

State Board for Educator Certification
Board Meeting
Minutes
July 27, 2007 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

The State Board for Educator Certification convened its meeting at 9:00 a.m. on Friday, July 27, 2007 in Room 1-104 of the Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Dr. Glynn, Acting Commissioner Robert Scott, Ms. Baszile, Ms. Pogue, Ms. Johnson, Mr. Barbic, Mr. Trevino, Dr. Hetzler, Mr. Shirley

Ms. Druesedow is on her way.

Absent: Dr. Gerlach and Ms. Abbott, Ms. Zinsser

Late: Ms. Druesedow arrived at 9:10 a.m.

2. Special Recognition of Past Board Members

Dr. Cain congratulated Robert Scott on his appointment as Acting Associate Commissioner and Dr. Glynn on his appointment as Associate Commissioner.

Dr. Cain read Ms. Quintana's biographical sketch and thanked her for her years of service to the SBEC board. Ms. Quintana thanked the Board for all that she had learned and all the friendships she had made. She also challenged current board members to remember that decisions made by the Board affect true lives and true children that are going to need to have a quality education for Texas to move forward.

Dr. Cain thanked the following board members who were not able to attend and stated that a tribute would be sent to them since they were not in attendance today:

Dr. Annette Griffin, November 1998 - May 2006 (Served as chair for 3 of those years)

Cynthia Saenz, August 2003 – May 2007

Dr. John Beck, July 2000 – February 2005

Jim Wyndham, November 2002 - February 2005

Tony Sanchez, May 1999 – September 2005

Dr. Troy Simmons, November 2001 – February 2007

3. Public Testimony

There was not any general testimony, only item specific testimony that was heard before the item.

4. Certification Update

a) Department Updates

- Educator Standards

Dr. Loonam advised the Board that her staff had completed 29 program visits during the summer and fall including follow-up, pre-approval and post-approval visits. The Advisory Committee met in May and gave input for ETS website revisions. Program training was provided. They have had standards setting committees meet over the summer, including one you will hear from today regarding the American Council on the Teaching of Foreign Languages (ACTFL) exams. Special Education and Physical Education committees have convened to look at new items for the exams. She advised the Board that the number of Computer Administered Tests (CAT) being administered continues to increase and probably will meet the 2006-2007 projection.

Dr. Hetzler asked Dr. Loonam about a rumor about ESL coursework being required of all students in an educator preparation program. Dr. Loonam had not heard this rumor. Mr. Shirley asked if meeting notes were provided to board members. He asked if staff might look at satisfaction surveys for examinees in the future.

- Credentialing Services

Mr. Echazarreta stated that since we are in the middle of the quarter right now, he will not have a production report. He will provide production numbers at the next regular meeting. Texas is the second highest teacher producing state. Even so, we still receive a large amount of applications from out-of-state. He reported that staff is producing 30-40 out-of-state applications per day.

- Certification Enforcement Unit

Mr. Jones advised the Board that staff had prosecuted 36 cases March – May 2007. As of this morning, there are over 50 cases docketed at the State Office of Administrative Hearings (SOAH) awaiting a trial date. There are 21 contested cases on the docket and will continue at this level. Staff will increase due to SB9 and this will also increase the number of contested cases. In the future, board members will see the second level priority of cases which include physical abuse, TAKS violations and theft of school district property because the more serious sexual abuse cases were fast tracked by staff. Mr. Jones explained that Code of Ethics complaints are included with disciplinary cases and that is why the number of days to resolve complaints has increased. Because they focus on the more serious cases the minor ones stack up. Mr. Jones explained to the Board that staff has a policy to prosecute the most difficult cases first and they take longer to resolve. Mr. Jones advised board members that he will calculate the average number of days to resolve the more serious cases. Mr. Jones responded to questions from the Board about Performance Measures presented in the agenda.

- Investigations/Fingerprinting

Mr. Phillips advised the Board that SB9 was passed by both houses and signed by Governor Perry on June 15, 2007. This bill expands who will be fingerprinted and who must obtain criminal histories. The Briefing Book on Public Education provided to board members has a synopsis of the bill and what it will do. Mr. Phillips described the 2 page reference guide to SB9 that has been given to school districts and placed on the SBEC website to answer questions about who must be fingerprinted and who must have criminal histories completed. The Board's main concern would be with the certified educators who have not already been fingerprinted. To be eligible for employment in a school district, an educator must be fingerprinted if you have not already been. SB9 also provides for the Department of Public Safety (DPS) to establish a "clearing house". Superintendents will have the ability to access

the information in the clearing house on potential employees. Educators must complete the fingerprinting process through a system established by TEA. Another benefit to this system is that districts and TEA Investigations/Fingerprinting staff will be notified of subsequent arrests. The bill extends to non-certified staff hired after January 1, 2008, substitutes, and charter school employees who would otherwise be required to be certified if they were employed in a public school district.

The bill gives staff access to police reports which have not been available in the past and will help staff do their jobs. Department of Family and Protective Services (DFPS) reports involving someone who is not a student must now be released to staff. The warning flag is now mandatory in some circumstances. Mr. Phillips will get additional employees to administer the bill. He is in the process of hiring managers and after they are in place will hire other staff. January 1, 2008 is the implementation date and he should have enough employees in place to begin. Mr. Phillips stated that staff estimated 65,000 non-certified, 100,000 certified educators, 25,000 substitutes and 1500 charter school employees will need to be fingerprinted under SB9. This will quintuple the number of fingerprints being processed by his department in a year. Dr. Glynn added that he will go over changes that may need to be made to SBEC rules in the Associate Commissioner Update.

- **Committee Updates**

- Update regarding changes to committees, committee appointments, and Board Operating Policies and Procedures (BOPP).

Dr. Glynn noted that the changes to the BOPP are included with the minutes from the May 19 Board work session. The Board can take action on that later in the agenda.

- Code of Ethics Review Committee

No action.

- Legislative Committee

Ms. Pogue advised the Board that this is one of the Board's most important committees. They want to work with staff to start implementing bills that have already been passed and based on Board goals prepare for the next Legislative Session. They will plan to meet after the August Board training.

b) Associate Commissioner Update

The SBOE met last week and took no action on the adoption of 6-12 Business Education certificate; modification of the rule for educator preparation programs making requests to add certification areas; and changes to 249 flagging and Code of Ethics rules. He had the opportunity to update the Committee on School Initiatives about the proposed changes in the certificate structure from EC-4 to EC-6.

The Briefing Book covers all the education legislation that passed during the last session. Dr. Glynn also advised members that he would like to have a special Board meeting to deal with just the SB9 rules on September 7 in order to meet the timeline so the rules will be in place by January 1, 2008. Dr. Cain took a straw poll and found that there are enough members to have the meeting.

CONSENT AGENDA

5. *Approval of May 4, 2007 Board Meeting Minutes

Motion and Vote:

Motion was made by Ms. Pogue to approve the May 4, 2007 Board meeting Minutes and the May 19, 2007 Board Retreat Minutes as presented. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

INFORMATION ONLY**6. 2007-2010 Rule Review Plan for State Board for Educator Certification Rules****DISCUSSION ONLY****7. Review of 19 TAC Chapter 232, General Certification Provisions**

The following people provided testimony regarding Item 7:

1. Dr. Alejandra Martin, Texas Association of School Personnel Administrators (TASPA)
2. Dr. Paul Henley, Texas State Teachers Association (TSTA)

Mr. Echazarreta advised the Board that this rule review covers certificate types, classes, renewals and continuing professional education hours for renewal. He asked for Board input. Most of the revisions will include technical edits that would change Executive Director to TEA staff. In addition, one consideration is to update guidelines in place for Temporary Teacher Certificate (TTC). Currently, TTC guidelines are not in line with Alternative Certification Programs (ACPs). Staff will look at making guidelines more comparable to ACPs to increase school district participation. Stakeholder group meetings will be held in the next several weeks. Dr. Cain asked that the Board receive minutes from stakeholder meetings. Dr. Hetzler voiced concerns about accrediting agencies that are not recognized by the Texas Higher Education Coordinating Board (THECB). In addition to Dr. Hetzler's concerns, Mr. Echazarreta noted concerns from Board members regarding renewal notices and continuing professional education (CPE) requirements, regulation of CPE providers, hardship exemptions and No Child Left Behind (NCLB) requirements.

8. Review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

Major changes are not anticipated for Chapter 233 dealing with categories of classroom teaching certificates. Changes would clarify the categories and requirements for classroom teaching certificates. In addition, changes include establishing certificates for English as a Second Language Generalist: EC-6 and Bilingual Generalist: EC-6. Another change would be to require educators to apply for certification within one year of passing an exam. In 2005, authority was given to the Executive Director to consider granting certification to those who did not apply for certification before the expiration of exams on a case-by-case basis. Staff would like to restrict this provision in the rules. Mr. Echazarreta advised that educators will be notified via the website of this change. He noted concerns from Board members.

DISCUSSION AND ACTION**9. Adoption and Review of Proposed Sanction Guidelines for Code of Ethics Complaints**

The following people provided testimony regarding Item 9:

1. Julie Leahy, Texas Classroom Teachers Association (TCTA)
2. Jennifer Canaday, Association of Texas Professional Educators (ATPE) on both Items 9 and 10

Mr. Jones advised the Board that SBOE took no action on revisions to Chapter 249 F regarding Code of Ethics and those amendments will become effective on August 9, 2007. These modifications would allow TEA staff to dismiss complaints that do not warrant a sanction or only warrant a notice of disposition. It is a temporary solution and Item 15 deals with the rest of the rules regarding Code of Ethics complaints. The guidelines provide standards to determine when TEA staff should seek to sanction an educator's certificate for alleged violation of the Code of Ethics.

Ms. Pogue voiced concerns about the request to act on this item today since this is the first time members have seen it. She had concerns about the strong wording of the standards to dispose of complaints. Dr. Hetzler and Ms. Johnson had concerns about consistency of language throughout the document. Mr. Jones will make adjustments based on board member input. Mr. Jones advised board members of the process for Code of Ethics complaints. Dr. Glynn suggested that the Board table this item. Many helpful changes have been suggested. He asked board members to let Mr. Jones know of any other comments they have. The Code of Ethics Committee should probably review it make recommendations to the Board at another time.

Motion and Vote:

Motion was made by Mr. Trevino to table this item until another date. Motion was seconded by Mr. Shirley.

Ms. Allen, Deputy General Counsel advised the Board not to send comments to all members and do not copy anyone, instead send them to Mr. Jones so as not to violate the open meetings act.

The Board voted unanimously in favor of the motion.

10. Adoption and Review of Proposed Sanction Guidelines for Disciplinary Cases

The following people provided testimony regarding Item 10:

1. Julie Leahy, Texas Classroom Teachers Association (TCTA)

Ms. Allen advised the Board that staff has taken to heart the concerns of the Board with the previous item. This is a policy statement, not a rule and that is the reason it was not brought before the Board two times before adoption. These guidelines were developed to assist the State Office of Administrative Hearings (SOAH) in understanding what the Board's philosophy is with regard to potential sanctions for criminal actions or other improper conduct. There have been problems in the past with SOAH with regard to SBEC cases where SBEC may have firm ideas about what types of actions, conduct and convictions would result in revocation or suspension. The guidelines would have been used by prosecutors at the beginning of every case asking the Administrative Law Judge to consider SBEC policies when considering the certification case and the sanction in the case. Ms. Allen indicated that staff understands that the Board feels uncomfortable with having only one review of the item before action is taken. She asked that this item be tabled to allow for input from stakeholders and to incorporate changes requested by the Board.

Motion and Vote:

Motion was made by Mr. Trevino to table this item until another date. Motion was seconded by Ms. Pogue and the Board voted unanimously in favor of the motion.

Dr. Cain clarified that Item 9 will incorporate board member concerns as well as stakeholder input. Mr. Jones will then go through the Code of Ethics committee and he will bring it back to the Board with the committee recommendations. Mr. Jones will get stakeholder input on Item 10 and then bring it back to the Board.

11. Amendment to the Approval of 2005-2006 Accountability System for Educator Preparation (ASEP) Accreditation Ratings

Since the Board approved the Accreditation Ratings for all programs for 05-06 in May, staff discovered that the start of the preparation program at Del Mar College was delayed resulting in no test scores for 2005-2006. Therefore, they cannot be given an accreditation rating. Dr. Loonam asked that the Board add the program to be listed as "Accredited Preliminary Status" instead of "Accredited". Dr. Loonam advised the Board that "Accredited Preliminary Status" means the program is operating and functioning but they do not have any test scores to be given an accreditation rating under ASEP rules. Ms. Pogue stated her concerns that Accreditation Ratings are based solely on complete test scores.

Motion and Vote:

Motion was made by Ms. Pogue to accept and approve the amendment as presented. Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

12. Approval of New Educator Preparation Programs

Dr. Loonam presented four programs for approval. Region 5 Education Service Center (ESC) seeks approval to offer a Teacher Certification Program. Staff was present from Region 5-ESC to answer questions. They are requesting to offer 23 certification areas and Dr. Loonam felt that they do have the capacity to offer these fields and will have the content specialists to support their interns. This is one of the best proposals she has seen and she recommended approval. Recruitment will begin in summer 2007 with an anticipated 75 teachers. Dr. Loonam advised the Board that we do not have the legal means to obtain data of student achievement gains of the teachers after they complete a program. During the last legislative session, Senate Bill 1643 was introduced. It would have assisted staff with access to student achievement data but it did not pass. Dr. Loonam answered questions regarding program costs.

A Career in Education is an Alternative Certification Program requesting approval to offer a Teacher Certification Program. Staff was present to answer questions. This program will offer 8 certification areas. They will begin immediately with approximately 100 candidates. Originally, they wanted to use ACE as the name of the program but that name was already taken. This program will be called A Career in Education. Dr. Loonam advised that SBEC does not have control over program costs.

Southern Methodist University (SMU) has made a request to offer another class of certification - School Counselor. Staff was present to answer questions. They will begin the program in the fall with 20 students. Staff from SMU advised they would seek national accreditation in a few years in response to a question from Dr. Hetzler.

University of Texas at Brownsville (UTB) is seeking approval for a Master Technology Teacher Certification program. They have received approval from the Texas Higher Education Coordinating Board (THECB). They will begin the program in the fall. Completion of the 12

graduate credit hour certificate program will earn 12 graduate credit hours that will place them one-third of the way through the master's program at UTB.

Motion and Vote:

Motion was made by Mr. Barbic to approve the programs as presented. Motion was seconded by Mr. Shirley and the Board voted unanimously in favor of the motion.

Dr. Cain adjourned to Executive Session at 11:20.

Dr. Cain convened the SBEC Board meeting at 12:00 with a quorum.

13. Approval of the Educator Standards Advisory Committee for 2007-2008

Last year the Board approved the Educator Standards Advisory Committee. Staff selected individuals to serve on this committee from nominations received. The purpose of the committee is to give input on issues related to programs around the state. This is an open meeting. Dr. Loonam requested approval of new committee members. Dr. Hetzler asked that Board members receive committee meeting minutes.

Motion and Vote:

Motion was made by Ms. Pogue to approve the appointment of new Educator Standards Advisory Committee members for 2007-2008. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

14. Passing Standard for the Languages Other Than English (LOTE) Certification: Arabic, Chinese, Japanese, Russian, Vietnamese

Dr. Reyna presented the passing standards for the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview (OPI) and the Written Proficiency Test (WPT). At the last Board meeting, board members approved the use of (ACTFL) exams. Passing scores on both the WPT and OPI are required for LOTE certification. Dr. Reyna explained the process for standard setting that took place over two days at TEA. The standards are different for each of the languages.

Motion and Vote:

Motion was made by Mr. Shirley to approve the passing standards for the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview (OPI) and the Written Proficiency Test (WPT) Languages Other Than English (LOTE) examinations. Motion was seconded by Mr. Trevino and the Board voted unanimously in favor of the motion.

15. Adoption of the Review and Proposed Revisions to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases Including Enforcement of the Educator's Code of Ethics

The following people provided testimony regarding Item 15:

1. Julie Leahy, Texas Classroom Teachers Association (TCTA)
2. Jennifer Canaday, Association of Texas Professional Educators (ATPE) on both Items 9 and 10
3. Ted Melina-Raab, Texas AFT

4. Dr. Paul Henley, Texas State Teachers Association (TSTA)

Ms. Allen, Deputy General Counsel, advised the Board that she will present the changes that have been made in response to Senate Bill 9 (SB9). Mr. Jones will talk about stakeholder changes. Ms. Allen stated that the two most important changes that have occurred since the last time the Board reviewed this rule in May is that Chapters A and B contain substantive policy requirements and policy determinations board members deal with in the contested cases. The main focus of Subchapters C, D, and E deal with streamlining processes for contested cases that come before the SOAH. They are asking to adopt the rule review and also to approve the revisions for initial filing that will initiate a comment period. Ms. Allen indicated that there are two changes that need to be made in order to implement SB9. The major change required by SB9 will require that a notice be placed on an educator's certificate immediately instead of within the 10 days as in the rule that will go into effect August 9. A decision was made by staff to ask for an Attorney General opinion if the amendments being proposed in 249.16 exceeds statutory authority to adopt these additional changes. Staff is asking to pull down the amendments to 249.16 and request an Attorney General's opinion. The result will be that the original language in 249.16 will stay as is. In addition, SB9 enacted a good portion of this rule and it is in section 21.060 in the Education code. Between current language and that statute, prosecutions will not be adversely affected. There will be a question about felony DUIs. They will also have to look the crimes that occur on school property.

Ms. Allen alerted the Board that because Texas Register has a rule that says if you have a rule in process that has not be finally adopted you cannot make revisions to that rule until it becomes final. SBOE did not meet in April and they did not consider flagging rules within the expected timeline. They were considered in July and will go into effect August 9. These new revisions must be filed after August 9.

Mr. Jones presented major changes due to stakeholder input. At the stakeholder meeting on June 5, some modification was done to 249.17 (d) to add specificity to the grounds for permanent revocation or denial by adding cross-references to the term 'solicitation of a romantic relationship'. The term criminal homicide was used to be consistent with the Penal Code. They replaced the term 'drugs' to 'controlled substances' as defined in Chapter 481 of the Health and Safety Code. Modifications were made to 249.27 dealing with failure to answer, 249.35 regarding Chapter 21 proceedings and 249.44 regarding denial or revocation. Stakeholders recommended elimination of Subchapter F.

Motion and Vote:

Motion was made by Ms. Pogue adopt the review of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases Including Enforcement of the Educator's Code of Ethics and the proposed revisions to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases Including Enforcement of the Educator's Code of Ethics, as shown in Attachment II, with the exception of 249.16 for filing as proposed with the Texas Register. Motion was seconded by Ms. Johnson.

Mr. Shirley asked for Ms. Bunker-Henderson to advise the Board based on public testimony and staff presentations whether we should proceed in adopting or if it should be tabled. Ms. Henderson recommended that the Board adopt the rule review. She advised that it is at the discretion of the Board but she also recommended to propose these revisions. This will begin the process for comment and input from the public. There have been several stakeholder meetings she is aware of and changes can still be made if necessary after proposing the revisions.

The Board voted unanimously in favor of the motion

16. Emergency Adoption of and Proposed Amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.2, Generalist

The following people provided testimony regarding Item 16:

1. Dr. Alejandra Martin, Texas Association of School Personnel Administrators (TASPA)

Mr. Echazarreta advised the Board that this amendment will create a new certificate for Generalist: EC-6. In addition, the amendment would also allow a standard certificate holder assigned to teach in a self-contained classroom for Grades 5 and 6 prior to the 2007-2008 school year to remain the assignment at the discretion of the school district. This extension is necessary to cover the transition period when educator standards and tests are being developed and approved.

Motion and Vote:

Motion was made by Mr. Trevino to approve for adoption, subject to state Board of Education review, the proposed amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.2, Generalist as shown in Attachment II, with an effective date of 20 days after filing as adopted with the Texas Register as written. Motion was seconded by Mr. Barbic and the Board voted unanimously in favor of the motion.

Motion was made by Mr. Shirley to approve the emergency adoption of the amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.2, Generalist, as shown in Attachment III, to become effective immediately after filing as emergency with the Texas Register and until the permanent rule amendment to 19 TAC §233.2 takes effect. Motion was seconded by Mr. Trevino and the Board voted unanimously in favor of the motion

17. Proposed Amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.15, Languages Other Than English

Mr. Echazarreta advised the Board that this amendment will create certificates for Languages Other Than English (LOTE) by adding new certificates for Arabic, Chinese, Japanese, Russian and Vietnamese in grades Early Childhood (EC) – Grade 12.

Motion and Vote:

Motion was made by Mr. Shirley to approve for adoption, subject to State Board of Education review, the proposed amendment to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.15, Languages Other Than English, with an effective date of 20 days after filing as adopted with the Texas Register. Motion was seconded by Mr. Trevino and the Board voted unanimously in favor of the motion.

18. Contested Cases and Litigation

Public Testimony was heard from the following people regarding disciplinary cases:

1. Jacqueline Strashun, ATPE, presented testimony representing Gerald Slovacek, Docket No. 701-07-0538.EC.
2. Written testimony provided by Michael Arellano, Docket No. 701-07-1366.EC
3. Francis Foley, Docket No. 701-07-0376.EC

a) Disciplinary Cases

Dr. Cain advised the Board that she was involved in the investigation of one of the disciplinary cases and turned the chair over to Ms. Pogue. Ms. Pogue advised that the Board wished to take a motion on all the default cases together. She read the default cases for the record:

Docket No. 701-07-1925.EC, State Board for Educator Certification v. Joel Dobbins, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-1925.EC against respondent Joel Dobbins. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-1966.EC, State Board for Educator Certification v. Randolph Brooks, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-1966.EC against respondent Randolph Brooks. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion

Docket No. 701-07-2054.EC, State Board for Educator Certification v. Ruben Ortega, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2054.EC against respondent Ruben Ortega. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2075.EC, State Board for Educator Certification v. Scott M. Ryan, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2075.EC against respondent Scott M. Ryan. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2094.EC, State Board for Educator Certification v. Timothy Richert, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2094.EC against respondent Timothy Richert. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2142.EC, State Board for Educator Certification v. Roy A. Lumetta, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2142.EC against respondent Roy A. Lumetta. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2143.EC, State Board for Educator Certification v. Rigoberto Tamayo, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2143.EC against respondent Rigoberto Tamayo. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2177.EC, State Board for Educator Certification v. Oscar O'Campo, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2177.EC against respondent Oscar O'Campo. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2508.EC, State Board for Educator Certification v. Jonathan E. Williams, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2508.EC against respondent Jonathan E. Williams. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2695.EC, State Board for Educator Certification v. James McRoberts, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2695.EC against respondent James McRoberts. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2725.EC, State Board for Educator Certification v. Orson Edmond, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2725.EC against respondent Orson Edmond. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2764.EC, State Board for Educator Certification v. Joshua Redus, Action to be Taken: Issuance of Default Judgment.

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2764.EC against respondent Joshua Redus. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Docket No. 701-07-2052.EC, State Board for Educator Certification v. Angelique Evanson, Action to be Taken: Issuance of Default Judgment,

Motion and Vote:

Motion was made by Mr. Trevino to issue default judgments for failure to answer and revoke the certificates in the following case: Docket No. 701-07-2052.EC against respondent Angelique Evanson. Motion was seconded by Ms. Druesedow and the Board voted unanimously in favor of the motion.

Dr. Cain returned to the chair and asked for a motion on other cases.

Docket No. 701-06-1600.EC, Sarah Cenee Graham v. State Board for Educator Certification; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.

Motion and Vote:

Motion was made by Ms. Johnson to deny the application for certification of Sarah Cenee Graham Docket No. 701-06-1600.EC and enter an Order proposed by Staff because the Administrative Law Judge (ALJ) did not properly determine that Ms. Graham was a person of good moral character who is worthy to instruct the youth of the state. Furthermore, the ALJ's proposal does not properly apply SBEC rules and policy to protect Texas school children from inappropriate romantic and sexual conduct by educators. Motion was seconded by Mr. Shirley and the Board voted unanimously in favor of the motion.

Docket No. 701-07-0239.EC, John P. Pilliod v. State Board for Educator Certification; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.

Motion and Vote:

Motion was made by Mr. Trevino to deny the application for certification of John Pilliod Docket No. 701-07-0239.EC and enter an Order proposed by Staff adopting the proposal for decision of the Administrative Law Judge (ALJ). Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

**Docket No. 701-07-0376.EC, State Board for Educator Certification v. Francis James Foley,
Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**

Motion and Vote:

Motion was made by Mr. Shirley to suspend the certification of Francis James Foley for the balance of his 10 year community supervision in the following case: Docket No. 701-07-0376.EC. Motion was seconded by Mr. Barbic. Mr. Shirley clarified the motion and the Board voted unanimously in favor of the motion.

**Docket No. 701-07-0538.EC, State Board for Educator Certification v. Gerald L. Slovacek,
Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**

Motion and Vote:

Motion was made by Ms. Druesedow suspend the certification of Gerald Slovacek while he is on community supervision., stay the suspension and place Slovacek on probation for the remaining period of community supervision and enter an order adopting the proposal for decision issued by the Administrative Law Judge (ALJ)in the following case: Docket No. 701-07-0538.EC. Motion was seconded by Mr. Trevino and the Board voted unanimously in favor of the motion.

**Docket No. 701-07-0572.EC, State Board for Educator Certification v. Richard Allen, Action
to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**

Motion and Vote:

Motion was made by Ms. Bazile to suspend the certification of Richard Allen for one year and enter an order adopting the proposal for decision issued by the Administrative Law Judge (ALJ) in the following case: Docket No. 701-07-0572.E C. Motion was seconded by Ms. Barbic and the Board voted unanimously in favor of the motion.

**Docket No. 701-07-1366.EC, Michael Arellano v. State Board for Educator Certification,
Action to be Taken: Proposal for Decision,**

Motion and Vote:

Motion was made by Mr. Barbic to deny the application for certification of Michael Arellano Docket No. 701-07-1366.EC and enter an Order adopting the proposal for decision of the Administrative Law Judge (ALJ). Motion was seconded by Ms. Baszile and the Board voted unanimously in favor of the motion.

**Docket No. 701-07-2195.EC, State Board for Educator Certification v. Erika R. Espinosa,
Action to be Taken: Issuance of Default Judgment,**

Motion and Vote:

Motion was made by Mr. Barbic to suspend the certification of Erika Espinosa for one year and enter an order proposed by Staff. in the following case: Docket No. 701-07-2195.E C. Motion was seconded by Ms. Shirley and the Board voted unanimously in favor of the motion.

b) Pending Litigation

No action was taken.

19. Action on Items Discussed in Executive Session

20. Adjournment

Dr. Glynn thanked the Board for their willingness to schedule another meeting in September. He reminded Board member of the training on August 8. The next regular agenda will include an item that allows members to ask questions or request information from staff.

Dr. Cain adjourned the meeting at 1:16 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.

Texas Education Agency
Division of Educator Standards
Workshop for the State Board for Educator Certification
Minutes
August 8, 2007

Dr. Cain welcomed board members and visitors to the August 8 Board Training session at 10:05 a.m.

Dr. Glynn told board members he hoped the information provided by Dr. Loonam will show the wide discrepancy that exists between educator preparation programs with regard to the amount of preparation provided to educator candidates.

He asked board members to think about what can be done to strengthen and improve programs that do not meet minimum standards. He thanked David Anderson to give guidance and suggestions about what can be done in these cases. Nichole Bunker-Henderson will also be available later in the day.

He asked board members to give Dr. Loonam a call if other questions arise after meeting today. Dr. Cain thanked Dr. Loonam for all the preparation that went into the presentation and added that the Board would be more knowledgeable about the educator preparation programs.

Dr. Loonam stated that the presentation today was a team effort by her staff and other staff at TEA. She stated the purpose of the meeting today is to provide information, have a discussion and answer questions. The basis for the recommendations from the staff is from the research done by the National Council for Teacher Quality. This is a national group and Texas was one of four states to get the highest rating in the state-by-state analysis of policies affecting teachers. Texas was ahead of the class in a report from the National Council for Teacher Quality. Texas got a 'D' in Teacher preparation which can be easily corrected. It is included in the recommendations already. She brought a copy of the Region 5 program proposal that was approved at the last board meeting because she commented that it was one of the best proposals she had seen. She also brought TxBESS kit that had been requested by one of the board members.

I. Review of Program Data

Dr. Loonam presented data regarding the Growth of Educator Preparation Programs in Texas. Alternative certification programs were approved by the 78th Legislature in 1984 in order to fill critical shortage vacancies. In 2000, the SBEC board approved the first private educator preparation program. Initially more University programs were approved but more recently more alternative certification programs have been approved.

II. Review and Discussion of Program Issues

Dr. Loonam advised board members about the types of educator preparation programs in Texas and where they are located in the state. There are 144 programs in the state and about

half are university programs and half are alternative programs. Dr. Loonam asked if the Board would like to cap programs in the state or in certain areas of the state. She stated her concern with programs opening satellite locations in the state that have not been approved at the satellite location. The rules do not prohibit programs from opening other locations. Staff is having difficulty monitoring the quality of each of the program locations. Board members questioned how staff was notified about new locations and what could be done to curb this practice. Dr. Glynn stated that David Anderson was present today to help formulate action that can be taken. Dr. Loonam offered a recommendation to board members to have programs submit proposals for each location or shut down the program after a time limit for submission.

Mr. Anderson stated that there are three categories: Problems associated with programs operating several sites over an extended period of time; requiring programs to re-qualify; and sanctioning programs for not meeting standards set out in rule.

They could change the way programs are approved by limiting the scope of the approval to a certain site and for a certain length of time. He also stated that changing the rule would be a six month process. Another issue presented by Dr. Loonam is that programs are changing their names or may have more than one name. Dr. Loonam and Mr. Anderson stated that the application process for the approval of educator preparation programs may need to change.

Dr. Hetzler asked if the educator preparation program at the Alamo Community College District in San Antonio has approval for more than one program. Dr. Loonam will investigate the number of programs located in the Alamo Community College District.

Dr. Loonam provided data concerning the size of programs based on the number of Standard Certificates recommended by a program. The top five programs in the state of Texas are iteachTexas, Texas State University, Region 04 ESC, ACT-Houston, and Texas A&M University. She indicated that there are 12 programs with less than 10 recommendations. She had concerns about cost effectiveness of having staff complete program visits to the smaller programs. In addition, there are 74 programs with less than 100 recommendations. She presented data that indicated the breakdown of candidates obtaining probationary credentials and subsequent standard certificates by program. Dr. Loonam stated that this information is not taken into consideration for the accountability system. Board members expressed concern with the low percentages. She clarified to the Board that these numbers would not include student teachers since they do not apply for probationary certificates.

Data was provided by Dr. Loonam showing the number of educators completing a program that went on to teach. The data does not include teachers in private schools or those who left the state because the data source for the report was Public Education Information Management System (PEIMS). She talked about the importance of mentoring for new teachers. Dr. Loonam stated that the data correlates to the quality of the educator preparation programs.

The schedule of program visits completed by Educator Standards staff over the past two years was presented. In addition, there is a summary of the findings and recommendations by the staff.

During 05-06, visits were usually done because they had not had a post-approval visit. Visits completed in 06-07 were done if a post-approval visit was needed; if there were complaints from the field; if there was a high number of participants or if there was inconsistent data. Dr. Loonam answered questions from board members regarding the cost of visits, statutory authority, and what the Board can do to correct some of the problems identified by staff. The majority of programs implement recommendations for improvement made by staff.

Dr. Loonam went over the Summary Report of Field Experience, Training and Coursework Requirements for Educator Preparation programs. She advised the Board that there should be minimum requirements stated in rule for all programs. After programs self-reported costs associated with certification programs; the data was compiled and average costs were calculated by program type.

III. Review and Discussion of the Accountability System for Educator Preparation Programs (ASEP)

Dr. Loonam provided a side-by-side comparison of the accountability system as it currently exists and before changes were made. The main difference between the two systems is that the old system included all test takers. The current system only includes program completers. A report was presented showing how programs would have performed under both systems for the last three years. Nearly all programs had consistently higher pass rates under current rules than previous rules. If programs have been consistent under both systems they are probably doing a good job. The impetus for changing the accountability system had to do with a Federal report called the Title II report that is submitted each year. The Title II report initially reported universities individually but lumped ACP programs together. The technology was not available at the time to report ACPs individually. Technology has improved enough now that we would be able to make changes if that is the wish of the Board.

Dr. Loonam discussed the correlation between the ratings under the previous system and problems that staff is seeing now. She also stated that 165 certification fields have been approved in the last three months. The current system does not include anything at this time that would allow TEA to recognize programs that are doing well or to do anything about poor programs. Dr. Loonam recommended to the Board that the ASEP system be modified.

Dr. Loonam discussed the data provided showing the number of test takers at each program compared to the number of completers for the last three years.

She presented a proposed implementation schedule of increased standards for certification exams. The recommendation is based on discussion by board members surrounding the approval of passing standards that were lower than the committee's original

recommendation. Board members agreed she will bring this item to the Board in November as a discussion item.

Data was presented showing that 87.5% of cumulative test takers have passed TExES exams since their inception in 2002 through July 2007.

IV. Discussion of TAC Rules and Possible Revisions

Dr. Loonam presented staff recommendations for changes, where it fits in the rule and the research data that supports it regarding new programs, program entry requirements, training/coursework requirements and accountability. Board members discussed the issues.

Board members all applauded Dr. Loonam and her staff for all the preparation that went into the training session.

Dr. Cain asked that Dr. Loonam provide an update to board members about progress made regarding implementation of staff recommendations at Board meetings. Dr. Glynn advised the Board that Educator Quality and Standards legal staff has been assigned to assist in the implementation of the recommendations. Also, board members agreed that there will be a moratorium on program approval until further notice. Ms. Pogue asked that she bring the Board any recommendations to deal with current programs. Mr. Anderson and Ms. Nichole Bunker-Henderson covered the statute with board members with regard to sanctioning programs and the issues surrounding those actions. The Legislative committee will deal with ASEP changes.

Dr. Glynn told the Board about attending NASDTEC conference which represents all of the teacher certification programs from all 50 states. Texas is the second largest producer of teachers in the country. We have 144 programs including Alternative Certification Programs. Other states are just beginning to approve alternative programs. Texas is far ahead of other states but there is still a lot of work to do.

A special board meeting will be held on September 7. Dr. Cain asked Cindy Parker to conduct an email poll to make sure there is a quorum for the September 7 meeting.

Dr. Cain adjourned the meeting at 1:16 p.m.

Special Board Meeting
Minutes
September 7, 2007 at 1:00 p.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:

11. Call to Order

The State for Educator Certification convened its meeting at 1:01 p.m. on Friday, September 7, 2007 in Room 1-104 of the Travis Building, 1701 N. Congress Avenue in Austin, Texas.

Present: Dr. Cain, Dr. Glynn, Ms. Pogue, Ms. Johnson, Ms. Baszile, Dr. Gerlach, Ms. Abbott, Mr. Trevino, Dr. Hetzler

Absent: Mr. Shirley, Ms. Druesedow

Late: Mr. Barbic arrived at 1:15 p.m.

Dr. Cain noted that a quorum was present. She also read a note from Dr. Griffin thanking the Board for the tray she received for her years of service to the SBEC Board. Dr. Cain noted that each board member was given a letter from Francis James Foley.

12. Public Testimony

All public testimony for today was for Item 3 and was heard prior to the item.

DISCUSSION AND ACTION

3. Proposed Amendment to Proposed New 19 TAC Chapter 232, General Certification Provisions, Subchapter C, National Criminal History Record Information Review of Active Certificate Holders, and Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.436, Schedule of Fees for Certification Services

The following people provided testimony regarding Item 3:

1. Portia Bosse- Texas State Teachers Association (TSTA)
2. Patty Quinzi- American Federation of Teachers (AFT)
3. Dr. Alejandra Martin, Texas Association of School Personnel Administrators (TASPA)

Mr. Phillips provided the Board an overview on the proposed amendments to comply with Senate Bill 9 (SB9) implementation. He advised the Board that the new rules will be explained to school district personnel and suggestions are welcomed to better enhance the process. Board members discussed the language in Chapter 230.436 regarding fees for reactivation of an inactive certificate due to failure to comply with SB9 fingerprinting requirements rather than failure to complete continuing professional education requirements.

Mr. Phillips clarified that 90 calendar days (not business days) are given to employees to complete the fingerprint process. He added that he will be hiring full time employees to cover the

new process as there will be an abundance of electronic communication being sent out and received daily as this will be the primary means of communication.

Mr. Phillips provided fiscal impact forms to board members. Substitute text was also presented indicating that another entity may pay for the national criminal history review fee on behalf of an educator. The intent of this bill was to have at least, a name search done on anyone that works in the schools, appears in the schools and works with children in the schools. The primary concern for board members is certified educators.

After discussion with board members regarding the fee for reactivation, Joan Allen, Deputy General Counsel, proposed the following changes to be made in §230.436 (19) with approval from the Ms. Bunker-Henderson from the Attorney General's office:

Reactivation of an inactive standard certificate \$40.00: except for an inactivation pursuant to 19 TAC §232.907.

This will clarify that this is the inactivation for failure to have fingerprints and criminal history on file.

In addition, substitute text is also recommended after stakeholder input in 232.905(c)(1) as indicated below:

This provision does not prohibit another entity from paying the national criminal history review fee on behalf of the educator.

Motion and Vote:

Motion was made by Ms. Abbott for Proposed New 19 TAC Chapter 232, General Certification Provisions, Subchapter C, National Criminal History Record Information Review of Active Certificate Holders, and Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.436, Schedule of Fees for Certification Services as amended. Motion was seconded by Ms. Baszile and the Board unanimously voted in favor of the motion.

Dr. Glynn thanked board members for their time to come in for a special meeting to consider these amendments for implementation of SB9. Dr. Cain adjourned to executive session at 1:40 p.m.

Dr. Cain called the meeting back to order at 2:00 p.m.

4. Pending Litigation

- a) *Leticia Garcia Kaminski v. State Board for Educator Certification, et al.*; Cause No. D-1-GN-06-2379; In the 261st Judicial District Court of Travis County, Texas; and
- b) *Texas Education Agency and State Board for Educator Certification v. Greg Abbott, Attorney General of Texas*; Cause No. D-1-GN-07-001388; In the 353rd Judicial District of Travis County, Texas.

Motion and Vote:

Motion was made by Ms. Pogue to approve the settlement of the following lawsuit on terms discussed by the Assistant Attorney General: *Texas Education Agency and State Board for Educator Certification v. Greg Abbott, Attorney General of Texas*; Cause No. D-1-GN-07-001388; In the 353rd Judicial District of Travis County, Texas. Motion was seconded by Ms. Baszile and the Board unanimously voted in favor of the motion.

5. Action on Items Discussed in Executive Session**6. Adjournment**

Dr. Cain adjourned the meeting at 2:02 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.