

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

June 18, 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.*

## **INFORMATION ONLY**

3. **Legislative Update**

*SBEC staff will update the Board regarding the status of the SBEC Legislative Committee's recommended legislative initiatives for 2009: 1) accountability for educator preparation programs, 2) administrative subpoena power, and 3) the reporting process from school districts. In addition, staff will provide information regarding legislation adopted by the 81<sup>st</sup> Texas Legislature that affects SBEC functions, including legislation that was filed relating to certification, educator preparation program oversight, educator discipline, educator recruitment, consumer information, and other matters.*

## **CONSENT AGENDA**

4. **Approval of April 3, 2009 Board Meeting Minutes**

## **DISCUSSION AND ACTION**

5. **Consideration of and Opportunity to Approve State Board for Educator Certification Disciplinary Sanction Policy**

*This item provides the State Board for Educator Certification the opportunity to review and approve the SBEC Disciplinary Sanction Policy proposed by the SBEC Ad Hoc Committee.*

6. **Consideration of and Opportunity to Approve Additional Classes of Certificates for Educator Preparation Programs Currently Rated Accredited**

- Southern Methodist University Reading Specialist Certification Program
- Regional Education Service Center 19 School Counselor Alternative Certification Program
- University of Houston (Main Campus) Master Mathematics Teacher 4-8 Certification Program
- Howard Payne University Principal Certification Program

**7. Consideration of and Opportunity to Approve New Educator Preparation Programs**

- Yes Prep Teacher Alternative Certification Program (Houston, TX)
- Professional Teacher Certifications, LLC Teacher Alternative Certification Program (Houston, TX)
- Texas Gulf Foundation Teacher Alternative Certification Program (Houston, TX)

**8. 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.*

**9. Consideration of and Opportunity to Approve the Passing Standard on the American Council on the Teaching of Foreign Languages (ACTFL) Examinations for Bilingual Language Proficiency**

*This item provides the State Board for Educator Certification (SBEC) the opportunity to review a standard-setting report and approve a passing standard for oral and written proficiency on the ACTFL Oral Proficiency Interview (OPI) and Written Proficiency Test (WPT) in Arabic, Chinese, Japanese, and Vietnamese.*

**10. Consideration of and Opportunity to Approve the Comparability Study of the TExES Chemistry (140) and the Praxis Chemistry (0245) Certification Examinations**

*In order to continue the implementation of House Bill 1721, the State Board for Educator Certification (SBEC) will have the opportunity to accept the committee recommendation for the test-level comparability study results for the TExES #140 Chemistry 8-12 certification examination to the Praxis #0245 Chemistry Content Knowledge test. The objective of the test-level comparability study is to determine the appropriateness of offering certified educators from other states who have tested and successfully passed other certification tests, the opportunity of possibly being exempted from taking TExES examinations.*

**11. Consideration of and Opportunity to Approve the 2007-2008 Accountability System for Educator Preparation (ASEP) Accreditation Ratings**

*This item provides the State Board for Educator Certification (SBEC) the opportunity to discuss and approve the 2007-2008 accountability system for educator preparation accreditation ratings. The attached list of ratings reflects the accreditation ratings for educator preparation programs for 2007-2008. There are no programs "Accredited-Preliminary" or "Accredited-Under Review". There are 145 programs rated as "Accredited". Six programs, however, will submit Action Plans due to low pass rates and small numbers in a demographic group in accordance with §229.3.*

**[12. Adoption of Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued, §232.4, Probationary Certificates](#)**

*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 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued, §232.4, Probationary Certificates. The proposed amendment would remove language that allows the SBEC to grant a waiver of the baccalaureate degree requirement for a probationary certificate that requires such a degree. The proposed amendment would also grant an additional year's extension of a probationary certificate to an educator whose contract is terminated, or who resigns in lieu of termination, before the end of a school year due to a reduction in force by a school district. No additional changes are recommended since published as proposed.*

**13. Adoption of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.1, General Authority, and §233.15, Languages Other Than English**

*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 233, Categories of Classroom Teaching Certificates, §233.1, General Authority, and §233.15, Languages Other Than English. The proposed amendments would require an oral proficiency examination for languages other than English (LOTE) certificates. The proposed amendments would also expand the certificates issued for LOTE by adding four new certificates for French, German, and Spanish to be issued no earlier than November 1, 2009, and for Latin to be issued no earlier than January 1, 2010. No additional changes are recommended since published as proposed.*

**14. 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. No additional changes are recommended since published as proposed.*

**15. Adoption of Proposed Revisions to 19 TAC Chapter 242, Superintendent 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 242, Superintendent Certificate. The proposed revisions would update the rules to reflect current law and add specificity to educator preparation and certification requirements relating to the superintendent certificate. No additional changes are recommended since published as proposed.*

**16. Adoption of Proposed Amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition**

*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 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition. The proposed amendment would modify the description of circumstances requiring a superintendent to report alleged misconduct of an educator who resigns from a school district, the minimum requirements of a superintendent's report, and the requirements for a school district to request that the Texas Education Agency (TEA) pursue sanctions against an educator who has abandoned his or her contract in violation of the Texas Education Code (TEC), §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2). No additional changes are recommended since published as proposed.*

#### **17. 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 May 14, 2009 AD Hoc Committee meeting, the committee recommended that the testimony on a disciplinary case be limited to 5 minutes (see page 10 IV.A.b.4).*

#### **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. Settlement Options for Pending or Contemplated Litigation**

*The Board may discuss options to settle pending or contemplated litigation.*

##### **B. Disciplinary Cases**

###### **I. Defaults**

###### **a. Revocation**

- 1) Docket No. 3049-EC-0209 State Board for Educator Certification v. Judson Keith Austin; Action to be taken: Consideration of Issuance of Default Judgment.
- 2) Docket No. 3052-EC-0209 State Board for Educator Certification v. Mary E. McCraw; Action to be taken: Consideration of Issuance of Default Judgment.
- 3) Docket No. 3055-EC-0209 State Board for Educator Certification v. Stephen G. Frei; Action to be taken: Consideration of Issuance of Default Judgment.
- 4) Docket No. 3060-EC-0309 State Board for Educator Certification v. Angela L. Alley; Action to be taken: Consideration of Issuance of Default Judgment.
- 5) Docket No. 3062-EC-0309 State Board for Educator Certification v. Katherine L. Friedrich; Action to be taken: Consideration of Issuance of Default Judgment.

- 6) Docket No. 3063-EC-0309 State Board for Educator Certification v. Robert Lee Berg; Action to be taken: Consideration of Issuance of Default Judgment.
- 7) Docket No. 4024-EC-0309 State Board for Educator Certification v. Jesus Agustin Duran; Action to be taken: Consideration of Issuance of Default Judgment.
- 8) Docket No. 2055-EC-1108 State Board for Educator Certification v. Curt A. St. Romain; Action to be taken: Consideration of Issuance of Default Judgment.
- 9) Docket No. 2043-EC-0908 State Board for Educator Certification v. Nathan M. Smith; Action to be taken: Consideration of Issuance of Default Judgment.
- 10) Docket No. 3050-EC-0209 State Board for Educator Certification v. Ronald J. Williamson; Action to be taken: Consideration of Issuance of Default Judgment.
- 11) Docket No. 3061-EC-0309 State Board for Educator Certification v. Charles Emory Brush III; Action to be taken: Consideration of Issuance of Default Judgment.
- 12) Docket No. 3059-EC-0309 State Board for Educator Certification v. Jean-Marie Barrera; Action to be taken: Consideration of Issuance of Default Judgment.
- 13) Docket No. 3058-EC-0209 State Board for Educator Certification v. Joi Michelle Gonzalez McKee; Action to be taken: Consideration of Default Judgment.

**b. Suspensions**

- 1) Docket No. 2058-EC-1208 State Board for Educator Certification v. Brandon L. Stephens; Action to be taken: Consideration of Issuance of Default Judgment.
- 2) Docket No. 2050-EC-1008 State Board for Educator Certification v. Catherine C. Lewis; Action to be taken: Consideration of Issuance of Default Judgment.
- 3) Docket No. 3065-EC-0309 State Board for Educator Certification v. Nancy Lee Eisel; Action to be taken: Consideration of Issuance of Default Judgment.

**II. Proposal for Decisions**

- 1) Docket No. 701-08-4077.EC State Board for Educator Certification v. Judy Eloise McCarthy; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 2) Docket No. 701-08-2837.EC; State Board for Educator Certification v. David Carl Galloway; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 3) Docket No. 701-09-1636.EC; State Board for Educator Certification v. Peter Weidner; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

- 4) Docket No. 701-09-0916.EC; Abelardo Sanchez v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 5) Docket No. 701-09-2809.EC; State Board for Educator Certification v. Sally Woody; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 6) Docket No. 701-09-0430.EC; Tommy F. Granger v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

### **C. 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 201<sup>st</sup> 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 250<sup>th</sup> Judicial District Court of Travis, County, Texas.*
- 3) *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.*

### **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. [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 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.*

#### **21. [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 the review of 19 TAC Chapter 240, American Sign Language Certificate. The rule being reviewed provides requirements relating to the American Sign Language certificate.*

## **INFORMATION ONLY**

### **22. 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**

### **23. Requests and/or Questions from Board Members**

### **24. 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.**