

STATE BOARD FOR EDUCATOR CERTIFICATION
DISCUSSION AND ACTION SESSION AGENDA

August 7, 2009 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 June 18, 2009 Board Meeting Minutes**

DISCUSSION AND ACTION

4. **[Proposed Amendments to 19 TAC Chapter 239, Student Services Certificates](#)**

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 239, Student Services Certificates. The proposed amendments would update the rules to reflect current law and add specificity to the requirements relating to the school counselor certificate, school librarian certificate, educational diagnostician certificate, reading specialist certificate, and master teacher certificate.

5. **[Adoption of Review of 19 TAC Chapter 239, Student Services Certificates](#)**

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 239, Student Services Certificates. The rules being reviewed provide requirements relating to the school counselor certificate, school librarian certificate, educational diagnostician certificate, reading specialist certificate, and master teacher certificate.

6. **Consideration of and Opportunity to Approve the Passing Standards on the following Texas Examinations of Educator Standards (TExES):**

- **Generalist Early Childhood–6**
- **English as a Second Language Supplemental**
- **Bilingual Education Supplemental**
- **Pedagogy and Professional Responsibilities Early Childhood-6 Examinations**

This item provides the State Board for Educator Certification (SBEC) Board the opportunity to review a standard-setting report and approve passing standards for the TExES Generalist Early Childhood-6, Bilingual Education Supplemental, English as a Second Language Supplemental, and the Pedagogy and Professional Responsibilities Early Childhood-6 Examinations.

7. Proposed Repeal to 19 TAC Chapter 240, American Sign Language Certificate

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose the repeal of 19 TAC Chapter 240, American Sign Language Certificate. Current rules for the American Sign Language Certificate, based on standards established for the Texas Examination of Educator Standards (TExES), are in 19 TAC §231.1, Criteria for Assignment of Public School Personnel, and §233.15, Languages Other Than English.

8. Adoption of Review of 19 TAC Chapter 240, American Sign Language Certificate

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 240, American Sign Language Certificate. The rule being reviewed provides requirements relating to the American Sign Language certificate.

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

- Stephen F. Austin University, Master Science Teacher, 8-12

10. Proposed Revisions to Board Operating Policies and Procedures (BOPP)

The Board will have the opportunity to amend the Board Operating Policies and Procedures (BOPP). After discussion at the June 18, 2009 meeting, the Board voted to limit the testimony on a disciplinary case to ten minutes (see page 10, IV.A.b.4).

11. Adoption of Proposed Revisions to 19 TAC Chapter 241, Principal Certificate

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 241, Principal Certificate. The proposed revisions would update the rules to reflect current law and add specificity to educator preparation and certification requirements relating to the principal certificate. Additional changes are recommended to 19 TAC §§241.20, Requirements for the Issuance of the Standard Principal Certificate, 241.25, Requirements for the First-Time Principal in Texas, and 241.35, Assessment Process Definition and Approval of Individual Assessments, since published as proposed.

12. 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

a. Revocation

- 1) Docket No. 6029-EC-0309 State Board for Educator Certification v. Henry B. Yancey; Action to be taken: Consideration of Issuance of Default Judgment.
- 2) Docket No. 3076-EC-0409 State Board for Educator Certification v. Eric S. Williams; Action to be taken: Consideration of Issuance of Default Judgment.
- 3) Docket No. 3066-EC-0409 State Board for Educator Certification v. Bruce Duane Jaspersen; Action to be taken: Consideration of Issuance of Default Judgment.
- 4) Docket No. 3069-EC-0409 State Board for Educator Certification v. Medardo E. Leyva; Action to be taken: Consideration of Issuance of Default Judgment.
- 5) Docket No. 3064-EC-0309 State Board for Educator Certification v. Paul Stephen Petty; Action to be taken: Consideration of Issuance of Default Judgment.
- 6) Docket No. 3075-EC-0409 State Board for Educator Certification v. Gary M. Barrett; Action to be taken: Consideration of Issuance of Default Judgment.
- 7) Docket No. 3067-EC-0409 State Board for Educator Certification v. Dianna Louise Tetzlaff; Action to be taken: Consideration of Issuance of Default Judgment.
- 8) Docket No. 3068-EC-0409 State Board for Educator Certification v. Leon Ewell; Action to be taken: Consideration of Issuance of Default Judgment.
- 9) Docket No. 3072-EC-0409 State Board for Educator Certification v. Carol June Wallace; Action to be taken: Consideration of Issuance of Default Judgment.
- 10) Docket No. 3070-EC-0409 State Board for Educator Certification v. John McCartney; Action to be taken: Consideration of Issuance of Default Judgment.

b. Suspensions

- 1) Docket No. 0723-EC-0209 State Board for Educator Certification v. Lacette R. Green; Action to be taken: Consideration of Issuance of Default Judgment.

II. Proposal for Decisions

- 1) Docket No. 701-08-4128.EC State Board for Educator Certification v. Lino Ukele; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

- 2) Docket No. 701-09-1512.EC Robert E. Tate, Jr. v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

III. Motions for Rehearing

- 1) Docket No. 701-08-2837.EC State Board for Educator Certification v. David Carl Galloway; Action to be taken: Consideration of Motion for Rehearing.
- 2) Docket No. 701-08-4077.EC State Board for Educator Certification v. Judy Eloise McCarthy; 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) *Gilberto Gomez v. State Board for Educator Certification; Cause No. D-1-GN-09-000309, In the 201st Judicial District Court of Travis County, Texas.*
- 2) *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.*
- 3) *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.*
- 4) *Texas Education Agency v. T.F.G., Cause No. 09-08-00514-CV, In the Court of Appeals for the Ninth Judicial District, Beaumont, Texas.*
- 5) *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.*

13. Action on Items Discussed in Executive Session

DISCUSSION ONLY

14. [Opportunity to Discuss Implications of Senate Bill 174 on 19 TAC Chapter 229, Accountability System for Educator Preparation](#)

This item presents for discussion the impact of Senate Bill (SB) 174, 81st Texas Legislature, 2009, on 19 TAC Chapter 229, Accountability System for Educator Preparation, including the process for developing proposed revisions to Chapter 229. SB 174, which became effective June 19, 2009, requires the State Board for Educator Certification (SBEC) to assign educator preparation programs an accreditation status and allows the Texas Education Agency (TEA) to intervene in cases of low-performance. In addition, SB 174 requires the TEA to develop a website with consumer information to

assist teacher candidates in selecting an educator preparation program and school districts in hiring decisions.

15. Review of 19 TAC Chapter 245, Certification of Educators from Other Countries

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 the review of 19 TAC Chapter 245, Certification of Educators from Other Countries. The rules being reviewed provide requirements relating to the issuance of a Texas educator certificate based on certification from another country.

16. Discussion of the Generalist: Grades 4-8 Certificate

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss concerns raised by some State Board of Education (SBOE) members regarding the SBEC approval of the Generalist: Grades 4-8 certificate. The concerns relate to a teacher who may be teaching in a content area where they may not have any college credits in that specific area on the transcript but were able to pass the certification examinations. The certificate has provided flexibility for school districts that need certified teachers to teach multiple subjects in the middle school.

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.

DISCUSSION AND ACTION

18. Requests and/or Questions from Board Members

19. 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.