

STATE BOARD FOR EDUCATOR CERTIFICATION
DISCUSSION AND ACTION SESSION AGENDA

April 3, 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 February 6, 2009 Board Meeting Minutes**
4. **Approval of Meeting Dates for 2010**

DISCUSSION AND ACTION

5. **Consideration of and Opportunity for Approval of the Plan to Meet State Certification Requirements for Languages Other Than English (LOTE) Latin EC-12, and the Family and Consumer Science Examinations**

The item provides the State Board for Educator Certification (SBEC) the opportunity to approve the use of the Educational Testing Service (ETS) existing examination for Languages Other Than English (LOTE) Latin EC-12 and the Praxis Family and Consumer Science examination. Currently, Texas does not own either examination. Because of the lengthy test development process, this would allow for candidates in educator preparation programs and certified teachers to test with the new SBEC approved LOTE Latin EC-12 standards one year earlier. The ETS standards for the LOTE Latin EC-12 and the Family and Consumer Science align with the standards developed by Texas educators and have been approved by the SBEC Board. By the end of the ETS contract, TEA will own one unique form of the TExES LOTE EC-12 Latin and the Family and Consumer Science examinations.

6. **Opportunity to Set the Passing Standard for the TExES Bilingual Target Language Proficiency Test – Spanish (BTLPT) Early Childhood-12 Certification Examination**

This item provides the State Board for Educator Certification (SBEC) the opportunity to review a standard setting report and approve a passing standard for the TExES Bilingual Target Language Proficiency Test (BTLPT) – Spanish EC-12 certification examination. Certified teachers and candidates in teacher preparation programs will need to attain a passing score on the BTLPT and the bilingual supplement as part of the certification requirements to teach EC-12 bilingual students.

This item requests consideration for the SBEC Board to review and approve a new passing standard recommended by the standard-setting committee of educators. The report will provide information about the difficulty level of the test forms and the professional judgments of the committee members.

7. [Adoption of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification](#)

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 230, [Professional Educator Preparation and Certification](#). The proposed revisions would update the rules to reflect current law and add specificity to the requirements relating to assessment of educators; centers for professional development of teachers; certification requirements for classroom teachers; certification requirements for educators other than classroom teachers and educational aides; certification of educators in general; certificate issuance procedures; Texas educator certificates based on certification and college credentials from other states or territories of the United States; requirements for standard certificates and specialized assignments or programs; permits; educational aide certificate; assignment of public school personnel; continuing education; and definitions. Additional changes are recommended to 19 TAC §230.432, [Graduates of Approved Professional Educator Preparation Programs](#), and §230.504, [Specific Requirements for Initial Emergency Permits](#), since published as proposed.

8. [Adoption of Proposed New 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, proposed new 19 TAC Chapter 231, [Assignment of Public School Personnel, §231.1, Criteria for Assignment of Public School Personnel](#). The proposed new section would provide guidance to school districts with regard to the certificates required for specific assignments of public school educators. The proposed new section includes language from 19 TAC §230.601, which is proposed for repeal in a separate item in this agenda. No additional changes are recommended since published as proposed.

9. [Adoption of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §§233.2, Generalist; 233.4, Mathematics; Science; 233.6, Bilingual Education; 233.7, English as a Second Language; 233.12, Career and Technical Education \(Certificates not requiring experience and preparation in a skill area\); and 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 adopt, subject to State Board of Education (SBOE) review, the proposed amendments to 19 TAC Chapter 233, [Categories of Classroom Teaching Certificates, §§233.2, Generalist; 233.4, Mathematics; Science; 233.6, Bilingual Education; 233.7, English as a Second Language; 233.12, Career and Technical Education \(Certificates not requiring experience and preparation in a skill area\); and 233.14, Career and Technical Education \(Certificates requiring experience and preparation in a skill area\)](#). The proposed amendments would update the rules to establish a deadline of September 1, 2011, for issuing the Generalist: Early Childhood-Grade 4 certificate, the Bilingual Generalist: Early

Childhood-Grade 4 certificate, the Bilingual Education Supplemental: Early Childhood-Grade 4 certificate, the Bilingual Education Supplemental: Grades 4-8 certificate, and the English as a Second Language Generalist: Early Childhood-Grade 4 certificate. Language would also be amended to include a Bilingual Education Supplemental certificate and clarify the specific assignment eligibility for the holder of a mathematics and science certificate. No additional changes are recommended since published as proposed.

10. [Adoption of Proposed Amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, §249.16, Eligibility of Persons with Criminal Convictions for a Certificate under Articles 6252-13c and 6252-13d, Revised Civil Statutes, including technical edits to 19 TAC §249.3, Definitions, §249.15, Disciplinary Action by State Board for Educator Certification, and §232.830, Requirements for Certificate Renewal](#)

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, §249.16, Eligibility of Persons with Criminal Convictions for a Certificate under Articles 6252-13c and 6252-13d, Revised Civil Statutes. The proposed amendment would update the current rule to reflect current law and delineate crimes other than those listed in the Texas Education Code (TEC), §21.060, as being related to the duties and responsibilities of the education profession. In addition, this item provides the SBEC an opportunity to adopt, subject to SBOE review, the proposed amendments to 19 TAC §249.3, Definitions, §249.15, Disciplinary Action by State Board for Educator Certification, and §232.830, Requirements for Certificate Renewal. The proposed amendments would be necessary to update the current rules to reflect the proposed section title for 19 TAC §249.16. No additional changes are recommended since published as proposed.

11. [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 discuss and propose an 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 before the end of a school year due to a reduction in force by a school district.

12. [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 discuss and propose 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.

13. Proposed Revisions to 19 TAC Chapter 241, Principal Certificate

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose 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.

14. Adoption of Review of 19 TAC Chapter 241, Principal 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 241, Principal Certificate. The rules being reviewed provide requirements relating to the principal certificate.

15. Proposed Revisions to 19 TAC Chapter 242, Superintendent Certificate

This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose 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.

16. Adoption of Review of 19 TAC Chapter 242, Superintendent 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 242, Superintendent Certificate. The rules being reviewed provide requirements relating to the superintendent certificate.

17. 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 discuss and propose an 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).

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

- 1) Docket No. 6001-EC-0508 State Board for Educator Certification v. Ronald Joseph Trebing; Action to be taken: Consideration of Issuance of Default Judgment.
- 2) Docket No. 2059-EC-1208 State Board for Educator Certification v. Barry Partain; Action to be taken: Consideration of Issuance of Default Judgment.
- 3) Docket No. 2037-EC-0708 State Board for Educator Certification v. Ethel S. Dzierzanowski; Action to be taken: Consideration of Issuance of Default Judgment.
- 4) Docket No. 2042-EC-0908 State Board for Educator Certification v. Terry S. Shelton; Action to be taken: Consideration of Issuance of Default Judgment.
- 5) Docket No. 0701-EC-1008 State Board for Educator Certification v. Deidre C. Scoggins; Action to be taken: Consideration of Issuance of Default Judgment.
- 6) Docket No. 0713-EC-1208 State Board for Educator Certification v. Jorge Estrada Landeros; Action to be taken: Consideration of Issuance of Default Judgment.
- 7) Docket No. 3041-EC-1008 State Board for Educator Certification v. Samuel E. Flores; Action to be taken: Consideration of Issuance of Default Judgment.
- 8) Docket No. 3040-EC-1008 State Board for Educator Certification v. Nathan S. Smith; Action to be taken: Consideration of Issuance of Default Judgment.
- 9) Docket No. 3042-EC-1008 State Board for Educator Certification v. Juan A. Castro; Action to be taken: Consideration of Issuance of Default Judgment.
- 10) Docket No. 3043-EC-1008 State Board for Educator Certification v. Daniel P. Martinez; Action to be taken: Consideration of Issuance of Default Judgment.

II. Proposal for Decisions

- 1) Docket No. 701-09-0107.EC State Board for Educator Certification v. Karen Hightower;
Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

III. Motion for Rehearing

- 1) Docket No. 701-07-1438.EC State Board for Educator Certification v. Jatis McCollister;
Action to be taken: Consideration of Motion for Rehearing.

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 201st Judicial District Court of Travis County, Texas.*
- 2) *Anthony Allen Jones v. State Board for Educator Certification; Cause No. D-1-6N-08-001975, In the 353rd Judicial District Court of Travis County, 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.

INFORMATION ONLY

20. [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.

21. October 10, 2008 Board Meeting Minutes

This provides the Board the opportunity to review page 10 in its entirety (the last line of final motion and vote was dropped when printed in the February agenda).

DISCUSSION AND ACTION

22. **Requests and/or Questions from Board Members**
23. **Adjournment**

<p>The Board may meet in closed executive session, Texas Government Code, section 551.071 to seek legal advice regarding any item on this agenda.</p>
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