

STATE BOARD FOR EDUCATOR CERTIFICATION DISCUSSION AND ACTION SESSION AGENDA

**January 11, 2008 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 receive public testimony for no longer than 30 minutes, unless the Board extends the time allotted by majority vote.

3. Certification Update

Staff will update the Board on certification functions.

a) Department Updates

- Educator Standards
- Credentialing Services
- Certification Enforcement Unit
- Investigations/Fingerprinting

b) Committee Updates

- Code of Ethics Review Committee
- Legislative Committee

c) Associate Commissioner Update

CONSENT AGENDA

4. Approval of November 2, 2007 Board Meeting Minutes

INFORMATION ONLY

5. [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 ONLY

6. [Discussion of 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.17, Decision-Making Guidelines, and](#)

Subchapter E, Posthearing Matters, §249.44, Reapplication Following Denial, Surrender, or Revocation

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 language the SBEC approved for adoption, subject to SBOE review, for 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.17, Decision-Making Guidelines, and Subchapter E, Posthearing Matters, §249.44, Reapplication Following Denial, Surrender, or Revocation, at the November 2007 SBEC meeting. The concerns relate to the permanent revocation of a teaching certificate and the timeline for reapplication when an application has been denied or a certificate has been surrendered or revoked.

DISCUSSION AND ACTION

7. Approval of Changes to 2007-2010 Rule Review Plan for State Board for Educator Certification Rules

The State Board for Educator Certification (SBEC) will have an opportunity to discuss and approve changes to the 2007-2010 Rule Review Plan for SBEC Rules based on the need to accelerate the review of rules relating to educator preparation programs and to balance the remaining rule review workload. Texas Government Code, §2001.039, requires the rule review of 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.

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

This item provides the Board an opportunity to approve changes requested at the Board retreat on May 19, 2007. The Board will also have an opportunity to consider other amendments to the BOPP, including changes to the public registration process.

9. Adoption of the Review of and Proposed Revisions to 19 TAC Chapter 232, General Certification Provisions

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 consideration the adoption of the review of 19 TAC Chapter 232, General Certification Provisions. The rules under review provide requirements relating to types and classes of certificates issued, certificate renewal, and continuing professional education requirements.

This item also provides the SBEC an opportunity to approve proposed revisions to 19 TAC Chapter 232, General Certification Provisions, as part of the statutorily-required review of existing rules. The proposed revisions would update the rules to reflect current law and add specificity to the requirements relating to types and classes of certificates issued, certificate renewal, and continuing professional education requirements.

10. Adoption of the Review of and Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching 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 consideration the adoption of the review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates. The rules under review provide requirements relating to the standards for classroom teaching certificates and clarify the appropriate certification for specific assignment eligibility for the holders of the Early

Childhood-Grade 4, Early Childhood-Grade 6, Grades 4-8, Grades 8-12, and Early Childhood-Grade 12 certificates.

This item also provides the SBEC an opportunity to approve proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, as part of the statutorily-required review of existing rules. The proposed amendments would update the rules to reflect current law and clarify the appropriate certification for specific assignment eligibility for the holders of the Early Childhood-Grade 4, Early Childhood-Grade 6, Grades 4-8, Grades 8-12, and Early Childhood-Grade 12 certificates.

11. 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) Disciplinary Cases

- 1) **Docket No. 701-06-2992.EC Esmail Khalili v. State Board for Educator Certification; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**
- 2) **Docket No. 701-07-0174.EC State Board for Educator Certification v. Anthony Allen Jones; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**
- 3) **Docket No. 701-07-0536.EC State Board for Educator Certification v. Natalie Greco; Action to be Taken: Consideration of Motion for Rehearing.**
- 4) **Docket No. 701-07-0972.EC State Board for Educator Certification v. Dennis Diggs; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**
- 5) **Docket No. 701-07-2282.EC State Board for Educator Certification v. George L. Washington; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**
- 6) **Docket No. 701-07-2816.EC State Board for Educator Certification v. Garfield Dooley, Jr.; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**
- 7) **Docket No. 701-07-2894.EC State Board for Educator Certification v. Darrin J. McCluskey; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**
- 8) **Docket No. 701-07-3262.EC State Board for Educator Certification v. Glenn Malone; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**
- 9) **Docket No. 701-07-3286.EC State Board for Educator Certification v. Mark Anthony Haynes; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.**
- 10) **Docket No. 701-07-3341.EC State Board for Educator Certification v. LeRoy Van Putten; Action to be Taken: Issuance of Default of Judgment.**
- 11) **Docket No. 701-07-3569.EC State Board for Educator Certification v. Darrick Pounders; Action to be Taken: Issuance of Default of Judgment.**

- 12) Docket No. 701-07-3575.EC State Board for Educator Certification v. Betsy Castillo; Action to be Taken: Issuance of Default of Judgment.
- 13) Docket No. 701-07-3694.EC State Board for Educator Certification v. Alejandro Cervantes; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 14) Docket No. 701-08-0040.EC State Board for Educator Certification v. Martha L. Perry; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 15) Docket No. 701-08-0041.EC State Board for Educator Certification v. Cynthia Taylor; Action to be Taken: Consideration of Proposal for Decision and Issuance of Final Order.

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. State Board for Educator Certification vs. Greg Abbott, Attorney General of Texas, Cause No. GV500234; In the 98th Judicial District Court, Travis County, Texas*

12. Action on Items Discussed in Executive Session

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. For any final action that the Board discussed in Executive Session, the Board will take its action in Open Session.

13. Requests and/or Questions from Board members

14. 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.