

**Item 4:**  
**Consider and Take Appropriate Action on Request to  
Approve October 9, 2020 Board Meeting Minutes**

**ACTION**

**ASSOCIATE COMMISSIONER'S RECOMMENDATION:**

Approve the October 9, 2020 Board meeting minutes.

**STATE BOARD FOR EDUCATOR CERTIFICATION**  
**MEETING AGENDA**  
**OCTOBER 9, 2020 AT 8:30 AM**  
**VIRTUAL MEETING (LIVESTREAM ON [ADMINMONITOR.COM](https://adminmonitor.com))**

The Board will meet virtually and after determining the presence of a quorum, deliberate and possibly take formal action, including emergency action, on any of the following agenda items:

Information regarding registering for public comment can be found at:  
<https://tea.texas.gov/about-tea/leadership/state-board-for-educator-certification/sbec-meetings>

### **Moment of Silence**

### **Pledge of Allegiance**

#### **1. Call to Order**

The State Board for Educator Certification (SBEC) convened its virtual meeting at 8:32 AM on Friday, October 9, 2020 via Zoom Meetings.

Present: Ms. Rohanna Brooks-Sykes, Dr. Arturo Cavazos, Mr. Tommy Coleman, Ms. Julia Dvorak, Ms. Emily Garcia, Dr. John Kelly, Dr. Andrew Lofters, Ms. Courtney MacDonald, Ms. Shareefah Mason, Ms. Kelvey Oeser, Dr. Alma Rodriguez, Mr. Jose Rodriguez, Ms. Jean Streepey, and Dr. Laurie Turner.

Absent: Ms. Sandie Mullins

#### **2. Associate Commissioner's Comments Regarding the SBEC Agenda**

Associate Commissioner Ryan Franklin welcomed and thanked the Board for participating in the virtual meeting. Mr. Franklin recognized Hispanic Heritage Month and World Teachers' Day, thanking educators across Texas for their leadership and tireless work during the COVID-19 pandemic. Mr. Franklin provided a rulemaking overview of discussion, proposal, and adoption items to the Board.

#### **3. Public Comment**

*The Board shall allocate up to thirty (30) minutes at the beginning of each regularly scheduled meeting of the full Board for public comment on non-agenda and consent agenda items. In accordance with SBEC Board Operating Policies and Procedures, late registration for providing oral or written comment will be accepted up to 30 minutes prior to the beginning of the Board meeting.*

**CONSENT AGENDA****4. Consider and Take Appropriate Action on Request to Approve June 11, 2020 Board Special Meeting Minutes**

The June 11, 2020 special meeting minutes were approved.

**5. Consider and Take Appropriate Action on Request to Approve July 24, 2020 Board Meeting Minutes**

The July 24, 2020 meeting minutes were approved with the corrected start time and meeting day.

**6. Consider and Take Appropriate Action on Request to Approve July 31, 2020 Board Special Meeting Minutes**

The July 31, 2020 special meeting minutes were approved with the corrected meeting day.

**DISCUSSION AND ACTION****7. Consider and Take Appropriate Action on Adoption of Review of 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**

Ms. Cook presented this item to the Board. She explained that the Board's support of this item would close out the mandatory four-year rule review for Chapter 234. Ms. Cook shared this rule chapter supports all aspects of educator preparation, testing, certification, and renewal of credentials issued to members of the military community (i.e., military service members, military spouses, and military veterans). Ms. Cook advised the board that there were no public comments submitted during the review period. The Board had no questions or comments on this item.

**Motion and vote:**

*Motion was made by Mr. Rodriguez to adopt the proposed review of 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.*

**8. Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**

Dr. Olofson and Ms. Fouts presented this item to the Board. Dr. Olofson provided background on the Accountability System for Educator Preparation Programs (ASEP). He explained that the proposed amendments would provide a status of Not Rated: Declared State of Disaster, limiting the impact of COVID-related closures on accreditation statuses. Ms. Fouts presented information about the Student Growth Indicator, its alignment with Board priorities, and the implementation timeline based on data availability. Dr. Olofson provided information about the ASEP index system, noting that it differentiates between programs, provides additional transparency, and allows for the SBEC to tune the system to drive outcomes. Additionally, Dr. Olofson noted updates to the ASEP manual that provide clarity and transparency to the field related to the calculations and processes related to the accountability system.

Dr. Turner asked for clarification on the student growth indicator implementation timeline. Dr. Olofson confirmed that the implementation timeline is aligned with data availability. Ms. Streepey asked if the beginning-of-year exams would be used to calculate the growth measure. Dr. Olofson noted that the calculation of the ASEP student growth indicator is dependent upon the calculation of the student growth indicator in the K–12 accountability system and that staff will provide updates as available on these calculations. Dr. Rodriguez asked to confirm that two years of data would be necessary to calculate a growth measure. Dr. Olofson noted that the K–12 accountability system has in the past utilized data from STAAR tests from consecutive years. Dr. Cavazos noted that these updates were the result of work over an extended period and that the index system will allow for the recognition of high-performing EPPs that may provide opportunities for further autonomy.

**Motion and vote:**

*Motion was made by Mr. Rodriguez to approve for adoption, subject to the State Board of Education review, proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, with an effective date of 20 days after filing the adoption notice with the Texas Register. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.*

**9. Consider and Take Appropriate Action on Adoption of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments**

Ms. Cook presented this item to the Board. She confirmed the purpose of the rules in Chapter 231 and the district use of the information to place individuals with the appropriate certificates into various assignments. Ms. Cook shared a high-level summary of the changes included in the adoption item for approval by the Board, which included updates to the legacy master teacher certificate references; additions to the list of certificates appropriate for placement into some course assignments; and revised course information to reflect SBOE updates (i.e., broadened ethnic studies course offerings; created new career clustery for energy; and revised and consolidated current courses in career and technical education and technology applications). Ms. Cook explained the SBOE completed work on revision and consolidation of course offerings in response to the legislative mandate, and that the adoption item presented to the SBEC or adoption aligns with the SBOE's work. Ms. Cook explained that the 24 public comments submitted for this item fell into three categories: Computer Science and certificates appropriate to teach that course; transition period to adjust to new rules for computer science; and too much flexibility for certificates deemed appropriate to teach some courses. After sharing TEA staff's response to the comments and recommendations to the Board, Ms. Cook shared that TEA staff recommends the Board leave requirements for computer science as currently presented in rule. The Board had no questions about the computer science recommendation. Ms. Cook went on to discuss the comments around the need for a transition period. Ms. Cook explained there are options for placement into courses if individuals do not immediately hold a certificate required for a particular assignment. Ms. Cook also addressed the comments regarding too much flexibility for some courses. She gave an example, practicum of architectural design, and explained

any courses where the list certificates were broadened. Ms. Cook stated that districts make the ultimate decision of the required certificate for placement into an assignment. Ms. Cook assured the Board that TEA staff continues to do their due diligence on making recommendations for SBEC consideration. There were no additional questions from the Board on the explanation of the public comments.

Mr. Rodriguez asked a question about information on page 171 of the PDF regarding the ethnic studies courses and wanted to confirm that any of the 12 certificates listed would be appropriate to teach the Mexican American and African American courses. Ms. Cook confirmed that was correct. Dr. Kelly asked for clarification on the approval status of the African American ethnic studies course. Ms. Cook asked Ms. Monica Martinez, Associate Commissioner of Standards and Support Services, to respond to Dr. Kelly's question. Ms. Martinez responded to Dr. Kelly's question and confirmed the course completed second and final reading and had been approved by the SBOE. Ms. Martinez shared the ethnic studies course started out as an innovated course implemented in the last school year. Ms. Oeser thanked TEA staff for their close work with others in the agency and in the field to bring proposed rules forward for adoption by the SBEC. The Board had no additional questions or comments on this item.

**Motion and vote:**

*Motion was made by Dr. Kelly to approve for adoption, subject to the State Board of Education review, proposed amendments to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education-Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments, to be published as proposed in the Texas Register. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.*

**10. Consider and Take Appropriate Action on Adoption of Proposed New 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate**

Ms. Cook presented this item to the Board. She thanked the Board for their support of this item and explained that it would add new subchapter E, specific to legacy master teacher certificates into Chapter 239. Ms. Cook shared that there were two favorable comments submitted during the public comment period for this item. Ms. Streepey asked how legacy master teacher certificate holders would be notified about the change to their certificate status. Ms. Cook confirmed that all certificate holders would receive email notification after TEA staff completed the updates to their online certificate information. Ms. Garcia asked for confirmation that there would be no additional fee required to implement this change for legacy master teacher certificate holders. Ms. Cook confirmed that no additional fee would be required to update legacy master teacher certificate statuses to "active" with no expiration. The Board had no additional questions or comments on this item.

**Motion and vote:**

*Motion was made by Mr. Rodriguez to approve for adoption, subject to the State Board of Education review, proposed new 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate, to be published as proposed in the Texas Register. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.*

**11. Consider and Take Appropriate Action on the 2019–2020 Continuing Approval Reviews of Educator Preparation Programs**

Dr. Jones presented this item to the Board. Dr. Jones explained that educator preparation programs are required to be reviewed every five years to ensure the program is in compliance with the current rules in the Texas Administrative Code (TAC). He indicated that 25 programs were reviewed as part of the 2019–2020 review cycle. He highlighted the 16 programs that were being recommended to continue to operate for another five years, the eight programs that will be brought to the Board at the December SBEC meeting due to COVID and evaluation delays, and the programs that closed during the 2019–2020 school year. He also explained the work TEA staff had done to help candidates during the transition when a preparation program closes.

**Motion and vote:**

*Motion was made by Mr. Coleman to approve the programs as presented for a 5-year renewal of approval. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.*

**12. Discussion and Action on Extending the Timeline on the Texas edTPA Pilot**

Ms. McLoughlin presented this item to the Board. Ms. McLoughlin explained that since the onset of COVID-19, the SBEC has charged staff to remain sensitive to the needs of candidates, programs, and school districts during this time and offer support and flexibility whenever possible. She shared that preparation programs participating in the edTPA pilot have requested additional flexibility due to the broad scale changes their programs are needing to make due to COVID-19 and recommended the extension of the edTPA pilot for a third year, ending on September 1, 2022 rather than September 1, 2021, with the intent of providing programs flexibility and a longer runway given the current circumstances. Ms. McLoughlin discussed the actions TEA staff would take to support the implementation of the edTPA pilot through a proposed third year and shared with the Board that with their approval of the extension, staff would bring a rule action item to the December SBEC meeting to codify the new review date of September 1, 2022. Ms. McLoughlin also shared that TEA staff will bring the full data analysis of the year one pilot for the Board's review at the December meeting.

Mr. Rodriguez commented that the teachers prepared by Texas A&M University come well prepared and congratulated Dr. Hill-Jackson on the preparation program's work. Ms. Garcia asked Dr. Hill-Jackson what additional resources or supports TEA staff could provide to participating EPPs with the extension of the edTPA pilot. Dr. Hill-Jackson indicated that they currently had the resources that they needed but would share if any additional needs arise.

Ms. Mason asked Ms. McLoughlin if the pilot data analysis provided to the Board in December would include a breakdown of candidate performance by demographic group, indicating a concern that potential language or cultural barriers may cause candidates of color to not pass the edTPA. She stated that she wanted to ensure that the exam is not biased and would support the development of a diverse teacher population. Ms. McLoughlin stated that a breakdown of candidate participation and performance by demographic group would be shared with the Board.

Dr. Turner asked how many candidates had submitted an edTPA portfolio. Ms. McLoughlin indicated that 422 candidates had submitted portfolios as a part of the year one edTPA pilot and that more than one candidate had already submitted a portfolio as a part of the year two pilot. Dr. Turner then asked if it would be possible to review a sample set of completed portfolios to see how they were scored. She also asked if a survey could be sent to the programs that participated to solicit feedback on the submission process and the scores that they received. She shared that she wanted to ensure that the pilot is effective and efficient by the end of the third year. Ms. McLoughlin shared that EPP, candidate, and K–12 partner perception survey data would be included in the data analysis provided at a future SBEC meeting. She also shared that TEA staff would ask pilot programs for potential samples of candidate portfolios to share with the Board. Ms. Garcia shared that she agreed with Dr. Turner's idea and shared that she thought the Board would be encouraged by viewing a completed portfolio.

Ms. Garcia also shared candidate reimbursements were a challenge during the first year of the edTPA pilot, stating that candidate reimbursements were taxed due to district processing. Ms. McLoughlin shared that staff would bring back an update on strategies to mitigate against this reimbursement issue at the December meeting.

Dr. Kelly asked if Sam Houston State University would present an update on the status of their effort at the December meeting, and Ms. McLoughlin confirmed that they would be sharing an update at that time. Dr. Rodriguez thanked TEA staff for recommending the extension of the edTPA pilot, reinforcing the importance of remaining flexible given the challenges programs and candidates are facing with COVID-19. Mr. Coleman agreed with Dr. Turner that seeing a sample edTPA portfolio would be appreciated and reinforced that hearing from Sam Houston State at the December meeting would be beneficial.

Public Comment was provided by:  
Dr. Val Hill-Jackson

### **Motion and vote:**

*Motion was made by Dr. Kelly to approve the extension of the edTPA pilot period and direct TEA staff to bring proposed rule language at the December 11, 2020 SBEC meeting to codify the extension of the pilot period in the Texas Administrative Code. Second was made by Dr. Turner, and the Board voted unanimously in favor of the motion.*

### **13. Discussion and Action on Request to Approve Proposed 2021 State Board for Educator Certification Meeting Dates**

Ms. Pogue presented this item to the Board. Ms. Pogue explained the proposed SBEC meeting dates for 2021 comply with the statutory requirements that the SBOE have 90 days to review all SBEC proposed rules and the 180 days to take action once the Board proposes

a rule. Ms. Pogue pointed out the dates were approved by SBEC Chair, Dr. Cavazos, and do not conflict with the state's testing calendar. Ms. Pogue asked the Board to approve the proposed SBEC 2021 meeting dates of February 12, 2021, April 30, 2021, July 23, 2021, October 1, 2021, and December 10, 2021.

**Motion and vote:**

*Motion was made by Ms. Brooks-Sykes to approve the proposed 2021 SBEC meeting dates. Second was made by Ms. MacDonald, and the Board voted unanimously in favor of the motion.*

The SBEC recessed at 9:47 AM.

The SBEC reconvened at 9:57 AM.

**DISCIPLINARY CASES**

**14. Pending or Contemplated Litigation, including Disciplinary Cases**

**A. Defaults**

**No Answer Defaults**

1. In the Matter of Kimia T. Amos; Action to be taken: Consideration of Issuance of Default Judgment  
  
Staff recommendation: 1-year suspension
2. In the Matter of Heather Ann Armstrong; Action to be taken: Consideration of Issuance of Default Judgment  
  
Staff recommendation: Suspension until expiration of one-year certificate on July 1, 2021
3. In the Matter of Rebecca Maria Arroyo; Action to be taken: Consideration of Issuance of Default Judgment  
  
Staff recommendation: Suspension until expiration of one-year certificate on August 12, 2021
4. In the Matter of Meridith Celeste Bachman; Action to be taken: Consideration of Issuance of Default Judgment  
  
Staff recommendation: 1-year suspension

5. In the Matter of Khyli Achanta Barrow; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
6. In the Matter of Beverly Jean Brown; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
7. In the Matter of Brooke Ashley Brueggemeyer; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
8. In the Matter of Octavia Collins; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
9. In the Matter of Vanessa Michella Nizza Dyne; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
10. In the Matter of Candice Hope Ford; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
11. In the Matter of Katherine Jean Frerich Karnstadt; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
12. In the Matter of Rekeida Garner; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
13. In the Matter of Kevin M. Gravesmill; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension

14. In the Matter of Amy Louise Henderson Charleston; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
15. In the Matter of Scott C. Hill; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
16. In the Matter of Fabian Ibarra; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
17. In the Matter of Andrea James; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
18. In the Matter of Curtis Kenney; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
19. In the Matter of Gary Shane Killian; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
20. In the Matter of Ferdinand K. Mark; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
21. In the Matter of Elizabeth M. Morris; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
22. In the Matter of Taylor Nguyen; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension

23. In the Matter of Jaime A. Otero; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
24. In the Matter of Selina L. Ramirez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
25. In the Matter of Heather M. Rhodes; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
26. In the Matter of Argeo Rene Salas Hau; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
27. In the Matter of Catherine Chavez Sonnier; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
28. In the Matter of Kerry Sparks; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
29. In the Matter of Sheryl L. Teague; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Suspension until expiration of intern certificate on November 19, 2020
30. In the Matter of Juan F. Beltran; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
31. In the Matter of Angela M. Bordonali; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation

32. In the Matter of Javier E. Chavez Mendez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
33. In the Matter of Denard Lamont Cox; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
34. In the Matter of Jeremy Ryan Hackworth; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
35. In the Matter of Shawn Matthew O'Hara; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
36. In the Matter of Jennifer Danielle Olajire-Aro; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
37. In the Matter of Santos Sosa Ocanas; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
39. In the Matter of Whitney Shavonda Goolsby; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
40. In the Matter of Kelly Montgomery; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
41. In the Matter of Steve Michael Rubin; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation

42. In the Matter of Kelly Jean Storie; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
43. In the Matter of Rockie J. Thompson; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
44. In the Matter of James Clifford Webber; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
45. In the Matter of Theresa C. Hill; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
46. In the Matter of Haydee Oca; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
47. In the Matter of Denise Caroline Willingham; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
48. In the Matter of Antoin Espritt, II; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension
49. In the Matter of Kelly LEEANNE Allard; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
53. In the Matter of Heather Ann Theriot; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation

54. In the Matter of Christopher Walter; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
55. In the Matter of Ernesto Chavira Barrera; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program
56. In the Matter of Shirley Jean Creager; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program
57. In the Matter of Paul Gay; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program
58. In the Matter of Federico Dax Martinez; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program
59. In the Matter of Kayla Maire Matheson; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program
61. In the Matter of Jennifer O'Malley; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program

62. In the Matter of Elan Rickey-Keoni Rader; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program

64. In the Matter of Anthony Thomas Domenech; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension and proof of successful completion of substance abuse treatment program

66. In the Matter of Nakita Dawn Hall; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**Motion and vote:**

*Motion was made by Mr. Coleman to grant staff's request for issuance of default judgements on cases 1–66, as listed on the agenda, excluding cases numbered 38, 50, 51, 52, 60, 63 and 65 and enter final orders consistent with staff's recommendations. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.*

50. In the Matter of Eduardo Bulnes; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**Motion and vote:**

*Motion was made by Dr. Kelly to grant staff's request for issuance of default judgement and enter a final order issuing a sanction of permanent revocation. Second was made by Mr. Coleman, and the Board voted unanimously in favor of the motion.*

51. In the Matter of Jessica Lauren Cummins; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**Motion and vote:**

*Motion was made by Dr. Kelly to grant staff's request for issuance of default judgement and enter a final order issuing a sanction of permanent revocation. Second was made by Ms. Mason, and the Board voted unanimously in favor of the motion.*

52. In the Matter of Jamie Rebecca Davis; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

**Motion and vote:**

*Motion was made by Dr. Kelly to grant staff's request for issuance of default judgement and enter a final order issuing a sanction of permanent revocation. Second was made by Mr. Rodriguez, and the Board voted unanimously in favor of the motion.*

60. In the Matter of Ramiro Medrano; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program

65. In the Matter of Alicia Dawn Espinosa; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 4-year suspension

*Dr. Rodriguez recused herself from deliberations.*

**Motion and vote:**

*Motion was made by Mr. Coleman to grant staff's request for issuance of default judgement and enter final orders consistent with staff's recommendations. Second was made by Dr. Kelly, and the Board voted unanimously in favor of the motion.*

**The following cases were pulled by TEA staff; no action was taken.**

38. In the Matter of Christopher Jamair Doss; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

63. In the Matter of Matthew D. Vogel; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 2-year suspension and proof of successful completion of substance abuse treatment program

### SOAH Defaults

1. In the Matter of Mark Herring Eddings; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Revocation

2. In the Matter of Phillip Miles; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

3. In the Matter of Gail Smith; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: 1-year suspension

### **Motion and vote:**

*Motion was made by Ms. Brooks-Sykes to grant staff's request for the issuance of SOAH default judgements cases numbered 1–3, as listed on the agenda, and issue final orders consistent with staff's recommendations. Second was made by Ms. Dvorak, and the Board voted unanimously in favor of the motion.*

### **B. Contested Cases**

#### **Proposals for Decision**

1. Docket No. 701203674.EC, Texas Education Agency, Educator Leadership and Quality Division v. Mirandia Kirkmon; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 11-month suspension

Staff Recommendation: Accept ALJ recommendation

Mark Duncan represented TEA staff. Mirandia Kirkmon represented herself.

The SBEC entered into executive session at 10:38 am pursuant Texas Government Code §551.071 to obtain the advice of legal counsel.

The SBEC entered into open session at 10:53 am. No action was taken in closed session.

**Motion and vote:**

*Motion was made by Mr. Coleman to accept the Proposal for Decision and issue a final order consistent with the ALJ's recommendation; Ms. Kirkmon's educator certificates should be suspended for 11-months. Second was made by Mr. Rodriguez and the motion passed with Mr. Coleman, Mr. Rodriguez, Dr. Kelly, Ms. Brooks-Sykes, Ms. Streepey and Dr. Turner voting in favor, and Ms. Dvorak, Ms. MacDonald, and Ms. Mason voting against the motion.*

2. Docket No. 701200806.EC, Texas Education Agency, Educator Leadership and Quality Division v. Lynnette L. McLain; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: 10-month suspension

Staff Recommendation: Accept ALJ recommendation

Mark Duncan represented TEA staff. Lynette McLain represented herself.

**Motion and vote:**

*Motion was made by Dr. Kelly to accept the Proposal for Decision and issue a final order consistent with the ALJ's recommendation; Ms. McLain's educator certificates should be suspended for 10-months. Second was made by Mr. Coleman and the motion passed with Mr. Coleman, Mr. Rodriguez, Dr. Kelly, Ms. Brooks-Sykes, Ms. Mason, Ms. Streepey, and Ms. MacDonald voting in favor, and Ms. Dvorak voting against the motion.*

**C. Court Cases**

*District Court Cases*

1. David Turner v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-17-002298, In the 250th District Court of Travis County, Texas.
2. Bradley Keith Bowen v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-18-004203, In the 98th District Court of Travis County, Texas.
3. Gilbert Salas v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-19-008786, In the 345th District Court of Travis County, Texas.

4. David Demiglio v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-20-001242, In the 459th District Court of Travis County, Texas.
5. Leo Joseph Tran v. Texas Education Agency, Educator Certification and Standards Division; Cause No. 03-18-00855-CV, In the Court of Appeals, Third District of Texas.

### **DISCUSSION ONLY**

#### **15. Discussion of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, Subchapter C, Prehearing Matters, Subchapter D, Hearing Procedures, and Subchapter E, Post-Hearing Matters**

Ms. Moriaty and Mr. Rodriguez presented this item to the Board. They explained that Chapter 249 currently requires staff to send notice to educators and applicants involved in investigations or hearing notice via certified and regular mail to their addresses in their educator profiles, which educators are required by rule to keep updated and accurate. The agency has historically spent significant resources in staff time and money sending respondents in the educator discipline process notices via certified and regular mail. The State Office of Administrative Hearings recently changed its rules to allow service by email without consent of the recipient. Staff recommended changing the notice rules in Chapter 249 to allow staff to serve notice by email to the email address in the educator profile, which the educator is required by rule to keep updated.

Ms. Streepey asked whether educators would receive notice by mail under the proposed rule with time to respond to the allegations. Mr. Rodriguez stated that the proposed rules required mailed notice at the end of the investigation and prior to any litigation and would have an opportunity to respond and to engage in the full litigation process. Ms. Streepey asked whether it was possible to send a return receipt for emails. Mr. Rodriguez stated that there was not reliable technology available to get consistent notification of whether an educator had received and opened the email. Ms. Streepey stated that having confirmation would be better. Ms. Streepey requested that the amended rules require TEA staff to send mail if an email sent to an address bounces back. Ms. Streepey clarified that the draft rules did not allow service by social media.

Mr. Coleman stated that he was in favor of reducing mailing costs but that he had due process concerns. Mr. Coleman requested that the rules require an acknowledgement from the recipient of the email notice, require a warning for educators when they provided their email addresses in their certificate application or renewal that the educator could receive notice of disciplinary processes by email, and require TEA staff to send the notice by mail if TEA staff did not get an acknowledgement from the educator that the notice was received.

Dr. Kelly commented that he supported adding the conditions Mr. Coleman mentioned to the rules, and that with those conditions, he would support adding notice by email.

Dr. Turner noted that she does not believe many educators update their addresses on a regular basis and asked where educators need to go to update their addresses. Marilyn Cook recommended that educators log into their TEAL account, click on "View My Educator Account," and make sure the addresses listed in their educator profiles are correct.

Ms. Garcia asked whether TEA tried to contact educators through their address in the HR files of their last employing district. Ms. Moriarty explained that while the rule only required that TEA staff send it to the address in the educator's profile, TEA staff routinely also sent notice to any address for the educator that was in the information sent in by the school district or elsewhere in the investigation file.

Dr. Rodriguez asked whether the educator's profiles requested their personal email, because if the educator puts in their educator preparation email or their school district email, they might lose access to it. Ms. Moriarty clarified that the form does not specify what kind of email, but that TEA staff would send by certified mail if the email address was from a school district or educator preparation program and was therefore highly unlikely to still be accurate.

Mr. Rodriguez commented that when he got certified, email did not exist, so he would have to go add an email address to his educator profile to get email service. Mr. Rodriguez further commented that mail is the gold standard, and that email can be subject to interpretation. Mr. Rodriguez was in favor of reducing mailing costs by reducing the number of educators who are subject to discipline. Mr. Rodriguez suggested paralleling what other professional licensing boards use as the method of service.

Ms. Mason noted that she did not get an email from TEA saying that she needed to renew her certificate and did not find out there was a problem until her district told her. The email from TEA did not come through to her. Ms. Mason requested that the email service rules include a confirmation read receipt to ensure that the educators are receiving the information.

Dr. Lofters noted that he shared Mr. Rodriguez's concern about educators with lifetime certificates who might not have email addresses and might not have to renew their certificates to have the opportunity to update their addresses. Dr. Lofters recommended serving the first notice in the process by both mail and email, to determine whether the email is working before serving other notices throughout the process by email.

Dr. Cavazos commented that the rules must ensure the information gets to the individual, but that he found it problematic to continue sending mail to an address that is not getting to the recipient. Dr. Cavazos recommended allowing email service if a mailing address is not getting the mail to the intended recipient and asked staff to research what other professional licensing agencies are using for notice in their disciplinary processes.

Public Comment was provided by:

Julie Leahy  
Laura Kravitz  
Andrea Chevalier  
Patty Quinzi

The SBEC recessed at 12:03 PM.

The SBEC reconvened at 12:14 PM.

**16. Discussion of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**

Ms. Cook presented this item to the Board. She explained that this chapter establishes the Board's rules specific to individuals certified outside the state that transfer to Texas and seek certification. Ms. Cook explained these rules have not been updated in some time. Ms. Cook shared that the draft proposed rule text presented for discussion would explore potential changes in the out-of-state credentials review process for holders of other than classroom teacher certificates only (i.e., School Counselor, School Librarian, Principal, Superintendent, Reading Specialist, and Educational Diagnostician) and consider allowing issuance of a Texas temporary certificate for those certified individuals that lack experience in their role prior to transferring to Texas and pursuing certification; incorporate technical edits in various sections for clarity and ease of readability; and eliminate outdated wording related to credentials and/or verification of licensure no longer issued in other states.

Ms. Cook assured the Board that this is the beginning of a discussion and the purpose of today's conversation was to obtain direction from the Board on whether or not there is interest to explore potential changes in more detail.

Ms. Friese, Texas Counseling Association, shared concerns about individuals transferring to Texas with no experience and strongly encouraged the Board to maintain high standards for certification of educators in Texas. Ms. Friese asked the Board to direct staff to come back with a solution that honors Texas educators and remains focused on the best interests of Texas school children.

Dr. Cavazos asked TEA staff to research all issues carefully and do their due diligence with stakeholders prior to bringing this item back to the Board for further discussion.

Public Comment was provided by:

Jan Friese

**17. Discussion of Certification Test Development Updates**

Ms. McLoughlin presented this item to the Board. She provided an update on communication shared with the field to date regarding the upcoming implementation of the House Bill 3 Science of Teaching Reading (STR) Exam mandate on January 1, 2021. Ms. McLoughlin also provided the Board with an update on educator preparation program submission of the STR Letter of Attestation, stating that 95 out of 118 programs had submitted the letter to date. In addition, Ms. McLoughlin provided an update on educator certification exam development, indicating that progress was being made in the development of the English Language Arts and Reading: 7–12 exam and that initial planning work was underway in the development of certification pathways aligned with the Board's recently adopted educator standards for Special Education: EC–6, Special Education: 6–12, DeafBlind: EC–12, and Bilingual Spanish.

Dr. Kelly asked if completion of the STR exam would mean that candidates would not be required to take the Reading Academy training once hired by a Texas LEA. Ms. McLoughlin shared that the House Bill 3 STR exam and Reading Academy requirements are separate

requirements and that candidates who successfully complete the STR exam would still be required to attend Reading Academy training.

Ms. Garcia shared that she recalled that when the Principal as Instructional Leader exam began there were concerns that programs had not adequately communicated about the transition and that some candidates were caught in the transition. She asked what plans were in place to communicate with candidates directly about the STR exam transition. Ms. McLoughlin shared that ensuring candidates are not caught in this transition is top of mind for TEA staff and discussed a number of communication methods that TEA staff has implemented, including a dedicated website and direct email communication. Ms. Garcia asked if there would be a group of candidates that would not be notified by Pearson or TEA directly. Ms. McLoughlin shared that candidates who will finish their preparation program in December of 2020 may not be notified directly. Ms. Garcia then asked if a box could be added to future Letters of Attestation asking programs to indicate that they plan to communicate the transition to candidates. Ms. McLoughlin shared that they would apply that feedback to future letters as applicable.

### **18. Discussion of Educator Preparation Advisory Committee (EPAC)**

Dr. Olofson presented this item to the Board. He provided background, explaining that the EPAC is the only standing advisory committee to the Board, and that its purpose is to provide input to the SBEC. He noted that the SBEC is made up of varied stakeholder groups, and that educator preparation policy impacts sectors across education. Dr. Olofson highlighted that the current EPAC is made up of only representatives from Educator Preparation Programs (EPPs) and that this limits the range of topics informed by the EPAC and the flow of information into and out of the committee. He identified additional opportunities for input from the EPAC with a membership more aligned with the diverse structure of the SBEC. He outlined the structure for discussion, including members from professional organizations and from at-large nominations. Finally, he highlighted that this updated membership could ensure stronger flows of information into and out of the committee, and a structure that utilizes expertise-driven subcommittees.

Dr. Olofson noted written testimony both in support and not in support of the structure for discussion, and that the current EPAC had noted potential loss of expertise under the new structure. Mr. Rodriguez voiced support for the update and noted the importance of thoughtful inclusion of a wide range of voices to inform the work of the SBEC. Ms. MacDonald voiced support for the discussion and for adding more stakeholders to the committee. She also noted frustration with some of the discussion against updating the committee, and that the current committee could be diversified to help moving the ball forward with improving processes and quality. Dr. Turner asked about the recruitment processes to ensure diversity, and Dr. Olofson noted that by utilizing an organizational framework, the updated structure would ensure diversity of viewpoints. He also noted that using updated communication routes and existing networks could help to drive a larger nomination pool. Ms. Garcia commented in support of including novice teachers, teacher evaluators, and professionals that recruit and hire teachers. Ms. Streepey asked about membership terms and how geographically diverse voices could be included. Dr. Olofson noted that the structure for proposal includes service centers, and that the open nomination seats would be subject to Board oversight and approval.

**INFORMATION ONLY**

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

**20. 2019–2022 Rule Review Plan for State Board for Educator Certification Rules**

**21. Requests from Board Members for Future Agenda Items**

**22. Requests Received from the Board Since Last Meeting**

**23. Adjournment**

Dr. Cavazos adjourned the meeting at 1:28 PM.

**The Board may go into closed session regarding any item on the agenda to the extent it is authorized to do so pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551.**