

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

October 9, 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 August 7, 2009 Board Meeting Minutes**

**DISCUSSION AND ACTION**

4. **Adoption of Proposed Amendments to 19 TAC Chapter 239, Student Services 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 amendments to 19 TAC Chapter 239, Student Services Certificates. The proposed amendments would update the rules to reflect current law relating to the school counselor certificate, school librarian certificate, educational diagnostician certificate, reading specialist certificate, and master teacher certificate. No additional changes are recommended since published as proposed.*

5. **Adoption of Proposed Repeal of 19 TAC Chapter 240, American Sign Language 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 repeal of 19 TAC Chapter 240, American Sign Language Certificate. Current rules for the American Sign Language (ASL) 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. No additional changes are recommended since published as proposed.*

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

*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 following Examinations of Educator Standards (TExES):*

- Bilingual Generalist EC-6
- English as a Second Language Generalist EC-6
- Languages Other Than English – Spanish EC-12
- Languages Other Than English – French EC-12
- Languages Other Than English – German EC-12

*This item requests consideration for SBEC Board to review and approve a new passing standard for each of these tests as recommended by the standard-setting committee of educators.*

**7. Consideration of and Opportunity to Approve the Proposed Memorandum of Understanding with the Texas Higher Education Coordinating Board Regarding Student Loan Default Information**

*This item presents the State Board for Educator Certification (SBEC) an opportunity to consider a proposed Memorandum of Understanding (MOU) with the Texas Higher Education Coordinating Board (THECB) and the Texas Education Agency (TEA) that would provide for an exchange of information regarding student loan defaults.*

**8. [Adoption of Review of 19 TAC Chapter 229, Accountability System for Educator Preparation](#)**

*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 229, Accountability System for Educator Preparation. The rules being reviewed provide requirements relating to the accountability system for educator preparation programs.*

**9. [Proposed Repeal of 19 TAC Chapter 229, Accountability System for Educator Preparation, and Proposed New 19 TAC Chapter 229, Accountability System for Educator Preparation Programs](#)**

*This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose the repeal of 19 TAC Chapter 229, Accountability System for Educator Preparation, and propose new 19 TAC Chapter 229, Accountability System for Educator Preparation Programs. The proposed rule actions would be necessary as a result of Senate Bill (SB) 174, 81st Texas Legislature, 2009, which requires expanded accountability requirements for SBEC-approved educator preparation programs. Proposed new 19 TAC Chapter 229 would specify requirements for the new accountability system for educator preparation programs, including the assignment of an educator preparation program accreditation status, and would allow the SBEC to intervene in cases of low-performance. In addition, SB 174 requires the Texas Education Agency (TEA) to develop a website with consumer information to assist teacher candidates in selecting an educator preparation program and to assist school districts in hiring decisions.*

**10. 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. 4029-EC-0409 State Board for Educator Certification v. Marco Antonio Zuniga; Action to be taken: Consideration of Issuance of Default Judgment.
- 2) Docket No. 3085-EC-0609 State Board for Educator Certification v. Brenda L. Cavazos; Action to be taken: Consideration of Issuance of Default Judgment.
- 3) Docket No. 3081-EC-0509 State Board for Educator Certification v. Byron Keith Gilbreath; Action to be taken: Consideration of Issuance of Default Judgment.
- 4) Docket No. 3083-EC-0609 State Board for Educator Certification v. Timothy P. Hanlon; Action to be taken: Consideration of Issuance of Default Judgment.
- 5) Docket No. 3068-EC-0409 State Board for Educator Certification v. Leon Ewell; Action to be taken: Consideration of Issuance of Default Judgment.
- 6) Docket No. 3082-EC-0609 State Board for Educator Certification v. Deborah Christine Petaway; Action to be taken: Consideration of Issuance of Default Judgment.
- 7) Docket No. 3084-EC-0609 State Board for Educator Certification v. Marion Torok; Action to be taken: Consideration of Issuance of Default Judgment.
- 8) Docket No. 4028-EC-0409 State Board for Educator Certification v. Alana Rosenblum; Action to be taken: Consideration of Issuance of Default Judgment.
- 9) Docket No. 2038-EC-0708 State Board for Educator Certification v. Ivan Rodriguez; Action to be taken: Consideration of Issuance of Default Judgment.
- 10) Docket No. 2064-EC-0309 State Board for Educator Certification v. Armando Villarreal, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.
- 11) Docket No. 2065-EC-0309 State Board for Educator Certification v. Lenda G. Daly; Action to be taken: Consideration of Issuance of Default Judgment.
- 12) Docket No. 2035-EC-0708 State Board for Educator Certification v. Alice F. Ragusin; Action to be taken: Consideration of Issuance of Default Judgment.
- 13) Docket No. 2063-EC-0109 State Board for Educator Certification v. Esmeralda Cordova, aka Esmarlda Vasquez; Action to be taken: Consideration of Issuance of Default Judgment.

## **b. Suspensions**

- 14) Docket No. 4023-EC-0209 State Board for Educator Certification v. Sylvia Hardy; Action to be taken: Consideration of Issuance of Default Judgment.
- 15) Docket No. 2007-EC-0108 State Board for Educator Certification v. David Antonio Aquino; Action to be taken: Consideration of Issuance of Default Judgment.
- 16) Docket No. 3077-EC-0509 State Board for Educator Certification v. Karl Douglas Fertsch; Action to be taken: Consideration of Issuance of Default Judgment.
- 17) Docket No. 3078-EC-0509 State Board for Educator Certification v. Thomas F. Urrutia; Action to be taken: Consideration of Issuance of Default Judgment.
- 18) Docket No. 4026-EC-0209 State Board for Educator Certification v. Pamela Kay Condra; Action to be taken: Consideration of Issuance of Default Judgment.

## **II. Proposal for Decisions**

- 19) Docket No. 701-09-1584.EC State Board for Educator Certification v. Gregory E. Travillion; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 20) 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.
- 21) Docket No. 701-09-2314.EC State Board for Educator Certification v. Dolia Y. Abrego-Perez; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 22) Docket No. 701-09-1215.EC Armando Melendez v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 23) Docket No. 701-08-3699.EC State Board for Educator Certification v. Camelita M. Anderson; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 24) Docket No. 701-09-1575.EC State Board for Educator Certification v. Michael C. Floyd; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

## **III. Motion for Rehearing**

- 25) Docket No. 701-08-4128.EC State Board for Educator Certification v. Lino Ukele; Action to be taken: Consideration of Motion for Rehearing.
- 26) Docket No. 701-08-2837.EC State Board for Educator Certification v. David Carl Galloway; 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 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) *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) *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.*
- 5) *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.*

## **11. Action on Items Discussed in Executive Session**

### **DISCUSSION ONLY**

#### **12. Discussion of the Requirements for a Principal Certificate**

*As requested by the State Board for Educator Certification (SBEC), this item provides the SBEC an opportunity to discuss the years of teaching experience that would be required for the issuance of the principal certificate in proposed new 19 TAC Chapter 241, Principal Certificate, §241.20, Requirements for the Issuance of the Standard Principal Certificate. This item also provides the opportunity to inform the SBEC of the need to reopen the rulemaking process to comply with the Texas Register filing requirements for the repeal of §241.35, Assessment Process Definition and Approval of Individual Assessments, in response to House Bill (HB) 200, 81st Texas Legislature, 2009.*

#### **13. Review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers**

*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 244, Certificate of Completion of Training for Appraisers. The rules being reviewed provide requirements for ensuring the certification of appraisers performing appraisals of teachers, administrators, and counselors employed in Texas public schools.*

**INFORMATION ONLY**

**14. 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.*

**15. Board Operating Policies and Procedures (BOPP)**

**DISCUSSION AND ACTION**

**16. Requests and/or Questions from Board Members**

**17. 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.**