

State Board for Educator Certification
Discussion and Action Session Agenda
February 6, 2009 at 9:00 a.m.
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 6, 2009 in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Dr. Glynn, Mr. Booker, Ms. Pogue, Ms. Bridges, Mr. Shirley, Ms. Johnson, Ms. Druesedow, Ms. Acuff, and Ms. Carter.

Mr. Trevino arrived at 9:04 a.m.; Mr. Barbic arrived at 9:12 a.m.; Ms. Barnes arrived at 9:15 a.m. and Ms. Baszile arrived at 9:58 a.m.

Public Testimony

All testimony on agenda items will be heard prior to the item.

CONSENT AGENDA

3. Approval of October 10, 2008 Board Meeting Minutes

Motion and Vote:

Motion was made by Ms. Johnson to approve minutes as recorded from the October 10, 2008 Board meeting. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion. Dr. Cain requested that minutes be brought back to the April 3 meeting with clerical revisions.

4. Approval of January 9, 2009 Board Retreat Minutes

Motion and Vote:

Motion was made by Mr. Shirley to approve minutes as recorded from the January 9, 2009 Board retreat. Second was made by Ms. Pogue and the Board voted unanimously in favor of the motion.

DISCUSSION AND ACTION

5. Election of Board Chairperson

Motion and Vote:

Motion was made by Ms. Johnson to nominate Dr. Bonny Cain for chairperson. No other nominations were received, and the Board voted unanimously in favor of the election of Dr. Cain.

6. Election of Board Vice-Chairperson**Motion and Vote:**

Motion was made by Ms. Druesedow to nominate Ms. Christie Pogue for vice-chairperson. No other nominations were received, and the Board voted unanimously for the election of Ms. Pogue.

7. Election of Board Secretary**Motion and Vote:**

Motion was made by Mr. Trevino to nominate Ms. Janie Baszile for secretary. No other nominations were received, and the Board voted unanimously for the election of Ms. Baszile.

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

Public Testimony was provided by the following people on Item 8:

1. Dr. Gail Roaten, Texas School Counselor Association
2. Dr. Joyce Hardin, Texas Association of Colleges for Teacher Education

Ms. Valadez presented five programs seeking approval for additional classes of certificates and introduced representatives from each program. The Board requested representatives present an overview of their program and explain why the program was needed. The Board also requested information regarding the percentage of face-to-face instruction and online instruction for each program.

- Education Service Center Region 10 of Richardson, TX seeks approval to offer the Professional Educator Program for School Counselor.

Motion and Vote:

Motion was made by Ms. Pogue to approve the Professional Educator Program for School Counselor from Education Service Center Region 10 as presented. Second was made by Ms. Bridges. Mr. Trevino voted against the motion. Motion carried.

- Education Service Center Region 14 of Abilene, Texas seeks approval to offer the School Counselor Alternative Certification Program.

Motion and Vote:

Motion was made by Ms. Druessedow to approve the School Counselor Alternative Certification Program from Education Service Center Region 14. Second was made by Ms. Pogue. Voting for the motion were Dr. Cain, Ms. Druessedow, Ms. Pogue, Mr. Barbic, Ms. Carter, Ms. Johnson, and Ms. Bridges. Voting against the motion were Ms. Acuff, Mr. Trevino and Mr. Shirley. Motion carried.

- Southern Methodist University of Dallas, Texas seeks approval to offer the Principal Leadership Certification Program.

Motion and Vote:

Motion was made by Ms. Pogue to approve the Principal Leadership Certification Program from Southern Methodist University as presented. Second was made by Ms. Johnson. Mr. Shirley voted against the motion. Mr. Barbic recused himself from the vote. Motion carried.

- Texas A & M University -Texarkana seeks approval to offer a Master Mathematics Teacher (MMT) EC-4 Certification Program.

Motion and Vote:

Motion was made by Mr. Shirley to approve the Master Mathematics Teacher Certification Program from Texas A&M - Texarkana. Second was made by Mr. Trevino and the Board voted unanimously in favor of the motion.

- Texas A & M University – Texarkana seeks approval to offer a Master Reading Teacher (MRT) EC-12 Certification Program.

Motion and Vote:

Motion was made by Mr. Shirley to approve the Master Reading Teacher Certification Program from Texas A&M University at Texarkana. Second was made by Mr. Trevino and the Board voted unanimously in favor of the motion.

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

Public Testimony was provided by the following people on Item 9:

1. Scott Fikes, Education Career Alternatives Program (ECAP)
2. Dr. Joyce Hardin, Texas Association of Colleges for Teacher Education

Ms. Valadez presented six programs for Board approval, and introduced representatives from each program. Ms. Valadez informed the Board that this is the first request for new programs in eighteen months due to revising the application process.

- American College of Education (Chicago, IL) seeks approval to offer the M.Ed in Educational Leadership.

The Board requested information from the program regarding percentage of online instruction and face-to-face instruction as well as clarification of field experience. The Board requested staff address the consistency of standards in the site visits when there is no physical site. Mr. Booker informed the Board no rules are waived for out-of-state programs or state programs not having a physical building. Mr. Booker also informed the Board these programs meet the same criteria as those with a physical site. Mr. Booker assured the Board that this will not lower standards and he assured the Board that this program is exceeding standards. Dr. Loonam reviewed the process of staff visits and informed the Board these visits to programs are very structured and staff looks for compliance and implementation of rules.

Motion and Vote:

Motion was made by Ms. Pogue to approve the American College of Education program as presented. Second was made by Mr. Barbic. Mr. Trevino voted against the motion. Ms. Acuff and Ms. Carter abstained. Motion carried.

- Excellence in Teaching (EIT), (Weslaco, TX) seeks approval to offer an educator preparation program.

The Board discussed the program's plan for the frequency and length of visits by field supervisors and mentors.

Motion and Vote:

Motion was made by Mr. Shirley to approve the Excellence in Teaching program as presented. Second was made by Ms. Johnson. Mr. Trevino abstained. Motion carried.

- Rice University (Houston, TX) seeks approval to offer the Rice Education Entrepreneurship Program (REEP).

Motion and Vote:

Motion was made by Ms. Pogue to approve the Rice Education Entrepreneurship Program as presented. Second was made by Ms. Baszile. Mr. Barbic recused himself from the vote. Motion carried.

- Southwestern Adventist University (Keene, TX) seeks approval to offer a teacher alternative certification program.

Motion and Vote:

Motion was made by Mr. Shirley to approve the Southwestern Adventist University program. Second was made by Ms. Johnson. Ms. Acuff abstained. Motion carried.

- Texas Institute for Teacher Education (The Colony, TX) seeks approval to offer an educator preparation program.

The Board discussed the guidelines in place to complete the program. Also discussed was the teacher shortage in their certification fields.

Motion and Vote:

Motion was made by Ms. Baszile to approve the Texas Institute for Teacher Education program. Second was made by Ms. Pogue. Ms. Acuff voted against the motion. Motion carried.

- The University of Phoenix (San Antonio, TX) seeks approval to offer a teacher education preparation program and a principal preparation program.

Motion and Vote:

Motion was made by Ms. Pogue to approve The University of Phoenix's teacher education program and the principal preparation program as presented. Second was made by Mr. Shirley. Ms. Acuff and Mr. Barbic abstained. Motion carried.

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

Mr. Allen informed the Board that this item is a proposed amendment to §249.16, and the other three sections affected must be amended to refer properly to the new title of §249.16. Mr. Allen informed the Board that this section was submitted to the Attorney General for an opinion, giving staff the authority to add the crimes. This amendment would add the crimes of felony DWI and felony DUI crimes. Mr. Allen also informed the Board that this section relates to the Texas Occupation Code and it refers only to convictions. Mr. Allen advised the Board that under the code the Board can define crimes it deems to be directly related to the education profession and does not take away the Board's discretion in whether or not to sanction an educator or grant a certificate.

Motion and Vote:

Motion was made by Ms. Johnson to approve the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, §249.3, Definitions; §249.15, Disciplinary Action by State Board for Educator Certification; and §249.16, Eligibility of Persons with Criminal Convictions for a Certificate under Articles 6252-13c and 6252-13d, Revised Civil Statutes, and 19 TAC Chapter 232, General Certification Provisions, §232.830, Requirements for Certificate Renewal, for filing as proposed with the Texas Register. Second was made by Ms. Baszile and the Board voted unanimously in favor of the motion.

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

Public Testimony was provided by the following people on Item 11:

1. Barbara La Rock-Schofield, Texas Educational Diagnosticians' Association

2. Renee Kwiatek, Texas Educational Diagnosticians' Association

Ms. Cardenas informed the Board that this chapter was first approved in 1996 and no revisions have been made since that time. Ms. Cardenas informed the Board that stakeholder meetings were held in June and in November and input was received. Ms. Cardenas informed the Board that the proposed revisions will update the rules to reflect current law and delete rules for certificates no longer issued or found in other chapters. Ms. Cardenas reviewed the subchapters and informed the Board that Subchapter U, Assignment Rule, would be reorganized as proposed new Chapter 231 for easier access.

The Board requested information addressing the certification of educational diagnosticians. Ms. Cardenas informed the Board that this chapter is for emergency permits only and the rules for issuing an educational diagnostician certificate are in Chapter 239.

The Board requested staff to include a list in this chapter the examinations required, and/or reference the examinations to Chapter 233. The Board discussed standards of Health and Science Technology Education and the various options allowed. Dr. Glynn informed the Board that this is addressing the critical need in career and technical education.

Motion and Vote:

Motion was made by Ms. Pogue to approve the proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, with changes, for filing as proposed with the Texas Register. Second was made by Mr. Shirley and the Board voted unanimously in favor of the motion.

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

Ms. Cardenas informed the Board that the proposed new chapter is former Subchapter U of Chapter 230. Ms. Cardenas reviewed the chart that shows assignment and list of certificates that are appropriate for the assignment. Ms. Cardenas also informed the Board that this chart now lists all certificates that are found in Chapter 233.

Motion and Vote:

Motion was made by Ms. Baszile to approve the proposed new 19 TAC Chapter 231, Assignment of Public School Personnel, §231.1, Criteria for Assignment of Public School Personnel, for filing as proposed with the Texas Register. Second was made by Ms. Druesedow and the Board voted unanimously in favor of the motion.

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

Ms. Cardenas informed the Board that because the Board has taken action to approve proposed revisions to Chapter 230, this adoption concludes the review of Chapter 230.

Motion and Vote:

Motion was made by Ms. Johnson to adopt the review of 19 TAC Chapter 230, Professional Educator Preparation and Certification. Second was made by Ms. Bridges and the Board voted unanimously in favor of the motion.

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)

Ms. Cardenas reviewed revisions and updates to rules and advised the Board of the creation of the EC-6 certificate, and the EC-4 will no longer be issued as of September 1, 2011. Ms. Cardenas informed the Board that this amendment will allow persons with mathematics/physical science/engineering certificates for Grades 8-12 to teach all physics and chemistry courses.

Motion and Vote:

Motion was made by Mr. Barbic to approve 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), for filing as proposed with the Texas Register. Second was made by Ms. Baszile and the Board voted unanimously in favor of the motion.

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

Dr. Loonam reviewed the revisions which were made to align with the Board meeting dates for 2009.

Motion and Vote:

Motion was made by Mr. Barbic to approve the proposed changes to the 2007-2010 Rule Review Plan for State Board for Educator Certification Rules. Second was made by Ms. Johnson and the Board voted unanimously in favor of the motion.

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

Mr. Booker introduced Dr. Janice Lopez as the new director of Educator Standards.

Mr. Booker reminded the Board that this item came from Ms. Pogue's request to review certification tests and to raise the passing standards. Dr. Lopez informed the Board that 47 exams had lower passing standards than a committee of educators recommended.

Dr. Lopez informed the Board that this is the second group of exams with increased passing standards, to be approved by the Board. Dr. Lopez also informed the Board that these tests have a high pass rate and they are not in a critical shortage area.

Dr. Glynn informed the Board that each time a test is revised and updated with new standards, the Board will approve the new cut scores.

Motion and Vote:

Motion was made by Ms. Pogue to approve a plan for the implementation of increased certification test standards as originally recommended by the committee. Second was made by Ms. Baszile and the Board voted unanimously in favor of the motion.

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

Dr. Cain thanked the staff for the January Board retreat and informed the Board that these revisions were presented and reviewed at the retreat.

Motion and Vote:

Motion was made by Ms. Johnson to approve the revisions to the Mission Statement and Core Principles as stated at the retreat. Second was made by Ms. Carter.

Amendment to the motion was made by Mr. Shirley. Second was made by Mr. Barbic and Board voted unanimously in favor of the amendment.

The Board voted unanimously in favor of the motion as amended.

Motion was made by Mr. Shirley to approve Board Goals with recommended revisions. Second was made by Ms. Baszile and the Board voted unanimously in favor of the motion.

18. Proposed Revision to Board Operating Policies and Procedure (BOPP)

Dr. Cain reviewed the revisions made at the January 9 Board Retreat. The Board requested one change:
Section IV A7 change, "the Board may refer" to "the Board shall refer"

Motion and Vote:

Motion was made by Ms. Johnson to approve the revisions and change as presented to the Board Operating Policies and Procedures. Second was made by Ms. Druessedow and the Board voted unanimously in favor of the motion.

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

Merrill Dene Young provided his own testimony.

Mr. Allen reviewed the case with the Board. Mr. Allen informed the Board that the rule states that a Probationary Certificate requires at least a Bachelor's Degree unless

otherwise approved by the Board. Mr. Allen informed the Board staff's recommendation is not to allow someone in the classroom without a Bachelor's Degree.

Motion and Vote:

Motion was made by Mr. Shirley to grant this one time exception to the requirement for a Bachelor's Degree and grant Merrill Dene Young's request for a probationary certificate. Motion failed due to lack of a second.

The Board requested information from staff on location and accessibility of accredited colleges and education preparation programs. Dr. Loonam informed the Board that the Higher Education Coordinating Board website lists all the accrediting agencies recognized in Texas, and all educator preparation programs have been given the list and anyone has access to this web site.

Motion and Vote:

Motion was made by Ms. Pogue to not approve the request from Merrill Dene Young for waiver of degree requirement for probationary certificate. Second was made by Ms. Johnson. Mr. Shirley voted against the motion. Motion carried.

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

Ms. Dover, Associate Deputy Counsel, acknowledged the Ethics Committee members, Mr. Shirley, Ms. Johnson and Ms. Baszile, for their participation. Ms. Dover provided information for proposals for decisions.

Proposals for Decision

- 1) Daniel Ortiz presented information on behalf of 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. Ms. McCollister provided information on her behalf. Mr. Chris Jones presented information for SBEC in this case. Presenters responded to questions from the Board.
- 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 Mendiotta; 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.

Dr. Cain adjourned to Executive Session at 12:38 p.m.

Dr. Cain reconvened at 1:39 p.m.

21. Action on Items Discussed in Executive Session

Proposals for Decision

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.

Motion and Vote:

Motion was made by Ms. Carter that the Board accept the request for the decision, exceptions and issuance of final order consistent with the staff's recommendations. Motion was seconded by Ms. Pogue. Mr. Trevino voted against the motion. Motion carried.

Motion and Vote:

Motion was made by Ms. Druesedow that the Board accept the proposals for decision and enter orders consistent with the Administrative Law Judge's recommendations on the following cases:

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 Mendieta; 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.

Motion was seconded by Mr. Barbic and the Board voted unanimously in favor of the motion.

Default Cases

Ms. Dover informed the Board that Default Cases 2, 7, 8, 9 and 10 were removed from the agenda and will brought back to the Board at the April meeting.

Motion and Vote:

Motion was made by Ms. Johnson that the Board grant staff's request for the issuance of default judgments and enter in the remaining cases (1, 3, 4, 5, 6, and 11) orders consistent with staff's recommendations:

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 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-EC1008 State Board for Educator Certification v. Samuel E. Flores, Action to be taken: Consideration of Issuance of Default Judgment.
- 9) Docket No. 3042-EC1008 State Board for Educator Certification 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.

Motion was seconded by Mr. Barbic and the Board voted unanimously for the motion.

Pending Litigation

- 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-CI-056171; In the 150th Judicial District Court of Bexar County, Texas*

Motion was made by Mr. Barbic to proceed with settlement recommended by the Board's counsel in executive session on the following case: Elizabeth Garza, et al. v. Our Lady of the Lake University of San Antonio; Cause 2007-CI-056171; In the 150th Judicial District Court of Bexar County, Texas. Motion was seconded by Mr. Shirley and the Board voted unanimously in favor of the motion.

DISCUSSION ONLY

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

Mr. Allen reviewed proposed amendments to Chapter 232 and informed the Board that the proposed amendment to §232.4 will remove the clause that allows the Board, at its discretion, to issue a probationary certificate to a person without a bachelor's degree. Mr. Allen also reviewed the proposed amendment that would allow educators who are subject to a reduction-in-force termination not to lose the annual probationary term for that school year.

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

Mr. Allen reviewed the proposed amendment and informed the Board that this would allow reports of educator misconduct to contain the names of victims, witnesses, and date of alleged incident. Mr. Allen also informed the Board that the amendment would clarify the beginning date for the 30-calendar day deadline for reporting incidents.

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

Dr. Lopez referred to minutes from six stakeholders' meetings, which were given to the Board at the January 9 retreat. The Board reviewed common input from the stakeholders and requested information from staff on that input.

25. Review of 19 TAC Chapter 241, Principal Certificate

Ms. Cardenas informed the Board that a meeting is planned for February 26, 2009, to receive feedback from stakeholders, including principals, educators, and human resources associates.

26. Review of 19 TAC Chapter 242, Superintendent Certificate

Ms. Cardenas informed the Board that a meeting is planned for February 26, 2009, to receive feedback from stakeholders, including principals, educators, and human resources associates

INFORMATION ONLY

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

Mr. Booker reviewed the current rule review plan for State Board for Educator Certification rules.

28. Legislative Committee's Recommendations of Legislative Issues

Mr. Booker informed the Board that this was brought to the Board to provide further information on the three recommendations.

29. Request and/or Questions from Board Members

Mr. Barbic addressed the fact that due to the economy, the next two years should see an increase in people entering the teaching profession from the private sector and it should be an opportunity to bring talent and knowledge into the classroom.

Ms. Johnson acknowledged Mr. Shirley's last meeting and the Board thanked him for his service.

30. Adjournment

Dr. Cain adjourned the meeting at 2:07 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.