STATE BOARD FOR EDUCATOR CERTIFICATION
DISCUSSION AND ACTION SESSION AGENDA
February 3, 2012
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 9:00 a.m. on Friday, February 3, 2012 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, Mr. Allard, Dr. Barnes, Dr. Simpson

Mr. Trevino arrived at 9:05 a.m.

Absent: Dr. Culwell, Ms. Bridges, Ms. Robison

2. Associate Commissioner's Comments Regarding the SBEC Agenda

Dr. Smisko reviewed the agenda.

3. Public Testimony

No public testimony on non-agenda items.

Consent Agenda

4. Approval of October 7, 2011 Board Meeting Minutes

Motion and Vote:

Motion was made by Ms. Bricker to approve the October 7, 2011 board meeting minutes. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

5. Election of Vice-Chairperson

Motion and Vote:

Motion was made by Ms. Bricker to nominate Ms. Pogue. Second was made by Ms. Druesedow.

Motion was made by Mr. Trevino to nominate Dr. Simpson. Motion failed due to lack of second.
The Board voted unanimously in favor of the election of Ms. Pogue.

6. Election of Board Secretary

Motion was made by Ms. Everest to nominate Ms. Bricker. Second was made by Mr. Allard.
Motion was made by Mr. Trevino to nominate Ms. Druesedow. Motion failed due to lack of a second.
The Board voted unanimously in favor of the election of Ms. Bricker.

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

Public Testimony was provided by:

Dr. Sandra West, Science Teachers Association of Texas

Dr. Lopez informed the Board that this item is presented for the purpose of concluding the review of 19 TAC Chapter 231, Assignment of Public School Personnel. Mr. Allen informed the Board that changes to 19 TAC Chapter 231 will be brought back to the Board.

Motion and Vote:

Motion was made by Ms. Pogue to adopt the review of 19 TAC Chapter 231, Assignment of Public School Personnel. Second was made by Ms. Everest and the Board voted unanimously in favor of the motion.

8. Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training

Dr. Lopez informed the Board that the proposed amendments would be necessary to meet the September 1, 2012, effective date required in statute. Dr. Simpson expressed concern that the proposed amendment to 19 TAC §228.35 does not address dyslexia training in alternative certification programs. Mr. Allen informed the Board that statute specifies only undergraduate university programs.

Motion and Vote:

Motion was made by Ms. Pogue to approve the proposed amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training, for filing as proposed with the Texas Register. Second was made by Ms. Bricker and the Board voted unanimously in favor of the motion.

9. Proposed Repeal of and New 19 TAC Chapter 230, Professional Educator Preparation and Certification

Public Testimony was provided by:

Dr. Diann Huber, iteachTexas
Sharon Fikes, Education Career Alternatives Program (ECAP)
Melva Cárdenas, Texas Association of School Personnel Administrators (TASPA)
Holly Eaton, Texas Classroom Teachers Association (TCTA)

Ms. Bricker questioned if charter schools are included when an SBEC rule refers to a Texas school district. Mr. Allen stated that charter schools are public schools, but not generally school districts. Mr. Allen also stated that staff does specify charter schools in rule.

Ms. Pogue requested clarification on the need for a second- and third-year probationary certificate. Dr. Lopez reviewed several circumstances that might cause candidates to require a second- or third-year probationary certificate. Ms. Pogue commented that since the educator is still connected to the educator preparation program, it should be the responsibility of the program, not the school district, to supervise the candidate through the second and third year.

Mr. Allen stated that the program has to recommend the candidate for the second or third probationary year as well as certify that the candidate is making satisfactory progress toward standard certification. Mr. Allen also stated that the program must also recommend the candidate for standard certification whenever requirements have been completed. Mr. Allen informed the Board that most candidates do not need more than one year; however, the second- and third-year probationary certificate is an accommodation staff makes to aid candidates who have problems finishing the first year. Mr. Allen stated that this supervision by a program is not a change in policy; it is a clarification.

Dr. Barnes requested clarification regarding the addition of non-public school educators in proposed new §230.3, Purpose. Mr. Allen stated that the purpose of the SBEC is to guarantee that certified educators meet state requirements. Mr. Allen noted that certified educators may teach in public or non-public schools.

Dr. Barnes suggested reviewing the construction of proposed new Chapter 230, Subchapter F, Permits, to guarantee all types of permits are covered.

Motion and Vote:

Motion was made by Ms. Pogue to approve the proposed repeal of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, Definitions; Subchapter B, Assessment of Educators; Subchapter M, Certification of Educators in General; Subchapter N, Certificate Issuance Procedures; Subchapter O, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States; Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs; Subchapter Q, Permits; Subchapter S, Educational Aide Certificate; and Subchapter V, Induction Training for Beginning Teachers, and proposed new 19 TAC Chapter 230, Professional Educator Preparation

and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, as amended, for filing as proposed with the Texas Register. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

10. Proposed Repeal of and New 19 TAC Chapter 232, General Certification Provisions

Public Testimony was provided by:

Patti Quinzi, Texas American Federation of Teachers (TAFT)

Dr. Lopez addressed the speaker's concern regarding extension requests from an educator when illness of the educator or immediate family member and/or military service prevented the completion of renewal requirements. Dr. Lopez informed the Board that staff does require documentation of military service and documentation of illness for the educator or immediate family member. Dr. Lopez informed the Board that staff determines through the review of the documentation whether or not the educator meets the requirements for an extension.

Ms. Bricker requested that staff address the speaker's concern regarding suspended certificates in proposed 19 TAC §232.7(b)(2). Mr. Allen informed the Board that the language was unintentionally referred to as ***all*** certificate suspensions rather than an active certificate suspension. Mr. Allen stated that language would be corrected to refer only to someone on an active certificate suspension when this item is presented to the Board for adoption, subject to State Board of Education review.

Motion and Vote:

Motion was made by Mr. Allard to approve the proposed repeal of 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued; Subchapter B, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter C, National Criminal History Record Information Review of Active Certificate Holders, and proposed new 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements; and Subchapter B, National Criminal History Record Information Review of Active Certificate Holders, as amended, for filing as proposed with the Texas Register. Second was made by Ms. McCall and the Board voted unanimously in favor of the motion.

11. Proposed Revisions to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

Public Testimony was provided by:

Dr. Sandra West, Science Teachers Association of Texas
Melva Cárdenas, Texas Association of School Personnel Administrators (TASPA)

Dr. Lopez informed the Board that the proposed revisions would update and clarify specific classroom teaching certificates to give school districts more flexibility to cover areas where coverage is needed. Dr. Lopez also informed the Board that current certificate holders would be able to renew their current certificate(s). Dr. Lopez also informed the Board that the Generalist: Grades 4-8 certificate is not proposed to be phased out.

Mr. Trevino expressed concern with the large number of certificates available. Dr. Smisko stated that the certificates ensure that the person teaching a student has the proper background, knowledge, and skills.

Dr. Barnes suggested that staff consider proposing a Grades 6-12 certificate, as in career and technical education (CTE), instead of the Grades 7-12 certificate. Dr. Smisko informed the Board that with the Grades 6-12 certificate for CTE, there is no additional Texas Essential Knowledge and Skills (TEKS) examination. Dr. Smisko also stated that in core areas it is an issue of trying to ensure that the curriculum knowledge expected at any one certificate level is not excessive, which is the reason for the Grades 7-12 certificate. Dr. Smisko stated that staff will review these certificates and ask for feedback from school districts.

Motion and Vote:

Motion was made by Ms. Bricker to approve the proposed revisions to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, for filing as proposed with the Texas Register. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

12. Consideration of and Opportunity to Approve the 2010-2011 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses

Dr. Lopez reminded the Board that accreditation statuses for 2010-2011 are based only on standard one, the 75% testing pass rate performance. She informed the Board that next year the pass rate performance rate increases to 80%.

Dr. Simpson expressed concern on some of the inaccurate data listed due to programs not entering information into the system. Dr. Lopez stated that in order to guarantee a program enters its required data staff is building into the system an affidavit that will show staff a program has signed off on data entered.

Motion and Vote:

Motion was made by Ms. Bricker to approve the 2010-2011 Accountability System for Educator Preparation Programs (ASEP) Accreditation Statuses. Second was made by Ms. Everest. Motion carried with Mr. Trevino abstaining.

Dr. Lopez reviewed Standard 2, the principal survey. She informed the Board that in the pilot year 42,000 responses were received and she informed the Board that this standard will be used for accountability purposes next year.

Dr. Lopez reviewed Standard 4, the frequency, duration and quality of field supervisions of beginning teachers. She stated that in adherence to 19 TAC Chapter 229 and TEC

21.045, field supervisors must observe the beginning teachers in the classroom three times during their first year. She stated that embedded in the exit survey, items actually address the issue of field supervision and the quality of the field supervision that has been provided to them. She stated that this standard will be for accountability purposes next year.

Dr. Cynthia Osborne and Dr. Jane Lincove from the LBJ School of Public Affairs at the University of Texas reviewed the principles and the process used for the development of metrics for Standard 3, the improvement in student achievement of students taught by beginning teachers for the first three years following certification. Dr. Osborne informed the Board that this is still in the development stage and will come back to the Board in June with preliminary impact data and more specific recommendations.

13. Consideration of and Opportunity to Approve Additional Classes of Certificates

University of North Texas (Dallas, TX): School Counselor and Principal

Motion and Vote:

Motion was made by Mr. Trevino to approve the additional classes of certificates. Second was made by Mr. Allard and the Board voted unanimously in favor of the motion.

14. 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. 4105-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. George McAllister;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

2) Docket No. 4117-EC-0811, *Texas Education Agency, Educator Certification and Standards Division v. Karen Sue Jefferies;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

3) Docket No. 4113-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Cynthia Louise Célèbre;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

4) Docket No. 4112-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Monica R. Canine;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

5) Docket No. 4111-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Daphney J. Reid;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

6) Docket No. 5031-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Clarence M. Painter, III;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

7) Docket No. 0907-EC-0210, *Texas Education Agency, Educator Certification and Standards Division v. Jorge Manuel Chavarria;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

8) Docket No. 5033-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Gail A. Mazin;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

9) Docket No. 5039-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Juanita C. Guerrero;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

10) Docket No. 5008-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Deborah Ann Pryor;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

11) Docket No. 0874-EC-0811, *Texas Education Agency, Educator Certification and Standards Division v. Braxton Harris;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Dr. Cain recused herself from participating and voting. Motion was made by Ms. Bricker 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 Board voted in favor of the motion.

12) Docket No. 4115-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Cynthia Fuentes;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

13) Docket No. 4108-EC-0711, *Texas Education Agency, Educator Certification and Standards Division v. Jose Luis Sanchez;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

14) Docket No. 0817-EC-0310, *Texas Education Agency, Educator Certification and Standards Division v. Mara McDowell;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

15) Docket No. 5046-EC-0911, *Texas Education Agency, Educator Certification and Standards Division v. Sahib Khalsa;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

16) Withdrawn

17) Docket No. 5047-EC-0911, *Texas Education Agency, Educator Certification and Standards Division v. Victor Aguilar, Jr.;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

18) Docket No. 5049-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Norma Mora;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 3 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

19) Docket No. 5048-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Sarena Davis;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 6 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

20) Docket No. 5038-EC-0611, *Texas Education Agency, Educator Certification and Standards Division v. Jennifer Ann Cantu;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

21) Docket No. 5051-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Dyrickeyo T. Johnson;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

22) Docket No. 5052-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Val Cornell Boyer;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

23) Docket No. 0876-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Monica Brandt;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 4 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

24) Docket No. 0879-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Melrose Suzanne Short;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

25) Docket No. 6001-EC-1111, *Texas Education Agency, Educator Certification and Standards Division v. Giang Nam Pham;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Permanent Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

26) Docket No. 4120-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Jose Gregory Juarez;* 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 for the Issuance of Default Judgment and enter an amended order of revocation instead of staff's recommended three year suspension. This motion to amend the order is due to the seriousness of this incident which shows the respondent is unworthy to instruct or supervise the youth of this state. Motion was seconded by Ms. Pogue. Motion carried with Mr. Trevino voting against the motion.

27) Docket No. 4123-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Randy W. Nace;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

28) Docket No. 4121-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Michael Bryan Rasmussen;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

29) Docket No. 4118-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Suzanna Segovia;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

30) Docket No. 4119-EC-1011, *Texas Education Agency, Educator Certification and Standards Division v. Doralisa Alvarado;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 5 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

31) Docket No. 3153-EC-1111, *Texas Education Agency, Educator Certification and Standards Division v. Virginia Nell Green;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

32) Docket No. 3152-EC-1111, *Texas Education Agency, Educator Certification and Standards Division v. Rene M. Juarez;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Ms. Druesedow 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. Everest and the Board voted unanimously in favor of the motion.

33) Docket No. 701-11-6246.EC, *Texas Education Agency, Educator Certification and Standards Division v. Albert T. Walker;* Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 years Suspension

Mr. Albert T. Walker spoke on his behalf. Ms. Dover reviewed and provided information the case

Motion and Vote:

Motion was made by Ms. Everest to remove case from the Default Judgment agenda and the respondent have the opportunity to appear before the SOAH judge for recommendations. Motion was seconded by Mr. Allard and the Board voted unanimously in favor of the motion.

II. Proposals for Decision

Ms. Dover provided information on the Proposals for Decision.

34) Docket No. 701-11-8047.EC; *Texas Education Agency, Educator Certification and Standards Division v. Adedayo Adebayo*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Revocation

35) Docket No. 701-10-1119.EC; *Shantelle M. Garcia 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: Deny Certification

36) Docket No. 701-11-6244.EC; *Texas Education Agency, Educator Certification and Standards Division v. Cruz Lechuga*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Revocation

37) Docket No. 701-11-6245.EC; *Texas Education Agency, Educator Certification and Standards Division v. Miriam Annette Turner*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ recommendation: 1 year Active Suspension, Probated Suspension for remainder of probation until July 7, 2018

Staff recommendation: 3 years Active Suspension, Probated Suspension for remainder of probation until July 7, 2018

Dr. Cain adjourned to Executive Session at 12:02 p.m.
Dr. Cain reconvened at 12:40 p.m. Mr. Trevino was absent after reconvening.

III. Motions for Rehearing

None

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) *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.

4) *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.

5) *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.

15. 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.

34) Docket No. 701-11-8047.EC; *Texas Education Agency, Educator Certification and Standards Division v. Adedayo Adebayo*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Revocation

Motion and Vote:

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

35) Docket No. 701-10-1119.EC; *Shantelle M. Garcia 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: Deny Certification

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. Motion was seconded by Ms. Bricker and the Board voted unanimously in favor of the motion.

36) Docket No. 701-11-6244.EC; *Texas Education Agency, Educator Certification and Standards Division v. Cruz Lechuga*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Revocation

Motion and Vote:

Motion was made by Mr. Allard to permanently revoke the education certificate due to the seriousness of the actions and the fact that it proposes a risk to the welfare of students as authorized by 19 Texas Administrative Code §249.17(d). The Board has legal authority to determine the sanction under 19 Texas Administrative Code §249.15. Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

37) Docket No. 701-11-6245.EC; *Texas Education Agency, Educator Certification and Standards Division v. Miriam Annette Turner*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ recommendation: 1 year Active Suspension, Probated Suspension for remainder of probation until July 7, 2018

Staff recommendation: 3 years Active Suspension, Probated Suspension for remainder of probation until July 7, 2018

Motion and Vote:

Motion was made by Ms. Druesedow to accept the Proposal for Decision, Findings of Fact Nos. 1 through 14 and Conclusions of Law Nos. 1 through 7, 9, and 10. Motion was made to move that the Board amend Conclusion of Law No. 8 as follows:

> *8. Respondent's conduct, described in Findings of Fact Nos. 5-13, establishes that she is unworthy to instruct or supervise the youth of the state because she has failed to comply with applicable state laws and was convicted of a felony that directly relates to the duties and responsibilities of the education profession, specifically, a felony involving driving while intoxicated.*

This modification and modification of recommended sanction are permissible pursuant to Texas Government Code, §2001.058(e) and are necessary because the Administrative Law Judge did not properly apply Board rules and policies. As provided in 19 Texas Administrative Code §249.5 and in the Board's Disciplinary Guidelines, 34 Texas Register 5422, SBEC's primary duty is to protect the safety and welfare of Texas school children and to ensure that educators are morally fit and worthy to instruct the youth of this state. Consistent with SBEC policies, rules and

sanctions issued in similar cases, felony driving while intoxicated demonstrates that the educator is a negative role model to students and is, therefore, unworthy to instruct. Motion was made that the Board issue a Final Order stating that: Respondent's certificate be suspended until July 7, 2018 with the suspension fully probated after three years. Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

DISCUSSION ONLY

16. Review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

Dr. Smisko informed the Board that this item is presented for the purpose of opening the review of 19 TAC Chapter 227, Provisions for Educator Preparation Candidates.

17. Review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Dr. Smisko informed the Board that this item is presented for the purpose of opening the review of 19 TAC Chapter 228, Requirements for Educator Preparation Programs.

18. Discussion of Issues Related to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate

Public Testimony was provided by:

Rohanna Sykes, Texas Counseling Association

Dr. Smisko informed the Board that this item is at the request of Ms. Everest who was interested in beginning the review of 19 TAC Chapter 239 earlier than scheduled in the 2011-2014 rule review plan. After discussion, Ms. Everest requested that the review of Chapter 239 begin as originally scheduled.

INFORMATION ONLY

19. Board Operating Policies and Procedures (BOPP)

20. 2011-2014 Rule Review Plan for State Board for Educator Certification Rules

DISCUSSION AND ACTION

21. Requests from Board Members for Future Board Items

Ms. Pogue requested Staff bring for discussion clarification of the definition of student.

22. Adjournment

Dr. Cain adjourned the meeting at 1:03 p.m.