

Report of the State Board for Educator Certification Report

Friday, 10 August 2012

Who is a Student

At the request of a board member, there was a brief discussion over the definition of a student relative to SBEC's definition. The discussion was prompted by a recent appeal of an SBEC disciplinary decision that asserted that it did not have jurisdiction to sanction consensual sexual relations between an educator and 18-year old student who did not attend a school in the same district where the educator worked. SBEC still considers this a serious breach of the Code of Ethics.

The term "student" has been defined as any person enrolled in a Kindergarten-Grade 12 public, private, or charter school, regardless of age, and any person 18 years of age or younger who is eligible to be enrolled in a Kindergarten-Grade public, private, or charter school. This definition was adopted in 2010 without objection from any of the teacher organizations or other educational entities.

The legislature has restricted criminal liability for sexual relationships to those with students who attend the school district where the educator is employed. The SBEC standard is much broader, reaching beyond sexual misconduct to also include romantic relationships, inappropriate communication, etc.

Defaults and Decisions

SBEC addressed certification defaults and decisions related to DUI offenses, improper conduct with a minor and lewd conduct involving a prostitute off school premises. Throughout the discussion, SBEC members referenced its requirement that certificated educators be held to a higher standard than that required in a court of law. In some instances, SBEC decisions do reflect the term of sentence handed down by a court; in other instances, SBEC decisions reflect the application of its own policies and standards to specific cases.

In discussed cases

- Docket No. 0211-EC-0312 and Docket No. 0222-EC-0412, SBEC amended the staff recommendation of two-year suspensions to also include proof of completion of respective rehabilitation programs and the prohibition to transport children.
- Docket No. 701-11-8398.EC, SBEC approved a one-year suspension retroactively based on the individual's completion of community service and early release for the probationary program.
- Docket No. 701-11-8468.EC, SBEC moved to revoke the certificate of a coach who engaged in improper conduct with a minor even though the courts and the ALJ both indicated that there was insufficient evidence to support this claim.

The Right to Petition

Two petitions were submitted asking SBEC to consider changes to the following:

- 19 TAC Chapter 249 as it relates to Reapplication following Denial, Surrender, or Revocation. The petitioner requested that the required waiting period to reapply for a certificate after it has been denied, surrendered, or revoked be reduced from five years to three years after denial, surrender, or revocation of a certificate. SBEC denied the petitioner's request. SBEC also has the authority to order a period of longer than five years and may also order that a certificate be permanently denied.
- 19 TAC Chapter 203 as it relates to Specific Requirements for Standard Career and Technical Education Experience Based on Experience and Preparation. The petitioner requested that SBEC allow continuing professional education activities to count toward the three years of full-time wage-earning experience within the past eight years in one or more of the approved occupations for which instruction is ordered. SBEC, in consultation with TEA, determined that recent work experience is necessary and denied the petitioner's request.

Where was PEEQ

This SBEC meeting was to be the one where Dr. Cynthia Osborne presented the process and results of the Project on Educator Effectiveness and Quality as well as provide an overview of the metric that will be used to measure Educator Preparation Programs. Instead, SBEC informed Dr. Osborn that they had read her report and she would not be presenting.

In other Action

- SBEC adopted the review of 19 TAC Chapter 229 – Accountability System for Educator Preparation Programs. The rule provides requirements for the accountability system for Educator Preparation Programs (EPP), including the assignment of EPP accreditation status and allows SBEC to intervene in cases of low performance.

Future Board Meetings

Unlike SBOE which is going back to five meetings a year, SBEC will continue to just have four. The dates of these meetings are:

- 08 February 2013
- 03 May 2013
- 02 August 2013
- 25 October 2013