

***State Board for Educator Certification***  
***Board Retreat Minutes***  
***January 8, 2010***

The Board convened its Board Retreat at 10:00 a.m. on Friday, January 8, 2010 in Room 1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas.

**Present:** Dr. Cain, Ms. Baszile, Ms. Pogue, Dr. Simpson, Dr. Barnes, Mr. Allard, Ms. Druesedow, Mr. Morris, Ms. Robison, Mr. Trevino, Dr. Glynn and Mr. Booker

**Staff present:** Dr. Karen Loonam, Doug Phillips, Melva Cardenas, Dr. Janice Lopez, Tabita Gutierrez, Andy Allen, Joan Allen, Merle Dover and Maggie Heermans

**Absent:** Ms. Bridges and Ms. Bricker

**1. Welcome by Dr. Cain**

**2. Executive Session**

*The Board may meet in closed Executive Session, pursuant to section 551.971(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.*

**3. Teambuilding**

Jerel Booker conducted a teambuilding exercise with the Board and staff.

**4. Presentation and Discussion of *Educator Certification and Standards: Data Update Report to the State Board for Educator Certification***

Dr. Loonam reviewed information in the data update report given to the Board. There was discussion about the similarities and differences of a university alternative certification program and a university post-bac in the route to certification data. Dr. Loonam informed the Board that when the Latin LOTE is in effect next year, it is the last old ExCET examination; for the first time since 2002, all certification examinations have been revised or re-developed on the new TExES standards.

At the Board's request the staff discussed the increase/decrease in the percentage of educators under investigations. Dr. Glynn stated that a higher percentage of criminal histories has been seen because of the fingerprinting process. Dr. Glynn also stated that there is a larger increase in the non-certified area. Mr. Phillips reviewed the most common types of arrests and the process of reviewing and tracking the cases.

Ms. Robison asked if standards for alternative certification programs have been reviewed on a regular basis. Dr. Loonam stated that rules had not been reviewed or revised since 1999; so when the Board approved revisions for Chapters 227 and 228 (effective January 1, 2009) staff was able to monitor programs more closely. Dr. Loonam informed the Board that the new accountability system for educator preparation outlined in Chapter 229 includes four standards instead of the one standard currently used.

**5. Discussion of SBEC 2010 Priorities**

Dr. Loonam provided Board members the current Mission Statement and Core Principles. Ms. Druesedow requested a punctuation change in the Mission Statement. The Board requested the Goals be formatted to read: The Board will: and list the three existing goals bulleted.

**6. Discussion to provide feedback on the revised Temporary Teacher Certificate Application**

Dr. Loonam informed the Board that at Dr. Cain's request the application has been revised. Dr. Loonam informed the Board that the revised application will give school districts the opportunity to provide this program if they choose to do so. Dr. Loonam also informed the Board that it will still be an approved program, it must meet the same accountability standards of other programs, and the program's approval will go to the Board. Dr. Loonam advised the Board that two school districts and one charter school initially used this, but no one is using it at this time.

**7. Discussion of TAC 228.35 (1) (3) (A) (i), Preparation Program Coursework and/or Training**

Mr. Booker referred to the portion of the rule regarding the use of video training in *authentic classrooms in public schools accredited by the TEA or TEA-recognized private schools*. Dr. Glynn informed the Board that this limits using a video from another state which aligns with Texas standards. Dr. Glynn informed the Board that staff is searching for language to provide flexibility in this area. Dr. Barnes suggested that documentation be maintained and document where the alignment is by programs.

**8. Discussion of Roles of Attorneys**

Ms. Allen, Deputy General Counsel for the Texas Education Agency (TEA) and Ms. Sameth, Assistant Attorney General, reviewed the roles of the TEA attorneys and the Attorney General's Office. Ms. Allen informed the Board that the Attorney General's Office performs legal duties as the SBEC attorney and provides legal advice to the SBEC; the TEA attorneys provide legal services to TEA staff to assist staff in carrying out the policies and legal duties of the Board. Ms. Sameth informed the Board that as the SBEC's attorney, she represents TEA and SBEC in district court, and she reviews all rules.

**9. Discussion of the Case Process**

Ms. Dover provided a presentation on the contested case process. Ms. Dover stated the breakdown of case resolution as: 15% of cases are closed, 35% are agreed final order, 26% are default and 25% go to hearing at SOAH. Ms. Dover reviewed Defaults, Proposals for Decision, Motion for Rehearing and SBEC considerations for decision making and the sanctions on defaults. The Board discussed the possibility of knowing the initial recommendation from Investigations on Default cases.

**10. Discussion of staff presentations of contested cases at SBEC meetings.**

Ms. Dover reviewed the presentations of contested cases at the SBEC meetings. Ms. Dover informed the Board of two immediate changes: 1) the docket will now show staff's recommendation on each Default, and, 2) the paragraph within the petition that asks for a sanction will now read: *A sanction up to and including revocation*. This change will give the SBEC flexibility on the sanction.

Mr. Booker expressed his concern when an educator decides to respond on the day of the meeting; this causes staff to revisit the facts which can cause consideration and deliberation among the Board during the meeting. Ms. Dover made a recommendation that in this case, the Board ask Legal Services to take back the case and begin the process again. Dr. Simpson asked if cases (once decisions are made) are categorized. Ms. Dover informed the Board that cases with decisions are categorized for future reference, and settlements are now being tracked.

Dr. Cain requested that Legal continues to have the individual motions prior to executive sessions. Ms. Pogue requested that the motions be written.

#### **11. Discussion of Board Operating Policies and Procedures (BOPP) regarding the timeline for public written testimony**

Mr. Allen reviewed the current public comment procedure on rules, and informed the Board that when they adopt a rule for filing as proposed, it is published in the Texas Register, and once published, the public has a period to comment on the proposed rule. Mr. Allen informed the Board that the law requires that staff summarize all public comments received, provide a response to the comments, and present these to the board at the following meeting. Mr. Allen also informed the Board that since staff receives comments up to the day of the board meeting, the copy of comments and responses may not be given to the Board until the day of the meeting. Mr. Allen stated that staff recommends that the public comment period be defined to end 51 days after the rule is passed as proposed for filing, and then re-opened during the meeting itself so oral or written testimony can be presented at the meeting.

The Board and the staff discussed the possibility of emailing the comments with responses to the Board members after the 51-day comment period, 48 hours before the meeting which will allow more time for the Board to review. Dr. Cain requested that the staff work out a procedure and test it before bringing it to the Board for a vote.

#### **12. Closing**

Dr. Glynn reviewed the letter in the Board's agenda packet from the United States Department of Education (USDE) regarding highly qualified status of elementary teachers. School districts will receive communication regarding this issue.

The Board requested clarification on procedures on communication they personally receive from individuals. Ms. Allen informed the Board that they are not allowed to converse or respond to disciplinary matters; if non-disciplinary, items must be retained and these may be forwarded to staff for response.

**Dr. Cain adjourned the meeting at 1:50 p.m.**