

Date: October 17, 2014

To: The Sunset Advisory Commission

From: The State Board for Educator Certification
Bonny Cain, Chair

Re: Staff Report

I would like to address your October 2014 Sunset Advisory Report as an individual SBEC board member who has served on the SBEC board for over ten years.

Recommendation 6.1

In a 2004 report, the Sunset staff wrote that “the Legislature created SBEC in 1995 to provide educators with a strong role in governing the preparation and standards of their profession. The Board’s composition places a majority of educators in a policymaking position while ensuring representation of other key state entities, such as the TEA.”

As stated, teaching is a profession. It should be recognized as such. It should be treated as other professions with their own licensing boards, the nursing profession being a perfect example. It is counter-productive to take away the right for teachers and other educators to play a strong role in setting standards about entry into and preparation for their own profession, as well as being able to play a strong role in setting standards for conduct once in the profession.

One of the primary duties of the SBEC board is to discipline its own members; a task SBEC members should and do take very seriously. When the consequences of misbehavior is such that an educator can lose his/her license as a result of misbehavior, those educators should be judged by a jury of their peers.

SBEC is an independent political subdivision and is not under the Texas Education Agency nor under the Commissioner of Education. Under TEC 21.035, TEA performs administrative functions on behalf of SBEC. This structure is not without precedent.

One such separate policy-setting board within TEA’s jurisdiction, the State Board of Education, oversees curriculum and textbook standards. The SBOE structure has been in place and operating well for many years. Clearly the SBOE structure is viewed by the State as viable, then the SBEC structure must be equally viable. To abolish SBEC and transfer its powers and duties to the Commissioner of Education cannot and will not provide educators with a strong role in governing the preparation and standards of their profession.

Recommendation 6.2

This recommendation to remove the State Board of Education’s authority to reject proposed educator certification and educator preparation rules is acceptable in light of last month’s discussion regarding HB 2012. SBEC was under the impression that it had discretion in raising the minimum GPA from 2.5 to 2.75 based on the insertion of the phrase “not to exceed” in the bill after the bill went through conference committee. TEA had been public about its

interpretation that HB 2012 was not a directive. For six months prior to the May and August SBEC meetings, TEA sponsored four stakeholder meetings attended by legislative staff including staff of one of the bill's sponsors; including briefings with legislative staff; and including educator association groups. Based on those meetings/briefings, TEA communicated to SBEC that TEA believed SBEC had discretion in raising the GPA to 2.75. Specifically in the May SBEC meeting, TEA told SBEC that it could raise the GPA to 2.75 but that it did not have to do so.

It is my understanding that in spite of TEA's proactive meetings/briefings, it was just a few days prior to the September SBOE meeting that TEA was challenged on its HB 2012 interpretation and SBEC's discretion in setting a minimum GPA.

Your recommendation in 6.2 is a criticism of the existing rulemaking process when in reality issues regarding HB 2012 was not so much a result of the rulemaking process as it was confusion regarding legislative intent.

Recommendation 6.3

The recommendation to require the Commissioner to establish an advisory committee to assist with the regulation of educators and educator preparation programs is not a sufficient substitute for a separate board of practitioners who actually have a hand in regulating their own profession. SBEC consistently solicits the involvement of stakeholders in their policy formulation process via TEA staff. The process recommended by the Sunset Commission is not a substitute for giving practitioners real ownership of and investment in policies related to their profession via a policy-setting board.

Recommendations 7.1, 7.2, 7.3

SBEC has been successful in better clarifying statutory requirement for school administrators to report misconduct, has been asking for subpoena power, and has been working with staff to develop a workable disciplinary matrix.

SBEC's role in sanctioning educators is significant. The board's unique composition has extensive experience to determine whether or not an educator is worthy to instruct the children of this state. Through its rules and policies, the Board informs educators of their responsibilities and duties. It also sanctions those who do not fulfill those responsibilities and duties. The board's guidance permeates the entire process and TEA staff members are able to apply these policies and rules to efficiently resolve educator discipline cases at the lowest level.

Each of the Sunset recommendations for Issue 7 are necessary and needed and SBEC has proven it is more than capable of such responsibility and has been working cooperatively and collaboratively with TEA in each recommendation area.

Recommendations 8.1, 8.2, 8.3, 8.4

The report states that the SBEC Board's responsibilities also include approving new Educator Preparation Programs and new certification fields at existing EPPs, yet recommends that the Commissioner of Education would take over these responsibilities when SBEC has shown that it is well equipped to work in this area. In fiscal year 2012, the Board approved three new

certification fields at existing university EPPs, but did not approve any new alternative certification programs. The SBEC actually decides all the approval and renewal requirements for all EPPs based on consistent, objective standards. TEA staff screens EPP applications and assesses whether a program has met all the requirements for approval and renewal set out in SBEC rules. Staff presents the Board with a recommendation to approve or not approve a program based on the board's requirements.

For each of the three areas, SBEC has shown it already works to improve EPPs and how they serve the students of the State of Texas. It is unnecessary to move those functions under the Commissioner of Education.

I recognize your task is not an easy one and appreciate the opportunity to address you. It is my sincere hope that this information will assist you in understanding the concerns surrounding and recommendation to dismantle the SBEC Board.