STATE BOARD FOR EDUCATOR CERTIFICATION

DISCUSSION AND ACTION SESSION AGENDA

February 6, 2009 at 9:00 a.m.
1701 N. Congress Ave. Room 1-104
Austin, Texas

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**
2. **Public Testimony**

   The Board will allocate up to thirty (30) minutes at the beginning of each regularly scheduled meeting of the full board for public testimony on non–agenda and consent agenda items.

CONSENT AGENDA

3. **Approval of October 10, 2008 Board Meeting Minutes**
4. **Approval of January 9, 2009 Board Retreat Minutes**

DISCUSSION AND ACTION

5. **Election of Board Chairperson**

   As required by the Texas Education Code, the Board must elect one of its members to serve as Chairperson for a two-year term. The term of the member elected to this office will last until February 2011.

6. **Election of Board Vice-Chairperson**

   As permitted by the Texas Education Code and mandated by the Board's Operating Policies and Procedures, the Board will have the opportunity for discussion and election of one of its members to serve as Vice-Chairperson for an annual term. The term of the member elected to this office will last until February 2010.

7. **Election of Board Secretary**

   As permitted by the Texas Education Code and mandated by the Board's Operating Policies and Procedures, the Board will have the opportunity for discussion and election of one of its members to serve as Secretary for an annual term. The term of the member elected to this office will last until February 2010.

8. **Consideration of and Opportunity to Approve Additional Classes of Certificates for Educator Preparation Programs Currently Rated Accredited**

   - Regional Education Service Center 10 Professional Educator Program for School Counselor
   - Regional Education Service Center 14 School Counselor Alternative Certification Program
   - Southern Methodist University Principal Leadership Certification Program
   - Texas A&M at Texarkana Master Mathematics Teacher (MMT) EC-4 Program

- Texas A&M at Texarkana Master Reading Teacher (MRT) EC-12 Progam

9. Consideration of and Opportunity to Approve New Educator Preparation Programs

- American College of Education (Chicago, IL) (via distance learning)
- Excellence in Teaching Alternative Certification Program (Weslaco, TX)
- Rice Education Entrepreneurship Program (REEP) (Houston, TX)
- Southwestern Adventist University Alternative Certification Program (Keene, TX)
- Texas Institute for Teacher Education Alternative Certification Program (The Colony, TX)
- The University of Phoenix Alternative Certification Program (San Antonio, TX)

10. Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, *§*249.16, Eligibility of Persons with Criminal Convictions for a Certificate under Articles 6252-13c and 6252-13d, Revised Civil Statutes, including technical edits to 19 TAC *§*249.3, Definitions, *§*249.15, Disciplinary Action by State Board for Educator Certification, and *§*232.830, Requirements for Certificate Renewal

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose an amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, Eligibility of Persons with Criminal Convictions for a Certificate under Articles 6252-13c and 6252-13d, Revised Civil Statutes. The proposed amendment would update the current rule to reflect current law and delineate crimes other than those listed in the Texas Education Code (TEC), §21.060, as being related to the duties and responsibilities of the education profession. In addition, this item provides the SBEC an opportunity to discuss and propose amendments to 19 TAC §249.3, Definitions, §249.15, Disciplinary Action by State Board for Educator Certification, and §232.830, Requirements for Certificate Renewal. The proposed amendments would be necessary to update the current rules to reflect the proposed section title for 19 TAC §249.16.

11. Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification. The proposed revisions would update the rules to reflect current law and add specificity to the requirements relating to assessment of educators; centers for professional development of teachers; certification requirements for classroom teachers; certification requirements for educators other than classroom teachers and educational aides; certification of educators in general; certificate issuance procedures; Texas educator certificates based on certification and college credentials from other states or territories of the United States; requirements for standard certificates and specialized assignments or programs; permits; educational aide certificate; assignment of public school personnel; continuing education; and definitions.

12. Proposed New 19 TAC Chapter 231, Assignment of Public School Personnel, *§*231.1, Criteria for Assignment of Public School Personnel

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose new 19 TAC Chapter 231, Assignment of Public School Personnel, §231.1, Criteria for Assignment of Public School Personnel. The proposed new section would provide guidance

to school districts with regard to the certificates required for specific assignments of public school educators. The proposed new section includes language from 19 TAC §230.601, which is recommended for repeal as part of the review of 19 TAC Chapter 230.

13. Adoption of Review of 19 TAC Chapter 230, Professional Educator Preparation and Certification

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents the adoption of the review of 19 TAC Chapter 230, Professional Educator Preparation and Certification. The rules being reviewed provide requirements relating to assessment of educators; centers for professional development of teachers; certification requirements for classroom teachers; certification requirements for educators other than classroom teachers and educational aides; certification of educators in general; certificate issuance procedures; Texas educator certificates based on certification and college credentials from other states or territories of the United States; requirements for standard certificates and specialized assignments or programs; permits; educational aide certificate; assignment of public school personnel; continuing education; and definitions.

14. Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §§233.2, Generalist; 233.4, Mathematics; Science; 233.6, Bilingual Education; 233.7, English as a Second Language; 233.12 Career and Technical Education (Certificates not requiring experience and preparation in a skill area); and 233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §§233.2, Generalist; 233.4, Mathematics; Science; 233.6, Bilingual Education; 233.7, English as a Second Language; 233.12, Career and Technical Education (Certificates not requiring experience and preparation in a skill area); and 233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area). The proposed amendments would update the rules to establish a deadline of September 1, 2011, for issuing the Generalist: Early Childhood-Grade 4 certificate, the Bilingual Generalist: Early Childhood-Grade 4 certificate, the Bilingual Education Supplemental: Early Childhood-Grade 4 certificate, the Bilingual Education Supplemental: Grades 4-8 certificate, and the English as a Second Language Generalist: Early Childhood-Grade 4 certificate. Language would also be amended to include a Bilingual Education Supplemental certificate and clarify the specific assignment eligibility for the holder of a mathematics and science certificate.

15. Consideration and Opportunity to Approve Changes to 2007-2010 Rule Review Plan for State Board for Educator Certification Rules

The State Board for Educator Certification (SBEC) will have an opportunity to discuss and approve changes to the 2007-2010 Rule Review Plan for SBEC Rules that would modify the begin review dates of SBEC rules based on the approved SBEC meeting dates for 2009. Texas Government Code, §2001.039, requires the rule review of state agency rules, including SBEC rules. The rule review requirement is designed to ensure that the reason for initially adopting a rule continues to exist.

16. Consideration and Opportunity to Approve a Plan for the Implementation of Increased Certification Test Standards

The item provides the State Board for Educator Certification (SBEC) Board the opportunity to discuss and approve an increase in the passing standard for the second group certification examinations. These examinations are included in the implementation plan for raising the passing standard for identified examinations, which was approved by the SBEC Board on November 2, 2007. The implementation plan included three groups of examinations to be phased in over a three year period. This group of examinations is from the second group scheduled for approval and implementation by the SBEC Board.

17. Proposed Revisions to Board Mission Statement, Core Principles and Goals

*This item provides the Board the opportunity to discuss and approve the requested changes from the January Board Retreat to the Board Mission Statement, Core Principles and Goals***.**

18. Proposed Revisions to Board Operating Policies and Procedures (BOPP)

This item provides the Board the opportunity to discuss and approve the requested changes from the January 9, 2009 Board Retreat to the Board Operating Policies and procedures (BOPP).

19. Request from Merrill Dene Young for Waiver of Degree Requirement for Probationary Certificate

This item presents Merrill Dene Young's request that the State Board for Educator Certification (SBEC) grant a waiver of the baccalaureate degree requirement for a probationary certificate pursuant to 19 TAC § 232.4(c)(1).

20. 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(2), 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.

A. Settlement Options for Pending or Contemplated Litigation

The Board may discuss options to settle pending or contemplated litigation.

B.. Disciplinary Cases

I. Defaults

1) Docket No. 701-07-3994.EC *State Board for Educator Certification v. Thomas Edward Hughes, Jr.*; Action to be taken: Consideration of Issuance of Default Judgment.

2) Docket No. 2037-EC-0708 *State Board for Educator Certification v. Ethel S. Dzierzanowski;* Action to be taken: Consideration of Issuance of Default Judgment.

3) Docket No. 2023-EC-0608 *State Board for Educator Certification v. Lee F. Tajonera;* Action to be taken: Consideration of Issuance of Default Judgment.

4) Docket No. 0624-EC-0908 *State Board for Educator Certification v. Marilyn Brokenbek;* Action to be taken: Consideration of Issuance of Default Judgment.

5) Docket No. 0625-EC-0908 *State Board for Educator Certification v. Arthur Brokenbek*; Action to be taken: Consideration of Issuance of Default Judgment.

6) Docket No. 6003-EC-0508 *State Board for Educator Certification v. Marisha Diann Cooper*; Action to be taken: Consideration of Issuance of Default Judgment.

7) Docket No. 3040-EC-1008 *State Board for Educator Certification v. Nathan S. Smith,* Action to be taken: Consideration of Issuance of Default Judgment.

8) Docket No. 3041-EC-1008 *State Board for Educator Certification v. Samuel E. Flores,* Action to be taken: Consideration of Issuance of Default Judgment.

9) Docket No. 3042-EC-1008 *State Board for Educator Certification v. Juan A. Castro*; Action to be taken: Consideration of Issuance of Default Judgment.

10) Docket No. 3043-EC-1008 *State Board for Educator Certification v. Daniel P. Martinez,* Action to be taken: Consideration of Issuance of Default Judgment.

11) Docket No. 3045-EC-1108 *State Board for Educator Certification v. Dewayne L. Shepard*, Action to be taken: Consideration of Issuance of Default Judgment.

II. Proposal for Decisions

1) Docket No. 701-07-1438.EC *State Board for Educator Certification v. Jatis McCollister;* Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

2) Docket No. 701-08-3858.EC *State Board for Educator Certification v. Thomas L. Longnecker*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

3) Docket No. 701-08-3224.EC *State Board for Educator Certification v. Melissa Mendietta*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

4) Docket No. 701-08-4324.EC *Elizabeth Harm v. State Board for Educator Certification*; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

C. 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) *Anthony Allen Jones v. State Board for Educator Certification; Cause No. D-1-6N-08-001975; In the 353rd Judicial District Court of Travis County, Texas.*

2) *Elizabeth Garza, et al. v. our Lady of the Lake University of San Antonio; Cause No. 2007-Cl-056171; In the 15oth Judicial District Court of Bexar County, Texas*

21. 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.

DISCUSSION ONLY

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22. Discussion of Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued, §232.4, Probationary Certificates

This item presents proposed amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued, §232.4, Probationary Certificates, for discussion. The proposed amendment would remove language that allows the State Board for Educator Certification (SBEC) to grant a waiver of the baccalaureate degree requirement for a probationary certificate. The proposed amendment would also grant an additional year's extension of a probationary certificate to an educator whose contract is terminated before the end of a school year due to a reduction in force by a school district.

23. Discussion of Proposed Amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14 Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition

This item presents proposed amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition, for discussion. The proposed amendment would modify the description of circumstances requiring a superintendent to report alleged misconduct of an educator who resigns from a school district, the minimum requirements of a superintendent's report, and the requirements for a school district to request that the Texas Education Agency (TEA) pursue sanctions against an educator who has abandoned his or her contract in violation of the Texas Education Code (TEC), §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2).

24. Review of 19 TAC Chapter 229, Accountability System for Educator Preparation

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents the review of 19 TAC Chapter 229, Accountability System for Educator Preparation. The rules being reviewed provide requirements relating to the accountability system for educator preparation programs.

25. Review of 19 TAC Chapter 241, Principal Certificate

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

26. Review of 19 TAC Chapter 242, Superintendent Certificate

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

INFORMATION ONLY

27. 2007-2010 Rule Review Plan for State Board for Educator Certification Rules

This item outlines the rule review plan for State Board for Educator Certification (SBEC) rules during the period of 2007 through 2010. Texas Government Code, §2001.039, requires a rule review of existing state agency rules, including SBEC rules. The rule review requirement is designed to ensure that the reason for initially adopting a rule continues to exist.

28. Legislative Committee's Recommendations of Legislative Issues

This item outlines the committees three recommendations regarding legislative initiatives for the 2009 session: 1) accountability for educator preparation programs, 2) administrative subpoena power, and 3) the reporting process from school districts.

DISCUSSION AND ACTION

29. Requests and/or Questions from Board Members

30. Adjournment

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