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## Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

### Subchapter B. Enforcement Actions and Guidelines

#### §249.17. Decision Making Guidelines.

- (a) Purpose. The purpose of these guidelines is to achieve the following objectives:
- (1) to provide a framework of analysis for the Texas Education Agency (TEA) staff, the presiding administrative law judge (ALJ), and the State Board for Educator Certification (SBEC) in considering matters under this chapter;
  - (2) to promote consistency in the exercise of sound discretion by the TEA staff, the presiding ALJ, and the SBEC in seeking, proposing, and making decisions under this chapter; and
  - (3) to provide guidance for the informal resolution of potentially contested matters.
- (b) Construction and application. This section shall be construed and applied so as to preserve SBEC members' discretion in making final decisions under this chapter. This section shall be further construed and applied so as to be consistent with §249.50 of this title (relating to Purpose; Policy Governing Disciplinary Proceedings) and this chapter, the Texas Education Code (TEC), and other applicable law, including SBEC decisions and orders.
- (c) Consideration. The following factors may be considered in seeking, proposing, or making a decision under this chapter:
- (1) the seriousness of the violation;
  - (2) whether the misconduct was premeditated or intentional;
  - (3) attempted concealment of misconduct;
  - (4) prior misconduct and SBEC sanctions;
  - (5) the potential danger the conduct poses to the health and welfare of students;
  - (6) the effect of the prior conduct upon any victims of the conduct;
  - (7) whether sufficient time has passed and sufficient evidence is presented to demonstrate that the educator or applicant has been rehabilitated from the prior conduct;
  - (8) the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students;
  - (9) whether the sanction will deter future violations; and
  - (10) any other relevant circumstances or facts.
- (d) Contract abandonment.
- (1) Good cause. The following factors may be considered good cause when an educator is reported to have abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c):
    - (A) serious illness or health condition of the educator or close family member of the educator;
    - (B) relocation to a new city as a result of change in employer of the educator's spouse or partner who resides with the educator; or
    - (C) significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment.

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administrative sanction of an educator's certificate or license issued in another state is a violation of SBEC rules, the SBEC may initiate a disciplinary action regarding the educator's Texas educator certificate and impose a sanction as provided under this chapter.

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9. In the Matter of Helen Powley; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
10. In the Matter of Hillary Salazar; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
11. In the Matter of Jacob Koshak; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 11-month suspension
12. In the Matter of Jamile Rahsaan Owens; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 11-month suspension
13. In the Matter of Kara Jayne Beard; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
14. In the Matter of Krysten Koriath; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
15. In the Matter of Laura Greer; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
16. In the Matter of Lisa T. Brown; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
17. In the Matter of Marlene Valdez; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension

18. In the Matter of Matthew M. Passwaters; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: Suspension until expiration of intern certificate on August 15, 2024
19. In the Matter of Melody Jenkins; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
20. In the Matter of Rebecca Van Es; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 11-month suspension
21. In the Matter of Reva Frisco-Bacon; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
22. In the Matter of Savannah Nicole Picklesimer; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
23. In the Matter of Tenisha M. Barnes; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
24. In the Matter of Tiffany Vance; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
25. In the Matter of William R. Price; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: 1-year suspension
26. In the Matter of Jose Montalvo; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: Permanent Revocation

27. In the Matter of Sylvester Jennings; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

28. In the Matter of Brian Spivey; Action to be taken: Consideration of Issuance of Default Judgment

Staff recommendation: Permanent Revocation

29. In the Matter of James Bradley BT p1(Actio) thote tak Considon of JI5 ( sua)n-3 (ca )-134(of )-1 (Def)
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35. In the Matter of Summer L. Buerger; 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
36. In the Matter of Dolores Valenzuela; 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
37. In the Matter of Joy Malave; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
38. In the Matter of Monica Caylor; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 10-year suspension
39. In the Matter of Emma L. Harrison; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Revocation
40. In the Matter of Jolene Daily; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 3-year suspension
41. In the Matter of Marcella Vaughan; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: Permanent Revocation
42. In the Matter of Alfredo Isaac Casula Jr.; Action to be taken: Consideration of Issuance of Default Judgment
- Staff recommendation: 1-year suspension
43. In the Matter of Rachel Runnels; 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

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2. In the Matter of Tessa Graham; 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
3. In the Matter of Sharon Amaya; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: Permanent Revocation
4. In the Matter of Amy Stagg; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: Permanent Revocation
5. In the Matter of David Mason; Action to be taken: Consideration of Issuance of Default Judgment  
Staff recommendation: Permanent Revocation

## B. Contested Cases

### Proposals for Decision

1. Docket No. 701-24-04782.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Clifeteana McKiver; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.  
ALJ Recommendation: Continuing education or training to an inscribed or non-inscribed reprimand  
Staff Recommendation: 11-month suspension
2. Docket No. 701-23-09434.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Valarie Cervantes; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.  
ALJ Recommendation: Probated one-year suspension  
Staff Recommendation: Two-year suspension

3. Docket No. 701-23-05495.EC, Texas Education Agency, Educator Preparation, Certification, and Enforcement Division v. Ramon Arana; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

ALJ Recommendation: Revocation

Staff Recommendation: Permanent Revocation

#### C. Court Cases

##### District Court Cases

1. Texas Education Agency, State Board for Educator Certification, Emily Garcia, Mike Morath, and Calvin Stocker v. A+ Texas Teachers; No. 03-23-00318-CV, In the Third Court of Appeals on Appeal from Case No. D-1-GN-23-001504, in the 53<sup>rd</sup> District Court of Travis County, Texas. Possible discussion and action on proposed settlement agreement.