

STATE BOARD FOR EDUCATOR CERTIFICATION **DISCUSSION AND ACTION SESSION AGENDA**

April 9, 2010 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 Board for public testimony on non-agenda and consent agenda items.

CONSENT AGENDA

3. **Approval of February 5, 2010 Board Meeting Minutes**

DISCUSSION AND ACTION

4. **[Adoption of Proposed Repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments](#)**

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments. The proposed repeal would be necessary as a result of House Bill (HB) 200, 81st Texas Legislature, 2009, which repealed the statutory authority for the principal assessment. No additional changes are recommended since published as proposed.

5. **[Adoption of Proposed Amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries](#)**

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries. The proposed amendments would update the rules to reflect current law and add specificity to the requirements relating to the issuance of a Texas educator certificate based on certification from another country. No additional changes are recommended since published as proposed.

6. **[Adoption of Review of 19 TAC Chapter 247, Educators' Code of Ethics](#)**

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 for SBEC approval the adoption of the review of 19 TAC Chapter 247, Educators' Code of Ethics. The rules being reviewed provide for an educators' code of

ethics that sets ethical standards for educators in Texas, which may be enforced by the SBEC in educator certification disciplinary proceedings.

7. Adoption of Review of 19 TAC Chapter 250, Agency Administration

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 for SBEC approval the adoption of the review of 19 TAC Chapter 250, Agency Administration. The rules being reviewed establish procedures for SBEC purchasing, rulemaking, training and education of employees, and negotiation and mediation relating to certain contract disputes.

8. Proposed Revisions to 19 TAC Chapter 250, Agency Administration

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose revisions to 19 TAC Chapter 250, Agency Administration. The proposed revisions would update the rules to reflect current law and the fact that, pursuant to the Texas Education Code (TEC), §21.035, the Texas Education Agency (TEA) provides the SBEC's administrative functions and services, which includes purchasing, rulemaking, and contracts.

9. Proposed Amendment to 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 an amendment to 19 TAC Chapter 231, Assignment of Public School Personnel, §231.1, Criteria for Assignment of Public School Personnel. The proposed amendment would update the figure in 19 TAC §231.1(e) as a result of recent revisions to the Texas Essential Knowledge and Skills (TEKS) and course offerings for career and technical education (CTE) mandated by House Bill (HB) 3485, 80th Texas Legislature, 2007. The proposed amendment would also include technical changes that would clarify and update other content areas.

10. Consideration of and Opportunity to Approve Surveys Evaluating the Educator Preparation Programs

This item provides the State Board for Educator Certification (SBEC) the opportunity to consider and approve a principal and program participant survey to meet accountability requirements of Senate Bill (SB) 174, passed by the 81st Texas Legislature, 2009, 19 TAC Chapter 229, Accountability System for Educator Preparation Programs. The Principal Survey will serve two purposes: 1) Results will measure the performance of beginning teachers, and 2) The results will measure the program's effectiveness in preparing program participants to succeed in the classroom. The program participant exit survey will measure the educator preparation program's effectiveness in preparing participants to succeed in the classroom.

11. Consideration of and Opportunity to Approve the 2008-2009 Accreditation Ratings of the Accountability System for Educator Preparation (ASEP)

This item provides the State Board for Educator Certification (SBEC) the opportunity to discuss and approve the 2008-2009 accountability system for educator preparation accreditation ratings. The attached list of ratings reflects the accreditation ratings for

educator preparation programs for 2008-2009. There are two educator preparation programs with "Accredited-Under Review" ratings. There are 141 programs rated as "Accredited". In accordance with 19 TAC Chapter 229, 15 programs will be required to submit action plans due to low pass rates and small numbers in a demographic group.

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

The item provides the State Board for Educator Certification (SBEC) the opportunity to discuss and approve an increase in the passing standard for the final group of certification examinations. The tests that are listed on the attached chart are the exams where the passing standard was previously approved at either one standard error of measurement (SEM) or one standard error of judgment (SEJ) lower than what the educator Standard Setting Committee had recommended at the time.

13. Consideration of and Opportunity to Approve the Memorandum of Agreement (MOA) Between the State Board for Educator Certification (SBEC) and the Texas Education Agency (TEA)

This item presents the State Board for Educator Certification (SBEC) an opportunity to consider a proposed Memorandum of Agreement (MOA) with the Texas Education Agency (TEA) to clarify the process by which the TEA will continue to provide the SBEC's administrative services and functions pursuant to the Texas Education Code (TEC) §21.035.

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

The Board may meet in closed Executive Session, pursuant to section 551.071(2) and/or 551.071(1), of the Texas Government Code, to seek legal advice regarding pending or contemplated litigation or settlement of same, and contested cases related to educator discipline and other matters arising under 19 Texas Administrative Code Chapter 249. Pursuant to section 551.102 of the Texas Government Code, any final action on matters discussed in Executive Session must be made in an open meeting.

A. Contested Cases

I. Defaults

- 1) Docket No. 2048-EC-0908 State Board for Educator Certification v. Shannan Elizabeth Huddleston; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year suspension

- 2) Docket No. 2082-EC-1009 State Board for Educator Certification v. September Olson; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 3) Docket No. 2050-EC-1008 State Board for Educator Certification v. Catherine C. Lewis; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year suspension

- 4) Docket No. 2035-EC-0708 State Board for Educator Certification v. Alice F. Ragusin; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 5) Docket No. 0902-EC-0110 State Board for Educator Certification v. Natalie Marie Pilgrim; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 6) Docket No. 701-10-0584.EC, TEA Docket No. 2085-EC-1009 State Board for Educator Certification v. Mary B. Swinhoe; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 7) Docket No. 4053-EC-1209 State Board for Educator Certification v. Jose Angel Alvarez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year suspension

- 8) Docket No. 2061-EC-0109 State Board for Educator Certification v. Donna L. Harris; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 2 year suspension

II. Proposals for Decision

- 9) Docket No. 701-09-3616.EC State Board for Educator Certification v. Jane Catherine Moore; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Accept ALJ's recommendation to take no action.

- 10) Docket No. 701-09-3619.EC State Board for Educator Certification v. Manuel R. Garcia; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Accept ALJ's recommendation to revoke as a matter of law.

III. Motions for Rehearing

- 11) Docket No. 701-08-3699.EC State Board for Educator Certification v. Carmelita M. Anderson; Action to be taken: Consideration of Motion for Rehearing.

B. Pending Litigation

The Board may discuss any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

- 1) *Jatis McCollister v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-09-001338, In the 250th Judicial District Court of Travis County, Texas.*
- 2) *Andrew Broughton v. Livingston Independent School District, Texas Education Agency, State Board for Educator Certification, Robert Scott, Darrell D. Myers, Nikki Wilson, I teach Corp., Inc., Cause No. 9:08CV175, In the United States District Court for the Eastern District of Texas, Lufkin Division.*
- 3) *Leah Mullins, Don Madden, and David Jeffers v. The State Board for Educator Certification, Cause No. D1-GN-08-00979, In the 345th Judicial District Court of Travis County, Texas.*
- 4) *State of Texas v. Leslie Letsinger, Cause No. 50336, In the 365th Judicial District Court of Hardin County, Texas.*

IV. Appeals

- 1) *Anthony Allen Jones v. State Board for Educator Certification, Cause No. 03-09-00223-CV, In the Court of Appeals for the Third District of Texas at Austin, Texas.*
- 2) *Gilberto Gomez v. Texas Education Agency, Educator Certification and Standards Division, and Robert Scott, Commissioner of Education, in his Official Capacity; Cause No. 03-10-00128-CV, In the Court of Appeals for the Third District of Texas at Austin, Texas.*

15. Action on Items Discussed in Executive Session

Pursuant to section 551.102 of the Texas Government Code, any deliberation and final action on matters discussed in Executive Session may 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

16. Consideration of Defining the Term “Student” in SBEC Rules

The term “student” is used frequently in SBEC rules, including 19 TAC Chapter 247, the Educators’ Code of Ethics, and in SBEC disciplinary rules 19 TAC §§ 249.14, 249.15, 249.16, and 249.17 (see attachment), and in the same context in the Texas Education Code and the Texas Penal Code (see attachment). However, none of these statutes and rules contains a definition of the term “student” when used in this context. A member of the Board has requested a discussion regarding defining this term in SBEC rules.

INFORMATION ONLY

17. [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.

18. Board Operating Policies and Procedures (BOPP)

DISCUSSION AND ACTION

19. Requests and/or Questions from Board Members

20. 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.