachers

Mr. Allen notified the Board that staff is recommending changes in response to public comments. Mr. Allen noted that some of the changes include clarifying the definition of "deferred adjudication." Mr. Allen also noted that the proposed definition of "warning letter" would be removed, as well as the provisions relating to a warning letter.

Ms. Pogue expressed concern that an educator might be subject to disclosure in a public information request since a warning letter would be part of his or her personnel file. Mr. Allen explained to the Board that staff does not maintain personnel files on any educator who has been investigated. Mr. Allen stated that since the warning letter would have been shared with the educator, it probably would have been released in response to a public information request.

Motion and Vote:

Motion was made by Dr. Culwell to approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, and 19 TAC Chapter 247, Educators' Code of Ethics, §247.1, Purpose and Scope; Definitions, as amended, with an effective date of 20 days after filing as adopted with the Texas Register. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion.

7. Consideration of and Opportunity to Approve an Additional Class of Certificate

Dr. Lopez introduced the additional class of certificate for Board approval and advised the Board that staff recommends the approval of the new class of certificate.

Southwestern Adventist University (Keene, TX): School Counselor

Motion and Vote:

Motion was made by Ms. Robison to approve the additional class of certificate. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion.

8. Litigation Settlement Options in Pending or Contemplated Litigation, Disciplinary Cases, and Pending Litigation

The Board may meet in closed Executive Session, pursuant to section 551.071(2) and/or 551.071(1), of the Texas Government Code, to seek legal advice regarding pending or contemplated litigation or settlement of same, and contested cases related to educator discipline and other matters arising under 19 Texas Administrative Code Chapter 249. Pursuant to section 551.102 of the Texas Government Code, any final action on matters discussed in Executive Session must be made in an open meeting.

Ms. Dover provided information on the Default Cases.

A. Contested Cases

I. Defaults

1) Docket No. 0853-EC-0511, *Texas Education Agency, Educator Certification and Standards Division v. Lance Harjo;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

2) Docket No. 4100-EC-0511, *Texas Education Agency, Educator Certification and Standards Division v. Felicia D. Ribera;* Action to be taken: Consideration of Issuance of Default Judgment.

   Staff recommendation: 2 years Suspension

   Motion and Vote:

   Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

3) Docket No. 4099-EC-0511, *Texas Education Agency, Educator Certification and Standards Division v. Clarence Frank, Jr.;* Action to be taken: Consideration of Issuance of Default Judgment.

   Withdrawn from Agenda

4) Docket No. 0862-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Aniqua Moneek Berry;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

5) Docket No. 0858-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Carlton Caudle;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

6) Docket No. 0859-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Lori Ann Lopez;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

7) Withdrawn

8) Docket No. 0854-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Juanita Sanchez;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

9) Docket No. 0855-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Andrea Combs;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

10) Docket No. 4102-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Irma Sambrano;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

11) Docket No. 5017-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Jeanne E. Hern;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an amended order of a four year suspension with the successful completion of an alcohol awareness program instead of staff's recommended two year suspension. Motion was seconded by Ms. Everest and the Board voted unanimously in favor of the motion.

12) Docket No. 4107-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Herman G. Burns;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

13) Docket No. 5016-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Chandra Smith;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

14) Docket No. 0512-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Jessica Reyna;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

15) Docket No. 1062-EC-0511, *Texas Education Agency, Educator Certification and Standards Division v. Shaquail Outley;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the issuance of default judgment and enter an amended order of revocation instead of staff's recommended three year suspension. Motion was seconded by Mr. Allard. Motion carried with Ms. Robison and Ms. Druesedow voting against.

16) Docket No. 0860-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. David Gund;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 10 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

17) Docket No. 5029-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Rhonda L. Anastasiades;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

18) Docket No. 5027-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Andrea Ramos;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

19) Docket No. 5028-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Miguel Ramirez;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

20) Withdrawn

21) Docket No. 5022-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Osiel Armando Munoz;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

22) Docket No. 5034-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Jana Denise Stewart;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

23) Docket No. 5035-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Bryan K. Mouton;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

24) Docket No. 4104-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Jason R. Johnson;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

25) Docket No. 0868-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. John Winchester;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

26) Docket No. 0865-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Reina Hernandez;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

27) Docket No. 0867-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Alfredo Azoca;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 10 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

28) Docket No. 5011-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Ashley Renee King;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

29) Docket No. 5040-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Ana Rosa Benavidez;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

30) Docket No. 5036-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Donald E. Huse;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Pogue to grant staff's request for the Issuance of Default Judgment and enter an amended order of a ten year suspension instead of staff's recommended three year suspension. Motion was seconded by Ms. Bridges. Voting for the motion: Ms. Pogue, Ms. Bricker, Ms. Robison, Ms. Everest and Ms. McCall. Voting against the motion: Dr. Culwell, Ms. Bridges, Mr. Allard, Ms. Druesedow and Dr. Cain. Motion failed, 5-5.

Motion and Vote:

Motion was made by Ms. Everest to grant staff's request for the Issuance of Default Judgment and enter a final order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the motion carried 6-4 with Ms. Pogue, Ms. Bricker, Ms. Robison and Ms. McCall voting against.

31) Docket No. 5025-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Dianne D. Smith;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

32) Docket No. 5021-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Lilimae Bravo;* Action to be taken: Consideration of Issuance of Default Judgment.

Withdrawn from the Agenda

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

33) Docket No. 4109-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Rita Ann Garza;* 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 of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

34) Docket No. 4110-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Henry B. Garcia;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

35) Docket No. 5037-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Renee A. Gwaltney;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

36) Docket No. 5019-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Alma Leticia Martinez;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Bricker to grant staff's request of the Issuance of Default Judgment and enter a Final Order consistent with staff's recommendation. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor the motion.

37) Docket No. 5009-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Brittany Marie Sparks;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Dr. Culwell recused himself from participating and voting. Motion was made by Ms. Bridges to grant staff's request for the Issuance of Default Judgment and enter a final order consistent with staff's recommendation on the above case. Motion was seconded by Ms. Robison and the Board voted in favor of the motion.

II. Proposals for Decision

Russell Williams spoke on behalf of Robert E. Peters, Jr. and Kathy Tabor spoke on behalf of Tameka Hunter. Ms. Dover reviewed and provided information on the case.

38) Docket No. 701-10-3447.EC; *Texas Education Agency, Educator Certification and Standards Division v. Robert E. Peters, Jr. and Tameka Hunter*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Adopt ALJ's Proposal:
Peters: 6 months Suspension Probated
Hunter: 1 year Suspension

Dr. Cain adjourned to Executive Session at 11:16 a.m.
Dr. Cain reconvened at 11:45 a.m.

Kathy Tabor spoke on behalf of Darian H. McKinney. Ms. Dover reviewed and provided information on the case.

39) Docket No. 701-10-6032.EC; *Darian H. McKinney v. Texas Education Agency, Educator Certification and Standards Division*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Adopt ALJ's Proposal:
Administrative Denial of Certification

Motion and Vote:

Motion was made by Ms. Robison that the Board accept the Proposal for Decision and Issue a Final Order consistent with the ALJ's recommendation. Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

III. Motion for Rehearing

40) Docket No. 701-10-5652.EC; *Texas Education Agency, Educator Certification and Standards Division v. Enrique Luna*; Action to be taken: Consideration for Motion for Rehearing.

Staff recommendation: Denied

Motion and Vote:

Motion was made by Mr. Allard to deny the Motion for Rehearing of the Board's final decision and order issued August 12, 2011. Motion was seconded by Dr. Culwell and the Board voted unanimously in favor of the motion.

IV. Appeals

1) *Gilberto Gomez v. Texas Education Agency, Educator Certification and Standards Division, and Robert Scott, Commissioner of Education, in his Official Capacity;* Cause No. 03-10-00128-CV, In the Court of Appeals for the Third District of Texas at Austin, Texas.

2) *Andra Barton v. State Board for Educator Certification;* Cause No. 06-11-00078-CV, In the Court of Appeals for the Sixth District of Texas at Texarkana, Texas.

3) *Karen Mavvaji v. State Board for Educator Certification;* Cause No. D-1-GN-08-000625, In the 345th Judicial District Court of Travis County, Texas.

4) *Don Madden v. State Board for Educator Certification;* Cause No. D-1-GN-10-003843, In the 250th Judicial District Court of Travis County, Texas.

5) *Sonia Sanchez v. Texas Education Agency, Educator Certification and Standards Division;* Cause No. D-1-GN-10-003868, In the 345th Judicial District Court of Travis County, Texas.

6) *Robert Lange v. State Board for Educator Certification*; Cause No. D-1-GN-11-001843, In the 250th Judicial District Court of Travis County, Texas.

B. Pending Litigation

The Board may discuss any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

1) *Leah Mullins, Don Madden, and David Jeffers v. Texas Education Agency, Educator Certification and Standards Division,* Cause No. D1-GN-08-00979, In the 345th Judicial District Court of Travis County, Texas.

9. Action on Items Discussed in Executive Session

Pursuant to section 551.102 of the Texas Government Code, any deliberation and final action on matters discussed in Executive Session must be made in an Open Meeting. For any final action that the Board discussed in Executive Session, the Board will deliberate and take its action in Open Session.

38) Docket No. 701-10-3447.EC; *Texas Education Agency, Educator Certification and Standards Division v. Robert E. Peters, Jr. and Tameka Hunter*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Adopt ALJ's Proposal:
Peters: 6 months Suspension Probated
Hunter: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Everest to accept the Proposal for Decision and Issue a Final Order consistent with ALJ's recommendation including the change made by the ALJ to Finding of Fact 40. Finding of Fact 40 should technically read: The TAKS math test contains field test items which do not count towards the student's score. They were either zero or very few erasures on the language grade 8 TAKS math field test items. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

DISCUSSION ONLY

10. Review of 19 TAC Chapter 231, Assignment of Public School Personnel

Public Testimony was provided by:

Dr. Sandra West, Texas Academy of Science

Dr. Smisko informed the Board that this item is presented for the purpose of opening the review of 19 TAC Chapter 231, Assignment of Public School Personnel.

11. Discussion of Proposed Reorganization of and Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification; 19 TAC Chapter 232, General Certification Provisions; and 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

Dr. Smisko reviewed the side-by-side comparison of the proposed reorganization of and the rules currently in effect and informed the Board that the proposed reorganization would clarify and streamline the certification procedures and standards to make them more accessible to the public.

12. Discussion of Issues Related to Proposed Amendments to 19 TAC Chapter 227, Subchapter B, Preliminary Evaluation of Certification Eligibility, Regarding Criminal History Record Information Review of Educator Preparation Program Candidates to Ensure their Eligibility for Certification

Dr. Smisko informed the Board that this item is brought to the Board in response to Ms. Bricker's request that staff research and propose a policy that would require all candidates and applicants to disclose all criminal history to ensure that their certification will not be challenged after completing certification requirements. Dr. Smisko stated that staff proposes that educator preparation programs notify candidates that they have an opportunity to request a preliminary review of their criminal history to date.

Mr. Phillips reviewed the procedure for a preliminary criminal history check and informed the Board that a criminal history evaluation is only based on information the individual submits. Mr. Phillips also informed the Board that fingerprints cannot be obtained until the individual becomes an applicant for certification.

INFORMATION ONLY

13. Board Operating Policies and Procedures (BOPP)

14. 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

DISCUSSION AND ACTION

15. Requests from Board Members for Future Board Items

Ms. Everest requested that if there are additional counseling programs seeking approval, staff consider bringing to the Board as early as possible any rule regarding counselor certification, or have some form of understanding of how the certification review or standard can be addressed prior to more programs seeking approval.

16. Adjournment

Dr. Cain adjourned the meeting at 12:26 p.m.

The Board may meet in closed executive session, Texas Government Code, section 551.071 to seek legal advice regarding any item on this agenda.