

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

June 18, 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 April 9, 2010 Board Meeting Minutes

4. Approval of Meeting Dates for 2011

DISCUSSION AND ACTION

5. [Adoption of 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 adopt, subject to State Board of Education (SBOE) review, the proposed 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. No additional changes are recommended since published as proposed.

6. [Adoption of Proposed Revisions to 19 TAC Chapter 250, Agency Administration](#)

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed 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 include purchasing, rulemaking, and contracts. No additional changes are recommended since published as proposed.

7. [Proposed Revisions to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers](#)

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose revisions to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers. The proposed revisions would update the rules to reflect current law regarding the certification of appraisers of educators employed in Texas public schools.

8. **Proposed Amendments to 19 TAC Chapter 247, Educators' Code of Ethics, and 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, §249.3, Definitions THIS ITEM HAS BEEN PULLED FROM THE AGENDA**

9. [Proposed New 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter B, Preliminary Evaluation of Certification Eligibility, 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](#)

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose new 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter B, Preliminary Evaluation of Certification Eligibility, and an amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.436, Schedule of Fees for Certification Services. House Bill (HB) 963, 81st Texas Legislature, 2009, requires state licensing agencies to adopt rules necessary to administer requests for preliminary criminal history evaluations. The proposed new subchapter would provide procedures that allow for administering and responding to requests for preliminary criminal history evaluations. This item also proposes an amendment to 19 TAC §230.436 to provide a nonrefundable fee for a request for preliminary criminal history evaluation as authorized by HB 963.

10. [Consideration of Petition for Adoption of Rule Change Concerning 19 TAC 230, Professional Educator Preparation and Certification, Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation](#)

This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a citizen petition on 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation, filed pursuant to Texas Government Code, §2001.021. The petition requests an amendment to the current licensure requirement for a Health Science Technology Education: Grades 8-12 certificate in 19 TAC §230.483(a)(1)(B) that would allow either a current license or a prior license combined with good standing with the licensing authority, including eligibility for

reinstatement. The SBEC may deny the petition, refer the petition to a committee, or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.

11. Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.437, Issuance of Additional Certificates Based on Examination, and Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation; and 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter N, Certificate Issuance Procedures, §230.437, Issuance of Additional Certificates Based on Examination, and Subchapter P, Requirements for Standard Certificates and Specialized Assignments or Programs, §230.483, Specific Requirements for Standard Career and Technical Education Certificates Based on Experience and Preparation; and 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area). The proposed amendments would allow the Marketing Education: Grades 8-12 certificate to be obtained through certification by examination and would allow either a school district or an educator preparation program to review and approve the required two years of work experience.

12. Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §§233.1, General Authority; 233.2, Generalist; 233.3, English Language Arts and Reading; Social Studies; 233.4, Mathematics; Science; 233.12, Career and Technical Education (Certificates not requiring experience and preparation in a skill area); 233.15, Languages Other than English

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §§233.1, General Authority; 233.2, Generalist; 233.3, English Language Arts and Reading; Social Studies; 233.4, Mathematics; Science; 233.12, Career and Technical Education (Certificates not requiring experience and preparation in a skill area); and 233.15, Languages Other than English. The proposed amendments would update the rules to clarify that assignment criteria are specified in 19 TAC §231.1, Criteria for Assignment of Public School Personnel, and remove expired provisions. The proposed amendments would also add a new certificate for Speech: Grades 7-12, to be issued no earlier than November 1, 2010; and expand the certificates issued for languages other than English (LOTE) by adding four new certificates for Hindi, Italian, Turkish, and Urdu in Early Childhood-Grade 12, to be issued no earlier than November 1, 2010.

13. Consideration of and Opportunity to Approve Passing Standards on the Texas Examinations of Educator Standards (TEXES): Speech 7-12 and Languages Other Than English (LOTE)-Latin EC-12

This item provides the State Board for Educator Certification (SBEC) Board the opportunity to review a standard-setting report and approve a passing standard for the new Texas Examinations of Educator Standards (TEXES) examinations for Speech 7-12 and LOTE – Latin EC-12. Certified teachers and candidates in teacher preparation programs need to demonstrate content mastery in order to qualify for their certificates. This item requests consideration for the SBEC Board to review and approve a new passing standard for these examinations as recommended by the standard-setting committee of educators.

14. Consideration of and Opportunity to Approve a Plan for the Use of the American Council on the Teaching of Foreign Languages (ACTFL) Examinations for Language Proficiency in Hindi, Italian, Turkish, and Urdu

This item provides the State Board for Educator Certification (SBEC) the opportunity to consider and approve the use of American Council on the Teaching of Foreign Language (ACTFL) exams to meet the language proficiency requirement for the Languages Other Than English (LOTE) certification in Hindi, Italian, Turkish, and Urdu.

As districts attempt to be responsive to the needs and interests of their multicultural communities, as well as to continue to prepare their students for the increasing globalization of our economy, there is currently a need to add additional language choices for students. Certificates for Hindi, Italian, Turkish, and Urdu are proposed under a separate Board item, but no state examinations to test language proficiency for these languages exist. Due to the time required and the cost of test development for a limited number of educators, it has been determined that the development of new state examinations is not cost effective.

In addition to these exams, initial teacher candidates would be required to complete all other requirements of an educator preparation program to be recommended for certification. Educator preparation programs would be able to approve their candidates to take the ACTFL tests, which are valid and reliable measures of language proficiency. Teachers who already hold a Standard certificate would be able to certify by exam.

15. Consideration of and Opportunity to Approve a New Educator Preparation Program

- eTeach N Texas, (Sherman, TX) - Teacher Alternative Certification Program

16. Consideration of and Opportunity to Approve an Additional Class of Certificate for an Educator Preparation Program Currently Rated Accredited

- Concordia University (Austin, TX), Superintendent

17. Consideration of and Opportunity to Approve New Members of the Educator Standards Advisory Committee

This item presents the State Board for Education Certification (SBEC) the opportunity to approve the new Educator Standards Advisory Committee members.

18. 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. 6054-EC-0110 State Board for Educator Certification v. David Nielsen;
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 2) Docket No. 6058-EC-0210 State Board for Educator Certification v. Orelia Munoz;
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 3) Docket No. 6041-EC-0909 State Board for Educator Certification v. Daniel Clay;
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 4) Docket No. 3103-EC-0110 State Board for Educator Certification v. Kathy Dickerson;
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 5) Docket No. 2087-EC-1009 State Board for Educator Certification v. Debbra Denise Jones;
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Two year suspension

- 6) Docket No. 2093-EC-0110 State Board for Educator Certification v. Enrique Garza;
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 7) Docket No. 0908-EC-0210 State Board for Educator Certification v. Elisa Garza;
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: One year suspension

- 8) Docket No. 2070-EC-0609 State Board for Educator Certification v. Dee Anna Arredondo;
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Two year suspension

- 9) Docket No. 0808-EC-0809 State Board for Educator Certification v. Domitilo Hernandez, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Ten year suspension

- 10) Docket No. 2094-EC-0210 State Board for Educator Certification v. Rita Cummings; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 11) Docket No. 0910-EC-0310 State Board for Educator Certification v. Jeffrey Aquillon; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 12) Docket No. 0813-EC-0210 State Board for Educator Certification v. Jarvis Pack; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: One year suspension

- 13) Docket No. 0912-EC-0310 State Board for Educator Certification v. Marshall Shane Hicks; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 14) Docket No. 0911-EC-0310 State Board for Educator Certification v. David W. Hauser; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 15) Docket No. 0909-EC-0210 State Board for Educator Certification v. Gregory N. McSwain; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 16) Docket No. 5002-EC-0310 State Board for Educator Certification v. Burton John Neesvig; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: One year suspension

- 17) Docket No. 3104-EC-0110 State Board for Educator Certification v. Edward Avila; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

II. Proposals for Decision

- 18) Docket No. 701-09-0850.EC State Board for Educator Certification v. Christina Garza; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Accept ALJ's recommendation to revoke

- 19) Docket No. 701-09-2532.EC State Board for Educator Certification v. Andra Barton; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Accept ALJ's recommendation of Inscribed Reprimand

- 20) Docket No. 701-10-1805.EC Monica Dawn Floyed v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Reject ALJ's recommendation and deny certification

- 21) Docket No. 701-09-1491.EC Juan Sergio Rios v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

Staff recommendation: Reject ALJ's recommendation and deny certification

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) *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.*
- 2) *Andrew Moreno v. Texas Education Agency, Educator Certification and Standards Division, Cause No. D-1GN-10-001274, In the 250th Judicial District Court of Travis County, Texas*
- 3) *Ex Parte Katherine Powers, Cause No. E-371-7211, In the 371st Judicial District Court of Tarrant County, Texas.*

III. 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.

19. Action on Items Discussed in Executive Session

Pursuant to section 551.102 of the Texas Government Code, any deliberation and final action on matters discussed in Executive Session must be made in an Open Meeting. For any final action that the Board discussed in Executive Session, the Board will deliberate and take its action in Open Session.

DISCUSSION ONLY

20. [Opportunity to Discuss 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training](#)

This item presents for discussion and review several issues that have arisen in the implementation of 19 TAC Chapter 228, [Requirements for Educator Preparation Programs, §228.2, Definitions, and §228.35, Preparation Program Coursework and/or Training](#), since the rules were amended to be effective December 14, 2008. The Texas Education Agency (TEA) staff requests guidance from the State Board for Educator Certification (SBEC) regarding possible amendments to §228.2 and §228.35.

21. Opportunity to Discuss Issuance of Probationary Certificates Related to Educator Candidates from University Programs

This item presents to the State Board for Educator Certification (SBEC) an opportunity to discuss SBEC policy regarding the issuance of probationary certificates. That policy has been based on the assumption that probationary certificates would be issued to candidates in alternative certification programs and post-baccalaureate programs so they can complete an internship in lieu of a student teaching practicum. However, a candidate who has completed a traditional university preparation program but has not passed all tests required for standard certification has at least as much, if not more, training than an alternative certification or post-baccalaureate candidate, and some traditional university programs have requested the opportunity to recommend their candidates for probationary certificates, provided that the program provides the required field supervision following graduation and employment.

22. 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

23. [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.

24. Board Operating Policies and Procedures (BOPP)

DISCUSSION AND ACTION

25. Requests and/or Questions from Board Members

26. 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.