

STATE BOARD OF EDUCATION
(State Board for Career and Technology Education)

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Committees of the State Board of Education

INSTRUCTION

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Pam Little, Vice-Chair
Aicha Davis
Georgina C. Pérez
Marty Rowley

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard, Chair
Lawrence A. Allen, Jr., Vice-Chair
Donna Bahorich
Patricia Hardy
Ken Mercer

SCHOOL INITIATIVES

Barbara Cargill, Chair
Marisa B. Perez-Diaz, Vice Chair
Ruben Cortez, Jr.
Keven Ellis
Matt Robinson

September 11, 2019

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on September 11-13, 2019. Agenda items have been prepared and reviewed by Texas Education Agency staff and are presented for the board's discussion and consideration. Where appropriate, I have proposed an action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mike Morath', with a long horizontal flourish extending to the right.

Mike Morath
Commissioner of Education

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**William B. Travis Building
1701 N. Congress Avenue, Austin, Texas**

SCHEDULE AND AGENDAS

Committees and Board

State Board of Education, Austin, Texas

**Meeting Times
September 11-13, 2019**

Wednesday, September 11, 2019

9:00 a.m. Committee of the Full Board (Room 1-104)

Thursday, September 12, 2019

9:00 a.m. Committee on Instruction (Room 1-100)

9:00 a.m. Committee on School Finance/Permanent School Fund (Room 1-104)

9:00 a.m. Committee on School Initiatives (Room 1-111)

Friday, September 13, 2019

9:00 a.m. General Meeting (Room 1-104)

If the Committee of the Full Board does not complete its agenda Wednesday, it will resume its meeting in Room 1-104 on Thursday or Friday. If the Committee on Instruction does not complete its agenda Thursday, it will resume its meeting in Room 1-100 on Friday. If the Committee on School Finance/Permanent School Fund does not complete its agenda Thursday, it will resume its meeting in Room 1-104 on Friday. If the Committee on School Initiatives does not complete its agenda Thursday, it will resume its meeting in Room 1-111 on Friday.

NOTE: The chair may permit the board to take up and discuss any of the discussion items on a committee agenda, including hearing any invited presentations to a committee, based upon a recommendation from the committee or inability of the committee to complete its agenda on a preceding day.

The SBOE or a committee of the SBOE may conduct a closed meeting on any agenda item in accordance with Texas Open Meetings Act, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

Agenda is online at [http://tea.texas.gov/About_TEA/Leadership/State Board of Education/SBOE Meetings/State Board of Education Agenda/](http://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/State_Board_of_Education_Agenda/) on the Texas Education Agency website. The posted information contains links to board action items including rule items and rule text, and selected discussion items. Public comments on proposed rules may be submitted electronically. All agenda items and rule text are subject to change at any time prior to each board meeting. To the extent possible, copies of changes made after the agenda and the schedule are published will be available at the board meeting.

**WEDNESDAY
September 11, 2019**

9 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/ or in the information section of the agenda.

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| 1. Public Hearing Regarding Instructional Materials Submitted for Adoption by the State Board of Education Under <i>Proclamation 2020</i> (Board agenda page I-1) | COMMITTEE - DISCUSSION
SBOE – NO ACTION |
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A public hearing before the State Board of Education (SBOE) is scheduled for September 11, 2019, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding instructional materials submitted for adoption under *Proclamation 2020*. This proclamation called for instructional materials in high school English language arts and reading and English for speakers of other languages. Products submitted in response to *Proclamation 2020* were reviewed in the summer of 2019. Statutory authority for this item is the Texas Education Code (TEC), §7.110 and §31.022.

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| 2. Update on the Review of <i>Proclamation 2020</i> Instructional Materials (Board agenda page I-2) | COMMITTEE – DISCUSSION
SBOE – NO ACTION |
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The State Board of Education (SBOE) issued *Proclamation 2020* in April 2018, calling for materials for courses in high school English language arts and reading and English for speakers of other languages. Products submitted in response to *Proclamation 2020* were reviewed in the summer of 2019. This item provides an opportunity for staff to update the SBOE on the review of *Proclamation 2020* instructional materials. Statutory authority for this item is the Texas Education Code (TEC), §31.022.

COMMITTEE OF THE FULL BOARD (continued)

- 3. Ad Hoc Committee Recommendations Related to the Instructional Materials Quality Evaluation (Board agenda page I-3)**

**COMMITTEE – ACTION
SBOE - ACTION**

The State Board of Education (SBOE) created an ad hoc committee to review the Instructional Materials Quality Evaluation (IMQE) process. The committee will share its findings and recommendations regarding the IMQE process, which is now called Texas Resource Review. Statutory authority for this action is the Texas Education Code (TEC), §§31.022, 31.081, and 31.082.

- 4. Update on the Texas Essential Knowledge and Skills Coverage in Materials Submitted for Evaluation for the Texas Resource Review (Board agenda page I-4)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

The commissioner of education called for materials for courses in English language arts and reading, grades K–12, to be evaluated for the Texas Resource Review (TRR). Products submitted for the TRR were reviewed for coverage of the Texas Essential Knowledge and Skills (TEKS) in the summer of 2019. This item provides an opportunity for staff to update the SBOE on the TEKS review of TRR instructional materials. Statutory authority for this item is the Texas Education Code (TEC), §31.081 and §31.082.

- 5. Approval of Proclamation 2021 *Questions and Answers* (Board agenda page I-5)**

**COMMITTEE – ACTION
SBOE - ACTION**

Proclamation 2021, issued by the State Board of Education (SBOE) in June 2019, calls for prekindergarten systems. Publishers and other stakeholders were given an opportunity to ask questions at a *Proclamation 2021* introduction meeting held in May 2019 and encouraged to submit additional questions through email. Questions from publishers were added to existing questions common to all proclamations, and the resulting question and answer document for *Proclamation 2021* is presented for SBOE approval. Statutory authority for this action is the Texas Education Code (TEC), §31.022.

COMMITTEE OF THE FULL BOARD (continued)

- 6. Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials (First Reading and Filing Authorization) (Board agenda page I-6)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials. The proposed revisions would update rules related to state review and adoption of instructional materials. Statutory authority for this action is the Texas Education Code (TEC), §§31.002, 31.003, 31.023, 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

- 7. Procedures for Selecting Nominees for Appointment to the School Land Board (Board agenda page I-28)**

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to consider procedures to follow when preparing lists of nominees to be considered by the governor for appointment to the School Land Board. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; Senate Bill 608, 86th Texas Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

- 8. Planning for the Annual Meeting Between the State Board of Education and the School Land Board (Board agenda page I-29)**

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to plan for the annual meeting between the State Board of Education and the School Land Board. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; Senate Bill 608, 86th Texas Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

COMMITTEE OF THE FULL BOARD (continued)

- 9. Update on Texas Essential Knowledge and Skills (TEKS) Review**
(Board agenda page I-30)

COMMITTEE - ACTION
SBOE - ACTION

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). The item also provides the opportunity for the board to take action regarding the schedule for the review and revision of the TEKS and the instructional materials adoption cycle. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

- 10. Discussion of Pending Litigation**
(Board agenda page I-33)

COMMITTEE - DISCUSSION
SBOE – NO ACTION

The State Board of Education may enter into executive session in accordance with the Texas Government Code, §551.071(1)(A), to discuss pending and contemplated litigation with the general counsel, legal staff, and, if necessary, attorney(s) from the Attorney General's Office. The Committee of the Full Board will meet in Room 1-103 to discuss this item.

Cases to be discussed may include:

Tribune Company, No. 08-13141; *The Official Committee of Unsecured Creditors of Tribune Company v. Fitzsimmons*, Adv. Pro. No. 10-54010 (Bankr. D. Del);

Deutsche Bank v Bank of America, No. 3:11-CV-01175-F (N. D. Tex., Dallas Div.) and *Deutsche Bank v. Employees Retirement Fund of the City of Dallas*, No. 3:11-CV-1167-F; (N. D. Tex. Dallas Div.) *CONSOLIDATED in: In re: Tribune Company Fraudulent Conveyance Litigation*; No. 11-MD-2296 *Consolidated Multidistrict Action (S.D.N.Y.)*; and

any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

**THURSDAY
September 12, 2019**

9 a.m.

COMMITTEE ON INSTRUCTION – Room 1-100

Members: Sue Melton-Malone, chair; Pam Little, vice chair; Aicha Davis; Georgina C. Pérez; Marty Rowley. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/ or in the information section of the agenda.

**1. Ratification of Texas Lesson Study Resources
(Board agenda page II-1)**

**COMMITTEE – ACTION
SBOE – CONSENT**

This item gives the committee and board an opportunity to consider ratifying the third set of teacher-designed lesson study resources, which became available on the agency’s web portal March 14, 2019–August 2, 2019. Statutory authority for this action is Texas Education Code (TEC), §8.0531.

**2. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders
(Second Reading and Final Adoption)
(Board agenda page II-2)**

**COMMITTEE – ACTION
SBOE – ACTION**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would require each school district and open-enrollment charter school to report to the Texas Education Agency (TEA) the results of the required screening for dyslexia and related disorders for students in Kindergarten and Grade 1 in accordance with Texas Education Code (TEC), §38.003(a). No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(28) and §38.003(a) and (c).

COMMITTEE ON INSTRUCTION (continued)

3. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses (Second Reading and Final Adoption)**
(Board agenda page II-7)

COMMITTEE – ACTION
SBOE – ACTION

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses. The proposed amendment would update the list of languages other than English (LOTE) courses designated as honors courses to align with recent changes to the LOTE Texas Essential Knowledge and Skills (TEKS). No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §33.081.

4. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs (First Reading and Filing Authorization)**
(Board agenda page II-11)

COMMITTEE – ACTION
SBOE – ACTION

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs. The proposed amendment would update the rule to modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of Texas Essential Knowledge and Skills (TEKS)-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

COMMITTEE ON INSTRUCTION (continued)

- 5. Approval of Update of Instructional Materials for ThinkCERCA**
(Board agenda page II-15)

COMMITTEE – ACTION
SBOE – ACTION

This item provides an opportunity for the committee and board to confirm content changes approved at the June 2019 State Board of Education (SBOE) meeting were made in *ThinkCERCA, Texas Edition*, for English language arts and reading, grades 6–8. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

- 6. Approval of Update of Instructional Materials for EDUSPARK, Inc.**
(Board agenda page II-16)

COMMITTEE – ACTION
SBOE – ACTION

EDUSPARK, Inc. is requesting approval to update content in four of its adopted products for Spanish language arts and reading: *Lengua, Ritmo y Cultura Kindergarten*; *Lengua, Ritmo y Cultura 1*; *Lengua, Ritmo y Cultura 4*; and *Lengua, Ritmo y Cultura 5*. The updated content has been reviewed by curriculum subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

- 7. Update on Ethnic Studies Innovative Courses**
(Board agenda page II-18)

COMMITTEE – DISCUSSION
SBOE – NO ACTION

This item provides the opportunity for the committee to discuss a newly approved ethnic studies innovative course, African American Studies, and consider the addition of Texas Essential Knowledge and Skills (TEKS) for a course in African American studies. Statutory authority for this item is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(f).

COMMITTEE ON INSTRUCTION (continued)

8. **Discussion of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit (Board agenda page II-20)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides the opportunity for the committee to discuss a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit. The proposed amendment would update the rule to clarify that a district may award credit proportionately for successful completion of half of a course regardless of the time duration of the course. Statutory authority for this item is the Texas Education Code (TEC), §7.102(c)(4) and §28.025.

9. **Discussion of Proposed Revisions to 19 TAC Chapter 117, Texas Essential Knowledge and Skills in Fine Arts, Subchapter C, High School (Board agenda page II-23)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides the opportunity for the committee to discuss proposed revisions to 19 Texas Administrative Code (TAC) Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, to revise the fine arts Texas Essential Knowledge and Skills (TEKS) to consider adjustments to International Baccalaureate (IB) course offerings in fine arts. Statutory authority for this item is the Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

**THURSDAY
September 12, 2019**

9 a.m.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND - Room 1-104

Members: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Donna Bahorich; Patricia Hardy; Ken Mercer. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda. A quorum of the Committee of Investment Advisors to the Permanent School Fund may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/ or in the information section of the agenda.

- 1. Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes (First Reading and Filing Authorization) (Board agenda page III-1)**

**COMMITTEE – ACTION
SBOE – ACTION**

This item presents for first reading and filing authorization proposed amendment to 19 Texas Administrative Code (TAC) Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes. The proposed amendment would update the rule to allow districts and charter schools flexibility for selecting an official attendance-taking time during the campus' instructional day. Statutory authority for this action is the Texas Education Code (TEC), §48.004 and §12.106.

- 2. Review of Permanent School Fund Securities Transactions and the Investment Portfolio (Board agenda page III-6)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

Investment staff will report on the transactions executed during the months of May, June and July 2019 in the investment portfolio of the Texas Permanent School Fund. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 3. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of May, June and July 2019**
(Board agenda page III-7)

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of May, June and July 2019. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

- 4. Second Quarter 2019 Permanent School Fund Performance Report**
(Board agenda page III-8)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

The performance measurement consultant to the Permanent School Fund, BNY Mellon Asset Servicing, will report on the investment performance during the second calendar quarter 2019 and cumulative investment performance of the various portfolios of the Fund. This item will allow the committee to discuss in depth various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

- 5. Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund**
(Board agenda page III-9)

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to review the requirement in Article VII, §5(a)(2) that the total amount distributed over ten years cannot exceed the total return on all investment assets of the PSF over the same ten-year period. The board will determine whether transfers may be made from the Permanent School Fund to the Available School Fund in fiscal year 2020. Statutory authority for this action is Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

6. **Proposed Amendments to the Investment Procedures Manual**
(Board agenda page III-10)

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to review and adopt proposed amendments to the Investment Procedures Manual. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

7. **Review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules**
(Board agenda page III-11)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules. The rules being reviewed establish definitions, requirements, and procedures for the investment of the Permanent School Fund (PSF). Statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 33 is the Texas Education Code (TEC), §§7.102(c)(31) and (33), 43.0031-43.004, and 45.051-45.063; the TGC, §2263.004; and the Texas Constitution, Article VII, §5(f). TGC, §2001.039, requires all state agencies to review their rules at least once every four years.

8. **Review of the Permanent School Fund Liquid Account**
(Board agenda page III-60)

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to review the bill requirements contained in House Bill (HB) 4388, 86th Texas Legislature, 2019. The committee will discuss implementation of the liquid account. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, House Bill 4388, 86th Texas Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 9. Discussion of Emerging and Diverse Investment Management in Alternative Asset Classes** **COMMITTEE – DISCUSSION**
(Board agenda page III-61) **SBOE – NO ACTION**

This item provides an opportunity for the committee to review the emerging market manager programs in alternative asset classes. Statutory authority for this item is Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

- 10. Report of the Permanent School Fund Executive Administrator and Chief Executive Officer** **COMMITTEE – DISCUSSION**
(Board agenda page III-62) **SBOE – NO ACTION**

The Permanent School Fund executive administrator will report to the committee on matters relating to the management of the Permanent School Fund and the Charter District Reserve Fund. The report may present information on historical and current status of Fund holdings, current and proposed investment policies and procedures, and historical and current Fund performance and compliance. The administrator may update the board on the bond guarantee program, the status of requests for proposal or for qualifications and current contracts for services and other administrative activities undertaken on behalf of the board. The administrator may provide an update on the PSF distribution or on the effect of legislation impacting the PSF. The administrator may provide an analysis of current and future investment market conditions, focusing upon the impact on the holdings of the Permanent School Fund. Statutory authority for this item is Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

- 11. Per Capita Apportionment Rate for the 2019-2020 School Year** **COMMITTEE – ACTION**
(Board agenda page III-63) **SBOE – CONSENT**

The board is responsible for setting a per capita apportionment rate for each school year based on an estimate of the amount available for expenditures from the Available School Fund. Agency staff members will propose a recommended rate for the 2019-2020 school year at the September meeting of the Committee on School Finance/Permanent School Fund. Statutory authority for this action is the Texas Education Code (TEC), §43.001(b) and §48.004.

**THURSDAY
September 12, 2019**

9 a.m.

COMMITTEE ON SCHOOL INITIATIVES – ROOM 1-111

Members: Barbara Cargill, chair; Marisa B. Perez-Diaz, vice chair; Ruben Cortez, Jr; Keven Ellis; Matt Robinson. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/ or in the information section of the agenda.

- 1. Open-Enrollment Charter School Generation 25 Application Updates** **COMMITTEE – DISCUSSION**
(Board agenda page IV-1) **SBOE – NO ACTION**

The director of the Division of Charter School Administration will discuss updates regarding the Generation Twenty-Five Open-Enrollment Charter Application. Statutory authority for this item is the Texas Education Code (TEC), §12.110.

- 2. Recommendation for Appointment to the Boys Ranch Independent School District Board of Trustees** **COMMITTEE – ACTION**
(Board agenda page IV-2) **SBOE – CONSENT**

This item provides an opportunity for board consideration of an appointment to the board of trustees of the Boys Ranch Independent School District. The appointment is necessary due to the resignation of one board member. Statutory authority for this action is the Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

COMMITTEE ON SCHOOL INITIATIVES (continued)

3. **Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners**
(Second Reading and Final Adoption)
(Board agenda page IV-12)

COMMITTEE – ACTION
SBOE – ACTION

This item presents for second reading and final adoption proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would allow the commissioner of education to take action against the certificate of an independent hearing examiner if it is determined that the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, meets specified criteria. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §21.252.

4. **Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel 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, and Subchapter H, Assignments for Teachers Certified Before 1966**
(Board agenda page IV-19)

COMMITTEE – ACTION
SBOE – ACTION

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel 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, and Subchapter H, Assignments for Teachers Certified Before 1966. The proposed revisions would incorporate courses approved by the SBOE, would update the list of credentials appropriate for placement into an assignment, would make technical edits, and would delete an outdated subchapter. Statutory authority for this action is Texas Education Code (TEC), §§21.003(a), 21.031(a), and 21.041(b)(1)-(2).

COMMITTEE ON SCHOOL INITIATIVES (continued)

5. **Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services**
(Board agenda page IV-40)

COMMITTEE – ACTION
SBOE – ACTION

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services. The proposed amendments would update the figure specifying required tests for issuance of the standard certificate; would create new requirements for issuance of intern and probationary certificates for the proposed new intensive pre-service option; as currently proposed in Chapter 228, Requirements for Educator Preparation Programs; would update the list of certification testing fees to include the performance-based assessment, edTPA, and content certification (subject-matter only) examinations; would provide technical edits; and would remove redundancies. Statutory authority for this action is 19 TAC §230.1 is the Texas Education Code (TEC), §§21.041(b)(1), (2), and (4) and (c), 21.044(a); 21.048, 21.050, and 22.082. The statutory authority for 19 TAC §230.21 is the TEC, §§21.041(b)(1), (2), and (4); 21.044(a); 21.048; 21.050; 22.082; and the Texas Occupations Code (TOC), §54.003. The statutory authority for 19 TAC §230.36 and §230.37 is the TEC, §§21.003(a), 21.031, 21.041(b)(1)-(5) and (9), 21.051, and 22.0831(c) and (f). The statutory authority for 19 TAC §230.101 is the TEC, §§21.031(a); 21.041(b)(1)-(5) and (9) and (c); 21.044(a), (e), and (f); 21.048, 21.0485, 21.050, 21.054(a); 22.082; and 22.0831(f); and TOC, §53.105.

COMMITTEE ON SCHOOL INITIATIVES (continued)

6. Review of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs (Board agenda page IV-88)

**COMMITTEE – ACTION
SBOE – ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. The proposed revisions would establish requirements for an optional intensive pre-service preparation and certification pathway, for educator preparation program (EPP) name changes, and for a candidate seeking certification in two categories to have clinical teaching in both. A technical edit would correct an accreditation status reference. The statutory authority for 19 TAC Chapter 228 is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; 21.0453; 21.0454; 21.0455; 21.046(b); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050; 21.051; and the Texas Occupations Code (TOC), §55.007.

7. Discussion of Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship (Board agenda page IV-113)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the Committee on School Initiatives to discuss proposed amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship. The proposed amendments would reflect changes made by House Bill (HB) 3 and HB 403, 86th Texas Legislature, 2019, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. The proposed amendments would also address the required number of nominees for trustee candidates for military reservation districts. Statutory authority for this item is Texas Education Code (TEC), §11.159, as amended by HB 403, TEC, §11.185 and §11.186 as added by HB 3, 86th Texas Legislature, 2019, and TEC, §11.352.

Information Materials

1. **State Board of Education Operating Rules, Amended January 28, 2019**
Public testimony information begins on page V-8.
(Board agenda page V-1)

2. **Current Status of the Permanent School Fund**
(Board agenda page V-24)

3. **2017-2021 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-25)

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2017 through August 2021. Texas Government Code, §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

4. **State Board of Education Meeting Schedule for 2020**
(Board agenda page V-32)

According to the Texas Education Code, §7.106, the State Board of Education (SBOE) is to hold four meetings a year in Austin, Texas on dates determined by the chair. The SBOE may also hold other meetings as may be called by the chair. The purpose of this item is to announce SBOE meeting dates in 2020.

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

**September 13, 2019
9:00 a.m.**

**William B. Travis Building, Room 1-104
1701 N. Congress Avenue**

Student Performance

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, June 14, 2019

1. Resolutions and Presentations

Resolution honoring the 2019 Heroes for Children

Commissioner’s comments and presentation

Resolution honoring outgoing State Board of Education chair

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at [https://tea.texas.gov/About/TEA/Leadership/State Board of Education/SBOE Meetings/SBOE Operating Rules Amended 1-28-19/](https://tea.texas.gov/About/TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/) or in the information section of the agenda.

2. Approval of Consent Agenda

Any agenda item may be placed on the Consent Agenda by any State Board of Education committee.

(Agenda Exhibit) 27

COMMITTEE OF THE FULL BOARD

3. Ad Hoc Committee Recommendations Related to the Instructional Materials Quality Evaluation

The State Board of Education (SBOE) created an ad hoc committee to review the Instructional Materials Quality Evaluation (IMQE) process. The committee will share its findings and recommendations regarding the IMQE process. Statutory authority for this action is the Texas Education Code (TEC), §§31.022, 31.081, and 31.082.

(Agenda Exhibit) I-3

4. Approval of Proclamation 2021 *Questions and Answers*

Proclamation 2021, issued by the State Board of Education (SBOE) in June 2019, calls for prekindergarten systems. Publishers and other stakeholders were given an opportunity to ask questions at a *Proclamation 2021* introduction meeting held in May 2019 and encouraged to submit additional questions through email. Questions from publishers were added to existing questions common to all proclamations, and the resulting question and answer document for *Proclamation 2021* is presented for SBOE approval. Statutory authority for this action is the Texas Education Code (TEC), §31.022.

(Agenda Exhibit) I-5

5. Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials (First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials. The proposed revisions would update rules related to state review and adoption of instructional materials. Statutory authority for this action is the Texas Education Code (TEC), §§31.002, 31.003; 31.023, and 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

(Agenda Exhibit) I-6

6. Update on Texas Essential Knowledge and Skills (TEKS) Review

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). The item also provides the opportunity for the board to take action regarding the schedule for the review and revision of the TEKS and the instructional materials adoption cycle. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

(Agenda Exhibit) I-30

COMMITTEE ON INSTRUCTION

7. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders (Second Reading and Final Adoption)

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would require each school district and open-enrollment charter school to report to the Texas Education Agency (TEA) the results of the required screening for dyslexia and related disorders for students in Kindergarten and Grade 1 in accordance with Texas Education Code (TEC), §38.003(a). No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(28) and §38.003(a) and (c).

(Agenda Exhibit) II-2

8. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses (Second Reading and Final Adoption)

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses. The proposed amendment would update the list of languages other than English (LOTE) courses designated as honors courses to align with recent changes to the LOTE Texas Essential Knowledge and Skills (TEKS). No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §33.081.

(Agenda Exhibit) II-7

9. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs (First Reading and Filing Authorization)

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs. The proposed amendment would update the rule to modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of Texas Essential Knowledge and Skills (TEKS)-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) II-11

COMMITTEE ON INSTRUCTION (continued)

10. Approval of Update of Instructional Materials for ThinkCERCA

This item provides an opportunity for the committee and board to confirm content changes approved at the June 2019 State Board of Education (SBOE) meeting were made in *ThinkCERCA, Texas Edition*, for English language arts and reading, grades 6–8. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

(Agenda Exhibit) II-15

11. Approval of Update of Instructional Materials for EDUSPARK, Inc.

EDUSPARK, Inc. is requesting approval to update content in four of its adopted products for Spanish language arts and reading: *Lengua, Ritmo y Cultura Kindergarten*; *Lengua, Ritmo y Cultura 1*; *Lengua, Ritmo y Cultura 4*; and *Lengua, Ritmo y Cultura 5*. The updated content has been reviewed by curriculum subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

(Agenda Exhibit) II-16

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

12. Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes (First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed amendment to 19 Texas Administrative Code (TAC) Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes. The proposed amendment would update the rule to allow districts and charter schools flexibility for selecting an official attendance-taking time during the campus' instructional day. Statutory authority for this action is the Texas Education Code (TEC), §48.004 and §12.106.

(Agenda Exhibit) III-1

COMMITTEE ON SCHOOL INITIATIVES

**13. Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would allow the commissioner of education to take action against the certificate of an independent hearing examiner if it is determined that the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, meets specified criteria. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §21.252.

(Agenda Exhibit) IV-12

14. Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel 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, and Subchapter H, Assignments for Teachers Certified Before 1966

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel 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, and Subchapter H, Assignments for Teachers Certified Before 1966. The proposed revisions would incorporate courses approved by the SBOE, would update the list of credentials appropriate for placement into an assignment, would make technical edits, and would delete an outdated subchapter. Statutory authority for this action is Texas Education Code (TEC), §§21.003(a), 21.031(a), and 21.041(b)(1)-(2).

(Agenda Exhibit) IV-19

COMMITTEE ON SCHOOL INITIATIVES (continued)

15. Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services. The proposed amendments would update the figure specifying required tests for issuance of the standard certificate; would create new requirements for issuance of intern and probationary certificates for the proposed new intensive pre-service option; as currently proposed in Chapter 228, Requirements for Educator Preparation Programs; would update the list of certification testing fees to include the performance-based assessment, edTPA, and content certification (subject-matter only) examinations; would provide technical edits; and would remove redundancies. Statutory authority for this action is 19 TAC §230.1 is the Texas Education Code (TEC), §§21.041(b)(1), (2), and (4) and (c), 21.044(a); 21.048, 21.050, and 22.082. The statutory authority for 19 TAC §230.21 is the TEC, §§21.041(b)(1), (2), and (4); 21.044(a); 21.048; 21.050; 22.082; and the Texas Occupations Code (TOC), §54.003. The statutory authority for 19 TAC §230.36 and §230.37 is the TEC, §§21.003(a), 21.031, 21.041(b)(1)-(5) and (9), 21.051, and 22.0831(c) and (f). The statutory authority for 19 TAC §230.101 is the TEC, §§21.031(a); 21.041(b)(1)-(5) and (9) and (c); 21.044(a), (e), and (f); 21.048, 21.0485, 21.050, 21.054(a); 22.082; and 22.0831(f); and TOC, §53.105.

(Agenda Exhibit) IV-40

16. Review of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. The proposed revisions would establish requirements for an optional intensive pre-service preparation and certification pathway, for educator preparation program (EPP) name changes, and for a candidate seeking certification in two categories to have clinical teaching in both. A technical edit would correct an accreditation status reference. The statutory authority for 19 TAC Chapter 228 is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; 21.0453; 21.0454; 21.0455; 21.046(b); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050; 21.051; and the Texas Occupations Code (TOC), §55.007.

(Agenda Exhibit) IV-88

REPORTS OF COMMITTEES REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee chairs may provide an update about discussion items considered during the current meeting by any standing committee or ad hoc committee.

REPORTS OF OTHER STATE BOARD OF EDUCATION MEMBERS REGARDING AGENDA ITEMS AND EDUCATIONAL ACTIVITIES AND CONCERNS IN INDIVIDUAL DISTRICTS

Members of the State Board of Education may present information regarding agenda items or other relevant information about public education.

Information Materials

1. **State Board of Education Operating Rules, Amended January 28, 2019**
Public testimony information begins on page V-8.
(Board agenda page V-1)

2. **Current Status of the Permanent School Fund**
(Board agenda page V-24)

3. **2017-2021 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-25)

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2017 through August 2021. Texas Government Code, §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

4. **State Board of Education Meeting Schedule for 2020**
(Board agenda page V-32)

According to the Texas Education Code, §7.106, the State Board of Education (SBOE) is to hold four meetings a year in Austin, Texas on dates determined by the chair. The SBOE may also hold other meetings as may be called by the chair. The purpose of this item is to announce SBOE meeting dates in 2020.

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**CONSENT AGENDA
STATE BOARD OF EDUCATION
September 13, 2019**

(1) Procedures for Selecting Nominees for Appointment to the School Land Board

This item provides an opportunity for the committee and board to consider procedures to follow when preparing lists of nominees to be considered by the governor for appointment to the School Land Board. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; Senate Bill 608, 86th Texas Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) I-28

(2) Planning for the Annual Meeting Between the State Board of Education and the School Land Board

This item provides an opportunity for the committee and board to plan for the annual meeting between the State Board of Education and the School Land Board. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; Senate Bill 608, 86th Texas Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) I-29

(3) Ratification of Texas Lesson Study Resources

This item gives the committee and board an opportunity to consider ratifying the third set of teacher-designed lesson study resources, which became available on the agency’s web portal March 14, 2019–August 2, 2019. Statutory authority for this action is Texas Education Code (TEC), §8.0531.

[\(Agenda Exhibit\)](#) II-1

(4) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of May, June and July 2019

This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of May, June and July 2019. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33

[\(Agenda Exhibit\)](#) III-7

(5) Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund

This item provides an opportunity for the committee and board to review the requirement in Article VII, §5(a)(2) that the total amount distributed over ten years cannot exceed the total return on all investment assets of the PSF over the same ten-year period. The board will determine whether transfers may be made from the Permanent School Fund to the Available School Fund in fiscal year 2020. Statutory authority for this action is Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-9

(6) Proposed Amendments to the Investment Procedures Manual

This item provides an opportunity for the committee and board to review and adopt proposed amendments to the Investment Procedures Manual. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-10

(7) Review of the Permanent School Fund Liquid Account

This item provides an opportunity for the committee and board to review the bill requirements contained in House Bill (HB) 4388, 86th Texas Legislature, 2019. The committee will discuss implementation of the liquid account. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, House Bill 4388, 86th Texas Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-60

(8) Per Capita Apportionment Rate for the 2019-2020 School Year

The board is responsible for setting a per capita apportionment rate for each school year based on an estimate of the amount available for expenditures from the Available School Fund. Agency staff members will propose a recommended rate for the 2019-2020 school year at the September meeting of the Committee on School Finance/ Permanent School Fund. Statutory authority for this action is the Texas Education Code (TEC), §43.001(b) and §48.004.

[\(Agenda Exhibit\)](#) III-63

(9) Recommendation for Appointment to the Boys Ranch Independent School District Board of Trustees

This item provides an opportunity for board consideration of an appointment to the board of trustees of the Boys Ranch Independent School District. The appointment is necessary due to the resignation of one board member. Statutory authority for this action is the Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

[\(Agenda Exhibit\)](#) IV-2

SBOE

Commissioner's Comments

September 13, 2019

STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the board to be briefed on agency operations, policy implementation, agenda-related issues, and public education-related legislation.

BOARD RESPONSE: Review and comment.

BACKGROUND INFORMATION AND JUSTIFICATION: On an as needed basis, the board will be briefed on significant public education issues and events.

OTHER COMMENTS AND RELATED ISSUES: None.

Staff Member Responsible:

Debbie Ratcliffe, Executive Director, State Board of Education Support Division

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COMMITTEE OF THE FULL BOARD

Public Hearing Regarding Instructional Materials Submitted for Adoption by the State Board of Education Under *Proclamation 2020*

September 11, 2019

COMMITTEE OF THE FULL BOARD: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: A public hearing before the State Board of Education (SBOE) is scheduled for September 11, 2019, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding instructional materials submitted for adoption under *Proclamation 2020*. This proclamation called for instructional materials in high school English language arts and reading and English for speakers of other languages. Products submitted in response to *Proclamation 2020* were reviewed in the summer of 2019.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.110 and §31.022.

TEC, §7.110, requires the SBOE to create and implement policies that allow the public an opportunity to appear before and speak to the board.

TEC, §31.022(b), requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: *Proclamation 2020* was issued by the SBOE in April 2018. Amendments to *Proclamation 2020* were approved at the November 2018 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The review of *Proclamation 2020* instructional materials concluded in July 2019.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include the availability of instructional materials aligned to new and revised standards in the year in which new and revised standards are implemented. There is no anticipated economic cost to persons who are required to comply with the proposal.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Kelly Callaway, Senior Director, Instructional Materials

Update on the Review of *Proclamation 2020* Instructional Materials

September 11, 2019

COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: The State Board of Education (SBOE) issued *Proclamation 2020* in April 2018, calling for materials for courses in high school English language arts and reading and English for speakers of other languages. Products submitted in response to *Proclamation 2020* were reviewed in the summer of 2019. This item provides an opportunity for staff to update the SBOE on the review of *Proclamation 2020* instructional materials.

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.022.

TEC, §31.022(a) requires the SBOE to adopt a review and adoption cycle for instructional materials for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum.

TEC, §31.022(b) requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: *Proclamation 2020* was issued by the SBOE in April 2018. Amendments to *Proclamation 2020* were approved at the November 2018 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The review of *Proclamation 2020* instructional materials concluded in July 2019. A public hearing regarding instructional materials submitted for adoption by the SBOE under *Proclamation 2020* is included as a separate item in this agenda.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include the availability of instructional materials aligned to new and revised standards in the year in which new and revised standards are implemented. There is no anticipated economic cost to persons who are required to comply with the proposal.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Kelly Callaway, Senior Director, Instructional Materials

Ad Hoc Committee Recommendations Related to the Instructional Materials Quality Evaluation

September 13, 2019

COMMITTEE OF THE FULL BOARD: ACTION STATE BOARD OF EDUCATION: ACTION

SUMMARY: The State Board of Education (SBOE) created an ad hoc committee to review the Instructional Materials Quality Evaluation (IMQE) process. The committee will share its findings and recommendations regarding the IMQE process, which is now called Texas Resource Review.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§§31.022](#), [31.081](#), and [31.082](#).

TEC, §31.022 grants the State Board of Education (SBOE) the authority to review and adopt instructional materials.

TEC, §31.081 requires the commissioner to develop and maintain a web portal to assist school districts and open-enrollment charter schools in the selection of instructional materials.

TEC, §31.082 requires the commissioner to contract with a private entity to conduct an independent analysis of instructional material submitted by a publisher for inclusion in the web portal developed under §31.081.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: The SBOE chair appointed an ad hoc committee of SBOE members to study the IMQE project and make recommendations about how the quality evaluation project can work in conjunction with the board's instructional materials review and adoption process. The members of the ad hoc committee are Marty Rowley, chair; Barbara Cargill, Pat Hardy, Marisa Perez-Diaz, and Pam Little.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, §31.081 and §31.082, added by HB 3526 and SB 810, 85th Texas Legislature, 2017, requires the Texas Education Agency to develop and maintain a web portal that includes general information for each material submitted for review, evaluation of the quality of the material and the extent to which it covers the Texas Essential Knowledge and Skills (TEKS), and serves as a repository of open educational resources.

The SBOE has long held the authority to review and adopt instructional materials. SBOE members wanted to learn more about the IMQE pilot and how this project will be aligned with the board's process. The ad hoc committee may bring proposed recommendations dealing with procedures, policy or reporting requirements to the September board meeting.

PUBLIC BENEFIT AND COST TO PERSONS: School districts and charter schools will have clear procedures to follow when reviewing or selecting instructional material.

MOTION TO BE CONSIDERED: The State Board of Education:

Adopt recommendations proposed by the board's ad hoc committee.

Staff Members Responsible:

Kristen Dobson, Executive Director, Special Projects

**Update on the Texas Essential Knowledge and Skills Coverage in Materials Submitted for
Evaluation for the Texas Resource Review**

September 11, 2019

**COMMITTEE OF THE FULL BOARD: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: The commissioner of education called for materials for courses in English language arts and reading, grades K–12, to be evaluated for the Texas Resource Review (TRR). Products submitted for the TRR were reviewed for coverage of the Texas Essential Knowledge and Skills (TEKS) in the summer of 2019. This item provides an opportunity for staff to update the SBOE on the TEKS review of TRR instructional materials.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§31.081](#) and [§31.082](#).

TEC, §31.081(a) requires the commissioner to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials.

TEC, §31.082(a) requires the commissioner to contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under §31.081.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: The board received an update at the April 2019 meeting on the Instructional Materials Quality Evaluation (IMQE) Pilot.

BACKGROUND INFORMATION AND JUSTIFICATION: The commissioner of education is required to develop and maintain a web portal that includes general information for each material submitted for review, evaluation of the quality of the material and the extent to which it covers the TEKS, and a repository of open educational resources, including state-developed materials; create procedures for submitting materials to the web portal; use a competitive process to contract for the development of the portal; and contract with a private entity to conduct an independent analysis of materials submitted for review.

The goal of the TRR portal is to provide free, transparent, and user-friendly information about the extent to which materials reflect research-based pedagogy and support the learning of all students.

PUBLIC BENEFIT AND COST TO PERSONS: School districts and charter schools will have additional information to assist with decisions regarding selection of instructional materials based on local needs.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Kelly Callaway, Senior Director, Instructional Materials
Kristen Dobson, Executive Director, Special Projects

Approval of Proclamation 2021 *Questions and Answers*

September 13, 2019

COMMITTEE OF THE FULL BOARD: ACTION STATE BOARD OF EDUCATION: ACTION

SUMMARY: *Proclamation 2021*, issued by the State Board of Education (SBOE) in June 2019, calls for prekindergarten systems. Publishers and other stakeholders were given an opportunity to ask questions at a *Proclamation 2021* introduction meeting held in May 2019 and encouraged to submit additional questions through email. Questions from publishers were added to existing questions common to all proclamations, and the resulting question and answer document for *Proclamation 2021* is presented for SBOE approval.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§31.022](#).

TEC, §31.022, requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum and for each subject in the enrichment curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: The SBOE issued *Proclamation 2021* June 14, 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: Following the adoption of instructional materials in November 1999 under *Proclamation 1997*, the SBOE requested that staff responses to publishers' questions related to interpretation of Texas Essential Knowledge and Skills (TEKS) and the proclamation in general be presented to the SBOE for approval. Subsequently, the SBOE has approved staff responses to publishers' questions for each proclamation beginning with *Proclamation 1998*.

PUBLIC BENEFIT AND COST TO PERSONS: The question and answer document for *Proclamation 2021* will provide clarification to publishers regarding the proclamation and submission of instructional materials for adoption. There is no anticipated economic cost to persons who are required to comply with the proposal.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve Proclamation 2021 *Questions and Answers*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Kelly Callaway, Senior Director, Instructional Materials

Separate Exhibit: Proclamation 2021 *Questions and Answers*
(to be provided at the September SBOE meeting)

**Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials
(First Reading and Filing Authorization)**

September 13, 2019

**COMMITTEE OF THE FULL BOARD: ACTION
STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials. The proposed revisions would update rules related to state review and adoption of instructional materials.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§31.002, 31.003, 31.023, 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

TEC, §31.002, defines open education resource instructional material.

TEC, §31.003, authorizes the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEC, §31.023, requires the SBOE to adopt a list of instructional materials that meet applicable physical specifications, contain material covering at least half of the applicable Texas Essential Knowledge and Skills (TEKS) in the student version and in the teacher version, are suitable for the subject and grade level for which the instructional material was submitted, and have been reviewed by academic experts in the subject and grade level for which the instructional material was submitted.

TEC, §31.035, allows the SBOE to adopt supplemental instructional materials that are not on the adopted list if the material covers one or more primary focal points or topics of a subject in the required curriculum, is not designed to serve as the only instructional material for the course, meets applicable physical specifications, is free from factual errors, is suitable for the subject and grade level for which the instructional material was submitted, and has been reviewed by academic experts in the subject and grade level for which the instructional material was submitted. The statute requires the SBOE to identify the TEKS that are covered by the supplemental instructional material and requires the material to comply with the review and adoption cycle provisions.

HB 3526, Section 5, 85th Texas Legislature, Regular Session, 2017, changes the name of the instructional materials allotment to the technology and instructional materials allotment.

The full text of statutory citations can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed revisions is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date is necessary so that rule changes can be applied to *Proclamation 2020* products and the

Proclamation 2021 process and to ensure districts have the most current information regarding alignment of instructional materials to the TEKS.

PREVIOUS BOARD ACTION: The SBOE adopted rules in 19 TAC Chapter 66, Subchapter B, effective September 1, 1996. The SBOE adopted revisions in Subchapter B effective May 5, 2016. Most recently, the SBOE adopted revisions to 19 TAC Chapter 66, Subchapter B, effective March 27, 2018.

BACKGROUND INFORMATION AND JUSTIFICATION: Rules in 19 TAC Chapter 66, Subchapter B, address the adoption of instructional materials, covering topics such as proclamation, public notice, and schedule for adopting instructional materials; requirements for publisher participation; procedures for handling of samples and public access to samples; public comment on instructional materials; adding content during panel review and during the public comment period; and updates to adopted instructional materials.

This item presents for first reading and filing authorization proposed revisions to the instructional materials rules that would update language to add clarity to the process for publisher participation in the review and adoption process, ensure that the adoption of prekindergarten materials and their alignment to the Texas Prekindergarten Guidelines (TPG) are appropriately included in the rules, and authorize a process for updating of TEKS alignment for adopted materials. The proposed revisions include amending existing rules and adding a proposed new rule that would address new editions of adopted instructional materials separate from the existing rule on updates to adopted instructional materials. The proposed revisions also include technical edits throughout.

The proposed revisions were not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the amended rules are in place for products adopted under *Proclamation 2020* products and the *Proclamation 2021* process.

The attachment to this item presents the text of the proposed revisions to 19 TAC Chapter 66, Subchapter B, for consideration by the SBOE for first reading and filing authorization.

FISCAL IMPACT: The Texas Education Agency (TEA) has determined that there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand existing regulations related to state review and adoption of instructional materials.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would add clarity to the instructional materials adoption process and provide the opportunity for more accurate information regarding the alignment of instructional materials to the TEKS or TPG. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins October 4, 2019, and ends November 8, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on October 4, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Kelly Callaway, Senior Director, Instructional Materials

Attachment: Text of Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 66. State Adoption and Distribution of Instructional Materials

Subchapter B. State Adoption of Instructional Materials

§66.21. Review and Adoption Cycle.

- (a) The State Board of Education (SBOE) shall adopt a review and adoption cycle for instructional materials for prekindergarten and for elementary and secondary grade levels for each subject in the required curriculum.
- (b) In adopting the cycle, the SBOE:
 - (1) is not required to review and adopt instructional materials for all grade levels in a single year; and
 - (2) shall give priority to instructional materials in the following subjects:
 - (A) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised and for which assessment instruments are required under the Texas Education Code (TEC), Chapter 39, Subchapter B, including career and technical education courses that satisfy foundation curriculum requirements as provided by the TEC, §28.002(n);
 - (B) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised, including career and technical education courses that satisfy foundation curriculum requirements as provided by the TEC, §28.002(n);
 - (C) foundation curriculum subjects not described by subparagraph (A) or (B) of this paragraph, including career and technical education courses that satisfy foundation curriculum requirements as provided by the TEC, §28.002(n); and
 - (D) enrichment curriculum subjects.
 - (3) The adoption cycle for subjects in the foundation curriculum shall be organized so that instructional materials for not more than one-fourth of the subjects in the foundation curriculum are reviewed each biennium. A full and complete investigation of instructional materials for each subject in the foundation curriculum shall occur every eight years unless content of instructional materials for a subject is sufficiently current. Estimated expenditures and historical or expected legislative appropriations shall be considered when determining placement of subjects in the cycle.
 - (4) The adoption cycle for subjects in the enrichment curriculum shall be organized so that placement of a subject in the cycle is based on the need for up-to-date materials that align to revised Texas essential knowledge and skills or the addition of new courses. Estimated expenditures and historical or expected legislative appropriations shall be considered when determining placement of subjects in the cycle.

§66.27. Proclamation, Public Notice, and Schedule for Adopting Instructional Materials.

- (a) Texas Education Code (TEC), §31.002, defines instructional materials as content that conveys the essential knowledge and skills of a subject in the public-school [~~public school~~] curriculum through a medium or a combination of media for conveying information to a student. The term includes a book; supplementary materials; a combination of a book, workbook, and supplementary materials; computer software; magnetic media; DVD; CD-ROM; computer courseware; online [~~on-line~~] services; or an electronic medium or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.
- (b) Upon the adoption of revised Texas essential knowledge and skills (TEKS), the State Board of Education (SBOE) shall conduct an investigation to determine the extent of the revisions and whether revisions have created a need for new instructional materials.

- (c) The SBOE shall issue a proclamation calling for instructional materials according to the review and adoption cycle adopted by the SBOE if the investigation required in subsection (b) of this section results in the determination that a proclamation is necessary. The proclamation shall serve as notice to all publishers and to the public that bids to furnish new materials to the state are being invited and shall call for:
- (1) new instructional materials aligned to all of the TEKS for a specific subject and grade level or course(s) or to the Texas Prekindergarten Guidelines (TPG) and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise [~~free-enterprise~~] society with appreciation for the basic democratic values of our state and national heritage;
 - (2) supplemental material aligned to new or expanded TEKS for a specific subject and grade level or course(s) or to new or expanded TPG and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise [~~free-enterprise~~] society with appreciation for the basic democratic values of our state and national heritage;
 - (3) new information demonstrating alignment of current instructional materials to the revised TEKS for a specific subject and grade level or course(s) or the revised TPG and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise [~~free-enterprise~~] society with appreciation for the basic democratic values of our state and national heritage; or
 - (4) any combination of the calls described by paragraphs (1)-(3) of this subsection.
- (d) The essential knowledge and skills adopted in this title effective in the year in which instructional materials are intended to be made available in classrooms are the SBOE's official rule governing essential knowledge and skills that shall be used to evaluate instructional materials submitted for consideration under the corresponding proclamation.
- (e) The essential knowledge and skills that will be used to evaluate instructional materials submitted for consideration under a proclamation and a copy of each proclamation issued by the SBOE may be accessed from the Texas Education Agency website and are available for examination during regular office hours, 8:00 a.m. to 5:00 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.
- (f) Proclamations calling for supplemental materials or new information only shall be issued at least 12 months before the scheduled adoption of instructional materials. Proclamations that include a call for complete new materials to cover all of the TEKS or TPG shall be issued at least 18 months before the scheduled adoption of the new instructional materials.
- (g) Each proclamation shall contain the following:
- (1) information about and reference to essential knowledge and skills in each subject for which bids are being invited;
 - (2) the requirement that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic pre-adoption sample of the instructional materials as required by the TEC, §31.027(a) and (b), and may not submit a print sample copy;
 - (3) the requirement that electronic samples include a word search feature;
 - (4) the requirement that publishers file with the Texas Education Agency (TEA) print samples, electronic samples in an open file format or closed format, or galley proofs for use by state review panels;
 - (5) the student enrollment of the courses or grade levels called for, to the extent that it is available, for the school year prior to the year in which the proclamation is issued;
 - (6) specifications for providing computerized files to produce braille versions of adopted instructional materials;

- (7) specifications for ensuring that electronic instructional materials are fully accessible to students with disabilities;
 - (8) a schedule of adoption procedures; and
 - (9) an option for the submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (h) The proclamation shall require the instructional materials submissions to cover:
- (1) content essential knowledge and skills for the subject area and grade level or course for which the materials are intended:
 - (A) at least once in the student text narrative; and
 - (B) once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; and
 - (2) process essential knowledge and skills:
 - (A) at least once in the student text narrative and once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; or
 - (B) twice in an end-of-section review exercise, an end-of-chapter activity, or a unit test.
- (i) A draft copy of the proclamation shall be provided to each member of the SBOE and posted on the TEA website, and the TEA shall solicit input regarding the draft proclamation prior to its scheduled adoption by the SBOE. Any revisions recommended as a result of input from publishers shall be presented to the SBOE along with the subsequent draft of the proclamation.
- (j) If the SBOE determines that good cause as defined by the SBOE exists, the SBOE may adopt an emergency, supplementary, or revised proclamation without complying with the timelines and other requirements of this section.
- (k) The SBOE may issue a proclamation for instructional materials eligible for midcycle review. The midcycle adoption process shall follow the same procedures as the regular adoption except to the extent specified in this subsection.
- (1) The midcycle proclamation shall include a fee not to exceed \$10,000 for each program or system of instructional materials intended for a certain subject area and grade level or course submitted for midcycle review. Publishers participating in the midcycle review process are responsible for all expenses incurred by their participation.
 - (2) A publisher that ~~[who]~~ intends to offer instructional materials for midcycle review shall commit to provide the instructional materials to school districts in the manner specified by the publisher. The manner in which instructional materials are provided may include:
 - (A) providing the instructional materials to any district in a regional education service center area identified by the publisher; or
 - (B) providing a certain maximum number of instructional materials specified by the publisher.
 - (3) The publisher of instructional materials submitted for midcycle review shall enter into a contract with the SBOE for a term that ends at the same time as any contract entered into by the SBOE for instructional materials for the same subject and grade level.
 - (4) The publisher of instructional materials submitted for midcycle review is not required to provide samples to education service centers or school districts as specified in the TEC, §31.027.
 - (5) The publisher of instructional materials submitted for midcycle review shall make available one electronic examination copy of each submitted instructional materials product, including materials intended for teacher use and ancillaries, to each SBOE member upon that member's request, beginning on the date in the adoption schedule when publishers file their samples at the TEA. The state does not guarantee return of these SBOE-requested materials.

§66.28. Requirements for Publisher Participation.

- (a) A publisher with adopted materials ~~[who intends to offer instructional materials for review]~~ shall comply with product standards and specifications.
- (1) Hard copy instructional materials adopted by the State Board of Education (SBOE) shall comply with the standards in the latest edition of Manufacturing Standards and Specifications for Textbooks approved by the National Advisory Commission on Textbook Specifications, as applicable. A publisher shall file a statement certifying instructional materials submitted for consideration will meet applicable product standards and specifications if adopted. Each statement must be made in a format designated by the commissioner of education, signed by a company official, and filed on or before the deadline specified in the schedule of adoption procedures in each proclamation. If the commissioner ~~[of education]~~ determines that good cause exists, the commissioner may approve an exception for a specific portion or portions of this requirement.
 - (2) A publisher that ~~[who]~~ offers electronic instructional materials must provide a report for each electronic component that verifies that the components follow the Web Content Accessibility Guidelines (WCAG) identified in the proclamation ~~[2.0 AA standards]~~ and technical standards required by the Federal Rehabilitation Act, Section 508. The report must be prepared by an independent third party and be based on an audit testing the accessibility of all electronic components ~~[a random sampling of pages]~~ as outlined in each proclamation. If applicable, the ~~[The]~~ number of pages to be audited to meet the requirements in the proclamation shall be determined by the publisher.
 - (3) A publisher that ~~[who]~~ provides access to materials to students with disabilities through an alternate format shall include a link to that material on the entrance page of the main product.
 - (4) Materials delivered online shall meet minimum web-based standards.
 - ~~[(5) — A publisher shall file a statement certifying instructional materials submitted for consideration will meet applicable product standards and specifications if adopted. Each statement must be made in a format designated by the commissioner of education, signed by a company official, and filed on or before the deadline specified in the schedule of adoption procedures in each proclamation.]~~
 - (5) ~~[(6)]~~ If, during the contract period, the commissioner ~~[of education]~~ determines that any adopted instructional materials have faulty manufacturing characteristics or are made of inferior materials, the materials shall be replaced by the publisher without cost to the state.
 - ~~[(6) — If, during the contract period, the commissioner determines that any publisher's adopted instructional materials do not comply with the WCAG standards identified in the proclamation or the technical standards required by the Federal Rehabilitation Act, Section 508, the publisher's instructional materials contract may be presented to the SBOE for termination.]~~
 - (7) A publisher of adopted instructional materials shall make available samples that meet the requirements of this subsection to an SBOE member upon that member's request, beginning on the date the publishers are required to submit their final samples to the Texas Education Agency (TEA).
- (b) Publishers participating in the adoption process are responsible for all expenses incurred by their participation.
- (c) ~~[(b)]~~ A publisher that ~~[who]~~ intends to offer instructional materials for adoption shall submit a statement of intent to bid on or before the date specified in the schedule of adoption procedures.
- (1) The statement of intent to bid shall be submitted in a format designated by the commissioner ~~[of education]~~ .
 - (2) A publisher shall indicate in the statement of intent to bid the percentage of Texas essential knowledge and skills that the publisher believes are sufficiently covered in each instructional materials submission.
 - (3) A publisher shall specify hardware and system requirements needed to review any item included in an instructional materials submission.

- (4) Additions to a publisher's statement of intent to bid shall not be accepted after the deadline for filing statements of intent to bid, except as allowed in the schedule of adoption procedures included in a proclamation.
- (5) A publisher that ~~[who]~~ intends to offer instructional materials for midcycle review shall submit a statement of intent to bid and price information on or before the date specified in the schedule of adoption procedures under midcycle review. The statement of intent to bid must:
- (A) specify the manner in which instructional materials will be provided to school districts as specified in §66.27(k)(2) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials); and
 - (B) include payment of the fee for review of instructional materials submitted for midcycle review.
- (d) ~~[(e)]~~ A publisher that ~~[who]~~ intends to offer instructional materials for review shall comply with the following requirements for providing pre-adoption samples.
- (1) Complete electronic samples of student and teacher components of instructional materials shall be provided to the TEA and the 20 regional education service centers (ESCs) on or before the date specified in the schedule of adoption procedures in a proclamation. Samples submitted for review shall be complete versions of the final product and must include all content intended to be in the final product, not just the content identified in the correlations. Samples of electronic products must be fully functional for review purposes and meet any other specifications identified in the proclamation. The original sample submission must remain unchanged through the entire review and adoption process, though updated samples can be added to the publisher's submission. These samples are copyrighted by the publisher and are not to be downloaded for use in classrooms or for any purpose other than public review.
 - ~~(2) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.~~
 - ~~(3) Electronic samples must be free of sales or marketing materials.~~
 - ~~(4) [(2)]~~ The TEA may request additional samples if they are needed. These samples shall be available for public review. Publishers of instructional content accessed through the internet shall provide appropriate information, such as locator and login information and passwords, required to ensure public access to their programs throughout the review period.
 - ~~(5) [(3)]~~ If the commissioner ~~[of education]~~ determines that good cause exists, the commissioner may extend the deadline for filing samples with ESCs. At its discretion, the SBOE may remove from consideration any materials proposed for adoption that were not properly supplied to the ESCs, the TEA, or SBOE members.
 - ~~(6) [(4)]~~ A publisher shall provide a complete description of all student and teacher components of an instructional materials submission ~~[along with the required electronic sample]~~.
 - ~~(7) [(5)]~~ On request of a school district, a publisher shall provide an electronic sample of submitted instructional materials and may also provide print sample copies. ~~[A publisher of prekindergarten materials is not required to submit electronic samples of adopted prekindergarten instructional materials.]~~ Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering.
 - ~~[(6) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.]~~
 - ~~(8) [(7)]~~ One sample copy of each student and teacher component of an instructional materials submission shall be provided for each member of the appropriate state review panel in accordance with instructions provided by the TEA. Publishers have the option to provide reviewers with ~~[file with the TEA]~~ print samples, electronic samples in an open file format or closed format, or galley

proofs. An electronic sample of print instructional materials must be offered in a format that simulates the print or "view only" version and that does not contain links to external sources. To ensure that the evaluations of state review panel members are limited to student and teacher components submitted for adoption, publishers shall not provide ancillary materials or descriptions of ancillary materials to state review panel members. The state does not guarantee return of sample instructional materials.

~~[(8) On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for review with essential knowledge and skills required by the proclamation. Correlations shall be provided for materials designed for student use and materials designed for teacher use and must identify evidence of each student expectation addressed in the ways specified in §66.27(h) of this title. Correlations shall be submitted in a format designated by the commissioner of education.]~~

(9) The TEA, ESCs, and participating publishing companies shall work together to ensure that hardware or special equipment necessary for review of any item included in a student and/or teacher component of an instructional materials submission is available in each ESC. Participating publishers may be required to lend such hardware or special equipment to any member of a state review panel who does not have access to the necessary hardware or special equipment.

(10) Electronic samples must allow for multiple, simultaneous user access and be equipped with a word-search feature.

~~[(10) A publisher shall provide a list of all corrections required to be made to each student and teacher component of an instructional materials submission to bring them into compliance with applicable laws, rules, or the proclamation. The list must be in a format designated by the commissioner of education and filed on or before the deadline specified in the schedule of adoption procedures. If no corrections are necessary, the publisher shall file a statement to that effect in a format designated by the commissioner of education on or before the deadline in the schedule for submitting the list of corrections. On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.]~~

~~[(11) One complete electronic sample copy in an open file format or closed format of each student and teacher component of adopted instructional materials that incorporate all corrections required by the SBOE shall be filed with the commissioner of education on or before the date specified in the schedule of adoption procedures. The complete sample copies filed with the TEA must be representative of the final program. In addition, each publisher shall file an affidavit signed by an official of the company verifying that all corrections required by the commissioner of education and SBOE have been made.]~~

~~[(12) Publishers participating in the adoption process are responsible for all expenses incurred by their participation. The state does not guarantee return of sample instructional materials.]~~

(c) ~~[(4)]~~ A publisher that [who] intends to offer instructional materials for adoption shall comply with the following bid requirements.

(1) Publishers shall file official bids with the commissioner ~~[of education]~~ according to the schedule of adoption procedures and in a manner designated by the commissioner.

~~[(2) The official bid price of an instructional materials submission may exceed the price included with the statement of intent to bid filed under subsection (b) of this section.]~~

(2) ~~[(3)]~~ The official bid filed by a publisher shall include separate prices for each item included in an instructional materials submission. A publisher shall guarantee that individual items included in the student and/or teacher component are available for local purchase at the individual prices listed for the entire contract period.

(3) ~~[(4)]~~ A publisher may submit supplemental bids with new package options or lower prices for existing packages or components according to the schedule of adoption procedures included in the proclamation if the publisher filed an initial bid for that course or grade level by the deadline in the

schedule of adoption procedures . Supplemental bids may not be submitted for prices higher than were provided in the initial bids.

~~[(5) — Each instructional material or ancillary material that is offered as part of a bundle must also be available for purchase individually.]~~

~~(f) — Each instructional material or ancillary material that is offered as part of a bundle must also be available for purchase individually.~~

~~(g) [(e)] A publisher that [who] intends to offer instructional materials for adoption shall comply with the following additional requirements.~~

~~(1) A publisher shall submit to the TEA a signed affidavit including the following:~~

~~(A) certification that each individual whose name is listed as an author or contributor of the instructional materials contributed to the development of the instructional materials; and~~

~~(B) a general description of each author's or contributor's involvement in the development of the instructional materials ; and []~~

~~(C) certification that all corrections required by the commissioner and SBOE have been made.~~

~~(2) Student materials offered for possible adoption may include consumable components in subjects and grade levels in which consumable materials are not specifically called for in the proclamation. In such cases, publishers must meet the following conditions.~~

~~(A) The per student price of the materials must include the cost of replacement copies of consumable student components for the full term of the adoption and contract, including any extensions of the contract terms, but for no more than 12 years. The offer must be set forth in the publisher's official bid.~~

~~(B) The publisher's official bid shall contain a clear explanation of the terms of the sale, including the publisher's agreement to supply consumable student materials for the duration of the contract and extensions as noted in subparagraph (A) of this paragraph.~~

~~(C) The publisher and the school district shall determine the manner in which consumable student materials are supplied beyond the initial order year.~~

~~(h) [(f)] A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of the TEA.~~

~~(i) [(g)] A publisher or author may not solicit input, directly or indirectly, on new or revised content from a member of the state review panel for a product the panelist reviewed while the product is being considered or even after the product has been adopted or rejected.~~

~~(j) — On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for review with essential knowledge and skills required by the proclamation. Correlations shall be provided for materials designed for student use and materials designed for teacher use and must identify evidence of each student expectation addressed in the ways specified in §66.27(h) of this title. Correlations shall be submitted in a format designated by the commissioner.~~

~~(k) — A publisher shall provide a list of all corrections required to be made to each student and teacher component of an instructional materials submission to bring them into compliance with applicable laws, rules, or the proclamation. The list must be in a format designated by the commissioner and filed on or before the deadline specified in the schedule of adoption procedures. If no corrections are necessary, the publisher shall file a statement to that effect in a format designated by the commissioner on or before the deadline in the schedule for submitting the list of corrections.~~

~~(l) — On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.~~

- (m) One complete electronic sample copy in an open file format or closed format of each student and teacher component of adopted instructional materials that incorporate all corrections required by the SBOE shall be filed with the commissioner on or before the date specified in the schedule of adoption procedures. The complete sample copies filed with the TEA must be representative of the final program.
- (n) ~~(h)~~ A publisher who intends to offer instructional materials for adoption shall comply with additional requirements included in a proclamation related to submission of instructional materials for adoption.

§66.30. State Review Panels: Eligibility and Appointment.

- (a) The commissioner of education shall determine the number of review panels needed to review instructional materials under consideration for adoption, the number of persons to serve on each panel, and, subject to this section, the process for selecting panel members.
- (b) As determined by this section, panel members shall serve with the advice and consent of the member from whose district the panel member resides.
- (c) The commissioner ~~[of education]~~ shall solicit nominations for possible appointees to state review panels from the State Board of Education (SBOE), school districts, open-enrollment charter schools, and educational organizations in the state. Nominations may be accepted from any Texas resident. Nominations shall not be made by or accepted from any publishers; hardware or software providers; authors; depositories; agents for publishers, hardware or software providers, authors, or depositories; or any person who holds any official position with a publisher, hardware or software provider, author, depository, or agent.
- (d) A person nominated to serve on a state review panel shall disclose in any nomination or application, in a manner designated by the commissioner ~~[of education]~~, his or her residence and whether currently or at any time in the 36 months preceding the appointment the person:
- (1) was employed by or received funds from any individual or entity affiliated with a publishing company involved in or connected to the adoption of instructional materials;
 - (2) owned or controlled any interest valued at more than \$5,000 in a privately owned publishing company or an entity receiving funds from a publishing company involved in or connected to the adoption of instructional materials or had direct ownership of stock of a publicly traded company involved in or connected to the adoption of instructional materials; or
 - (3) was employed by an institution of higher education that has submitted open education resource instructional materials or is a publisher of instructional materials.
- (e) The commissioner ~~[of education]~~ shall propose appointments to state review panels that, to the extent possible, as determined by the commissioner, include the following:
- (1) individuals nominated by SBOE members;
 - (2) individuals representing a diverse mixture of gender, race, and SBOE districts;
 - (3) a majority of members with content expertise and experience;
 - (4) academic experts in each subject area for which instructional materials are being considered, giving priority to content-relevant educators and professors; and
 - (5) educators, parents, business and industry representatives, and employers.
- (f) For purposes of this section, an "academic expert" is a person who:
- (1) is a public-school ~~[public school]~~ teacher with at least ten years of classroom teaching experience; or
 - (2) has at least a master's degree in the subject area; or
 - (3) is a professor at an accredited four-year institution of higher education in Texas.
- (g) The commissioner ~~[of education]~~ shall notify the SBOE of the proposed appointments. The commissioner shall assign each appointee to the SBOE district in which he or she resides.

- (h) An SBOE member may reject the proposed appointment of a panel member representing that member's SBOE district by notifying the commissioner via electronic mail within five business ~~[seven]~~ days of receiving the proposed appointment list. Failure to reject a proposed appointment within five business ~~[seven]~~ days constitutes consent for the appointment.
- (i) After close of the five-business-day ~~[seven-day]~~ period under subsection (h) of this section, the commissioner may propose additional members if necessary. The commissioner shall provide to the SBOE member who represents the district of residence for each additional proposed panel member the opportunity for review of additional members in accordance with the time period and rejection rules under subsection (h) of this section. The SBOE shall be notified of finalized appointments made by the commissioner ~~[of education]~~ to state review panels. The final list of appointees, their roles, and who nominated them shall be given to each member of the SBOE no later than the first public meeting following the finalization of the panels.
- (j) The commissioner ~~[of education]~~ shall inform nominees who are not appointed to a state review panel that all members of the public may review instructional materials and give input during the public comment period.
- (k) The role of each appointee shall be designated by the commissioner ~~[of education]~~ and disclosed to all appointees on each panel.
- (l) Members of a state review panel may be removed at the discretion of the commissioner ~~[of education]~~ at any time prior to the completion of the review.

§66.36. State Review Panels: Training, Duties, and Conduct.

- (a) State review panel members shall participate in training that includes at least the following:
 - (1) the responsibilities of a state review panel member;
 - (2) statutes and rules pertaining to the state adoption process;
 - (3) essential knowledge and skills specified for subjects and grades or courses included in the proclamation;
 - (4) clear and consistent guidelines for determining Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) coverage within the instructional materials;
 - (5) identifying factual errors;
 - (6) the schedule of adoption procedures;
 - (7) instruction in the use of technology appropriate to media submitted for adoption; and
 - (8) regulatory requirements, including the Government Code, §572.051 (relating to Standards of Conduct), and the Texas Penal Code, §36.02 (relating to Bribery). Copies of the statutes mentioned in this section shall be supplied to each state review panel member.
- (b) The duties of the members of a state review panel are to:
 - (1) evaluate all instructional materials submitted for review assigned to the panel to determine if essential knowledge and skills are covered in the instructional materials intended for student use and the instructional materials intended for teacher use. All portions of instructional materials must be reviewed by at least two panel members for the purpose of this review. Nothing in this rule shall be construed to contravene the Texas Education Code (TEC), §28.004(e)(5), which makes coverage of contraception and condom use optional in both the student and teacher editions of health instructional materials. Coverage must be identified as described in §66.27(h) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials) to be considered complete. The requirements to be met in evaluating coverage of essential knowledge and skills shall include the following.
 - (A) State review panel members must participate in a team during the review and reach a consensus, or a simple majority if the panel members are unable to reach consensus, to

determine whether the TEKS or TPG have been covered sufficiently in the instructional materials.

- (B) A publisher's citation for coverage of any specific student expectation may be accepted only if it provides one of the following:
 - (i) an opportunity for the teacher to teach the component of the knowledge or skill in the teacher material;
 - (ii) an opportunity for the student to learn the component of the knowledge or skill in the student material or the teacher material; or
 - (iii) an opportunity for the student to demonstrate the component of the knowledge or practice the component of the skill in the student material or the teacher material.
 - (C) Student expectations are not considered covered if only included in side bars, captions, or questions at the end of a section or chapter.
 - (D) Each student expectation must be clearly evident in the instructional materials to ensure sufficient coverage.
 - (E) Student expectations that contain the word "including" reference content that must be covered in instructional materials, while those containing the phrase "such as" are intended as possible illustrative examples and are not required to be covered in instructional materials;
- (2) submit a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role, to the commissioner of education indicating which TEKS or TPG are and are not covered in each product assigned to be evaluated by the state review panel;
 - (3) if applicable, submit a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role, to the commissioner [of education] indicating which English language proficiency standards required for any specific product as established by the proclamation are and are not covered in each product assigned to be evaluated by the state review panel;
 - (4) submit to the commissioner [of education] a list of all factual errors in instructional materials discovered during the review conducted by the state review panel through the submission of a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role;
 - (5) as appropriate for a subject area and/or grade level, ascertain that instructional materials submitted for review do not contain content that clearly conflicts with the stated purpose of the TEC, §28.002(h); and
 - (6) at the conclusion of the review process, certify to the State Board of Education (SBOE) [SBOE] compliance with subsection (a) of this section and with this subsection.
- (c) State review panel members shall not accept meals, entertainment, gifts, or gratuities in any form from SBOE members; publishers, authors, or depositories; agents for publishers, authors, or depositories; any person who holds any official position with publishers, authors, depositories, or agents; or any person or organization interested in influencing the selection of instructional materials.
 - (d) Before presenting a final report to the commissioner [of education], state review panel members shall be given an opportunity to request a meeting with a publisher to obtain responses to questions regarding instructional materials being evaluated by the state review panel. Questions shall be provided to publishers in advance of the meeting.
 - (e) State review panel members shall be afforded the opportunity to collaborate with other panel members during the official virtual and face-to-face reviews to discuss coverage of TEKS or TPG, errors, components, or any other aspect of instructional materials being evaluated. A member of a state review

panel shall not discuss with other members of the panel the instructional materials being reviewed, except during official virtual and face-to-face reviews.

- (f) State review panel members shall not discuss instructional materials being evaluated with a member of the SBOE [~~State Board of Education (SBOE)~~] or with any party having a financial interest in the adoption of instructional materials prior to the conclusion of the review. The review is considered to have concluded on the date that the list of instructional materials recommended for adoption is posted on the Texas Education Agency (TEA) website.
- (g) SBOE members may attend review panel meetings but may not discuss materials under review with state review panel members.
- (h) State review panel members shall observe a no-contact period that shall begin with the initial communication regarding possible appointment to a state review panel and end when the final report showing the findings of the review panels is posted on the TEA website. During this period, state review panel members shall not have direct or indirect communication with any person having an interest in the adoption process regarding content of instructional materials under evaluation by the panel.
- (i) The restrictions in subsections (e)-(h) of this section are not intended to prohibit members of the state review panels from seeking advice from educators, experts, or parents regarding the meaning or intent of the student expectations that the materials must cover.
- (j) The restrictions in subsections (e)-(h) of this section are not intended to prohibit members of the state review panels from providing public testimony to the SBOE either at a public hearing or in any regularly scheduled meeting in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).
- (k) State review panel members shall report immediately to the commissioner [~~of education~~] any communication or attempted communication by any person not officially involved in the review process regarding instructional materials being evaluated by the panel.
- (l) State review panel members participating in the face-to-face review shall affix their signatures to all reports to the commissioner [~~of education~~]. State review panel members participating in the virtual review shall submit their reports electronically through email accounts owned by the review panel members, which will serve as their electronic signatures.
- (m) Members of each state review panel may be required to be present at the SBOE meeting at which instructional materials are adopted.

§66.39. Regional Education Service Centers: Procedures for Handling Samples; Public Access to Samples.

- (a) Each regional education service center (ESC) executive director shall designate one person to supervise all access to electronic samples of instructional materials.
- (b) On or before the date specified in the schedule of adoption procedures, each ESC representative shall notify the commissioner of education of all irregularities in electronic samples in a manner designated by the commissioner. The appropriate publisher shall be notified of any sample irregularities reported by the ESCs.
- (c) One electronic sample of all instructional materials under consideration for adoption shall be retained in each ESC for review by interested persons. The review sample must remain available until the ESC receives the electronic final adopted product sample on the date specified in the schedule of adoption procedures.
- (d) Appropriate information, such as locator and login information and passwords, shall be made available by the ESCs to ensure public access to Internet-based instructional content throughout the review or contract period, as appropriate.
- (e) Regional ESCs shall ensure reasonable public access to sample instructional materials, including access outside of normal working hours that shall be scheduled by appointment.
- (f) On or before the date specified in the schedule of adoption procedures, each ESC shall publicize the date on which sample instructional materials will be available for review and shall notify all school districts in the region of the schedule.

- (g) One electronic final sample of all instructional materials adopted by the State Board of Education shall be retained in each ESC for the entire adoption period for review by interested persons.

§66.41. Adding Content During the Panel Review.

- (a) A publisher may add or edit content to instructional materials during the panel review [~~review and adoption process~~] only to allow the materials to:
- (1) meet the Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) coverage percentage the publisher had specified on the correlation document submitted for that instructional product;
 - (2) meet 100% of the English language proficiency standards (ELPS) designated for the subject and grade for which the instructional product is intended; and
 - (3) address any factual errors.
- (b) To be eligible to have content added as described in subsection (a) of this section, the material must, upon its initial review, be identified as meeting:
- (1) at least 75% of the TEKS or TPG coverage percentage indicated by the publisher on the correlation document submitted for that material; and
 - (2) at least 75% of the ELPS designated for the subject and grade for which the material is intended.
- (c) A publisher shall have one opportunity to provide a written request for the Texas Education Agency (TEA) to further review instructional material that, in accordance with subsection (b) of this section, is not eligible to have new content added. The request for further review must be received by TEA within the timeframe established by the TEA at the start of the review.
- (d) New content may be provided as print samples, electronic samples in an open file format or closed format, or galley proofs for review by the state review panels.
- (e) New content must be provided to the review panels as quickly as possible and within the timeframe established by the TEA.
- (f) Electronic samples of new content approved by the review panels for the purpose of making the product eligible for adoption shall be submitted to the TEA and each education service center prior to the adoption of instructional materials. New content submitted under this subsection must be submitted by the deadline established in the schedule of adoption procedures in the proclamation.
- (g) If a publisher receives a request or a "no report" from a panel, the publisher shall be given no less than 48 hours to provide content in response to the request or report.

§66.42. Public Comment on Instructional Materials.

- (a) The instructional materials public comment period begins when the electronic samples of materials under consideration for adoption are posted on the Texas Education Agency (TEA) website and ends 14 days prior to the meeting at which the State Board of Education (SBOE) will vote to adopt instructional materials.
- (b) [~~(a)~~] Any resident of Texas may submit written comments for, against, or about any instructional materials submitted for adoption.
- (1) Written comments shall be submitted to the commissioner of education in a format designated by the commissioner on or before the deadlines specified in the schedule of adoption procedures.
 - (2) Alleged factual errors shall be submitted to the commissioner [~~of education~~] in a format designated by the commissioner on or before the deadlines specified in the schedule of adoption procedures.
 - (3) Copies of written comments and lists of reported alleged factual errors shall be posted on the TEA [Texas Education Agency (TEA)] website and provided to the SBOE [State Board of Education (SBOE)] and participating publishers.

(c) ~~(b)~~ The SBOE shall hold a hearing on instructional materials submitted for review during a regularly scheduled meeting prior to the meeting at which the SBOE will vote to adopt instructional materials.

- (1) Testimony at the hearing shall be accepted from Texas residents and non-residents with priority given to Texas residents. Copies of written testimony provided at the hearing shall be distributed to SBOE members and to publishers with materials under consideration. Persons who wish to testify must register in accordance with registration procedures in the SBOE Operating Rules, §2.10 (relating to Oral Public Testimony in Connection with Regular Board and Committee Meetings). The SBOE may limit the time available for each person to testify in an effort to hear from everyone who has registered to testify. Persons will also be allowed to register to testify at the hearing, but priority will be given to those persons who registered prior to the deadline, in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).
- (2) Oral responses to testimony at the hearing may be made by official representatives of publishing companies.
- (3) An archived recording of the hearing shall be provided on the TEA website.
- (4) All written publisher responses to comments or public testimony provided at the hearing shall be posted to the TEA website within five working days of their receipt.

(d) ~~(e)~~ Public comment on instructional materials not adopted by the SBOE on the date specified in the schedule of adoption procedures shall be accepted according to the SBOE Operating Rules, §2.10.

§66.43. Adding Content During the Public Comment Period.

- (a) Publishers that [who] wish to add or modify content after submitting their electronic pre-adoption samples but prior to adoption must make the new content available to the public, ~~[and must]~~ meet all the same requirements with that new content that the original pre-adoption sample meets, and document changes on the list of corrections and editorial changes, as specified in §66.28 of this title (relating to Requirements for Publisher Participation).
- (b) Changes to content in materials under consideration for adoption made in accordance with subsection (a) of this section, including those proposed in response to public comment, must be received by the Texas Education Agency by seven business days prior to the meeting at which the State Board of Education will vote to adopt instructional materials. The proposed changes shall be posted on the Texas Education Agency website at least five business days prior to the meeting at which the State Board of Education will vote to adopt instructional materials. ~~[Changes to content in materials under consideration for adoption proposed in response to public testimony must be received by the Texas Education Agency by 5:00 p.m. on the Wednesday prior to the meeting at which the State Board of Education will vote to adopt instructional materials.]~~
- (c) Changes to content in materials under consideration for adoption proposed in response to public testimony must be received by the Texas Education Agency by 5:00 p.m. on the Wednesday prior to the meeting at which the State Board of Education will vote to adopt instructional materials.
- (d) ~~(e)~~ After materials have been adopted, content changes must be made in accordance with §66.75 of this title (relating to Updates to Adopted Instructional Materials).

§66.63. Report of the Commissioner of Education.

- (a) State review panels appointed by the commissioner of education shall review all instructional materials submitted for consideration for adoption. The commissioner shall prepare a preliminary report on instructional materials under consideration for adoption that includes the following:
 - (1) the findings of the review panels regarding Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) and English language proficiency standards (ELPS) coverage; and
 - (2) alleged factual errors identified by state review panels.

- (b) The preliminary report will be provided to publishers participating in the review process. According to the schedule of adoption procedures, a publisher with a [whose] product that meets one of the criteria in subsection (d) of this section shall be given an opportunity for a show-cause hearing if the publisher elects to protest the commissioner's preliminary report.
- (c) The show-cause hearing is a formal opportunity for a publisher to present evidence that the preliminary report does not accurately reflect the extent to which the content provided to the state review panels addresses the required TEKS or TPG and/or designated ELPS. The show-cause hearing is not a forum to address complaints alleging procedural irregularities or violations of statutes or rules.
- (d) To be eligible for a show-cause hearing, a product must meet the requirements of §66.41(b) of this title (relating to Adding Content During the Panel Review) regarding eligibility to provide new content and, upon completion of the final review, be identified as meeting:
 - (1) at least 95% of the TEKS or TPG coverage percentage indicated by the publisher on the correlation document for that product; or
 - (2) less than 50% of the TEKS or TPG for the subject and grade for which the product is intended and/or less than 100% of the ELPS designated for the subject and grade for which the product is intended.
- (e) Upon the conclusion of the period of time designated for show-cause hearings, the commissioner [~~of education~~] shall submit to the State Board of Education (SBOE) a final report regarding TEKS or TPG and ELPS coverage, alleged factual errors identified by either the publisher or the review panel, and information regarding whether a publisher on the list has refused to rebid instructional materials according to §66.72 of this title (relating to Contracts).

§66.66. Consideration and Adoption of Instructional Materials by the State Board of Education.

- (a) The State Board of Education (SBOE) shall either adopt or reject each submitted instructional material in accordance with the Texas Education Code (TEC), §31.024.
- (b) The SBOE shall adopt instructional materials in accordance with the TEC, §31.023. Instructional materials may be adopted only if:
 - (1) they meet at least 50% of the Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) when the SBOE calls for materials as specified in §66.27(c)(1) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials) or meet requirements of the proclamation when the SBOE calls for materials as specified in §66.27(c)(2) or (3) of this title for the subject and grade level or course(s) in materials designed for student use and materials designed for teacher use. In determining the percentage of the TEKS or TPG covered by instructional materials, each student expectation shall count as an independent element of the TEKS or TPG ;
 - (2) the publisher has agreed to ensure that they meet the established physical specifications adopted by the SBOE prior to making materials available for use in districts;
 - (3) the publisher has agreed to ensure that they follow the Web Content Accessibility (WCAG), Level AA standards and technical specifications of the Federal Rehabilitation Act, Section 508, as specified in the proclamation;
 - (4) [~~(3)~~] they are free from factual errors, including significant grammatical or punctuation errors that have been determined to impede student learning, or the publisher has agreed to correct any identified factual errors or grammatical or punctuation errors that have been determined to impede student learning, prior to making them available for use in districts and charter schools;
 - (5) [~~(4)~~] they are deemed to be suitable for the subject area and grade level;
 - (6) [~~(5)~~] they have been reviewed by academic experts in the subject and grade level; and
 - (7) [~~(6)~~] they receive approval by majority vote of the SBOE.

- (c) No instructional material may be adopted that contains content that clearly conflicts with the stated purpose of the TEC, §28.002(h).
- (d) Instructional materials submitted for review may be rejected by majority vote of the SBOE in accordance with the TEC, §31.024.
- (e) A publisher may withdraw from the adoption process at any time prior to execution of a contract with the SBOE for any reason by providing notification in writing to the commissioner of education. Notification of withdrawal is final and irrevocable.
- (f) The commissioner may remove materials from the adopted list if the publisher fails to meet deadlines established in the schedule of adoption procedures.

§66.67. Adoption of Open Education Resource Instructional Materials.

- (a) "Open education resource instructional material" means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.
- (b) The State Board of Education (SBOE) shall place open education resource instructional materials submitted for a secondary-level course on the adopted list if the instructional materials meet the criteria outlined in subsections (c) and (d) of this section.
- (c) Open education resource instructional materials referenced in this section must be:
 - (1) submitted by an eligible institution, defined as a public institution of higher education that is designated as a research university or emerging research university under the Texas Higher Education Coordinating Board's accountability system, or a private university located in Texas that is a member of the Association of American Universities, or a public technical institute, as defined by the TEC, §61.003;
 - (2) intended for a secondary-level course; and
 - (3) written, compiled, or edited primarily by faculty of an eligible institution that specializes ~~who specialize~~ in the subject area of the instructional materials.
- (d) To submit open education resource instructional materials, an eligible institution must:
 - (1) certify by the board of regents, or corresponding governing body, or president of the university, or by an individual authorized by one of these entities, that the instructional materials qualify for placement on the adopted list based on the extent to which the instructional materials cover the essential knowledge and skills identified under the TEC, §28.002;
 - (2) identify each contributing author;
 - (3) provide certification by the appropriate academic department of the submitting institution that the instructional materials are accurate; and
 - (4) certify that:
 - (A) for instructional materials for a senior-level course, a student who successfully completes a course based on the instructional materials will be prepared, without remediation, for entry into the eligible institution's freshman-level course in that subject; or
 - (B) for instructional materials for a junior-level and senior-level course, a student who successfully completes the junior-level course based on the instructional materials will be prepared for entry into the senior-level course.
- (e) All information and certifications required by subsection (d) of this section shall be provided in a format designated by the commissioner of education.

- (f) A publisher that [who] offers open education resource instructional materials must provide a report for each electronic component that verifies that the component substantially follows Web Content Accessibility (WCAG) [2.0-AA] standards and technical standards required by the Federal Rehabilitation Act, Section 508, as applicable. Specific standards that must be met will be specified in each proclamation.
- (g) Before placing open education resource instructional materials submitted under subsection (b) of this section on the adopted list, the SBOE shall direct the Texas Education Agency (TEA) to post the materials on the TEA website for 60 days to allow for public comment and the SBOE shall hold a public hearing on the instructional materials. Public comment shall be provided to members of the SBOE and posted on the TEA website within five working days of its receipt.
- (h) Not later than the 90th day after the date open education resource instructional materials are submitted as provided by the TEC, §31.0241, the SBOE may review the instructional materials. The SBOE:
 - (1) may request an independent review that follows the same process used in §66.36 of this title (relating to State Review Panels: Training, Duties, and Conduct) to confirm the content meets the criteria for placement on the adopted list based on the extent to which the instructional materials cover the essential knowledge and skills. The SBOE shall notify the submitting institution of any discrepancy in alignment with essential knowledge and skills;
 - (2) shall post with the list adopted under the TEC, §31.023, comments made by the SBOE regarding the open education resource instructional materials placed on the list; and
 - (3) shall distribute SBOE comments to school districts.

§66.72. Contracts.

- (a) The state contract shall not be changed or modified without approval of the Texas Education Agency (TEA) legal counsel.
- (b) Contracts shall be sent to the publishers for signature. Signed contracts returned by the publishers shall be signed by the chair of the State Board of Education (SBOE) and attested to by the commissioner of education. Properly signed and attested contracts shall be filed with the TEA.
- (c) The publisher of instructional materials adopted by the SBOE shall:
 - (1) enter into a contract with the SBOE for a term not to exceed eight years and that ends at the same time as any contract entered into by the SBOE for other instructional materials for the same subject and grade level; and
 - (2) commit to provide the instructional materials in the manner specified by the publisher in the official [statement of intent to] bid specified in §66.28(e) [~~§66.28(b)~~] of this title (relating to Requirements for Publisher Participation).
- (d) A publisher of adopted materials may add post-contractual bids to its contract in response to identified needs of districts.
- (e) The commissioner [of education] shall annually review contracts for instructional materials and identify those that should be renewed.
- (f) The SBOE shall renew existing contracts upon determining that the renewal would be in the best interest of the state and after considering the following factors:
 - (1) placement of subject areas in the review and adoption cycle;
 - (2) availability and projected cost of new instructional materials;
 - (3) willingness of publishers to renew contracts; and
 - (4) cost of instructional materials under a renewal contract.
- (g) Publishers awarded new contracts shall be prepared to make the adopted instructional materials available for at least one extended contract period of not more than four years at prices that are mutually agreeable to publishers and to the commissioner [of education] . The SBOE may consider refusing to award future

contracts to a publisher that ~~that~~ ~~who~~, after receiving written notice to do so, refuses to rebid instructional materials at least one time. Failure of a publisher to negotiate an acceptable price for an extended contract shall not be considered failure to rebid instructional materials.

- (h) Contracts with publishers are subject to all provisions of the Texas Education Code (TEC), Chapter 31.
- (i) The SBOE may execute a contract for the printing of open education resource instructional materials on the adopted list that allows a school district or an open-enrollment charter school to requisition printed copies of open education resource instructional materials as provided by the TEC, §31.103.

§66.75. Updates to Adopted Instructional Materials.

- (a) A publisher may submit a request to the commissioner of education for approval to update content in ~~[substitute an updated edition of]~~ state-adopted instructional materials. A publisher requesting approval of a content update ~~[new edition]~~ shall provide a written ~~[the]~~ request ~~[in writing]~~ in a manner designated by the commissioner ~~[of education]~~ that includes an explanation of the reason for the update. ~~[The request must be accompanied by an electronic sample and a correlation document that meets all the requirements of the correlation document provided for the initial review.]~~ This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. The request must be accompanied by an electronic sample of the proposed updates. Proposed changes shall be posted on the Texas Education Agency (TEA) website for a minimum of seven calendar days prior to approval.

~~[(b) Requests for approval of the updated edition shall provide that there will be no additional cost to the state.]~~

~~[(c) Publishers submitting requests for approval of content updates must certify in writing that the new material meets the applicable essential knowledge and skills and is free from factual errors.]~~

- ~~(b)~~ A publisher that requests to update content in state-adopted instructional materials must comply with the following additional requirements:

- ~~(1)~~ provide that there will be no additional cost to the state;
- ~~(2)~~ certify in writing that the new material meets the applicable essential knowledge and skills and is free from factual errors; and
- ~~(3)~~ certify that the updates do not affect the product's coverage of Texas Education Code (TEC), §28.002(h), as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage.

- ~~(c)~~ ~~[(d)]~~ With prior commissioner approval, publishers may, at any time, make changes that do not affect the product's Texas essential knowledge and skills (TEKS) coverage or its coverage of Texas Education Code, §28.002(h) [as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. Requests for approval of updates to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner of education to confirm the changes do not affect Texas essential knowledge and skills coverage or coverage of TEC, §28.002(h). Responses from the commissioner of education to update requests shall be provided within 30 days after receipt of the request. If no action has been taken by the end of the 30 days, the request is deemed approved. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the TEA website for a minimum of seven calendar days prior to approval].

- ~~(1)~~ Requests for approval of updates to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner prior to their introduction into state-adopted instructional materials to confirm that the changes do not affect TEKS coverage or coverage of TEC, §28.002(h).
- ~~(2)~~ Responses from the commissioner to update requests shall be provided within 30 days after receipt of the request. If no action has been taken by the end of the 30 days, the request is deemed approved.

- (d) ~~(e)~~ All requests for updates involving content used in determining the product's eligibility for adoption must be approved by the State Board of Education (SBOE) prior to their introduction into state-adopted instructional materials. Requests must be submitted in a format designated by the commissioner and must include correlations to applicable student expectations. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the TEA website for a minimum of seven calendar days prior to approval. The SBOE may assess penalties as allowed by law against publishers that [who] fail to obtain approval for updates to such content in state-adopted instructional materials prior to delivery of the materials to school districts.
- (e) ~~(f)~~ Publishers must agree to supply the previous version of state-adopted instructional materials to school districts that choose to continue using the previous version during the duration of the original contract. This subsection does not apply to electronic [online] instructional materials.
- (f) ~~(g)~~ A publisher of instructional materials may provide alternative formats for use by school districts if:
- (1) the content is identical to SBOE-approved content;
 - (2) the alternative formats include the identical revisions and updates as the original product; and
 - (3) the cost to the state and school is equal to or less than the cost of the original product.
- (g) ~~(h)~~ Alternative formats may be developed and introduced at any time during the adoption cycle [a time when the subject or grade level is not scheduled in the cycle to be considered for at least two years.] in conformance with the procedures for adoption of other state-adopted materials.
- (h) ~~(i)~~ Publishers must notify the commissioner [of education] in writing if they are providing SBOE-approved products in alternative formats.
- (i) ~~(j)~~ Publishers are responsible for informing districts of the availability of the alternative formats and for accurate fulfillment of orders for them.
- (j) ~~(k)~~ The commissioner [of education] may add alternative formats of SBOE-approved products to the list of adopted products available to school districts.
- (k) ~~(l)~~ Publishers of SBOE-adopted instructional materials may, at any time, without seeking approval from the SBOE or the commissioner [of education], make technical enhancements or improvements that do not add or change content, provided the enhancements do not change the technical requirements for districts to continue to be able to access the materials in the same manner as originally submitted.
- ~~(l)~~ The commissioner may provide an opportunity for publishers to submit updated content and new correlations to that content to update the product's official TEKS coverage percentage. The commissioner shall post an annual schedule of review procedures on the agency website to provide publishers with adequate notice of review timelines. The updated content shall be reviewed by state review panels during the next available state review panel meeting in accordance with the annual schedule of review procedures. Following the review, the commissioner shall provide a report to the SBOE that includes the following:
- ~~(1)~~ the findings of the review panels regarding the TEKS or Texas Prekindergarten Guidelines (TPG) coverage as provided in the updated content; and
 - ~~(2)~~ alleged factual errors in the updated content identified by state review panels.
- ~~(m)~~ The SBOE shall either accept or reject each updated TEKS or TPG coverage percentage and errors report in accordance with §66.66 of this title (relating to Consideration and Adoption of Instructional Materials by the State Board of Education). An updated TEKS alignment determination is considered final, pursuant to TEC, §31.023(a-1).

§66.76. New Editions of Adopted Instructional Materials.

- ~~(a)~~ A publisher may submit a request to the commissioner of education for approval to substitute a new edition of state-adopted instructional materials. A publisher requesting approval of a new edition shall provide a written request in a manner designated by the commissioner that includes an explanation of the reason for the substitution. The request must be accompanied by an electronic sample and a correlation document that meets all the requirements of the correlation document provided for the initial review. This requirement

includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the Texas Education Agency (TEA) website for a minimum of seven calendar days prior to approval.

- (b) A publisher that requests to substitute a new edition of state-adopted instructional materials must comply with the following additional requirements:

 - (1) provide that there will be no additional cost to the state,
 - (2) certify in writing that the new material meets the applicable Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) and is free from factual errors, and
 - (3) certify that the updates in the new edition do not affect the product's coverage of Texas Education Code (TEC), §28.002(h), as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage.
- (c) With prior commissioner approval, publishers may, at any time, substitute a new edition if the changes made to the new edition do not affect the product's TEKS coverage or its coverage of TEC, §28.002(h).

 - (1) Substitution requests to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner to confirm the changes do not affect TEKS coverage or coverage of TEC, §28.002(h).
 - (2) Responses from the commissioner to update requests shall be provided within 30 days after receipt of the request. If no action has been taken by the end of the 30 days, the request is deemed approved.
 - (3) Proposed changes shall be posted on the TEA website for a minimum of seven calendar days prior to approval.
- (d) All requests for updates involving content used in determining the product's eligibility for adoption must be approved by the State Board of Education (SBOE) prior to their introduction into state-adopted instructional materials. Requests must be submitted in a format designated by the commissioner and must include correlations to applicable student expectations. The SBOE may assess penalties as allowed by law against publishers that fail to obtain approval for updates to such content in state-adopted instructional materials prior to delivery of the materials to school districts.
- (e) Publishers must agree to supply the previous version of state-adopted instructional materials to school districts that choose to continue using the previous version during the duration of the original contract. This subsection does not apply to electronic instructional materials.

§66.81. Ancillary Materials.

- (a) Ancillary materials are defined as materials that a publisher plans to provide to school districts and open-enrollment charter schools free with their order of instructional materials from the list of adopted materials. Ancillaries are not evaluated in the review process and are not used to verify Texas essential knowledge and skills or Texas Prekindergarten Guidelines coverage. A publisher of adopted instructional materials shall provide any ancillary item free of charge to the same extent that the publisher provides the item free of charge to any state, public school, or school district in the United States. Any ancillary material may be part of a bundled package of materials, but each component of that package must be available for purchase individually.
- (b) The State Board of Education may impose a reasonable administrative penalty not to exceed \$5,000 against a publisher or manufacturer that [who] knowingly violates subsection (a) of this section.

Procedures for Selecting Nominees for Appointment to the School Land Board

September 13, 2019

COMMITTEE ON THE FULL BOARD: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item provides an opportunity for the committee and board to consider procedures to follow when preparing lists of nominees to be considered by the governor for appointment to the School Land Board.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Senate Bill (SB) 608, 86th Texas Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

SB 608, 86th Texas Legislature, 2019, relating to the continuation and functions of the School Land Board, was signed into law on June 7, 2019 and was effective on September 1, 2019. SB 608 amends various sections of the Natural Resources Code. The legislation expands the School Land Board from three to five members. It requires that two citizens appointed by the governor to the School Land Board must be selected from lists of nominees submitted by the SBOE.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: SB 608 requires that two citizens appointed by the governor to the School Land Board must be selected from lists of nominees submitted by the SBOE. The SBOE must submit a list of six nominees for a vacant position. At least one of the citizens appointed must be a resident of a county with a population of less than 200,000.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Planning for the Annual Meeting Between the State Board of Education
and the School Land Board**

September 13, 2019

COMMITTEE OF THE FULL BOARD: ACTION
STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item provides an opportunity for the committee and board to plan for the annual meeting between the State Board of Education and the School Land Board.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Senate Bill (SB) 608, 86th Texas Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

SB 608, 86th Texas Legislature, 2019 relating to the continuation and functions of the School Land Board was signed into law on June 7, 2019 and is effective on September 1, 2019. SB 608 amends various sections of the Natural Resources Code. Section 4 of SB 608 provides that the State Board of Education and the School Land Board shall hold an annual joint public meeting.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: None.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Update on Texas Essential Knowledge and Skills (TEKS) Review

September 13, 2019

COMMITTEE OF THE FULL BOARD: ACTION

STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). The item also provides the opportunity for the board to take action regarding the schedule for the review and revision of the TEKS and the instructional materials adoption cycle.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002, identifies the subjects of the required curriculum and requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.025, requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for all subjects effective September 1, 1998. The English language arts and reading TEKS were amended effective September 4, 2008. The Spanish language arts and reading TEKS were amended effective November 26, 2008. The TEKS for high school English elective courses were amended effective August 23, 2010. In May 2017, the SBOE gave final approval to revisions to the English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 with a scheduled implementation date of the 2019-2020 school year. The SBOE took action on final approval of revisions to the English language arts and reading and English as a second language (ESL) TEKS for high school with a scheduled implementation date of the 2020-2021 school year. The mathematics TEKS were amended effective August 1, 2006. The secondary mathematics TEKS were amended effective February 22, 2009. The mathematics TEKS were again amended effective September 12, 2012. The science TEKS were amended effective August 4, 2009. The SBOE took action on final approval of streamlined science TEKS in April 2017 for implementation in the 2018-2019 school year. The social studies TEKS were amended effective August 23, 2010. The SBOE took action on final approval of streamlined social studies TEKS in November 2018. The streamlined social studies TEKS for middle and high school social studies are scheduled for implementation beginning with the 2019-2020 school year and Kindergarten-Grade 5 social studies TEKS are scheduled for implementation in the 2020-2021 school year. The career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017 and implemented in the 2017-2018 school year. The fine arts TEKS were amended effective August 24, 2015. The TEKS for languages other than English (LOTE) were amended effective July 15, 2014, and December 31, 2014, and were implemented in the 2017-2018 school year. The technology applications TEKS were amended effective September 26, 2011.

At the June 2019 SBOE meeting, the board held a work session to discuss updating the TEKS and instructional materials review and adoption schedule. This item provides the opportunity for the board to approve the proposed schedule through the 2028-2029 school year.

BACKGROUND INFORMATION AND JUSTIFICATION: The board received training from a standards writing advisor at the July 2014 meeting. The standards writing advisor provided additional training to Texas Education Agency (TEA) staff in October 2014 to support future facilitation of the TEKS review committees.

The 2017 TEKS review and revision process was used for the streamlining of the social studies TEKS. The board directed work groups to make recommendations for Kindergarten-Grade 8 and the following high school courses: U.S. History Studies, World History Studies, World Geography Studies, U.S. Government, and Economics, with Emphasis on the Free Enterprise System and Its Benefits. Five different work groups were convened from February-August 2018 to make recommendations to the board. At its November 2018 meeting, the SBOE approved for second reading and final adoption proposed revisions to streamline the social studies TEKS. The TEKS for middle school and high school social studies are scheduled for implementation beginning with the 2019-2020 school year and the TEKS for Kindergarten-Grade 5 social studies are scheduled for implementation in the 2020-2021 school year.

In 2011, Senate Bill 6, 82nd Texas Legislature, First Called Session, amended the required curriculum to include economics, with emphasis on the free enterprise system and its benefits, as part of the subjects that constitute social studies rather than as a separate subject area. As a result of this change, the TEKS for economics were moved from 19 TAC Chapter 118 to 19 TAC Chapter 113 at the time the social studies TEKS were streamlined.

At the November 2018 meeting, the SBOE approved updates to the 2017 TEKS review and revision process to better clarify the process. The complete updated process will be used for the review of the physical education and health education TEKS.

The SBOE began the review of the English Language Proficiency Standards (ELPS) in early 2019, in accordance with the SBOE's approved TEKS and instructional materials review schedule. Applications to serve on ELPS review work groups were posted on the TEA website in December 2018. Also in December 2018, TEA distributed a survey to collect information from educators regarding the review and revision of the ELPS. TEA staff provided initial applications for the ELPS review work groups to SBOE members by email on January 14, 2019, and the members were asked to submit approvals to the agency by February 1. At the January-February 2019 SBOE meeting, TEA provided SBOE members with additional applications for the ELPS review work groups, and the members were asked to submit approvals to the agency by March 1, 2019. TEA staff provided additional ELPS review applications to SBOE members by email on March 5, 2019, and members were asked to submit approvals to the agency by April 12. At the April 2019 SBOE meeting, TEA staff provided SBOE members with additional applications, and the members were asked to submit approvals to the agency by May 6. TEA staff provided additional ELPS review applications to SBOE members by email on May 6, 2019, and the members were asked to submit approvals to the agency by June 14. At the June 2019 SBOE meeting, TEA staff provided SBOE members with additional applications, and the members were asked to submit approvals to the agency by June 28. TEA staff provided additional ELPS review applications to SBOE members by email on July 22, 2019, and members were asked to submit approvals to the agency by August 16. TEA staff provided additional ELPS review applications to SBOE members by email on August 19, 2019, and members were asked to submit approvals to the agency by September 13.

In preparation for the review and revision of the health education TEKS, in September 2017 the board approved a request for the commissioner to convene a group of experts to develop a study to provide

guidance for the development of revised health education TEKS. At that time, the SBOE also approved parameters for the recommendations of the commissioner's committee to include a framework for what the strands should be for Kindergarten-Grade 12, distinctions regarding grade levels and/or grade bands at which health concepts are most appropriately taught, and a summary of all statutory requirements related to health education and suggestions regarding the most appropriate way to integrate those requirements into the framework. In 2018, TEA convened a group of experts to develop recommendations to address the SBOE's charge related to the health education TEKS. This health education advisory committee drafted a response to the SBOE's charge, and the response was provided to the SBOE at the June 2019 meeting.

The review of the health education TEKS is scheduled take place concurrently with the review of the physical education TEKS. In March 2019, applications to serve on the health education and physical education TEKS review work groups were posted on the TEA website. At the April meeting, SBOE members were asked to designate content advisors for the health education and physical education TEKS reviews. Names of content advisors were due May 1, 2019. In May 2019, TEA distributed surveys to collect information from educators regarding the review and revision of the health education and physical education TEKS. TEA staff provided initial applications for the health education and physical education review work groups to SBOE members at the June 2019 SBOE meeting, and the members were asked to submit approvals to the agency by June 28. TEA staff provided additional health education and physical education review applications to SBOE members by email on July 22, 2019, and members were asked to submit approvals to the agency by August 5. TEA staff provided additional ELPS review applications to SBOE members by email on August 19, 2019, and members were asked to submit approvals to the agency by September 13.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include better alignment of the ELPS and TEKS and coordination of the standards with the adoption of instructional materials.

PUBLIC COMMENTS: None.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Discussion of Pending Litigation

September 11, 2019

COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: The State Board of Education may enter executive session in accordance with the Texas Government Code, §551.071(1)(A), to discuss pending and contemplated litigation with the general counsel, legal staff, and, if necessary, attorney(s) from the Attorney General's Office. The Committee of the Full Board will meet in Room 1-103 to discuss this item.

Cases to be discussed may include:

Tribune Company, No. 08-13141; *The Official Committee of Unsecured Creditors of Tribune Company v. Fitzsimmons*, Adv. Pro. No. 10-54010 (Bankr. D. Del);

Deutsche Bank v Bank of America, No. 3:11-CV-01175-F (N. D. Tex., Dallas Div.) and *Deutsche Bank v. Employees Retirement Fund of the City of Dallas*, No. 3:11-CV-1167-F; (N. D. Tex. Dallas Div.) *CONSOLIDATED in: In re: Tribune Company Fraudulent Conveyance Litigation*; No. 11-MD-2296 *Consolidated Multidistrict Action (S.D.N.Y.)*; and

any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

BOARD RESPONSE: Board may advise and comment.

PREVIOUS BOARD ACTION: The committee is apprised of pending litigation when the need arises.

FUTURE ACTION EXPECTED: Continued briefing on procedural developments.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: None.

Staff Member Responsible:

Von Byer, General Counsel, Legal Services

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COMMITTEE ON INSTRUCTION

Ratification of Texas Lesson Study Resources

September 13, 2019

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item gives the committee and board an opportunity to consider ratifying the third set of teacher-designed lesson study resources, which became available on the agency’s web portal March 14, 2019–August 2, 2019.

STATUTORY AUTHORITY: Texas Education Code (TEC), §8.0531.

TEC, §8.0531 requires that instructional lessons developed as part of a curriculum management system by a regional education service center, acting alone or in collaboration with one or more other regional education service centers, be subject to the same review and adoption process as outlined in TEC, §31.022.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: On April 5, 2019, the board ratified the second set of teacher-designed lesson study resources. On November 16, 2018, the board ratified the first set of lesson study resources that were available on the agency’s web portal as of October 31, 2018.

BACKGROUND INFORMATION AND JUSTIFICATION: Commissioner of Education Mike Morath included the Texas Lesson Study (TXLS) professional development program in the TEA Strategic Plan 2017–2021 and 2019–2023. TXLS is inquiry-based, job-embedded professional development where teachers work collaboratively to develop, teach, and assess research-based lessons. Through this process, teachers document their learning and lesson design on a lesson proposal and videotape the taught research-based lesson. The lesson proposal and video may become published on TEA’s online teacher and student resource center, the Texas Gateway.

At the September 13, 2018 and November 15, 2018, Committee on Instruction meetings, staff presented on the TXLS professional development program.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include teachers and parents having access to teacher-designed, master lessons that are aligned to the Texas Essential Knowledge and Skills and may be adapted and implemented in the classroom to increase student outcomes. Publishing these master lessons on the Texas Gateway may also increase the public perception of the teaching profession.

MOTION TO BE CONSIDERED: The State Board of Education:

moves to ratify the third set of Texas Lesson Study resources as presented in Exhibit II.

Staff Members Responsible:

Tim Regal, Associate Commissioner, Instructional Support
Blair Claussen, Director, Educator Recruitment and Development

Separate Exhibit I:

How to Access Gateway Lesson Study Resources

Separate Exhibit II:

Gateway Lesson Study Resource List: March 14, 2019–August 2, 2019

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders
(Second Reading and Final Adoption)**

September 13, 2019

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would require each school district and open-enrollment charter school to report to the Texas Education Agency (TEA) the results of the required screening for dyslexia and related disorders for students in Kindergarten and Grade 1 in accordance with Texas Education Code (TEC), §38.003(a). No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(28) and §38.003(a) and (c).

TEC, §7.102(c)(28), requires the State Board of Education (SBOE) to approve a program for testing students for dyslexia and related disorders.

TEC, §38.003(a), requires that students enrolling in public schools be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in Kindergarten and each student in Grade 1.

TEC, §38.003(c), requires the SBOE to adopt any rules and standards necessary to administer TEC, §38.003, Screening and Treatment for Dyslexia and Related Disorders.

The full text of statutory citations can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date would allow TEA to begin collecting dyslexia screening data in the Texas Student Data System Public Education Information Management System (TSDS PEIMS) beginning with the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.28 effective September 1, 1996. The SBOE amended 19 TAC §74.28 effective August 27, 2018, to align the rule with legislative changes made by House Bill 1886, 85th Texas Legislature, Regular Session, 2017. In February 2018, the SBOE adopted an amendment to 19 TAC §74.28 effective March 13, 2019. The SBOE approved for first reading and filing authorization the proposed amendment to 19 TAC §74.28 at the June 2019 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 74.28 provides guidance to school districts and open-enrollment charter schools for identifying students with dyslexia or related disorders and providing appropriate services to those students.

The 85th Texas Legislature, Regular Session, 2017, passed HB 1886 amending TEC, §38.003, to specify that a student enrolled in public school must be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The legislation required that the program include screening at the end of the school year for all students in Kindergarten and Grade 1. An amendment to 19 TAC §74.28 to align the rule with HB 1886 was approved for second reading and final adoption at the June 2018 SBOE meeting with an effective date of August 27, 2018.

TEC, §38.003(c), requires the SBOE to adopt any rules and standards necessary to administer requirements for screening and services for dyslexia and related disorders under TEC, §38.003. The proposed amendment to §74.28 would require school districts and open-enrollment charter schools to report to the TEA through the TSDS PEIMS the results of screening for dyslexia and related disorders required at the end of the school year for each student in Kindergarten and each student in Grade 1 in accordance with TEC, §38.003(a).

The attachment to this item presents the text of the proposed amendment to 19 TAC §74.28 for consideration by the SBOE for second reading and final adoption. No changes are recommended since approved for first reading and filing authorization.

FISCAL IMPACT: No changes have been made to this section since published as proposed.

The TEA has determined that there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed.

The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed.

The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed.

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed.

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed.

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by requiring school districts and open-enrollment charter schools to report the results of dyslexia screenings for each student in Kindergarten and Grade 1 through the TSDS PEIMS.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed.

The proposal would improve documentation of results of screenings for dyslexia and other disorders and the ability to more effectively transmit that information between school districts. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed.

The proposal would require school districts and open-enrollment charter schools to report to TEA in the TSDS PEIMS results of the required screening for dyslexia and related disorders for students in Kindergarten and Grade 1 in accordance with TEC, §38.003(a).

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed.

The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: Following the June 2019 SBOE meeting, notice of the proposed amendment to 19 TAC §74.28 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began August 2, 2019, and ended September 6, 2019. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the September 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 2019 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders; and

Make an affirmative finding that immediate adoption of proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment: Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.28. Students with Dyslexia and Related Disorders.

(a)-(j) (No change.)

(k) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for dyslexia and related disorders required for each student in Kindergarten and each student in Grade 1 in accordance with TEC, §38.003(a).

(l) ~~(k)~~ Each school district and open-enrollment charter school shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program must include:

- (1) awareness and characteristics of dyslexia and related disorders;
- (2) information on testing and diagnosis of dyslexia and related disorders;
- (3) information on effective strategies for teaching students with dyslexia and related disorders;
- (4) information on qualifications of those delivering services to students with dyslexia and related disorders;
- (5) awareness of information on accommodations and modifications, especially those allowed for standardized testing;
- (6) information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act, §504, and information on the response to intervention process; and
- (7) contact information for the relevant regional and/or school district or open-enrollment charter school specialists.

(m) ~~(l)~~ School districts and open-enrollment charter schools shall provide to parents of children suspected to have dyslexia or a related disorder a copy or a link to the electronic version of the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."

(n) ~~(m)~~ School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section.

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses
(Second Reading and Final Adoption)**

September 13, 2019

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses. The proposed amendment would update the list of languages other than English (LOTE) courses designated as honors courses to align with recent changes to the LOTE Texas Essential Knowledge and Skills (TEKS). No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §33.081.

TEC, §33.081, requires the State Board of Education (SBOE) to establish rules limiting participation in and practice for extracurricular activities during the school day and school week. TEC, §33.081(d-1), defines and restricts the courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities.

The full text of the statutory citation can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date would update the list of courses that are exempt from the passing grade requirement for the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.30 effective September 1, 1996. Section 74.30 was amended effective September 1, 1998. In March 2008, the SBOE adopted an amendment to 19 TAC §74.30 effective July 23, 2008. The SBOE approved for first reading and filing authorization the proposed amendment to 19 TAC §74.30 at the June 2019 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The 80th Texas Legislature passed Senate Bill 1517, amending TEC, §33.081, to define and restrict the courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities. TEC, §33.081(d-1), specifies that the courses that are exempt include all Advanced Placement and International Baccalaureate courses. Additional courses that are exempt include honors and dual credit courses in the subjects of English language arts, mathematics, science, social studies, economics, and LOTE.

The proposed amendment to §74.30 would update the LOTE courses that are designated as honors courses. These changes are necessary as a result of revisions to the LOTE TEKS. Additionally, the amendment would strike the reference to economics courses, which were combined with the TEKS for social studies effective with the 2019-2020 school year.

The attachment to this item reflects the text of the proposed amendment to 19 TAC §74.30 for consideration by the SBOE for second reading and final adoption. No changes are recommended since approved for first reading.

FISCAL IMPACT: No changes have been made to this section since published as proposed.

The Texas Education Agency (TEA) has determined that there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed.

The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed.

The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed.

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed.

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed.

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by adding LOTE courses that are designated as honors courses for the purpose of TEC, §33.081.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed.

The proposal would include clarification regarding the courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed.

The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed.

The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: Following the June 2019 SBOE meeting, notice of the proposed amendment to 19 TAC §74.30 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began August 2, 2019, and ended September 6, 2019. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the September 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 2019 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses; and

Make an affirmative finding that immediate adoption of proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment: Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.30. Identification of Honors Courses.

- (a) The following are identified as honors classes as referred to in the Texas Education Code, §33.081(d)(1), concerning extracurricular activities:
- (1) all College Board Advanced Placement [~~advanced placement~~] courses and International Baccalaureate courses in all disciplines;
 - (2) English language arts: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)";~~];
 - (3) Languages other than English: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)"; American Sign Language, Level IV; American Sign Language, Advanced Independent Study; Level IV, Intermediate Mid to Intermediate High Proficiency; Level V, Intermediate High to Advanced Mid Proficiency; Level VI, Advanced Mid to Advanced High Proficiency; Level VII, Advanced High to Superior Proficiency; Seminar in Languages Other Than English, Advanced; Classical Languages, Level IV, Novice Mid to Advanced Mid Proficiency; Classical Languages, Levels V-VII, Novice High to Superior Low Proficiency; and Seminar in Classical Languages, Advanced [~~"Community College General Academic Course Guide Manual (Part One)," and languages other than English courses Levels IV-VII~~];
 - (4) Mathematics: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)";~~] and Precalculus;
 - (5) Science: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)";~~] and
 - (6) Social studies: Social Studies Advanced Studies, Economics Advanced Studies, and high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)." [~~"Community College General Academic Course Guide Manual (Part One).";~~]
- (b) Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, [~~economics,~~] or a language other than English for the purpose of this section, but must identify such courses prior to the semester in which any exemptions related to extracurricular activities occur.
- (c) Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs
(First Reading and Filing Authorization)**

September 13, 2019

**COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs. The proposed amendment would update the rule to modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of Texas Essential Knowledge and Skills (TEKS)-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner.

STATUTORY AUTHORITY: Texas Education Code (TEC), §28.002(f).

TEC, §28.002(f), authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education (SBOE) to be flexible in approving a course for credit for high school graduation.

The full text of statutory citations can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date would update the requirements for the submission of innovative course applications for the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.27 effective September 1, 1996, with amendments effective September 1, 1998, and September 1, 2001. In November 2007, the SBOE adopted an additional amendment to 19 TAC §74.27 effective December 25, 2007. A discussion item regarding 19 TAC §74.27 was included on the agenda for the Committee on Instruction during the June 2019 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the experimental courses previously approved were phased out as of August 31, 1998. As a result of the adoption of the TEKS, school districts now submit new requests for innovative course approval for courses that do not have TEKS. The process outlined in §74.27 provides authority for the commissioner of education to approve discipline-based courses but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. The attachment to this item reflects the text of the proposed amendment to 19 TAC §74.27 for consideration by the SBOE. The proposed

amendment would modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of TEKS-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner.

FISCAL IMPACT: The TEA has determined that there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by modifying the requirements for approval of innovative courses, specifying that innovative courses cannot be approved if they substantially duplicate the content of TEKS-based courses, and adding requirements for review of ethnic studies innovative courses approved by the commissioner.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would provide districts and entities that submit applications for innovative courses clearer guidance regarding requirements for approval. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins October 4, 2019, and ends November 8, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on October 4, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment: Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.27. Innovative Courses and Programs.

- (a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.
- (1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
 - (2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.
 - (3) Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.
 - (4) ~~(3)~~ To request approval from the SBOE or the commissioner ~~[of education]~~, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:
 - (A) a description of the course and its essential knowledge and skills;
 - (B) the rationale and justification for the request in terms of student need;
 - (C) data that demonstrates successful implementation or piloting of the course;
 - (D) ~~(C)~~ a description of activities, major resources, and materials to be used;
 - (E) ~~(D)~~ the methods of evaluating student outcomes;
 - (F) ~~(E)~~ the qualifications of the teacher; ~~[and]~~
 - (G) any training required in order to teach the course; and
 - (H) ~~(F)~~ the amount of credit requested.
 - (5) To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.
 - (6) ~~(4)~~ With the approval of the local board of trustees, a school district may offer, without modifications, any state-approved innovative course.
- (b) An ethnic studies course that has been approved by the commissioner as an innovative course shall be presented to the SBOE for discussion and consideration for inclusion in the TEKS.
- (1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be presented to the SBOE for consideration.
 - (2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b) shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

Approval of Update of Instructional Materials for ThinkCERCA

September 13, 2019

COMMITTEE ON INSTRUCTION: ACTION STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item provides an opportunity for the committee and board to confirm content changes approved at the June 2019 State Board of Education (SBOE) meeting were made in the *ThinkCERCA, Texas Edition*, for English language arts and reading, grades 6–8.

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.003 and §31.022.

TEC, §31.003, permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEC, §31.022(b), requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum and for each subject in the enrichment curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: English language arts and reading instructional materials from ThinkCERCA were adopted in November 2018 under *Proclamation 2019*. This item was first presented at the April 2019 meeting. At that time, the SBOE postponed action until the June 2019 meeting to allow ThinkCERCA to address concerns raised by board members. At the June 2019 meeting, the board approved changes to the materials provided that members of the Committee on Instruction were provided access to the online materials and that the matter be placed on the September agenda to allow the committee to confirm that changes were made.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Administrative Code §66.75 permits a publisher to submit a request for approval to substitute an updated edition of state-adopted instructional materials. This section also requires that all requests for updates involving content in state-adopted instructional materials be approved by the SBOE prior to their introduction into state-adopted instructional materials. *ThinkCERCA, Texas Edition, Grade 6* (9780999856130), *ThinkCERCA, Texas Edition, Grade 7* (9780999856147), and *ThinkCERCA, Texas Edition, Grade 8* (9780999856178), published by ThinkCERCA, underwent review by state review panels in the summer of 2018. *ThinkCERCA, Texas Edition, Grade 6* was found to have 93.65% TEKS coverage, *ThinkCERCA, Texas Edition, Grade 7* was found to have 93.65% TEKS coverage, and *ThinkCERCA, Texas Edition, Grade 8* was found to have 93.75% TEKS coverage.

PUBLIC BENEFIT AND COST TO PERSONS: Product updates provide more accurate student and teacher instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Kelly Callaway, Senior Director, Instructional Materials

Approval of Update of Instructional Materials for EDUSPARK, Inc.

September 13, 2019

COMMITTEE ON INSTRUCTION: ACTION

STATE BOARD OF EDUCATION: ACTION

SUMMARY: EDUSPARK, Inc. is requesting approval to update content in four of its adopted products for Spanish language arts and reading: *Lengua, Ritmo y Cultura Kindergarten*; *Lengua, Ritmo y Cultura 1*; *Lengua, Ritmo y Cultura 4*; and *Lengua, Ritmo y Cultura 5*. The updated content has been reviewed by curriculum subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel.

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.003 and §31.022.

TEC, §31.003, permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEC, §31.022(b), requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum and for each subject in the enrichment curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: Spanish language arts and reading instructional materials from EDUSPARK, Inc. were adopted in November 2018 under *Proclamation 2019*.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Administrative Code §66.75 permits a publisher to submit a request for approval to substitute an updated edition of state-adopted instructional materials. This section also requires that all requests for updates involving content in state-adopted instructional materials be approved by the SBOE prior to their introduction into state-adopted instructional materials. *Lengua, Ritmo y Cultura Kindergarten* (9781948617567); *Lengua, Ritmo y Cultura 1* (9781948617574); *Lengua, Ritmo y Cultura 4* (9781948617604); and *Lengua, Ritmo y Cultura 5* (9781948617611), published by EDUSPARK, Inc., underwent review by state review panels in the summer of 2018. *Lengua, Ritmo y Cultura Kindergarten* was found to have 67.86% Texas Essential Knowledge and Skills (TEKS) coverage, *Lengua, Ritmo y Cultura 1* was found to have 58.33% TEKS coverage, *Lengua, Ritmo y Cultura 4* was found to have 68.75% TEKS coverage, and *Lengua, Ritmo y Cultura 5* was found to have 78.13% TEKS coverage.

PUBLIC BENEFIT AND COST TO PERSONS: Product updates provide more accurate student and teacher instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the request from EDUSPARK, Inc. to update *Lengua, Ritmo y Cultura Kindergarten*; *Lengua, Ritmo y Cultura 1*; *Lengua, Ritmo y Cultura 4*; and *Lengua, Ritmo y Cultura 5* adopted in November 2018 under *Proclamation 2019*.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Kelly Callaway, Senior Director, Instructional Materials

Separate Exhibit: EDUSPARK, Inc. Update Request

Update on Ethnic Studies Innovative Courses

September 12, 2019

COMMITTEE ON INSTRUCTION: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides the opportunity for the committee to discuss a newly approved ethnic studies innovative course, African American Studies, and consider the addition of Texas Essential Knowledge and Skills (TEKS) for a course in African American studies.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(4) and §28.002(f).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(f), authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education (SBOE) to be flexible in approving a course for credit for high school graduation.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: At the request of the committee, development of TEKS for a new African American studies course could begin.

BACKGROUND INFORMATION AND JUSTIFICATION: The 83rd Texas Legislature, 2013, passed House Bill (HB) 5, amending the TEC, §28.025, to change the high school graduation programs from the minimum, recommended, and advanced high school programs to one foundation high school program with endorsements to increase flexibility in graduation requirements for students. In August 2013, the SBOE held a work session to discuss changes to the graduation requirements in order to align with the requirements of HB 5, including discussion of courses required by HB 5. At the April 2014 meeting, the SBOE prioritized the development of new courses to align with requirements of HB 5. The list of new courses to be developed included a Mexican-American Studies course.

The SBOE adopted TEKS for an Ethnic Studies: Mexican American Studies course in September 2018. Additionally, in April 2018 the SBOE instructed staff to present ethnic studies courses that have been approved through the commissioner's innovative course process for discussion and consideration for inclusion in the TEKS. The SBOE required that staff bring forward only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies—inclusive of history, government, economics, civic engagement, culture, and science and technology. The SBOE further required the chair of the Committee on Instruction, in accordance with State Board of Education Operating Rule 2.5(b), to collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

In June 2019, a new African American Studies innovative course was approved by the commissioner of education for use beginning with the 2019-2020 school year. School districts and open-enrollment charter schools may offer any state-approved innovative course for elective

credit with the approval of the local board of trustees. This item allows the SBOE to consider the addition of TEKS for African American studies in the social studies elective courses.

Staff Member Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Discussion of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter C, Other Provisions, §74.26, Award of Credit**

September 12, 2019

**COMMITTEE ON INSTRUCTION: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides the opportunity for the committee to discuss a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit. The proposed amendment would update the rule to clarify that a district may award credit proportionately for successful completion of half of a course regardless of the time duration of the course.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(4) and §28.025.

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.025, requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002.

FUTURE ACTION EXPECTED: The proposed amendment to 19 TAC §74.26 will be presented for first reading and filing authorization at the November 2019 SBOE meeting.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.26, Award of Credit, effective September 1, 1996. The SBOE last amended the rule effective November 24, 2015.

BACKGROUND INFORMATION AND JUSTIFICATION: For students to earn state credit toward specific graduation requirements, a course must be approved by the SBOE and included in SBOE rule. Section 74.26 addresses the award of credit by a school district for high school courses. The rule outlines the general provisions for the award of credit toward state graduation requirements, including the award of credit for transfer students and students who complete high school courses in earlier grade levels and academic requirements for the award of credit. The rule also permits districts to award credit proportionately to students who are able to successfully complete only one semester of a two-semester course.

At the January-February 2018 SBOE meeting, the board approved for second reading and final adoption revisions to the award of credit for International Baccalaureate (IB) courses for 19 TAC Chapters 110, 111, 112, and 114. At the April 2018 SBOE meeting, the board approved for second reading and final adoption revisions to the award of credit for Advanced Placement (AP) and IB courses for 19 TAC Chapters 113, 118, and 126. This item allows the committee to discuss a proposed amendment to 19 TAC §74.26 to update the rule to clarify that districts may award credit proportionately for successful completion of half of a course regardless of the time duration of the course.

The attachment to this item reflects the text of the proposed amendment to 19 TAC §74.26 for consideration by the committee. The proposed amendment would update the rule to clarify that a district

may award credit proportionately for successful completion of half of a course regardless of the time duration of the course.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment: Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.26. Award of Credit.

- (a) The award of credit for a course by a school district affirms that a student has satisfactorily met all state and local requirements. Any course for which credit is awarded must be provided according to this subsection.
 - (1) Credit earned toward state graduation requirements by a student in an accredited school district shall be transferable and must be accepted by any other school district in the state. A district may not prohibit a new student from attending school pending receipt of transcripts or records from the school district the student previously attended. Credit earned in a local-credit course may be transferred only with the consent of the receiving school district.
 - (2) A school district must ensure that the records or transcripts of an out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school are evaluated and that the student is placed in appropriate classes promptly. The district may use a variety of methods to verify the content of courses for which a transfer student has earned credit.
- (b) Districts may offer courses designated for Grades 9-12 (refer to §74.11 of this title (relating to High School Graduation Requirements)) in earlier grade levels. A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student has received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels than Grades 9-12 and have been awarded state graduation credits.
- (c) Credit for courses for high school graduation may be earned only if the student received a grade which is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for each course.
- (d) In accordance with local district policy, students who are able to successfully complete only half of a ~~one semester of a two semester~~ course can be awarded credit proportionately.
- (e) A school district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a ~~one semester of a two semester~~ course.

Discussion of Proposed Revisions to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School

September 12, 2019

**COMMITTEE ON INSTRUCTION: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides the opportunity for the committee to discuss proposed revisions to 19 Texas Administrative Code (TAC) Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, to revise the fine arts Texas Essential Knowledge and Skills (TEKS) to consider adjustments to International Baccalaureate (IB) course offerings in fine arts.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002, identifies the subjects of the required curriculum and requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.025, requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002.

FUTURE ACTION EXPECTED: Upon request by the committee, proposed revisions to 19 TAC Chapter 117, Subchapter C, will be presented for first reading and filing authorization at a future SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: In order for students to earn state credit toward specific graduation requirements, a course must be approved by the SBOE and included in administrative rule. At the September 2017 SBOE meeting, the committee discussed IB courses that are not currently included in SBOE rule and considerations regarding the appropriate amount of state credit that should be awarded for IB courses. At that time, the board requested that agency staff prepare rule text to address these issues and requested that staff balance the chapters that would be updated over two different meetings. At the January-February 2018 meeting, the SBOE approved proposed revisions to English language arts and reading, mathematics, science, and languages other than English IB courses for second reading and final adoption. The SBOE's approval included the addition of eight IB courses to SBOE rules and updates that increased the amount of credit available for 17 IB courses currently in rule. The revisions became effective August 27, 2018.

At the April 2018 meeting, the SBOE approved for second reading and final adoption proposed revisions to align the TEKS in science, social studies, economics, and technology applications with additional IB course offerings and update the amount of credit available for both IB and AP courses in these subject areas. The SBOE's approval included the addition of nine IB courses to SBOE rules and updates to the

amount of credit available for seven AP and IB courses currently in rule. The revisions became effective August 27, 2018.

At the January-February 2019 meeting, the SBOE approved for second reading and final adoption two proposed new courses in IB Film in 19 TAC Chapter 117, Subchapter C. The IB film courses became effective August 26, 2019.

This item allows the committee to consider the addition of fine arts TEKS for IB courses not yet approved by the board and to update the amount of credit available for IB courses in fine arts. The attachment to this item reflects the current text of 19 TAC Chapter 117, Subchapter C, for courses that include IB.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment: Text of Current 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.304, Art, Level III (One Credit), Adopted 2013, §117.305, Art, Level IV (One Credit), Adopted 2013, §117.308, Dance, Level III (One Credit), Adopted 2013, §117.309, Dance, Level IV (One Credit), Adopted 2013, §117.314, Music Studies (One Credit), Adopted 2013, §117.317, Theatre, Level III, Adopted 2013, and §117.318, Theatre, Level IV, Adopted 2013

ATTACHMENT
Text of Current 19 TAC

Chapter 117. Texas Essential Knowledge and Skills for Fine Arts

Subchapter C. High School

§117.304. Art, Level III (One Credit), Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following art courses: Art III, Drawing II, Painting II, Printmaking II, Fibers II, Ceramics II, Sculpture II, Jewelry II, Photography II, Design II, Digital Art and Media II, Advanced Placement (AP) Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, AP Studio Art: Three-Dimensional Design Portfolio, AP Art History, International Baccalaureate (IB) Visual Arts I Standard Level (SL), or IB Visual Arts I Higher Level (HL) (one credit per course). There are no prerequisites for AP Art History and all IB courses. One credit in an Art, Level II course is a recommended prerequisite for AP Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, and AP Studio Art: Three-Dimensional Design Portfolio. The prerequisite for all other Art, Level III courses is one credit of Art, Level II in the corresponding discipline.
- (b) Introduction.
- (1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.
- (2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.
- (3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
- (1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artwork. The student is expected to:
- (A) analyze visual characteristics of sources to illustrate concepts, demonstrate flexibility in solving problems, create multiple solutions, and think imaginatively;
- (B) compare and contrast the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artwork;

- (C) compare and contrast the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity, in personal artwork; and
 - (D) explore the suitability of art media and processes and select those appropriate to express specific ideas such as content, meaning, message, and metaphor relating to visual themes to interpret the expressive qualities of artwork.
- (2) Creative expression. The student communicates ideas through original artwork using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:
- (A) create original artwork using multiple solutions from direct observation, original sources, experiences, and imagination in order to expand personal themes that demonstrate artistic intent;
 - (B) solve visual problems and develop multiple solutions for designing ideas, creating practical applications, clarifying presentations, and evaluating consumer choices in order to make successful design decisions;
 - (C) use an understanding of copyright and public domain to appropriate imagery constituting the main focal point of original artwork when working from images rather than direct observation or imagination;
 - (D) create original artwork to communicate thoughts, feelings, ideas, or impressions;
 - (E) collaborate to create original works of art; and
 - (F) select from a variety of art media and tools to express intent in drawing, painting, printmaking, sculpture, ceramics, fiber art, design, digital art and media, photography, jewelry, and mixed media.
- (3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:
- (A) research selected historical periods, artists, general themes, trends, and styles of art;
 - (B) distinguish the correlation between specific characteristics and influences of various cultures and contemporary artwork;
 - (C) collaborate on community-based art projects; and
 - (D) examine, research, and develop a plan of action for relevant career, entrepreneurial, and avocational art opportunities within a global economy.
- (4) Critical evaluation and response. The student responds to and analyzes the artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:
- (A) interpret, evaluate, and justify artistic decisions in artwork such as that in museums, local galleries, art exhibits, and websites based on evaluation of developmental progress, competency in problem solving, and a variety of visual ideas;
 - (B) evaluate and analyze artwork using a method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;
 - (C) analyze personal artwork in order to create a written response such as an artist's statement reflecting intent, inspiration, the elements of art and principles of design within the artwork, and measure of uniqueness;

- (D) use responses to artwork critiques to make decisions about future directions in personal work;
- (E) construct a physical or electronic portfolio by evaluating and analyzing personal original artwork to provide evidence of learning; and
- (F) select and analyze original artwork, portfolios, and exhibitions to demonstrate innovation and provide examples of in-depth exploration of qualities such as aesthetics; formal, historical, and cultural contexts; intentions; and meanings.

§117.305. Art, Level IV (One Credit), Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following art courses: Art IV, Drawing III, Painting III, Printmaking III, Fibers III, Ceramics III, Sculpture III, Jewelry III, Photography III, Design III, Digital Art and Media III, Advanced Placement (AP) Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, AP Studio Art: Three-Dimensional Design Portfolio, AP Art History, International Baccalaureate (IB) Visual Arts II Standard Level (SL), and IB Visual Arts II Higher Level (HL) (one credit per course). There are no prerequisites for AP Art History. The prerequisites for the IB courses listed in this subsection are the corresponding Art, Level II IB courses. One credit in an Art, Level II course is a recommended prerequisite for AP Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, and AP Studio Art: Three-Dimensional Design Portfolio. The prerequisite for all other Art, Level IV courses is one credit of Art, Level III in the corresponding discipline.
- (b) Introduction.
 - (1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.
 - (2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.
 - (3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
 - (1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artwork. The student is expected to:
 - (A) consider concepts and themes for personal artwork that integrate an extensive range of visual observations, experiences, and imagination;

- (B) compare and contrast the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artwork;
 - (C) compare and contrast the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity, in personal artwork; and
 - (D) discriminate between art media and processes to express complex visual relationships such as content, meaning, message, and metaphor using extensive art vocabulary.
- (2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:
- (A) produce an original body of artwork that integrates information from a variety of sources, including original sources, and demonstrates sustained self-directed investigations into specific themes such as a series or concentration of works;
 - (B) evaluate and justify design ideas and concepts to create a body of personal artwork;
 - (C) use an understanding of copyright and public domain to appropriate imagery constituting the main focal point of original artwork when working from images rather than direct observation or imagination;
 - (D) create original artwork to communicate thoughts, feelings, ideas, or impressions;
 - (E) collaborate to create original works of art; and
 - (F) create artwork, singularly and in a series, by selecting from a variety of art materials and tools appropriate to course work in drawing, painting, printmaking, sculpture, ceramics, fiber art, design, digital art and media, photography, jewelry, and mixed media.
- (3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:
- (A) research and report on selected historical periods, artists, general themes, trends, and styles of art;
 - (B) analyze and evaluate the influence of contemporary cultures on artwork;
 - (C) collaborate on community-based art projects; and
 - (D) examine, research, and develop a plan of action for relevant career or entrepreneurial art opportunities within a global economy, justifying the choice.
- (4) Critical evaluation and response. The student responds to and analyzes the artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:
- (A) develop evaluative criteria to justify artistic decisions in artwork such as that in museums, local galleries, art exhibits, and websites based on a high level of creativity and expertise in one or more art areas;
 - (B) evaluate and analyze artwork using a method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;
 - (C) analyze personal artwork in order to create a written response such as an artist's statement reflecting intent, inspiration, the elements of art and principles of design within the artwork, and the measure of uniqueness;

- (D) use responses to artwork critiques to make decisions about future directions in personal work;
- (E) construct a physical or electronic portfolio by evaluating and analyzing personal original artwork to provide evidence of learning; and
- (F) evaluate a wide range of artwork to form conclusions about formal qualities, aesthetics, historical and cultural contexts, intents, and meanings.

§117.308. Dance, Level III (One Credit), Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following dance courses: Principles of Dance III, Ballet III, Modern/Contemporary Dance III, Jazz III, Tap III, World Dance Forms III, Dance Composition/Improvisation III, Dance Theory III, Dance Performance/Ensemble III, Dance Production III, Dance Wellness III, Dance History I, and International Baccalaureate (IB) Dance I (one credit per course). The prerequisite for each Dance, Level III course is one credit of Dance, Level II in the corresponding discipline, excluding Dance History I and IB Dance I courses.
- (b) Introduction.
 - (1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.
 - (2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of heritage and traditions of their own and others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic and creative processes. Students continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.
 - (3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
 - (1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:
 - (A) analyze kinesthetic and spatial awareness individually and in groups;
 - (B) distinguish a comprehensive understanding of health, safety, and wellness for dancers;
 - (C) compare knowledge and skills of dance genres, styles, and vocabulary; and
 - (D) differentiate designs and images in natural and constructed environments.

- (2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:
 - (A) create dance studies using original movement based on theme and variation;
 - (B) experiment, improvise, and perform original movement during the creative process;
 - (C) compare and contrast the expression of ideas and emotions through movement; and
 - (D) differentiate compositional forms using intermediate dance elements for choreographic processes.
- (3) Creative expression: performance. The student demonstrates knowledge and execution of technical dance skills in a variety of dance genres and styles through performing. The student is expected to:
 - (A) perform and examine memorized complex movement sequences with rhythmical accuracy in dance genres and styles such as ballet, modern dance, tap, jazz, musical theatre dance, and world dance forms;
 - (B) execute a wide range of dynamics in quality movement;
 - (C) perform with projection, confidence, and expression when executing dance movements; and
 - (D) distinguish an effective warm-up and cool-down, implementing the elements of proper conditioning for performing skills.
- (4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:
 - (A) compare similarities and differences in steps, styles, and traditions from various cultures or historical periods;
 - (B) recognize and evaluate dances as they relate to various historical periods and social contexts;
 - (C) create and experiment with dances in various media and content areas; and
 - (D) research historical and cultural dance forms using technology.
- (5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:
 - (A) compare characteristics and qualities of a variety of dances;
 - (B) analyze dance from a variety of perspectives such as those of dance critic, performer, choreographer, and audience member;
 - (C) understand the relationship of dance performance skills and other content areas; and
 - (D) experiment with knowledge and skills of technology through a dance portfolio.

§117.309. Dance, Level IV (One Credit), Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following dance courses: Principles of Dance IV, Ballet IV, Modern/Contemporary Dance IV, Jazz IV, Tap IV, World Dance Forms IV, Dance Composition/Improvisation IV, Dance Theory IV, Dance Performance/Ensemble IV, Dance Production IV, Dance Wellness IV, Dance History II, and International Baccalaureate (IB) Dance II (one credit per course). The prerequisite for each Dance, Level IV course is one credit of Dance, Level III in the corresponding discipline.
- (b) Introduction.

- (1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.
 - (2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of heritage and traditions of their own and others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic and creative processes. Students continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.
 - (3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
- (1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:
 - (A) evaluate kinesthetic and spatial awareness individually and in groups;
 - (B) develop a working knowledge of health, safety, and wellness for dancers;
 - (C) demonstrate and evaluate a working knowledge and skills of dance genres, styles, and vocabulary; and
 - (D) create designs and images found in natural and constructed environments.
 - (2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:
 - (A) create and improvise dance studies using original movement based on theme and variation to successfully communicate an idea;
 - (B) improvise, construct, and evaluate original movement studies;
 - (C) evaluate the expression of ideas and emotions through movement; and
 - (D) design compositional forms implementing advanced dance elements for choreographic processes.
 - (3) Creative expression: performance. The student demonstrates knowledge and execution of technical dance skills in a variety of dance genres and styles through performing. The student is expected to:
 - (A) assess performance of memorized complex movement sequences with rhythmical accuracy in dance genres and styles such as ballet, modern dance, tap, jazz, musical theatre dance, and world dance forms;

- (B) perform dance movements with a refined sense of musicality and expressiveness and a wide range of spatial qualities;
 - (C) evaluate the performance of projection, confidence, and expression in the movement; and
 - (D) design an effective warm-up and cool-down, implementing the elements of proper conditioning for performing skills.
- (4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:
- (A) evaluate choreography in dances from various cultures or historical periods;
 - (B) research and create a project using technology to illustrate an understanding of significant dance events or historical figures in appropriate social, historical, and cultural contexts;
 - (C) improvise and construct dances in various media and content areas; and
 - (D) evaluate historical and cultural dance forms using technology.
- (5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:
- (A) evaluate personal dance compositions and the work of others;
 - (B) create and reconstruct a choreographic study using varied media and environments;
 - (C) create a portfolio based on personal artistic works, performance works, or research; and
 - (D) perform and evaluate a choreographic study using varied media and environments.

§117.314. Music Studies (One Credit), Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Music Theory I-II; Music Appreciation I-II; Music Business I-II; Music Composition I-II; Music Production I-II; Music and Media Communications I-II; College Board Advanced Placement (AP) Music Theory; International Baccalaureate (IB) Music, Standard Level (SL); and IB Music, Higher Level (HL). There are no prerequisites for Music Study Level I courses; however, the prerequisite for IB Music, SL and IB Music, HL is one credit of any Music, Level II course. Students may take Music Studies with different course content for a maximum of three credits.
- (b) Introduction.
- (1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.
 - (2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to read, write, create, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered.

Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

- (3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
- (1) Foundations: music literacy. The student describes and analyzes music and musical sounds. The student develops organizational skills, engages in problem solving, and explores the properties and capabilities of various musical idioms. The student is expected to:
 - (A) experience and explore exemplary musical examples using technology and available live performances;
 - (B) identify and describe melodic and harmonic parts when listening to and performing music using a melodic reading system such as solfège, numbers, letter names, note names, or scale degrees;
 - (C) define concepts of music notation, intervals, and chord structure using appropriate terminology;
 - (D) define concepts of rhythm and meter using appropriate terminology and counting system;
 - (E) explore elements of music such as rhythm, meter, melody, harmony, key, expression markings, texture, form, dynamics, and timbre through literature selected for performance; and
 - (F) apply health and wellness concepts related to music practice such as body mechanics, hearing protection, vocal health, hydration, and appropriate hygienic practices.
 - (2) Foundations: music literacy. The student reads and notates music using an appropriate notation system. The student is expected to:
 - (A) read notation systems or manipulate sounds as appropriate to the course of study;
 - (B) read and notate or record and produce music that incorporates rhythmic patterns in simple, compound, and asymmetric meters as appropriate;
 - (C) interpret music symbols and expressive terms referring to concepts such as dynamics, tempo, and articulation as appropriate;
 - (D) demonstrate cognitive skills, including observance of key signature and modalities, while studying or producing music at an appropriate level of difficulty; and
 - (E) demonstrate music-making skills such as appropriate use of technology in recording, notating, editing, manipulating, arranging, Standard Motion Picture Time Encryption (SMPT), and emergent technologies.
 - (3) Creative expression. The student, individually and in groups, makes music of an appropriate level of difficulty in a variety of genres from notation, recording, or by memory as appropriate. The student is expected to:
 - (A) demonstrate, create, or apply characteristic sounds appropriate for the genre;
 - (B) create, examine, or perform a repertoire of music representing a variety of styles, including those from diverse cultures;
 - (C) demonstrate understanding of correct articulation and rhythmic accuracy;
 - (D) demonstrate understanding of correct dynamics and phrasing;
 - (E) demonstrate understanding of correct intonation; and
 - (F) exhibit and explain appropriate performance techniques for formal and informal concerts or recording sessions.

- (4) Creative expression. The student creates original music within specified guidelines. The student is expected to:
 - (A) create original musical phrases; and
 - (B) notate or record original musical phrases.
- (5) Historical and cultural relevance. The student relates music to history, culture, and the world. The student is expected to:
 - (A) compare and contrast music by genre, style, culture, and historical period;
 - (B) identify music-related vocations and avocations;
 - (C) identify and describe the uses of music in societies and cultures;
 - (D) identify and explore the relationship between music and other academic disciplines;
 - (E) identify and explore the impact of technologies, ethical issues, and economic factors on music, musicians, and performances; and
 - (F) identify and explore tools for college and career preparation such as social media applications, repertoire lists, and audition and interview techniques.
- (6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performance in formal and informal settings. The student is expected to:
 - (A) practice informed concert etiquette as a performer and an audience member during live and recorded performances in a variety of settings;
 - (B) design and apply criteria for making informed judgments regarding the quality and effectiveness of musical performances;
 - (C) develop processes for self-evaluation and select tools for personal artistic improvement such as critical listening and individual and group performance recordings; and
 - (D) evaluate musical performances by comparing them to exemplary models.

§117.317. Theatre, Level III, Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following theatre courses: Theatre III (one credit), Theatre Production III (one-half to one credit), Playwriting I, Directing I, International Baccalaureate (IB) Theatre, Standard Level (SL), and IB Theatre, Higher Level (HL) (one credit per course). The prerequisite for IB Theatre SL and IB Theatre HL is one credit of any Theatre, Level II course. The prerequisite for all other Theatre, Level III courses is one credit of Theatre, Level II in the corresponding discipline.
- (b) Introduction.
 - (1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.
 - (2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression

strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

- (3) Through diverse forms of storytelling and production, students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical experiences will afford students opportunities to develop an understanding of self and their role in the world.
 - (4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
- (1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:
 - (A) apply theatre preparation and warm-up techniques effectively;
 - (B) experiment with stage movement;
 - (C) distinguish the proper techniques such as diction, inflection, and projection in the use of voice;
 - (D) analyze and evaluate dramatic structure and genre;
 - (E) distinguish between the theatrical conventions of theatre, film, television, and other media;
 - (F) evaluate the interdependence of all theatrical elements; and
 - (G) develop and practice memorization skills.
 - (2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:
 - (A) employ safe, appropriate techniques to allow for physical, vocal, and emotional expression;
 - (B) analyze creativity as it relates to self and ensemble and its effect on audience;
 - (C) analyze characters from various genres and styles, describing physical, intellectual, emotional, and social dimensions;
 - (D) experiment with improvisation and scripted scenes of various styles to portray believable characters;
 - (E) write dialogue that reveals character motivation, advances plot, provides exposition, and reveals theme; and
 - (F) integrate two or more art or media forms in a performance.
 - (3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:
 - (A) experiment with technical elements of theatre safely and effectively in improvisation or scripted scenes or plays;
 - (B) analyze and evaluate dramatic texts as a basis for technical discussions, considering themes, settings, times, literary styles, genres, and characters;

- (C) cast and direct duet scenes;
 - (D) perform a role such as actor, director, designer, technician, or editor in production decision making and collaborate with others to tell a story through live theatre or media performance; and
 - (E) perform the role of actor, director, or technician, demonstrating responsibility, artistic discipline, and creative problem solving.
- (4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:
- (A) evaluate historical and cultural influences on theatre;
 - (B) analyze ways in which theatre, television, and film play a role in our daily lives and influence our values and behaviors;
 - (C) employ and evaluate the impact of live theatre, film, television, and other media in contemporary society;
 - (D) research the influences of world drama and theatre and identify key figures, works, and trends in dramatic literature;
 - (E) research the influences of the multicultural heritage of drama and theatre in the United States and identify key figures, works, and trends in dramatic literature; and
 - (F) identify and appreciate the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology, or electronic media.
- (5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:
- (A) compare behavior at various types of performances and practice appropriate audience etiquette;
 - (B) recognize theatre as an art form and evaluate self as a creative being;
 - (C) apply the concepts of evaluation to performances and evaluate theatre, film, television, and other media with depth and complexity using appropriate vocabulary;
 - (D) compare communication methods of theatre with those of art, music, dance, and other media;
 - (E) make judgments about selected career and avocational opportunities such as theatre education, arts administration, performance, design, management, and playwriting in theatre, film, television, and other media and analyze the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;
 - (F) use technology such as portfolios, research projects, and journals to document and present information in a clear and coherent manner;
 - (G) relate theatre skills and experiences to higher education and careers outside of the theatre; and
 - (H) create a personal resume or portfolio of theatrical experience.

§117.318. Theatre, Level IV, Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following theatre courses: Theatre Arts IV (one credit), Theatre Production IV (one-half to one credit), Playwriting II, Directing II, International Baccalaureate (IB) Theatre, Standard Level (SL), and IB Theatre, Higher Level (HL) (one credit per course). The prerequisite for IB Theatre SL and IB Theatre HL is one credit of any Theatre, Level III course. The prerequisite for all other Theatre, Level IV courses is one credit of Theatre, Level III in the corresponding discipline.

(b) Introduction.

- (1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.
- (2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.
- (3) Through diverse forms of storytelling and production, students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical experiences will afford students opportunities to develop an understanding of self and their role in the world.
- (4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

- (1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:
 - (A) create and demonstrate theatre preparation and warm-up techniques;
 - (B) devise and model stage movement;
 - (C) model proper techniques such as diction, inflection, and projection in the use of effective voice;
 - (D) compare the structure of theatre to that of film, television, and other media;
 - (E) evaluate theatrical conventions of various cultural and historical periods;
 - (F) evaluate the interdependence of all theatrical elements; and
 - (G) develop and model memorization skills.
- (2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:
 - (A) model safe, appropriate techniques to allow for physical, vocal, and emotional expression;
 - (B) demonstrate creativity as it relates to self and ensemble and its effect on audience;
 - (C) analyze and interpret characters from various genres and styles, describing physical, intellectual, emotional, and social dimensions;

- (D) interpret scripted scenes of various styles to portray believable characters; and
 - (E) create individually or devise collaboratively imaginative scripts and scenarios.
- (3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:
- (A) experiment with the technical elements of theatre safely and effectively in improvisation or scripted scenes or plays;
 - (B) analyze and evaluate dramatic texts and direct brief scenes;
 - (C) demonstrate understanding of a director's responsibility to the author's intent, script, actors, designers, technicians, and audience;
 - (D) analyze production plans that include research, rehearsal plans, technical designs, and blocking;
 - (E) demonstrate leadership by casting and directing a long scene or a short play, producing a unified theatrical production; and
 - (F) apply expertise in one or more areas of theatre production, demonstrating responsibility, artistic discipline, and creative problem solving.
- (4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:
- (A) evaluate historical and cultural influences on theatre;
 - (B) analyze ways in which theatre, television, and film play a role in our daily lives and influence our values and behaviors;
 - (C) employ and evaluate the impact of live theatre, film, television, and other media in contemporary society;
 - (D) research the influences of world drama and theatre and identify key figures, works, and trends in dramatic literature;
 - (E) research the influences of the multicultural heritage of drama and theatre in the United States and identify key figures, works, and trends in dramatic literature; and
 - (F) identify and appreciate the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology or electronic media.
- (5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:
- (A) evaluate and practice appropriate audience behavior at various types of performances;
 - (B) defend theatre as an art form and value self as a creative being;
 - (C) apply evaluation concepts to performances, and compare and contrast literary and dramatic criticism of theatre, film, television, or other media;
 - (D) compare and contrast the elements and communication methods of theatre, film, music, art, dance, or other media in a specific culture or historical period;
 - (E) evaluate selected career and avocational opportunities such as theatre education, arts administration, performance, design, management, playwriting, and dramatic criticism in theatre, film, television, and other media and analyze the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;
 - (F) employ technology such as portfolios, research projects, and journals to communicate and present findings in a clear and coherent manner;

- (G) appraise personal theatre skills and experiences to opportunities in higher education and careers outside of the theatre; and
- (H) create a personal resume or portfolio of theatrical experience.

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**COMMITTEE ON SCHOOL FINANCE/
PERMANENT SCHOOL FUND**

Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes
(First Reading and Filing Authorization)

September 13, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for first reading and filing authorization proposed amendment to 19 Texas Administrative Code (TAC) Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes. The proposed amendment would update the rule to allow districts and charter schools flexibility for selecting an official attendance-taking time during the campus' instructional day.

STATUTORY AUTHORITY: Texas Education Code (TEC), §48.004 and §12.106.

TEC, §48.004, requires the commissioner, in accordance with rules adopted by the State Board of Education, to require reports necessary to implement and administer the Foundation School Program.

TEC, §12.106, provides for charter schools to receive funding under certain conditions through TEC, Chapter 48.

The full text of statutory citations can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date is necessary to coincide with the adoption of the 2019-2020 Student Attendance Accounting Handbook.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §129.21 effective September 1, 1996. The SBOE last amended 19 TAC §129.21 effective March 29, 2018. The SBOE adopted the review of 19 TAC Chapter 129, Subchapters A and B, at its April 2019 meeting. A discussion item regarding the proposed amendment to 19 TAC §129.21 was included on the agenda for the Committee on School Finance/Permanent School Fund at the June 2019 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 129.21 provides the student attendance accounting requirements school districts and open-enrollment charter schools must follow and describes the manner in which student attendance is earned. The rule also provides a list of conditions under which a student who is not actually on campus at the time attendance is taken may be considered in attendance for Foundation School Program funding purposes.

The proposed amendment to 19 TAC §129.21 is recommended as a result of the review of the rules in 19 TAC Chapter 129, Subchapters A and B, adopted by the SBOE in April 2019. The proposed amendment to §129.21 would change the requirement for the official attendance-taking time from the second or fifth

instructional hour to any time selected during the campus's instructional day. This change would provide more flexibility for campuses.

The attachment to this item reflects the text of the amendment to 19 TAC §129.21 for consideration by the SBOE for first reading and filing authorization.

FISCAL IMPACT: The Texas Education Agency (TEA) has determined that there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation. The proposed amendment would expand an existing regulation by providing clarification of the timeframe during which attendance must be determined.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would provide clarity regarding student attendance accounting procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins October 4, 2019, and ends November 8, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on October 4, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes.

Staff Members Responsible:

Leo Lopez, Associate Commissioner, School Finance
David Marx, Director, Financial Compliance

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 129. Student Attendance

Subchapter B. Student Attendance Accounting

§129.21. Requirements for Student Attendance Accounting for State Funding Purposes.

- (a) All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). Superintendents, principals, and teachers are responsible to their school boards and to the state to maintain accurate, current attendance records.
- (b) The commissioner of education is responsible for providing guidelines and procedures for attendance accounting in accordance with state law.
- (c) The commissioner must provide for special circumstances regarding attendance accounting in accordance with the provisions of law.
- (d) The superintendent of schools is responsible for the safekeeping of all attendance records and reports. The superintendent of schools may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses of the district, or at another secure location. Regardless of where such records are stored, they must be readily available for audit by the TEA division responsible for performing school financial audits.
- (e) Districts must maintain records and make reports concerning student attendance and participation in special programs as required by the commissioner.
- (f) If a school district chooses to use a locally developed record or automated system, the record or automated system must contain the minimum information required by the commissioner.
- (g) A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.
- (h) Attendance for all grades must be determined by the absences recorded at the official attendance-taking time during the campus's instructional ~~[in the second or fifth instructional hour of the]~~ day, unless the local school board adopts a district policy, or delegates to the superintendent the authority to establish procedures, for recording absences in an alternative hour, or unless the students for which attendance is being taken are enrolled in and participating in an alternative attendance accounting program approved by the commissioner.
 - (1) Students enrolled on a half-day basis may earn only one half day of attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day that they are scheduled to be present. Students enrolled on a full-day basis may earn one full day of attendance each school day.
 - (2) Students who are enrolled in and participating in an alternative attendance accounting program approved by the commissioner will earn attendance according to the statutory and rule provisions applicable to that program.
 - (3) The established period in which absences are recorded may not be changed during the school year.
 - (4) Students absent at the time the attendance roll is taken, during the daily period selected, are counted absent for the entire day, unless the students are enrolled in and participating in an alternative attendance accounting program approved by the commissioner. Students present at the time the attendance roll is taken, during the daily period selected, are counted present for the entire day, unless the students are enrolled in and participating in an alternative attendance accounting program approved by the commissioner.
- (i) A student who is not actually in school at the time attendance is taken must not be counted in attendance for FSP funding purposes, unless the student is participating in an activity that meets the conditions set out

in subsection (j) of this section, or unless the student is enrolled in and participating in an alternative attendance accounting program approved by the commissioner.

- (j) A student not actually on campus at the time attendance is taken may be considered in attendance for FSP funding purposes under the following conditions.
 - (1) The student is participating in an activity that is approved by the local board of school trustees and is under the direction of a member of the professional or paraprofessional staff of the school district, or an adjunct staff member who:
 - (A) has a minimum of a bachelor's degree; and
 - (B) is eligible for participation in the Teacher Retirement System of Texas.
 - (2) The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in Chapter 74 of this title (relating to Curriculum Requirements).
 - (3) The student is absent for one of the purposes specified in the Texas Education Code (TEC), §25.087(b), (b-1), (b-2), (b-4), (b-5), or (c). Excused days for travel under the TEC, §25.087(b)(1), are limited to not more than one day for travel to and one day for travel from the applicable site. A temporary absence excused under the TEC, §25.087(b)(2), must be supported by a document such as a note from the health care professional.
- (k) A student not actually on campus at the time attendance is taken also may be considered in attendance for FSP funding purposes under other conditions described in the handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook) related to off-campus instruction.
- (l) Before a district or charter school may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the local school board or governing body must adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus, and the district or charter school must distribute the policy or procedures to staff and to all parents of students in the district or charter school.

Review of Permanent School Fund Securities Transactions and the Investment Portfolio

September 12, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: Investment staff will report on the transactions executed during the months of May, June and July 2019 in the investment portfolio of the Texas Permanent School Fund.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: This is a recurring report at every committee meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Specific actions that the committee must accomplish are found in 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund.

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund
for the Months of May, June and July 2019**

September 13, 2019

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of May, June and July 2019.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: At the June 2019 meeting, the board approved purchases in the amount of \$1,426,554,579 and sales in the amount of \$1,822,308,700, conducted in the investment portfolio of the Permanent School Fund for the months of February, March and April 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: The purchases and sales of the investment portfolio are reviewed by the staff to ensure compliance with the Investment Guidelines, Policies, and Objectives of the Permanent School Fund. The specific amounts of the purchases and sales for the reporting period will be recommended to the board for ratification upon approval by the Committee on School Finance/Permanent School Fund.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Second Quarter 2019 Permanent School Fund Performance Report

September 12, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: The performance measurement consultant to the Permanent School Fund, BNY Mellon Asset Servicing, will report on the investment performance during the second calendar quarter 2019 and cumulative investment performance of the various portfolios of the Fund. This item will allow the committee to discuss in depth various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: An in-depth performance review at the committee level is intended to allow committee members to review not only total return information for each managed portfolio, but to gain a more thorough understanding of the risk characteristics, portfolio attributes, and portfolio structures of each portfolio that all contribute to return.

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund

September 13, 2019

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item provides an opportunity for the committee and board to review the requirement in Article VII, §5(a)(2) that the total amount distributed over ten years cannot exceed the total return on all investment assets of the PSF over the same ten-year period. The board will determine whether transfers may be made from the Permanent School Fund to the Available School Fund in fiscal year 2020.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the SBOE to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the State Board of Education (SBOE).

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: At the September 2018 meeting, the board determined that a distribution for fiscal year 2019 is permitted under Texas Constitution Article VII, Subsection 5(a)(2).

BACKGROUND INFORMATION AND JUSTIFICATION: On November 4, 2008, the chair of the SBOE sought an opinion from the Attorney General regarding the implementation of Texas Constitution, Article VII, §5(a)(2) in limiting transfers from the Permanent School Fund (PSF) to the Available School Fund (ASF). A supplementary request was made on January 14, 2009. On April 13, 2009, the Attorney General responded to the requests, noting that Article VII, §5(a)(1) and §5(a)(2) require distinct calculations using different methodologies and covering different time periods.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Proposed Amendments to the Investment Procedures Manual

September 13, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item provides an opportunity for the committee and board to review and adopt proposed amendments to the Investment Procedures Manual.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the SBOE to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the State Board of Education (SBOE).

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: The board adopted the *Texas Permanent School Fund Investment Procedures Manual* on January 24, 1995. The board last revised the manual in February 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: None.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules

September 12, 2019

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules. The rules being reviewed establish definitions, requirements, and procedures for the investment of the Permanent School Fund (PSF).

STATUTORY AUTHORITY: The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 33 is the Texas Education Code (TEC), §§7.102(c)(31) and (33), 43.0031-43.004, and 45.051-45.063; TGC, §2263.004; and the Texas Constitution, Article VII, §5(f). The Texas Government Code, §2001.039, requires all state agencies to review their rules at least once every four years.

The TEC, §7.102(c)(31), states that the SBOE may invest the PSF within the limits of the authority granted by the Texas Constitution, Article VII, §5, and the TEC, Chapter 43. The TEC, §7.102(c)(33), authorizes the SBOE to adopt an annual report on the status of the guaranteed bond program and states that the SBOE may adopt rules as necessary to administer the guaranteed bond program as provided under the TEC, Chapter 45, Subchapter C, Guaranteed Bonds.

The TEC, §43.0031, requires the SBOE to adopt and enforce an ethics policy regarding management and investment of the PSF. The TEC, §43.0032, requires disclosure of certain relationships with entities that provide services relating to the management and investment of the PSF, requires the board to define those relationships, and prohibits giving advice when relationships exist in certain circumstances. The TEC, §43.0033, requires certain persons providing services to the SBOE regarding management and investment of the PSF to file expenditure reports. The TEC, §43.0034, requires the SBOE to adopt forms for conflicts of interest and expenditure reports. The TEC, §43.004, requires the SBOE to adopt written investment objectives for the PSF and employ a service to analyze the performance of the PSF.

The TEC, Chapter 45, Subchapter C, authorizes the guarantee of bonds. The TEC, §45.051, establishes definitions for the bond guarantee program. The TEC, §45.052, extends the bond guarantee upon approval by the commissioner of education to independent school districts and charter districts. The TEC, §45.053, establishes parameters around the amount of bonds that may be guaranteed and authorizes the SBOE to increase the limit on the bond guarantee program under certain circumstances. The TEC, §45.0531, authorizes the SBOE to establish a reserve amount when implementing the bond guarantee. The TEC, §45.0532, establishes the amount of guarantee available to charter districts and provides some limitations on when the guarantee may be granted. The TEC, §45.054 and §45.0541, establish what bonds issued by a school district or a charter district may be eligible for the guarantee. The TEC, §45.055, establishes the procedures and minimum requirements for an application for a bond guarantee. The TEC, §45.056, establishes the investigation required following receipt of an application for the guarantee of bonds. The TEC, §45.057, establishes what constitutes a guarantee endorsement. The TEC, §45.0571, establishes a separate charter district bond guarantee reserve fund. The TEC, §45.058, imposes a duty on school districts or charter districts to notify by a certain time when they are unable to pay maturing principal or interest. The TEC, §45.059 and §45.0591, describe the process required to make a payment from the PSF

when a school district or charter district is unable to pay maturing principal or interest. The TEC, §45.060, prohibits the acceleration of maturity when the PSF makes a payment. The TEC, §45.061, establishes the process for reimbursement of the PSF after payment and authorizes certain setting of certain tax rates by the commissioner. The TEC, §45.062, authorizes seeking attorney general assistance to compel action with regard to the guarantee program in certain circumstances. The TEC, §45.063, authorizes the SBOE to adopt rules as necessary to implement the bond guarantee program.

The Texas Government Code, §2263.004, requires the SBOE to adopt by rule standards of conduct applicable to certain financial advisors or service providers.

The Texas Constitution, Article VII, §5, describes the PSF, the limit on distributions to the Available School Fund, the setting of spending rates by the SBOE, and the ten-year distribution test; authorizes a bond guarantee utilizing the PSF; and describes the management of the PSF by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: The review of 19 TAC Chapter 33 will be presented to the SBOE for adoption at the November 2019 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The rules in 19 TAC Chapter 33 establish investment objectives, policies, and guidelines for the PSF.

Section 33.1 describes the composition, limitation on distribution, and SBOE management of the PSF as required by the Texas constitution. Section 33.2 describes the yearly process by which the SBOE determines PSF distributions subject to the constitutional limitations. Section 33.5 describes the code of ethics and disclosures, including prescribed form, that apply to members, relevant staff, and service providers regarding the management of the PSF as required by statute. Section 33.10 and §33.15 describe the investment policy of the PSF as required by statute. Section 33.20 describes the relevant duties of entities assisting the SBOE in their duty to manage the PSF, which ensures transparency and appropriate division of duties in fulfilling constitutional and statutory requirements. Section 33.25 describes the parameters that must be met by the SBOE investment managers, which ensures investments meet constitutional, statutory, and policy objectives established by and for the SBOE. Section 33.30 establishes performance standards that the SBOE's PSF committee should follow to ensure management of the fund complies with constitutional, statutory, and policy objectives. Section 33.35 establishes guidelines for custodians and securities lending agents, which ensure investments meet constitutional, statutory, and policy objectives established by and for the SBOE. Section 33.40 establishes the board's trading and brokerage policy to meet the statutory requirements of adopting policies and objectives. Section 33.45 establishes the board's policy regarding proxy voting as necessary given their constitutional and statutory investment authority. Section 33.50 establishes the socially and politically responsible investment policy of the board in accordance with statutory requirements to adopt an investment policy. Section 33.55 sets out the standards the SBOE uses in selecting outside expertise to ensure transparency and meeting the constitutional, statutory, and policy objectives established by and for the SBOE. Section 33.60 establishes requirements for performance and review procedures in accordance with statutory requirements to analyze performance. Section 33.65 and §33.67 establish the bond guarantee program for school districts and charter districts in accordance with the constitution and statutory directives.

ANTICIPATED REVISIONS TO RULES: At the November 2019 SBOE meeting, staff anticipates presenting proposed changes to 19 TAC Chapter 33, Subchapter A.

PUBLIC COMMENTS: The Texas Education Agency (TEA) plans to file the review of 19 TAC Chapter 33, Subchapter A, with the Texas Register following the September 2019 SBOE meeting. The TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 33, Subchapter A,

continue to exist. The public comment period will begin with publication of the notice of proposed review in the *Texas Register*.

The filing of the proposed review soliciting comments as to whether the reason for adoption continues to exist would not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Attachment: Text of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules

**ATTACHMENT
Text of 19 TAC**

**Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas
Permanent School Fund**

Subchapter A. State Board of Education Rules

§33.1. Constitutional Authority and Constitutional Restrictions.

- (a) The Texas Permanent School Fund (PSF) is comprised of the principal of investment assets and the principal arising from the sale of the lands set apart for the PSF, including dividends and other income to the fund. The total amount distributed from the permanent school fund to the available school fund:
- (1) must be an amount that is not more than 6.0% of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under the Texas Constitution, Article VII, §4, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:
 - (A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or
 - (B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by subparagraph (A) of this paragraph; and
 - (2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years, may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.
- (b) In managing the assets of the PSF, the State Board of Education (SBOE) may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas Growth Fund created by the Texas Constitution, Article XVI, §70, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

§33.2. Distributions to the Available School Fund.

Each year, the State Board of Education (SBOE) shall determine whether a distribution to the Available School Fund (ASF) shall be made for the current state fiscal year. The SBOE shall determine whether such distribution is permitted under the Texas Constitution, Article VII, §5(a)(2). The annual determination for the current fiscal year shall include a projection of the expected total return of the Permanent School Fund (PSF) at the end of the current fiscal year and the realized returns during the nine preceding state fiscal years. Any one-year distribution to the ASF shall not exceed 6.0% of the average market value of the PSF, excluding real property managed, sold, or acquired under the Texas Constitution, Article VII, §4, as determined under the Texas Constitution, Article VII, §5(a)(1).

§33.5. Code of Ethics.

- (a) General principles. The Texas Permanent School Fund (PSF) is held in public trust for the benefit of the schoolchildren of Texas. All those charged with the management of the PSF will aspire to the highest standards of ethical conduct. The purpose of the PSF code of ethics is to assist and help guide all such persons in the proper discharge of their duties and to assist them in avoiding even the appearance of impropriety.
- (b) Fiduciary responsibility. The members of the State Board of Education (SBOE) serve as fiduciaries of the PSF and are responsible for prudently investing its assets. The SBOE members or anyone acting on their

behalf shall comply with the provisions of this section, the Texas Constitution, Texas statutes, and all other applicable provisions governing the responsibilities of a fiduciary.

- (c) Compliance with constitution and code of ethics. The SBOE members are public officials governed by the provisions of the Texas Government Ethics Act, as stated in the Texas Government Code, Chapter 572.
- (d) Definitions. For purposes of this chapter, the following terms shall have the following meanings.
 - (1) SBOE Member, for the purposes of the PSF code of ethics, means a member of the SBOE, and shall be deemed to include the SBOE Member or a person related to the member within the second degree of affinity or consanguinity.
 - (2) Person means any individual, corporation, firm, limited liability company, limited partnership, trust, association, or other legal entity.
 - (3) Investment manager or manager means a Person who manages and invests PSF assets and may be either an internal investment manager or an external investment manager.
 - (4) PSF Service Providers are the following Persons:
 - (A) any Person who is an external investment manager, as described in §33.20(b)(1) of this title (relating to Responsible Parties and Their Duties), or who is responsible by contract for providing legal advice regarding the PSF, executing PSF brokerage transactions, or acting as a custodian of the PSF;
 - (B) a member of the Committee of Investment Advisors;
 - (C) any Person who is Investment Counsel as described in §33.20(b)(4) of this title or provides consultant services for compensation regarding the management and investment of the PSF;
 - (D) any Person who provides investment and management advice to an SBOE Member, with or without compensation, if an SBOE Member:
 - (i) gives the Person access to PSF records or information that are identified as confidential; or
 - (ii) asks the Person to interview, meet with, or otherwise confer with a PSF Service Provider, Fund Manager, or TEA staff;
 - (E) any Person who is a member of the PSF staff who is responsible for managing or investing assets of the PSF, executing brokerage transactions, acting as a custodian of the PSF, or providing investment or management advice regarding the investment or management of the PSF to an SBOE Member or PSF staff;
 - (F) any Person who is a member of TEA legal staff who is responsible for providing legal advice regarding the investment or management of the PSF; or
 - (G) any Person who submits a response to a Request for Proposal (RFP) or Request for Qualifications (RFQ), or similar types of solicitations, while such response is pending. An applicant is not required to file reports under this section except as required in the RFP or RFQ process.
 - (5) Expenditure, for purposes of this section, means any expenditure other than an expenditure made on behalf of an employee acting in the scope of their employment.
 - (6) Fund Manager means the Person, except the Texas Education Agency (TEA) or a member of the PSF staff, who controls a non-publicly traded investment fund or other investment vehicle (which, by way of example but without limitation, may include a partnership, a limited liability company, trust, association, or other entity) in which the PSF is invested, such as the Person who acts as the vehicle's sponsor, general partner, managing member, manager, or adviser. For purposes of this chapter, Fund Managers are not considered to be PSF Service Providers, external investment managers, consultants, or Investment Counsel.

- (e) Assets affected by this section. The provisions of this section apply to all PSF assets, both publicly and nonpublicly traded investments.
- (f) General ethical standards.
 - (1) SBOE Members and PSF Service Providers must comply with all laws applicable to them, which may include one or more of the following statutes: Texas Government Code, Chapter 2263 (Ethics and Disclosure Requirements for Outside Financial Advisors and Service Providers), §572.051 (Standards of Conduct; State Agency Ethics Policy), §552.352 (Distribution or Misuse of Confidential Information), §572.002 (General Definitions), §572.004 (Definition: Regulation), §572.054 (Representation by Former Officer or Employee of Regulatory Agency Restricted; Criminal Offense), §572.058 (Private Interest in Measure or Decision; Disclosure; Removal from Office for Violation), §572.021 (Financial Statement Required), §2252.908 (Disclosure of Interested Parties), and Chapter 305 (Registration of Lobbyists); Texas Penal Code, Chapter 36 (Bribery and Corrupt Influence) and Chapter 39 (Abuse of Office); and Texas Education Code, §43.0031 (Permanent School Fund Ethics Policy), §43.0032 (Conflicts of Interest), and §43.0033 (Reports of Expenditures). The omission of any applicable statute listed in this paragraph does not excuse violation of its provisions. Fund Managers must comply with all applicable laws, including laws governing the investment vehicle, as provided in the governing documents of the investment vehicle.
 - (2) SBOE Members and PSF Service Providers must be honest in the exercise of their duties and must not take actions that will discredit the PSF.
 - (3) SBOE Members and PSF Service Providers shall be loyal to the interests of the PSF to the extent that such loyalty is not in conflict with other duties, which legally have priority. SBOE Members and PSF Service Providers shall avoid personal, employment, or business relationships that create conflicts of interest as defined in subsection (i)(1) of this section. Should an SBOE Member or a PSF Service Provider become aware of any conflict of interest involving himself or herself or another SBOE Member, PSF Service Provider, or Fund Manager, he or she has an affirmative duty to disclose the conflict to the SBOE chair and vice chair and the commissioner within seven days of discovering the conflict and, in the case of a conflict involving himself or herself, to cure the conflict in a manner provided for under this section prior to the next SBOE or committee meeting and such SBOE Member shall take no action nor participate in the RFP or RFQ process, or similar types of solicitations, that concerns the conflict.
 - (4) SBOE Members and PSF Service Providers shall not use nonpublic information gained through their relationship with the PSF to seek or obtain personal gain beyond agreed compensation and/or any properly authorized expense reimbursement. This should not be interpreted to forbid the use of PSF as a reference or the communication to others of the fact that a relationship with PSF exists, provided that no misrepresentation is involved.
 - (5) An SBOE Member shall report in writing the name and address of any PSF Service Provider, as defined by subsection (d)(4)(D) of this section, who provides investment and management advice to that SBOE Member. The SBOE Member shall submit the report to the commissioner of education for distribution to the SBOE within 30 days of the PSF Service Provider first providing investment and management advice to that SBOE Member.
 - (6) SBOE Members and PSF Service Providers shall report in writing any action described by the Texas Education Code, §7.108, to the commissioner of education for distribution to the SBOE within seven days of discovering the violation.
 - (7) A PSF Service Provider or Fund Manager shall not make any gift or donation to a school or other charitable interest on behalf of, at the request of, or in coordination with an SBOE Member. Any PSF Service Provider, Fund Manager, or SBOE Member shall disclose in writing to the commissioner of education any information regarding such a donation.
 - (8) A PSF Service Provider or Fund Manager shall disclose in writing to the commissioner of education for dissemination to all SBOE Members any business or financial transaction greater than \$50 in value with an SBOE Member, the commissioner of education, or any member of PSF

staff or TEA legal staff who is a PSF Service Provider within 30 days of the transaction. Excluded from this subsection are checking accounts, savings accounts, credit cards, brokerage accounts, mutual funds, or other financial accounts that are provided to the SBOE Member or to a member of the PSF staff or TEA legal staff under the same terms and conditions as they are provided to members of the general public.

- (9) An SBOE Member shall disclose in writing to the commissioner of education on a quarterly basis any business or financial transaction greater than \$50 in value between the SBOE Member, or a business entity in which the SBOE Member has a significant ownership interest, and a PSF Service Provider or Fund Manager. A report shall be filed even if there has not been a business or financial transaction greater than \$50 in value between the SBOE Member, or a business entity in which the SBOE Member has a significant ownership interest, and a PSF Service Provider or Fund Manager. Excluded from this subsection are checking accounts, savings accounts, credit cards, brokerage accounts, mutual funds, or other financial accounts that are provided to an SBOE Member under the same terms and conditions as they are provided to members of the general public. The reports shall be filed on or before January 15, April 15, July 15, and October 15 and shall cover the preceding three calendar months. The first report filed for each SBOE Member shall cover the preceding one-year period. Subsection (u) of this section does not apply to the first report filed. The commissioner of education shall communicate the information included in the disclosure to all SBOE Members.
- (g) Notification of disclosure. In order to preserve the integrity and public trust in the PSF, it is deemed necessary and appropriate to allow all SBOE Members a reasonable time to promptly review and respond to any disclosures or written inquiries made by applicants or made by PSF Service Providers as provided in SBOE operating procedures. In compliance with Texas Government Code, §2156.123, no SBOE Member or PSF Service Provider should publicly disclose any submission materials prior to completion of the RFP or RFQ process. For purposes of this subsection, an RFP or RFQ is completed upon final award of an RFP, or selection of qualified bidders for an RFQ, or closure without any selection. This subsection does not allow an SBOE Member to refrain from publicly disclosing a conflict of interest as required by subsections (f)(3) and (i)(4) of this section and Texas Government Code, §572.058.
- (h) Disclosure.
- (1) If an SBOE Member solicited a specific investment action by the PSF staff or a PSF Service Provider or a Fund Manager, the SBOE Member shall publicly disclose the fact to the SBOE in a public meeting. The disclosure shall be entered into the minutes of the meeting. For purposes of this section, a matter is a prospective directive to the PSF staff or a PSF Service Provider or a Fund Manager to undertake a specific investment or divestiture of securities for the PSF. This term does not include ratification of prior securities transactions performed by the PSF staff or a PSF Service Provider and does not include an action to allocate classes of assets within the PSF.
 - (2) In addition, an SBOE Member shall fully disclose any substantial interest in any publicly or nonpublicly traded PSF investment (business entity) on the SBOE Member's annual financial report filed with the Texas Ethics Commission pursuant to Texas Government Code, §572.021. An SBOE Member has a substantial interest if the SBOE Member:
 - (A) has a controlling interest in the business entity;
 - (B) owns more than 10% of the voting interest in the business entity;
 - (C) owns more than \$25,000 of the fair market value of the business entity;
 - (D) has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10% of the profits, proceeds, or capital gains of the business entity;
 - (E) is a member of the board of directors or other governing board of the business entity;
 - (F) serves as an elected officer of the business entity; or
 - (G) is an employee of the business entity.

(i) Conflicts of interest.

- (1) A conflict of interest exists whenever SBOE Members or PSF Service Providers have business, commercial, or other relationships, including, but not limited to, personal and private relationships, that could reasonably be expected to diminish their independence of judgment in the performance of their duties. For example, a person's independence of judgment is diminished when the person is in a position to take action or not take action with respect to PSF and such act or failure to act is, may be, or reasonably appears to be influenced by considerations of personal gain or benefit rather than motivated by the interests of the PSF. Conflicts include, but are not limited to, beneficial interests in securities, corporate directorships, trustee positions, familial relationships, or other special relationships that could reasonably be considered a conflict of interest with the duties to the PSF. Further, Texas Education Code, §43.0032, requires disclosure and no participation, unless a waiver is granted, when an SBOE Member or a PSF Service Provider has a business, commercial, or other relationship that could reasonably be expected to diminish a person's independence of judgment in the performance of the person's responsibilities relating to the management or investment of the PSF. Such business, commercial, or other relationship is defined to be a relationship that is prohibited under Texas Government Code, §572.051, or that would require public disclosure under Texas Government Code, §572.058, or a relationship that does not rise to this level but that is determined by the SBOE to create an unacceptable risk to the integrity and reputation of the PSF investment program.
- (2) Any SBOE Member or PSF Service Provider who has a possible conflict of interest as defined in paragraph (1) of this subsection shall disclose the possible conflict to the commissioner of education and the chair and vice chair of the SBOE on the disclosure form. The disclosure form is provided in this paragraph entitled "Potential Conflict of Interest Disclosure Form."

Figure: 19 TAC §33.5(i)(2)
- (3) A person who files a statement under paragraph (2) of this subsection disclosing a possible conflict of interest may not give advice or make decisions about a matter affected by the possible conflict of interest unless the SBOE, after consultation with the general counsel of the TEA, expressly waives this prohibition. The SBOE may delegate the authority to waive this prohibition. If a waiver is not granted by the SBOE or its delegate to an SBOE Member or a PSF Service Provider for a possible conflict of interest, the SBOE Member or PSF Service Provider may request an opinion from the Texas Ethics Commission as to a determination of whether a conflict of interest exists. An SBOE Member will be given the assistance of the TEA ethics advisor to help draft a request for an opinion, if such assistance is requested. When the SBOE Member or PSF Service Provider receives the opinion of the Texas Ethics Commission and if a waiver is still sought, the SBOE Member or PSF Service Provider shall forward the opinion to the SBOE chair and vice chair and the commissioner. An opinion of the Texas Ethics Commission that determines a conflict exists is final and the SBOE may not waive the conflict of interest. An opinion of the Texas Ethics Commission that determines that no conflict exists will automatically result in an SBOE waiver.
- (4) If an SBOE Member believes he or she has a conflict of interest based on the existence of certain relationships described in Texas Government Code, §572.058, the SBOE Member shall publicly disclose the conflict at an SBOE meeting or committee meeting and the SBOE Member shall not vote or otherwise participate in any decision involving the conflict. In accordance with Texas Government Code, §572.058, the SBOE may not waive the prohibition under this paragraph. This requirement is in addition to the requirement of filing a disclosure under paragraph (2) of this subsection.
- (5) Texas Government Code, §572.051, establishes standards of conduct for state officers and employees. SBOE Members and TEA employees shall abide by these standards.

(j) Prohibited transactions and interests.

- (1) For purposes of this section, the term "direct placement" (with respect to investments that are not publicly traded) is defined as a direct sale of fixed income securities, generally to institutional investors, with or without the use of brokers or underwriters, primarily offered to Qualified

Institutional Buyers (QIBs) and not registered by the Securities and Exchange Commission. The term does not include offerings or sales of interests in investment funds or investment vehicles.

- (2) For the purposes of this section, the term "placement agent" is defined as any third party, whether or not affiliated with a PSF Service Provider or Fund Manager, that is a party to an agreement or arrangement (whether written or oral) with a PSF Service Provider or Fund Manager for direct or indirect payment of a fee in connection with a PSF investment.
- (3) No SBOE Member or PSF Service Provider shall:
 - (A) have a financial interest in a direct placement investment of the PSF;
 - (B) serve as an officer, director, or employee of an entity in which a direct placement investment is made by the PSF; or
 - (C) serve as a consultant to, or receive any fee, commission or payment from, an entity in which a direct placement investment is made by the PSF.
- (4) No SBOE Member shall:
 - (A) act as a representative or agent of a third party in dealing with a PSF investment manager, Investment Counsel, or consultant in connection with a PSF investment; or
 - (B) be employed for two years after the end of his or her term on the SBOE with an organization in which the PSF invested, unless the organization's stock or other evidence of ownership is traded on the public stock or bond exchanges.
- (5) A PSF Service Provider shall
not act as a representative or agent of a third party in dealing with a PSF investment manager, Investment Counsel, or consultant in connection with a PSF investment.
- (6) A PSF Service Provider or Fund Manager shall, except as approved by the SBOE, not use a placement agent in connection with a PSF investment unless:
 - (A) the relationship of the PSF Service Provider or Fund Manager with the placement agent, any compensation, and a description of the services provided by the placement agent in connection with a PSF investment are disclosed in writing to PSF staff;
 - (B) the placement agent is registered with the Securities and Exchange Commission (SEC) or the Financial Industry Regulatory Authority (FINRA) or, if not required to register with the SEC or FINRA, is registered with an applicable regulatory body;
 - (C) such placement agent does not share any fees with a non-registered person or entity; and
 - (D) in executed closing documents for the PSF investment, the PSF Service Provider or Fund Manager contractually represents and warrants that the information provided about the placement agent is true, correct, and complete in all material respects, provided that information provided by the placement agent is, to the knowledge of the PSF Service Provider or Fund Manager, true, correct, and complete in all material respects.
- (7) A placement agent shall file campaign contribution reports in the same manner as does a PSF Service Provider under subsection (o)(1) of this section for the period during which the placement agent provides services in connection with a PSF investment.
- (k) Solicitation of support. No SBOE Member shall solicit or receive a campaign contribution on behalf of any political candidate, political party, or political committee from a PSF Service Provider or Fund Manager. The PSF Service Provider or Fund Manager shall report any such incident in writing to the commissioner of education for distribution to the SBOE.
- (l) Hiring external professionals. The SBOE may contract with investment managers to make or assist with PSF investments. The SBOE has the authority and responsibility to hire other external professionals, including custodians, Investment Counsel, or consultants. The SBOE shall select each professional based on merit and cost and subject to the provisions of §33.55 of this title (relating to Standards for Selecting

Consultants, Investment Managers, Custodians, and Other Professionals To Provide Outside Expertise for the Fund).

- (m) Responsibilities of PSF Service Providers and Fund Managers. The PSF Service Providers and Fund Managers shall be notified in writing of the code of ethics contained in this section. Any existing contracts for investment and any future investment shall strictly conform to this code of ethics. The PSF Service Provider or Fund Manager shall report in writing any suggestion or offer by an SBOE Member to deviate from the provisions of this section to the commissioner of education for distribution to the SBOE within 30 days of the PSF Service Provider or Fund Manager discovering the violation. The PSF Service Provider or Fund Manager shall report in writing any violation of this code of ethics committed by another PSF Service Provider or Fund Manager to the commissioner of education for distribution to the SBOE within 30 days of the PSF Service Provider or Fund Manager discovering the violation. A PSF Service Provider or other person retained in a fiduciary capacity must comply with the provisions of this section.
- (n) Gifts and entertainment.
- (1) Bribery. SBOE Members are prohibited from soliciting, offering, or accepting gifts, payments, and other items of value in exchange for an official act, including a vote, recommendation, or any other exercise of official discretion pursuant to Texas Penal Code, §36.02.
 - (2) Acceptance of gifts.
 - (A) An SBOE Member may not accept gifts, favors, services, or benefits that may reasonably tend to influence the SBOE Member's official conduct or that the SBOE Member knows or should know are intended to influence the SBOE Member's official conduct. For purposes of this paragraph, a gift does not include an item with a value of less than \$50, excluding cash, checks, loans, direct deposit, or negotiable instruments.
 - (B) An SBOE Member may not accept a gift, favor, service, or benefit from a Person that the SBOE Member knows is interested or is likely to become interested in a charter, contract, purchase, payment, claim, or other pecuniary transaction over which the SBOE has discretion.
 - (C) An SBOE Member may not accept a gift, favor, service, or benefit from a Person that the SBOE Member knows to be subject to the regulation, inspection, or investigation of the SBOE or the TEA.
 - (D) An SBOE Member may not solicit, accept, or agree to accept a gift, favor, service, or benefit from a Person with whom the SBOE Member knows that civil or criminal litigation is pending or contemplated by the SBOE or the TEA.
 - (E) Except as prohibited in subparagraphs (A)-(D) of this paragraph and subject to the requirements for PSF Service Providers, Fund Managers, and lobbyists in subparagraph (F) of this paragraph, an SBOE Member may accept a gift, favor, service, or benefit if it fits into one of the following categories:
 - (i) items worth less than \$50, but may not be cash, checks, loans, or negotiable instruments;
 - (ii) item is given in the context of a relationship, such as kinship, or a personal, professional, or business relationship that is independent of the SBOE Member's official capacity;
 - (iii) fees for services rendered outside the SBOE Member's official capacity;
 - (iv) government property issued by a governmental entity that allows the use of the property; or
 - (v) food, lodging, entertainment, and transportation, if accepted as a guest and the donor is present.
 - (F) In addition to the requirements of subparagraph (E) of this paragraph, the following provisions govern the disposition of an individual who is a PSF Service Provider or Fund

Manager or who is both a lobbyist registered with the Texas Ethics Commission and who represents a person subject to the SBOE's or the TEA's regulation, inspection, or investigation. A gift, favor, service, or benefit from a PSF Service Provider or Fund Manager or lobbyist will not be considered a violation of the prohibition set forth in subparagraph (C) of this paragraph.

- (i) An SBOE Member may not accept the following from a PSF Service Provider or Fund Manager or lobbyist, even if otherwise permitted under subparagraph (E) of this paragraph:
 - (I) loans, cash, checks, direct deposits, or negotiable instruments;
 - (II) transportation or lodging for a pleasure trip;
 - (III) transportation or lodging in connection with a fact-finding trip or to a seminar or conference at which the SBOE Member does not provide services;
 - (IV) entertainment worth more than \$250 in a calendar year;
 - (V) gifts, other than awards and mementos, that combined are worth more than \$250 in value for a calendar year. Gifts do not include food, entertainment, lodging, and transportation if accepted as a guest and the PSF Service Provider or Fund Manager or lobbyist is present; or
 - (VI) individual awards and mementos worth more than \$250 each if from a lobbyist or worth \$50 or more each if from a PSF Service Provider or Fund Manager.
 - (ii) An SBOE Member may accept food and beverages as a guest if the PSF Service Provider or Fund Manager or lobbyist is present.
- (G) An SBOE Member may not solicit, agree to accept, or accept an honorarium in consideration for services that the SBOE Member would not have been asked to provide but for the SBOE Member's official position. An SBOE Member may accept food, transportation, and lodging in connection with a speech performed as a result of the SBOE Member's position in accordance with the rulings with the Texas Ethics Commission, which may place limitations on the type of entity that may fund such travel. An SBOE Member must report the food, lodging, or transportation accepted under this subparagraph in the SBOE Member's annual personal financial statement.
- (H) Under no circumstances shall an SBOE Member accept a prohibited gift if the source of the gift is not identified or if the SBOE Member knows or has reason to know that the gift is being offered through an intermediary.
- (I) If an unsolicited prohibited gift is received by an SBOE Member, he or she should return the gift to its source. If that is not possible or feasible, the gift should be donated to charity. The SBOE Member shall report the return of the gift or the donation of the gift to the commissioner of education.
- (J) A PSF Service Provider or Fund Manager shall file a report annually with the TEA's PSF office, in the format specified by the PSF staff, on or before January 31 of each year. The report shall be for the time period beginning on January 1 and ending on December 31 of the previous year. The expenditure report must describe in detail any expenditure of more than \$50 made by the Person on behalf of:
- (i) an SBOE Member;
 - (ii) the commissioner of education; or
 - (iii) an employee of the TEA or of a nonprofit corporation created under the Texas Education Code, §43.006.

- (K) A PSF Service Provider or Fund Manager shall file a report annually with the TEA's PSF office, in the format specified by the PSF staff, on or before January 31 of each year. The report will be deemed to be filed when it is actually received. The report shall be for the time period beginning on January 1 and ending on December 31 of the previous year. It shall list any individuals who served in any of the following capacities at any time during the reporting period:
- (i) all members of the governing body of the PSF Service Provider or Fund Manager;
 - (ii) the officers of the PSF Service Provider or Fund Manager;
 - (iii) any broker who conducts transactions with PSF funds;
 - (iv) all members of the governing body of the firm of a broker who conducts transactions with PSF funds; and
 - (v) all officers of the firm of a broker who conducts transactions with PSF funds.
- (L) This subsection does not apply to campaign contributions.
- (M) Each SBOE Member and each PSF Service Provider and Fund Manager shall, no later than April 15, file an annual report affirmatively disclosing any violation of this code of ethics known to that Person during the time period beginning January 1 and ending December 31 of the previous year which has not previously been disclosed in writing to the commissioner of education for distribution to all board members, or affirmatively state that the Person has no knowledge of any such violation. For purposes of this subparagraph only, "SBOE Member" means only the individual elected official.
- (o) Campaign contributions.
- (1) A PSF Service Provider or Fund Manager shall, no later than January 31 and July 31, file a semi-annual report of each political contribution that the PSF Service Provider or Fund Manager has made to an SBOE Member or a candidate seeking election to the SBOE in writing to the commissioner of education. The report shall be for the six-month time period preceding the reporting dates and include the name of each SBOE Member or candidate seeking election to the SBOE who received a contribution, the amount of each contribution, and date of each contribution. Subsection (u) of this section does not apply to the first report filed. A report shall be filed even if the PSF Service Provider or Fund Manager made no reportable contribution during the reporting period to an SBOE Member or a candidate seeking election to the SBOE. The commissioner of education shall communicate the information included in the disclosure to all SBOE Members.
 - (2) Any person or firm filing a response to an RFP or RFQ relating to the management and investments of the PSF shall disclose in the response whether at any time in the preceding four years from the due date of the response to the RFP or RFQ the person or firm has made a campaign contribution to a candidate for or member of the SBOE.
- (p) Compliance with professional standards.
- (1) SBOE Members and PSF Service Providers who are members of professional organizations which promulgate standards of conduct must comply with those standards.
 - (2) To the extent applicable to them, PSF Service Providers must comply with the Code of Ethics and Standards of Professional Conduct of the Chartered Financial Analyst Institute.
- (q) Transactions involving PSF Service Providers or Fund Managers.
- (1) A PSF Service Provider or Fund Manager other than a PSF executing broker shall not engage in any transaction involving the assets of the PSF with a Person who is an SBOE Member, Investment Counsel, a consultant to the SBOE or to an SBOE Member, or a member of the PSF staff or TEA legal staff who is responsible for managing or investing assets of the PSF or

providing investment or management advice or legal advice regarding the investment or management of the PSF.

- (2) A PSF Service Provider or Fund Manager other than a PSF executing broker shall report to the SBOE on a quarterly basis all investment transactions or trades and any fees or compensation paid or received in connection with the transactions or trades with a Person who is an SBOE Member, Investment Counsel, a consultant to the SBOE or an SBOE Member, or a member of the PSF staff or TEA legal staff who is responsible for managing or investing assets of the PSF or providing investment or management advice or legal advice regarding the investment or management of the PSF.
- (r) Compliance and enforcement.
- (1) The SBOE will enforce this section through its chair or vice chair or the commissioner of education.
 - (2) Any violation of this section will be reported to the chair and vice chair of the SBOE and the commissioner of education and a recommended action will be presented to the SBOE by the chair or the commissioner. A violation of this section may result in the termination of the contract or a lesser sanction. Repeated minor violations may also result in the termination of the contract. With respect to Fund Managers, the recommended action, if any, shall be limited to a withdrawal or other disposition of the PSF's interest in the investment vehicle, each in accordance with the governing documents of the investment vehicle and laws applicable thereto.
 - (3) The PSF compliance officer under the direction of the TEA confidentiality officer shall act as custodian of all statements, waivers, and reports required under this section for purposes of public disclosure requirements.
 - (4) The ethics advisor of the TEA shall respond to inquiries from the SBOE Members and PSF Service Providers concerning the provisions of this section. The ethics advisor may confer with the general counsel and the executive administrator of the PSF.
 - (5) No payment shall be made to a PSF Service Provider who has failed to timely file a completed report as described by subsection (m) of this section, until a completed report is filed.
- (s) Ethics training. The SBOE shall receive annual training regarding state ethics laws through the Texas Ethics Commission and the TEA's ethics advisor.
- (t) TEA general ethical standards. The commissioner of education and PSF staff shall comply with the General Ethical Standards for the Staff of the Permanent School Fund and the Commissioner of Education.
- (u) Reporting period. A new report required by an amendment to the code of ethics need only concern events after the effective date of the amendment. An amendment to a rule that presently requires a report does not affect the reporting period unless the amendment explicitly changes the reporting period.
- (v) Statutory statement.
- (1) A "statutory financial advisor or service provider" as defined in this subsection shall on or before April 15 file a statement as required by Texas Government Code, §2263.005, with the commissioner of education and the state auditor, for the previous calendar year. The statement will be deemed filed when it is actually received. A statutory financial advisor or service provider shall promptly file a new or amended statement with the commissioner of education and the state auditor whenever there is new information required to be reported under Texas Government Code, §2263.005(a).
 - (2) A "statutory financial advisor or service provider" is a member of the Committee of Investment Advisors or an individual or business entity, including a financial advisor, financial consultant, money or investment manager, or broker, who is not an employee of the TEA, but who provides financial services or advice to the TEA or the SBOE or an SBOE member in connection with the management and investment of the PSF and who may reasonably be expected to receive, directly or indirectly, more than \$5,000 in compensation from the TEA or the SBOE during a fiscal year.

- (3) An annual statement required to be filed under this subsection will be made using the form developed by the state auditor.

§33.10. Purposes of Texas Permanent School Fund Assets and the Statement of Investment Policy.

- (a) The purpose of the Texas Permanent School Fund (PSF), as defined by the Texas Constitution, shall be to support and maintain an efficient system of public free schools. The State Board of Education (SBOE) views the PSF as a perpetual institution. Consistent with its perpetual nature, the PSF shall be an endowment fund with a long-term investment horizon. The SBOE shall strive to manage the PSF consistently with respect to the following: generating income for the benefit of the public free schools of Texas, the real growth of the corpus of the PSF, protecting capital, and balancing the needs of present and future generations of Texas school children. The PSF will strive to maintain intergenerational equity by attempting to pay out a constant distribution per student after adjusting for inflation.
- (b) The purposes of the investment policy statement are to:
 - (1) specify the investment objectives, policies, and guidelines the SBOE considers appropriate and prudent, considering the needs of the PSF, and to comply with the Texas Constitution by directing PSF assets;
 - (2) establish SBOE performance criteria for an investment manager;
 - (3) communicate the investment objectives, guidelines, and performance criteria to the SBOE, PSF investment staff and managers, and all other parties;
 - (4) guide the ongoing oversight of PSF investment and test compliance with the Texas Constitution and other applicable statutes;
 - (5) document that the SBOE is fulfilling its responsibilities for managing PSF investments solely in the interests of the PSF;
 - (6) document that the SBOE is fulfilling its responsibilities under Texas law; and
 - (7) provide transparency and accountability to the citizens of Texas.

§33.15. Objectives.

- (a) Investment objectives.
 - (1) Investment objectives have been formulated based on the following considerations:
 - (A) the anticipated financial needs of the Texas public free school system in light of expected future contributions to the Texas Permanent School Fund (PSF);
 - (B) the need to preserve capital;
 - (C) the risk tolerance set by the State Board of Education (SBOE) and the need for diversification;
 - (D) observations about historical rates of return on various asset classes;
 - (E) assumptions about current and projected capital market and general economic conditions and expected levels of inflation;
 - (F) the need to invest according to the prudent person rule; and
 - (G) the need to document investment objectives, guidelines, and performance standards.
 - (2) Investment objectives represent desired results and are long-term in nature, covering typical market cycles of three to five years. Any shortfall in meeting the objectives should be explainable in terms of general economic and capital market conditions and asset allocation.
 - (3) The investment objectives are consistent with generally accepted standards of fiduciary responsibility.

- (4) Under the provisions of this chapter, investment managers shall have discretion and authority to implement security selection and timing.
- (b) Goal and objectives for the PSF.
- (1) Goal. The goal of the SBOE for the PSF shall be to invest for the benefit of current and future generations of Texans consistent with the safety of principal, in light of the strategic asset allocation plan adopted. To achieve this goal, PSF investment shall be carefully administered at all times.
 - (2) Objectives.
 - (A) The preservation and safety of principal shall be a primary consideration in PSF investment.
 - (B) Fixed income securities shall be purchased at the highest total return consistent with the preservation and safety of principal.
 - (C) To the extent possible, the PSF management shall hedge against inflation.
 - (D) Securities, except investments for cash management purposes, shall be selected for investment on the basis of long-term investment merits rather than short-term gains.
- (c) Investment rate of return and risk objectives.
- (1) Because the education needs of the future generations of Texas school children are long-term in nature, the return objective of the PSF shall also be long-term and focused on fairly balancing the benefits between the current generation and future generations while preserving the real per capita value of the PSF.
 - (2) Investment rates of return shall adhere to the Chartered Financial Analyst (CFA) Institute Global Investment Performance Standards (GIPS) guidelines in calculating and reporting investment performance return information.
 - (3) The overall risk level of PSF assets in terms of potential for price fluctuation shall not be extreme and risk variances shall be acceptable in the context of the overall goals and objectives for the investment of the PSF assets. The primary means of achieving such a risk profile are:
 - (A) a broad diversification among asset classes that react as independently as possible through varying economic and market circumstances;
 - (B) careful control of risk level within each asset class by avoiding over-concentration and not taking extreme positions against the market indices; and
 - (C) a degree of emphasis on stable growth.
 - (4) Over time, the volatility of returns (or risk) for the total fund, as measured by standard deviation of investment returns, should be comparable to investments in market indices in the proportion in which the PSF invests.
 - (5) The rate of return objective of the total PSF fund shall be to earn, over time, an average annual total rate of return that meets or exceeds the rate of return of a composite benchmark index, consisting of representative benchmark indices for the asset classes in which the PSF is invested that are aggregated in proportion to the strategic target asset allocation of the total PSF fund as determined by the SBOE, while maintaining an acceptable risk level compared to that of the composite benchmark index.
 - (6) The rate of return objective of each asset class in which the PSF is invested, other than the short-term cash fund, shall be to earn, over time, an average annual average rate of return that meets or exceeds that of a representative benchmark index for such asset class in U.S. dollars, combining dividends, capital appreciation, income, and interest income, as applicable, while maintaining an acceptable risk level compared to that of the representative benchmark index.

- (7) The objective of the short-term cash fund shall be to provide liquidity for the timely payment of security transactions, while earning a competitive return. The expected return, over time, shall meet or exceed that of the representative benchmark index, while maintaining an acceptable risk level compared to that of the representative benchmark index.
 - (8) Notwithstanding the risk parameters specified in paragraphs (4)-(6) of this subsection, consideration shall be given to marginal risk variances exceeding the representative benchmark indices if returns are commensurate with the risk levels of the respective portfolios.
- (d) Asset allocation policy.
- (1) The SBOE shall adopt and implement a strategic asset allocation plan based on a well diversified, balanced investment approach that uses a broad range of asset classes indicated by the following characteristics of the PSF:
 - (A) the long-term nature of the PSF;
 - (B) the spending policy of the PSF;
 - (C) the relatively low liquidity requirements of the PSF;
 - (D) the investment preferences and risk tolerance of the SBOE;
 - (E) the rate of return objectives; and
 - (F) the diversification objectives of the PSF, specified in the Texas Constitution, Article VII, §5(d), the Texas Education Code, Chapter 43, and the provisions of this chapter.
 - (2) The strategic asset allocation plan shall contain guideline percentages, at market value of the total fund's assets, to be invested in various asset classes. The guideline percentages will include both a target percentage and an acceptable strategic range for each asset class, recognizing that the target mix may not be attainable at a specific point in time since actual asset allocation will be dictated by current and anticipated market conditions, as well as the overall directions of the SBOE.
 - (3) The SBOE Committee on School Finance/Permanent School Fund, with the advice of the PSF investment staff, shall review the provisions of this section at least annually and, as needed, rebalance the assets of the portfolio according to the asset allocation rebalancing procedure specified in the PSF Investment Procedures Manual. The SBOE Committee on School Finance/Permanent School Fund shall consider the industry diversification and the percentage allocation within the following asset classes:
 - (A) domestic equities;
 - (B) international equities;
 - (C) emerging market equities;
 - (D) domestic fixed income;
 - (E) emerging market debt local currency;
 - (F) real estate;
 - (G) private equity;
 - (H) absolute return;
 - (I) real return;
 - (J) risk parity;
 - (K) cash; and
 - (L) other asset classes as approved by the SBOE.
 - (4) To the extent practicable, investments shall not exceed the strategic ranges the SBOE establishes for each asset class, recognizing the inability to actively reduce allocations to certain asset classes.

- (5) Periodically, the SBOE shall allocate segments of the total fund to each investment manager and specify guidelines, investment objectives, and standards of performance that apply to those assets.

§33.20. Responsible Parties and Their Duties.

- (a) The Texas Constitution, Article VII, §§1-8, establishes the Available School Fund, the Texas Permanent School Fund (PSF), and the State Board of Education (SBOE), and specifies the standard of care SBOE members must exercise in managing PSF assets. In addition, the constitution directs the legislature to establish suitable provisions for supporting and maintaining an efficient public free school system, defines the composition of the PSF and the Available School Fund, and requires the SBOE to set aside sufficient funds to provide free instructional materials for the use of children attending the public free schools of this state.
- (b) The SBOE shall be responsible for overseeing all aspects of the PSF and may contract with any of the following parties, whose duties and responsibilities are as follows.
 - (1) An external investment manager is a Person the SBOE retains by contract to manage and invest a portion of the PSF assets under specified guidelines.
 - (2) A custodian is an organization, normally a financial company, the SBOE retains to safe keep, and provide accurate and timely reports of, PSF assets.
 - (3) A consultant is a Person the SBOE retains to advise the SBOE on PSF matters based on professional expertise.
 - (4) Investment Counsel is a Person retained under criteria specified in the PSF Investment Procedures Manual to advise PSF investment staff and the SBOE Committee on School Finance/Permanent School Fund within the policy framework established by the SBOE. Investment Counsel may be assigned such tasks as asset allocation reviews, manager searches, performance analysis, recommendations on spending policy, performance reporting, and benchmarking and research related to the management of PSF assets, with any such assigned tasks to be performed in consultation with PSF staff.
 - (5) A performance measurement consultant is a Person retained to provide the SBOE Committee on School Finance/Permanent School Fund an analysis of the PSF portfolio performance. The outside portfolio performance measurement service firm shall perform the analysis on a quarterly or as-needed basis. Quarterly reports shall be distributed to each member of the SBOE Committee on School Finance/Permanent School Fund and Investment Counsel, and a representative of the firm shall be available as necessary to brief the committee.
 - (6) The State Auditor's Office is an independent state agency that performs an annual financial audit of the Texas Education Agency (TEA) at the direction of the Texas Legislature. The financial audit, conducted according to generally accepted auditing standards, is designed to test compliance with generally accepted accounting principles. The state auditor performs tests of the transactions of the PSF Investment Office as part of this annual audit, including compliance with governing statutes and SBOE policies and directives. The TEA Internal Audit Division will participate in the audit process by participating in entrance and exit conferences, being provided copies of all reports and management letters furnished by the external auditor, and having access to the external auditor's audit programs and working papers.
 - (7) The SBOE may retain independent external auditors to review the PSF accounts annually or on an as-needed basis. The TEA Internal Audit Division will participate in the audit process by participating in entrance and exit conferences, being provided copies of all reports and management letters furnished by the external auditor, and having access to the external auditor's audit programs and working papers.
- (c) The SBOE shall meet on a regular or as-needed basis to conduct the affairs of the PSF.
- (d) In case of emergency or urgent public necessity, the SBOE Committee on School Finance/Permanent School Fund or the SBOE, as appropriate, may hold an emergency meeting under the Texas Government Code, §551.045.

- (e) The SBOE shall have the following exclusive duties:
- (1) determining the strategic asset allocation mix between asset classes based on the attending economic conditions and the PSF goals and objectives;
 - (2) ratifying all investment transactions pertaining to the purchase, sale, or reinvestment of assets by all internal and external investment managers for the current reporting period;
 - (3) appointing members to the SBOE Investment Advisory Committee;
 - (4) approving the selection of, and all contracts with, external investment managers, financial advisors, Investment Counsel, financial or other consultants, or other external professionals retained to help the SBOE invest PSF assets;
 - (5) approving the selection of, and the performance measurement contract with, a well-recognized and reputable firm retained to evaluate and analyze PSF investment results. The service shall compare investment results to the written investment objectives of the SBOE and also compare the investment of the PSF with the investment of other public and private funds against market indices and by managerial style;
 - (6) setting policies, objectives, and guidelines for investing PSF assets; and
 - (7) representing the PSF to the state.
- (f) The SBOE may establish committees to administer the affairs of the PSF. The duties and responsibilities of any committee established shall be specified in the PSF Investment Procedures Manual.
- (g) The PSF shall have an executive administrator, with a staff to be adjusted as necessary, who functions directly with the SBOE through the SBOE Committee on School Finance/Permanent School Fund concerning investment matters, and who functions as part of the internal operation under the commissioner of education. At all times, the PSF executive administrator and staff shall invest PSF assets as directed by the SBOE according to the Texas Constitution and all other applicable Texas statutes, as amended, and SBOE rules governing the operation of the PSF. The PSF staff shall:
- (1) administer the PSF, including investing and managing assets and contracting in connection therewith, according to SBOE goals and objectives;
 - (2) execute all directives, policies, and procedures from the SBOE and the SBOE Committee on School Finance/Permanent School Fund;
 - (3) keep records and provide a continuous and accurate accounting of all PSF transactions, revenues, and expenses and provide reports on the status of the PSF portfolio;
 - (4) advise any officials, investment firms, or other interested parties about the powers, limitations, and prohibitions regarding PSF investments that have been placed on the SBOE or PSF investment staff by statutes, attorney general opinions and court decisions, or by SBOE policies and operating procedures;
 - (5) continuously research all internally managed securities held by the PSF and report to the SBOE Committee on School Finance/Permanent School Fund and the SBOE any information requested, including reports and statistics on the PSF, for the purpose of administering the PSF;
 - (6) establish and maintain a procedures manual that implements this section to be approved by the SBOE;
 - (7) make recommendations regarding investment and policy matters to the SBOE Committee on School Finance/Permanent School Fund and the SBOE, except for formal recommendations for benchmarks for internally managed PSF asset classes, which duties the Committee will assign to an appropriate third party who will present such recommendations after consultation with PSF staff; and
 - (8) establish and maintain accounting policies and internal control procedures concerning all receipts, disbursements and investments of the PSF, according to the procedures adopted by the SBOE.

§33.25. Permissible and Restricted Investments and General Guidelines for Investment Managers.

- (a) Permissible investments. Any investment that satisfies the prudence standard, is consistent with the Fund's investment policy and portfolio objectives, and is used in executing investment strategies approved by the State Board of Education (SBOE).
- (b) Prohibited transactions and restrictions. Except as provided in subsection (a) of this section or as approved or delegated by the SBOE, the following prohibited transactions and restrictions apply to all Texas Permanent School Fund (PSF) investment managers with respect to the investment or handling of PSF assets, except as otherwise noted:
 - (1) short sales of any kind;
 - (2) purchasing letter or restricted stock;
 - (3) buying or selling on margin;
 - (4) engaging in purchasing or writing options or similar transactions;
 - (5) purchasing or selling futures on commodities contracts;
 - (6) borrowing by pledging or otherwise encumbering PSF assets;
 - (7) purchasing the equity or debt securities of the PSF investment manager's own organization or an affiliated organization;
 - (8) engaging in any purchasing transaction, after which the cumulative market value of common stock in a single corporation exceeds 2.5% of the PSF total market value or 5.0% of the manager's total portfolio market value;
 - (9) engaging in any purchasing transaction, after which the cumulative number of shares of common stock in a single corporation held by the PSF exceeds 5.0% of the outstanding voting stock of that issuer;
 - (10) engaging in any purchasing transaction, after which the cumulative market value of fixed income securities or cash equivalent securities in a single corporation (excluding the U.S. government, its federal agencies, and government sponsored enterprises) exceeds 2.5% of the PSF total market value or 5.0% of the investment manager's total portfolio market value with the PSF;
 - (11) purchasing tax exempt bonds;
 - (12) purchasing guaranteed investment contracts (GICs) from an insurance company or bank investment contracts (BICs) from a bank not rated at least AAA by Standard & Poor's or Moody's;
 - (13) purchasing any publicly traded fixed income security not rated investment grade by Standard & Poor's (BBB-), Moody's (Baa3), or Fitch (BBB-), subject to the provisions of the PSF Investment Procedures Manual and the following restrictions:
 - (A) when ratings are provided by the three rating agencies, the middle rating shall be used;
 - (B) when ratings are provided by two ratings agencies, the lower rating is used; or
 - (C) when a rating is provided by one rating agency, the sole rating is used;
 - (14) purchasing short-term money market instruments rated below A-1 by Standard & Poor's or P-1 by Moody's;
 - (15) engaging in any transaction that results in unrelated business taxable income (excluding current holdings);
 - (16) engaging in any transaction considered a "prohibited transaction" under the Internal Revenue Code or the Employee Retirement Income Security Act (ERISA);
 - (17) purchasing precious metals or other commodities;
 - (18) engaging in any transaction that would leverage a manager's position;

- (19) lending securities owned by the PSF, but held in custody by another party, such as a bank custodian, to any other party for any purpose, unless lending securities according to a separate written agreement the SBOE approved; and
 - (20) purchasing fixed income securities without a stated par value amount due at maturity.
- (c) General guidelines for investment managers.
- (1) Each investment manager retained to manage a portion of PSF assets shall be aware of, and operate within, the provisions of this chapter and all applicable Texas statutes.
 - (2) As fiduciaries of the PSF, investment managers shall discharge their duties solely in the interests of the PSF according to the prudent expert rule, engaging in activities that include the following.
 - (A) Diversification. Each manager's portfolio should be appropriately diversified within its applicable asset class.
 - (B) Securities trading.
 - (i) Each manager shall send copies of each transaction record to the PSF investment staff and custodians.
 - (ii) Each manager shall be required to reconcile the accounts under management on a monthly basis with the PSF investment staff and custodians.
 - (iii) Each manager shall be responsible for complying fully with PSF policies for trading securities and selecting brokerage firms, as specified in §33.40 of this title (relating to Trading and Brokerage Policy). In particular, the emphasis of security trading shall be on best execution; that is, the highest proceeds to the PSF and the lowest costs, net of all transaction expenses. Placing orders shall be based on the financial viability of the brokerage firm and the assurance of prompt and efficient execution.
 - (iv) The SBOE shall require each external manager to indemnify the PSF for all failed trades not due to the negligence of the PSF or its custodian in instances where the selection of the broker dealer is not in compliance with §33.40 of this title (relating to Trading and Brokerage Policy).
 - (C) Acknowledgments in writing.
 - (i) Each external investment manager retained by the PSF must be a person, firm, or corporation registered as an investment adviser under the Investment Adviser Act of 1940, a bank as defined in the Act, or an insurance company qualified to do business in more than one state, and must acknowledge its fiduciary responsibility in writing. A firm registered with the Securities and Exchange Commission (SEC) must annually provide a copy of its Form ADV, Section II.
 - (ii) The SBOE may require each external manager to obtain coverage for errors and omissions in an amount set by the SBOE, but the coverage shall be at least the greater of \$500,000 or 1.0% of the assets managed, not exceeding \$10 million. The coverage should be specific as to the assets of the PSF. The manager shall annually provide evidence in writing of the existence of the coverage.
 - (iii) Each external manager may be required by the SBOE to obtain fidelity bonds, fiduciary liability insurance, or both.
 - (iv) Each manager shall acknowledge in writing receiving a copy of, and agreeing to comply with, the provisions of this chapter.
 - (D) Discretionary investment authority. Subject to the provisions of this chapter, any investment manager of marketable securities or other investments, retained by the PSF, shall have full discretionary investment authority over the assets for which the manager is responsible. Specialist advisors and investment managers retained for an alternative asset

investments may have a varying degree of discretionary authority, which will be outlined in contract documentation.

- (d) Reporting procedures for investment managers. The investment manager shall:
- (1) prepare a monthly and quarterly report for delivery to the SBOE, the SBOE Committee on School Finance/Permanent School Fund, and the PSF investment staff that shall include, in the appropriate format, items requested by the SBOE. The monthly reports shall briefly cover the firm's economic review; a review of recent and anticipated investment activity; a summary of major changes that have occurred in the investment markets and in the portfolio, particularly since the last report; and a summary of the key characteristics of the PSF portfolio. Quarterly reports shall comprehensively cover the same information as monthly reports but shall also include any changes in the firm's structure, professional team, or product offerings; a detail of the portfolio holdings; and transactions for the period. Periodically, the PSF investment staff shall provide the investment manager a detailed description of, and format for, these reports;
 - (2) when requested by the SBOE Committee on School Finance/Permanent School Fund, make a presentation describing the professionals retained for the PSF, the investment process used for the PSF portfolio under the manager's responsibility, and any related issues;
 - (3) when requested by the PSF investment staff, meet to discuss the management of the portfolio, new developments, and any related matters; and
 - (4) implement a specific investment process for the PSF. The manager shall describe the process and its underlying philosophy in an attachment to its investment management agreement with the PSF and manage according to this process until the PSF and manager agree in writing to any change.

§33.30. Standards of Performance.

- (a) The State Board of Education (SBOE) Committee on School Finance/Permanent School Fund shall set and maintain performance standards for the total Texas Permanent School Fund (PSF), for each asset class in which the assets of the PSF are invested, and for all investment managers based on criteria that include the following:
- (1) time horizon;
 - (2) real rate of return;
 - (3) representative benchmark index;
 - (4) volatility of returns (or risk), as measured by standard deviation; and
 - (5) universe comparison.
- (b) The SBOE Committee on School Finance/Permanent School Fund shall develop and implement the procedures necessary to establish and recommend to the SBOE the performance standards criteria.
- (c) Performance standards shall be included in the PSF Investment Procedures Manual.

§33.35. Guidelines for the Custodian and the Securities Lending Agent.

Completing custodial and security lending functions in an accurate and timely manner is necessary for effective investment management and accurate records.

- (1) A custodian shall have the following responsibilities regarding the segments of the funds for which the custodian is responsible.
 - (A) Provide complete custody and depository services for the designated accounts.
 - (B) Provide for investment of any cash on a daily basis to avoid uninvested amounts.
 - (C) Implement the investment actions in a timely and effective manner as directed by the investment managers.

- (D) Collect all realizable income and principal and properly report the information on the periodic statements to the Texas Permanent School Fund (PSF) investment staff, the investment managers, or other appropriate parties.
 - (E) Provide monthly and annual accounting statements, as well as on-line, real-time accounting, that includes all transactions. Accounting shall be based on accurate security values for cost and market value and provided within a time frame acceptable to the State Board of Education (SBOE).
 - (F) Report to the PSF investment staff situations in which security pricing is either not possible or subject to considerable uncertainty.
 - (G) Distribute all proxy voting materials in a timely manner.
 - (H) Provide research and assistance to the SBOE and the PSF investment staff on all issues related to accounting and administration.
 - (I) Confirm that the depth of resources and personnel associated with the designated funds are comparable to those of the nation's leading custodial banks.
- (2) A securities lending agent for the PSF shall have the following responsibilities.
- (A) Provide complete transaction reporting for the designated funds.
 - (B) Provide a monthly accounting, as well as on-line, real-time accounting for securities lending transactions, based on accurate security values.
 - (C) Report to the PSF investment staff any irregular situation that is outside the standard of practice for securities lending or inconsistent with the provisions of the securities lending agreement.
 - (D) Implement a securities lending program for the PSF in a manner that does not impair any rights of the PSF by virtue of PSF ownership in securities.
 - (E) As requested, provide research and assistance to the SBOE and the PSF investment staff on all issues related to accounting and administration.
 - (F) Provide indemnification to the PSF satisfactory to the SBOE in the event of default on securities lending transactions.
 - (G) Fully disclose all revenues and other fees associated with the securities lending program.
 - (H) Comply with restrictions on types of securities lending transactions or eligible investments of cash collateral or any other restrictions imposed by the SBOE or the PSF investment staff. Unless the SBOE gives its written approval, the following guidelines apply to the PSF Securities Lending Program. Cash collateral reinvestment guidelines must meet the following standards.
 - (i) Permissible investments.
 - (I) U.S. Government and U.S. Agencies, under the following criteria:
 - (-a-) any security issued by or fully guaranteed as to payment of principal and interest by the U.S. Government or a U.S. Government Agency or sponsored Agency, and eligible for transfer via Federal Reserve Bank book entry, Depository Trust Company book entry, and/or Participants Trust Company book entry;
 - (-b-) maximum 397-day maturity on fixed rate;
 - (-c-) maximum three-year maturity on floating rate, with maximum reset period of 94 days and use a standard repricing index such as London InterBank Offered Rate (LIBOR), Federal Funds, Treasury Bills, or commercial paper; and

- (-d-) no maximum dollar limit.
- (II) Bank obligations, under the following criteria:
- (-a-) time deposits with maximum 60-day maturity on fixed rate or three-year maturity for floating rate, with maximum reset period of 60 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper;
 - (-b-) negotiable Certificates of Deposit with maximum 397-day maturity on fixed rate or three-year maturity for floating rate, with maximum reset period of 94 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper;
 - (-c-) bank notes with maximum 397-day maturity on fixed rate or three-year maturity on floating rate, with maximum reset period of 94 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper;
 - (-d-) bankers acceptances with maximum 45-day maturity;
 - (-e-) issued by banks with at least \$25 billion in assets and, for floating rate bank obligations with a maturity greater than 397 days, a long-term rating of AA2 and AA by Moody's Investor Service and Standard & Poor's Corporation at time of purchase; and, for fixed rate or floating rate bank obligations with a remaining maturity of 397 days or less, a short-term rating of "Tier 1" as defined in clause (ii)(IV) of this subparagraph or, for such bank obligations without a short-term rating, an issuer rating of Tier 1. In addition, placements can be made in branches within the following countries:
 - (-1-) Canada;
 - (-2-) France;
 - (-3-) United Kingdom; and
 - (-4-) United States; and
 - (-f-) dollar limit maximum per institution of 5.0% of investment portfolio at time of purchase.
- (III) Commercial paper, under the following criteria:
- (-a-) dollar limit maximum per issuer of 5.0% of investment portfolio at time of purchase including any other obligations of that issuer as established in subclause (II)(-d-) of this clause. If backed 100% by bank Letter of Credit, then dollar limit is applied against the issuing bank;
 - (-b-) must be rated "Tier 1" as defined in clause (ii)(IV) of this subparagraph; and
 - (-c-) maximum 397-day maturity.
- (IV) Asset backed commercial paper, under the following criteria:
- (-a-) dollar limit maximum per issuer of 5.0% of investment portfolio;
 - (-b-) must be rated "Tier 1" as defined in clause (ii)(IV) of this subparagraph; and

- (-c-) maximum 397-day maturity.
- (V) Asset backed securities, under the following criteria:
- (-a-) maximum 397-day weighted average life on fixed rate;
 - (-b-) maximum three-year weighted average life on floating rate, with maximum reset period of 94 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper; and
 - (-c-) rated Aaa and AAA by Moody's Investor Service and Standard & Poor's Corporation at time of purchase. One AAA rating may suffice if only rated by one Nationally Recognized Securities Rating Organization (NRSRO).
- (VI) Corporate debt (other than commercial paper), under the following criteria:
- (-a-) must be senior debt;
 - (-b-) maximum 397-day maturity on fixed rate;
 - (-c-) maximum three-year maturity on floating rate, with maximum reset period of 94 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper;
 - (-d-) for floating rate corporate obligations with a maturity greater than 397 days, a long-term rating of AA2 and AA by Moody's Investor Service and Standard & Poor's Corporation at time of purchase; and, for fixed rate or floating rate corporate obligations with a remaining maturity of 397 days or less, a short-term rating of "Tier 1" as defined in clause (ii)(IV) of this subparagraph or, for such corporate obligations without a short-term rating, an issuer rating of Tier 1; and
 - (-e-) dollar limit maximum per issuer of 5.0% of investment portfolio at time of purchase, including any other obligations of that issuer.
- (VII) Reverse repurchase agreements, under the following criteria:
- (-a-) counterparty must be "Tier 1" rated as defined in clause (ii)(IV) of this subparagraph for fixed rate and AA2 and AA by Moody's Investor Service and Standard & Poor's Corporation for floating rate or be a "Primary Dealer" in Government Securities as per the New York Federal Reserve Bank;
 - (-b-) underlying collateral may be any security permitted for direct investment;
 - (-c-) lending agent or a third party custodian must hold collateral under tri-party agreement;
 - (-d-) collateral must be marked to market daily and maintained at the following margin levels:
 - (-1-) U.S. Government, U.S. Government Agency, sponsored Agency, International Organization at 100%;

- (-2-) Certificate of Deposits, Bankers Acceptance, bank notes, commercial paper at 102% under one year to maturity and rated at least "Tier 1" as defined in clause (ii)(IV) of this subparagraph; and
 - (-3-) corporate debt (other than commercial paper) at 105% rated at least AA2/AA or better by Moody's Investor Service and Standard & Poor's Corporation at time of purchase;
 - (-e-) due to daily margin maintenance, dollar limits and maturity limits of underlying collateral are waived, except with respect to the maturity limit in subclause (II)(-d-) of this clause;
 - (-f-) maximum 180-day maturity; and
 - (-g-) dollar limit for total reverse repurchase agreements is the greater of \$300 million or 15% of value of cash collateral portfolio with one counterparty at time of purchase.
- (VIII) Foreign sovereign debt, under the following criteria:
- (-a-) any security issued by or fully guaranteed as to payment of principal and interest by a foreign government whose sovereign debt is rated AA2/AA or better by Moody's Investor Service and Standard & Poor's Corporation at time of purchase. Securities must be delivered to Lending Agent or a third party under a Tri-Party agreement;
 - (-b-) dollar limit maximum per issuer or guarantor of 2.5% of investment portfolio; and
 - (-c-) maximum maturity of 397 days.
- (IX) Short Term Investment Fund (STIF) and/or Registered Mutual Funds, under the following criteria:
- (-a-) funds must comprise investments similar to those that would otherwise be approved for securities lending investment under the provisions of this subparagraph, not invest in derivatives, and not re-hypothecate assets;
 - (-b-) lender must approve each fund in writing and only upon receipt of offering documents and qualified letter; and
 - (-c-) fund must have an objective of a constant share price of one dollar.
- (ii) Investment parameters.
- (I) Maximum weighted average maturity of investment portfolio must be 180 days.
 - (II) Maximum weighted average interest rate exposure of investment portfolio must be 60 days.
 - (III) All investments must be U.S. dollar-denominated.
 - (IV) "Tier 1" credit quality is defined as the highest short-term rating category by the following NRSROs:
 - (-a-) Standard & Poor's;
 - (-b-) Moody's Investors Service;

- (-c-) Fitch Investors Service; and
- (-d-) Duff & Phelps, LLC.
- (V) At time of purchase all investments must be rated in the highest short-term numerical category by at least two NRSROs, one of which must be either Standard & Poor's or Moody's Investors Service.
- (VI) Issuer's ratings cannot be on negative credit watch at the time of purchase.
- (VII) Interest and principal only (IO, PO) stripped mortgages are not permitted.
- (VIII) Mortgage backed securities are not permitted.
- (IX) Complex derivative or structured securities, including, but not limited to the following are not permitted:
 - (-a-) inverse floating rate notes;
 - (-b-) defined range floating rate notes;
 - (-c-) trigger notes; and
 - (-d-) set-up notes.
- (I) Provide a copy of the investment policy governing the custodian's securities lending program, as amended, to the PSF investment staff.
- (J) Confirm that the depth of resources and personnel associated with the designated funds are comparable to those of the nation's leading securities lending agents.

§33.40. Trading and Brokerage Policy.

- (a) Security transaction policy.
 - (1) The following principles shall guide all Texas Permanent School Fund (PSF) transactions.
 - (A) Each manager shall be responsible for complying fully with PSF policies for trading securities and selecting brokerage firms, as specified in this section. In particular, the emphasis of security trading shall be on best execution; that is, the highest proceeds to the PSF and the lowest costs, net of all transaction expenses. Placing orders shall be based on the financial viability of the brokerage firm and the assurance of prompt and efficient execution.
 - (B) Ongoing efforts must be made to reduce trading costs, in terms of both commissions and market impact, provided the investment returns of the PSF are not jeopardized.
 - (2) The State Board of Education (SBOE) may enter into brokerage commission recapture agreements or soft dollar agreements.
 - (3) The SBOE may evaluate transaction activity annually through a trading cost analysis.
- (b) Directed trades. The SBOE may adopt directed trade procedures for the PSF portfolio according to procedures developed by the SBOE Committee on School Finance/Permanent School Fund.
- (c) Guidelines for selecting a brokerage firm and standards of ethical conduct for brokerage firms.
 - (1) Introduction and basic principles.
 - (A) The SBOE intends that any transaction of publicly traded security occur through a brokerage firm or automated trading system, regardless of location, to obtain the lowest transaction cost consistent with best execution.

- (B) Each investment manager shall be responsible for selecting brokerage firms or automated trading systems through which PSF trading shall be completed. The selections must meet PSF guidelines and be for the exclusive benefit of the PSF.
- (2) Guidelines for selection and standards of ethical conduct. The broker or dealer firm must:
- (A) have appropriate trading and market expertise;
 - (B) have comprehensive, proprietary, in-house research capabilities;
 - (C) be in compliance with applicable federal and Texas laws related to conducting business as a broker or dealer, including the Anti-Fraud provisions of the Securities Exchange Act of 1934;
 - (D) be a member in good standing of the major financial exchanges;
 - (E) have on-site, in-house trading capability and direct access to major markets;
 - (F) have in-house access to trading support equipment;
 - (G) trade for competitive rates that provide the lowest transaction cost consistent with best execution;
 - (H) be financially able to accommodate a capital commitment trade over an industry standard settlement period;
 - (I) have the ability and record to clear and settle trades without unnecessary delays or fails; and
 - (J) have been in business as a broker or dealer for a reasonable period of time to ensure financial and operational stability.
- (3) Exemptions.
- (A) Broker/dealer firms that are certified as Texas based historically underutilized businesses (HUBs) are exempted from the requirements specified in paragraph (2)(B), (D), and (H) of this subsection; and
 - (B) broker/dealer firms that are operating as electronic communication networks are exempted from the requirements specified in paragraph (2)(B) of this subsection.
- (4) Reporting requirements. The executive administrator of the PSF will report to the SBOE Committee on School Finance/Permanent School Fund, on an ongoing basis, a list of broker dealers with whom the PSF has conducted business during the fiscal year that have been granted exemptions under paragraph (2)(B), (D), and (H) of this subsection and will identify the specific exemptions granted.
- (5) Review and evaluation. At least annually, the SBOE Committee on School Finance/Permanent School Fund shall review the brokerage firms used by PSF investment managers and all transactions for compliance with the provisions of this section.
- (6) Broker expenditure report. A broker shall file a report annually on April 15 of each year on the expenditure report provided in §33.5(n)(2)(J) of this title (relating to Code of Ethics) entitled "Report of Expenditures of Persons Providing Services to the State Board of Education Relating to the Management and Investment of the Permanent School Fund." The report shall be for the time period beginning on January 1 and ending on December 31 of the previous year. The expenditure report must describe in detail any expenditure of more than \$50 made by the person on behalf of:
- (A) an SBOE Member;
 - (B) the commissioner of education; or
 - (C) an employee of the Texas Education Agency or of a nonprofit corporation created under the Texas Education Code, §43.006.

§33.45. Proxy Voting Policy.

The State Board of Education (SBOE) recognizes its fiduciary obligations with respect to the voting of proxies of companies with securities that are owned by the Texas Permanent School Fund (PSF). Because the issues related to proxy voting are complex and directly impact investment values, the SBOE believes the PSF is best suited to vote the proxies of shares held in the PSF portfolio. Therefore, as part of the PSF investment policy, the SBOE instructs the PSF executive administrator and investment staff to vote all of the PSF proxies of companies according to the following guidelines. The executive administrator may delegate voting of proxies of securities not held in internally managed portfolios to external investment managers or proxy voting companies, provided voting is in accordance with the following guidelines.

- (1) Routine matters. Routine proxy proposals shall be voted in support of company proposals unless there is a clear reason not to do so. Routine matters include:
 - (A) electing directors;
 - (B) determining the size of a board;
 - (C) changing a corporate name;
 - (D) appointing an auditor;
 - (E) splitting stock;
 - (F) amending articles of incorporation that are required to comply with federal or state regulation; and
 - (G) changing the date, time, or location of an annual meeting.
- (2) Business matters. Business proposals that do not eliminate the rights of shareholders, especially minority shareholders, or the status of securities held, including ownership status, shall not be treated as routine; rather, they shall be carefully analyzed. These issues may be voted with management. However, business proposals that are nonroutine or would impair the economic interests of shareholders shall be voted against management. Examples of such proposals include:
 - (A) requests to alter bylaws to require a super majority to approve mergers;
 - (B) anti-takeover proposals that could restrict tender offers or deny majority owners from exercising judgment;
 - (C) proposals to dilute existing shares by issuing substantially more stock without adequate explanation by management; and
 - (D) proposals that would enrich management excessively or substantially increase compensation awards or employment contracts to senior management that become effective when ownership of the company changes (also known as "golden parachute" awards).
- (3) Other matters. On all other matters, the PSF executive administrator, investment staff, and external investment managers shall vote proxies judged to be in the best interests of the PSF.
- (4) Reporting to SBOE. At each regularly scheduled SBOE meeting, the PSF executive administrator shall advise the SBOE of all instances in which the PSF executive administrator or external investment managers voted against management. External investment managers shall provide written reports monthly to the executive administrator according to procedures and a format established by the executive administrator.

§33.50. Socially and Politically Responsible Investment Policy.

Investments shall be considered based on the prudent person rule and the provisions of this chapter. Investments shall provide the highest return commensurate with the lowest risk and shall be diversified.

§33.55. Standards for Selecting Consultants, Investment Managers, Custodians, and Other Professionals To Provide Outside Expertise for the Fund.

The State Board of Education (SBOE) may retain qualified professionals to assist in investment and related matters.

- (1) Basis for selection. The SBOE shall retain professional assistance based on the demonstrated ability of the professional to provide the expertise or assistance needed along with the proposed cost of the service in order to provide the best overall value for the Permanent School Fund. For each type of expertise, relevant and objective criteria shall be established to judge and select experts.
- (2) Types of expertise for consideration. Examples of professionals or specialized expertise the SBOE may retain include: investment managers, accountants, consultants, legal counsel, custodians, security lending agents, and system specialists.
- (3) Process for selecting professional assistance. The SBOE shall establish and maintain in the Texas Permanent School Fund (PSF) Procedures Manual an objective process for selecting expertise or assistance. The SBOE Committee on School Finance/Permanent School Fund shall periodically review the process to ensure it reflects SBOE objectives.

§33.60. Performance and Review Procedures.

As requested by the State Board of Education (SBOE) or Texas Permanent School Fund (PSF) investment staff, evaluation and periodic investment reports shall supply critical information on a continuing basis, such as the amount of trading activity, investment performance, cash positions, diversification ratios, rates of return, and other perspectives of the portfolios. The reports shall address compliance with investment policy guidelines.

- (1) Performance measurements. The SBOE Committee on School Finance/Permanent School Fund shall review the quarterly performance of each portfolio of the PSF in terms of the provisions of this chapter. The investment performance review shall include comparisons with representative benchmark indices, a broad universe of investment managers, and the consumer price index. A time-weighted return formula (which minimizes the effect of contributions and withdrawals) shall be used for investment return analysis. The review also may include quarterly performance analysis and comparisons of retained firms. The services of an outside, independent consulting firm that provides performance measurement and evaluation shall be retained.
- (2) Meeting and reports. Upon request, the SBOE Committee on School Finance/Permanent School Fund shall meet with the PSF investment managers and custodian to review their responsibilities, the PSF portfolio, and investment results in terms of the provisions of this chapter.
- (3) Review and modification of investment policy statement. The SBOE Committee on School Finance/Permanent School Fund shall review the provisions of this chapter at least once a year to determine if modifications are necessary or desirable. Upon approval by the SBOE, any modifications shall be promptly reported to all investment managers and other responsible parties.
- (4) Compliance with this chapter and Texas statutes. Annually, the SBOE Committee on School Finance/Permanent School Fund shall confirm that the PSF and each of its managed portfolios have complied with the provisions of this chapter concerning exclusions imposed by the SBOE, proxy voting, and trading and brokerage selection.
- (5) Significant events. The SBOE must be notified promptly if any of the following events occur within the custodian or external investment manager organizations:
 - (A) any event that is likely to adversely impact to a significant degree the management, professionalism, integrity, or financial position of the custodian or investment manager. A custodian must report the loss of an account of \$500 million or more. An investment manager must report the loss of an account of \$25 million or more;
 - (B) a loss of one or more key people;

- (C) a significant change in investment philosophy;
- (D) the addition of a new portfolio manager on the sponsor's account;
- (E) a change in ownership or control, through any means, of the custodian or investment manager; or
- (F) any violation of policy.

§33.65. Bond Guarantee Program for School Districts.

- (a) Statutory provision. The commissioner of education must administer the guarantee program for school district bonds according to the provisions of the Texas Education Code (TEC), Chapter 45, Subchapter C.
- (b) Definitions. The following definitions apply to the guarantee program for school district bonds.
 - (1) Annual debt service--Payments of principal and interest on outstanding bonded debt scheduled to occur between September 1 and August 31 during the fiscal year in which the guarantee is sought as reported by the Municipal Advisory Council (MAC) of Texas or its successor, if the district has outstanding bonded indebtedness.
 - (A) The annual debt service will be determined by the current report of the bonded indebtedness of the district as reported by the MAC of Texas or its successor as of the date of the application deadline.
 - (B) The annual debt service does not include:
 - (i) the amount of debt service to be paid on the bonds for which the reservation is sought; or
 - (ii) the amount of debt service attributable to any debt that is no longer outstanding at the application deadline, provided that the Texas Education Agency (TEA) has sufficient evidence of the discharge or defeasance of such debt.
 - (C) Solely for the purpose of this calculation, the debt service amounts for variable rate bonds will be those that are published in the final official statement, or if there is no official statement, debt service amounts based on the maximum rate permitted by the bond order or other bond proceeding that establishes a maximum interest rate for the bonds.
 - (2) Application deadline--The last business day of the month in which an application for a guarantee is filed. Applications must be submitted electronically through the website of the MAC of Texas or its successor by 5:00 p.m. on the last business day of the month to be considered in that month's application processing.
 - (3) Average daily attendance (ADA)--Total refined average daily attendance as defined by the TEC, §42.005.
 - (4) Bond--A debt security issuance approved by the attorney general, issued under the TEC, §45.003 or §45.004, to provide long-term financing with a maturity schedule of at least three years.
 - (5) Bond Guarantee Program (BGP)--The guarantee program that is described by this section and established under the TEC, Chapter 45, Subchapter C.
 - (6) Bond order--The order adopted by the governing body of a school district that authorizes the issuance of bonds and the pricing certificate, if any, establishing the terms of the bonds executed pursuant to such order.
 - (7) Combination issue--An issuance of bonds for which an application for a guarantee is filed that includes both a new money portion and a refunding portion, as permitted by the Texas Government Code, Chapter 1207. The eligibility of combination issues for the guarantee is limited by the eligibility of the new money and refunding portions as defined in this subsection.

- (8) Enrollment growth--Growth in student enrollment, as defined by §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook), that has occurred over the previous five school years.
- (9) Nationally recognized investment rating firm--An investment rating firm that is designated by the United States Securities and Exchange Commission as a nationally recognized statistical rating organization (NRSRO) and is demonstrating that it has:
- (A) had its current NRSRO designation for at least three consecutive years;
 - (B) provided credit ratings to each of the following:
 - (i) fifteen or more fixed income securities denominated in United States dollars and issued during the immediately preceding three years; and
 - (ii) ten or more school districts in the United States; and
 - (C) a documented separation of duties between employees involved in credit analysis and employees involved in business relationships with clients.
- (10) New money issue--An issuance of bonds for the purposes of constructing, renovating, acquiring, and equipping school buildings; the purchase of property; or the purchase of school buses. An issuance of bonds for the purpose of constructing teacher or student housing is eligible for the guarantee for new money only if it is an integral part of the educational mission of the school district as determined by the commissioner. Eligibility for the guarantee for new money issues is limited to the issuance of bonds authorized under the TEC, §45.003. A new money issue does not include the issuance of bonds to purchase a facility from a public facility corporation created by the school district or to purchase any property that is currently under a lease-purchase contract under the Local Government Code, Chapter 271, Subchapter A. A new money issue does not include an issuance of bonds to refinance any type of maintenance tax-supported debt. Maintenance tax-supported debt includes, but is not limited to:
- (A) time warrants or loans entered under the TEC, Chapter 45, Subchapter E; or
 - (B) any other type of loan or warrant that is not supported by bond taxes as defined by the TEC, §45.003.
- (11) Notes issued to provide interim financing--An issuance of notes, including commercial paper notes, designed to provide short-term financing for the purposes of constructing, renovating, acquiring, and equipping school buildings; the purchase of property; or the purchase of school buses. For notes to be eligible for the guarantee under this section, the notes must be:
- (A) issued to pay costs for which bonds have been authorized at an election occurring before the issuance of the notes;
 - (B) approved by the attorney general or issued in accordance with proceedings that have been approved by the attorney general; and
 - (C) refunded by bonds issued to provide long-term financing no more than three years from the date of issuance of such notes, provided that the date of issuance of notes will be determined by reference to the date on which the notes were issued for capital expenditures and the intervening date or dates of issuance of any notes issued to refinance outstanding notes will be disregarded.
- (12) Refunding issue--An issuance of bonds for the purpose of refunding bonds, including notes issued to provide interim financing, that are supported by bond taxes as defined by the TEC, §45.003. Eligibility for the guarantee for refunding issues is limited to refunding issues that refund bonds, including notes issued to provide interim financing, that were authorized by a bond election under the TEC, §45.003.
- (13) Total debt service--Total outstanding principal and interest on bonded debt.

- (A) The total debt service will be determined by the current report of the bonded indebtedness of the district as reported by the MAC of Texas or its successor as of the date of the application deadline, if the district has outstanding bonded indebtedness.
- (B) The total debt service does not include:
 - (i) the amount of debt service to be paid on the bonds for which the reservation is sought; or
 - (ii) the amount of debt service attributable to any debt that is no longer outstanding at the application deadline, provided that the TEA has sufficient evidence of the discharge or defeasance of such debt.
- (C) Solely for the purpose of this calculation, the debt service amounts for variable rate bonds will be those that are published in the final official statement, or if there is no official statement, debt service amounts based on the maximum rate permitted by the bond order or other bond proceeding that establishes a maximum interest rate for the bonds.

(c) Data sources.

- (1) The following data sources will be used for purposes of prioritization:
 - (A) projected ADA for the current school year as adopted by the legislature for appropriations purposes;
 - (B) final property values certified by the comptroller of public accounts, as described in the Texas Government Code, Chapter 403, Subchapter M, for the tax year preceding the year in which the bonds will be issued. If final property values are unavailable, the most recent projection of property values by the comptroller, as described in the Texas Government Code, Chapter 403, Subchapter M, will be used;
 - (C) debt service information reported by the MAC of Texas or its successor as of the date of the application deadline; and
 - (D) enrollment information reported to the Public Education Information Management System (PEIMS) for the five-year time period ending in the year before the application date.
- (2) The commissioner may consider adjustments to data values determined to be erroneous or not reflective of current conditions before the deadline for receipt of applications for that application cycle.

(d) Bond eligibility.

- (1) Only those combination, new money, and refunding issues as defined in subsection (b)(7), (10), and (12), respectively, of this section are eligible to receive the guarantee.
- (2) Refunding issues must comply with the following requirements to retain eligibility for the guarantee for the refunding bonds, except that subparagraph (C) of this paragraph does not apply to a refunding issue that provides long-term financing for notes issued to provide interim financing.
 - (A) As with any district applying for approval for the guarantee, the district issuing the refunding bonds must meet the requirements for initial approval specified in subsection (g)(2)(A) of this section.
 - (B) The bonds to be refunded must have been:
 - (i) previously guaranteed by the Permanent School Fund (PSF) or approved for credit enhancement under §61.1038 of this title (relating to School District Bond Enhancement Program);
 - (ii) issued on or after November 1, 2008, and before January 1, 2010; or

- (iii) issued as notes to provide interim financing as defined in subsection (b)(11) of this section.
 - (C) The district must demonstrate that issuing the refunding bond(s) will result in a present value savings to the district and that the refunding bond or bonds will not have a maturity date later than the final maturity date of the bonds being refunded. Present value savings is determined by computing the net present value of the difference between each scheduled payment on the original bonds and each scheduled payment on the refunding bonds. Present value savings must be computed at the true interest cost of the refunding bonds. If the commissioner approves refunding bonds for the guarantee based on evidence of present value savings but at the time of the sale of the refunding bonds a present value savings is not realized, the commissioner may revoke the approval of the bonds for the guarantee.
 - (D) The refunding transaction must comply with the provisions of subsection (g)(4)(A)-(C) of this section.
 - (3) If a district files an application for a combination issue, the application will be treated as an application for a single issue for the purposes of eligibility for the guarantee. A guarantee for the combination issue will be awarded only if both the new money portion and the refunding portion meet all of the applicable eligibility requirements described in this section. As part of its application, the applicant district must present data that demonstrate compliance for both the new money portion of the issue and the refunding portion of the issue.
 - (4) If the commissioner determines that an applicant has deliberately misrepresented information related to a bond issue to secure a guarantee, the commissioner must revoke the approval of the bonds for the guarantee.
- (e) Determination of PSF capacity to guarantee bonds.
- (1) Each month the commissioner will estimate the available capacity of the PSF. If necessary, the commissioner will confirm that the PSF has sufficient capacity to guarantee the bonds before the issuance of the final approval for the guarantee in accordance with subsection (g)(3) of this section. The calculation of capacity will be based on a multiplier of three and one-half times the cost value of the PSF with the proviso that under no circumstances could the capacity of the fund exceed the limits set by federal regulation. The commissioner may reduce the multiplier to maintain the AAA credit rating of the PSF. Changes to the multiplier made by the commissioner are to be ratified or rejected by the State Board of Education (SBOE) at the next meeting for which the item can be posted.
 - (2) The SBOE will establish an amount of capacity to be held in reserve of no less than 5.0% of the fund's capacity. The reserved capacity can be used to award guarantees for districts that experience unforeseen catastrophes or emergencies that require the renovation or replacement of school facilities as described in the TEC, §44.031(h). The amount to be held in reserve may be increased by a majority vote of the SBOE based on changes in the asset allocation and risk in the portfolio and unrealized gains in the portfolio, or by the commissioner as necessary to prudently manage fund capacity. Changes to the amount held in reserve made by the commissioner are to be ratified or rejected by the SBOE at the next meeting for which the item can be posted.
 - (3) The net capacity of the PSF to guarantee bonds is determined by subtracting the amount to be held in reserve, as determined under paragraph (2) of this subsection, from the total available capacity, as described in paragraph (1) of this subsection.
- (f) Application process and application processing.
- (1) Application submission and fee. A district must apply to the commissioner for the guarantee of eligible bonds or the credit enhancement of eligible bonds as authorized under §61.1038 of this title by submitting an application electronically through the website of the MAC of Texas or its successor. The district must submit the information required under the TEC, §45.055(b), and this section and any additional information the commissioner may require. The application and all additional information required by the commissioner must be received before the application will

be processed. The district may not submit an application for a guarantee or credit enhancement before the successful passage of an authorizing proposition.

- (A) The application fee is \$1,500.
 - (B) The fee is due at the time the application for the guarantee or the credit enhancement is submitted. An application will not be processed until the fee has been remitted according to the directions provided on the website of the MAC of Texas or its successor and received by the TEA.
 - (C) The fee will not be refunded to a district that:
 - (i) is not approved for the guarantee or the credit enhancement; or
 - (ii) does not sell its bonds before the expiration of its approval for the guarantee or the credit enhancement.
 - (D) The fee may be transferred to a subsequent application for the guarantee or the credit enhancement by the district if the district withdraws its application and submits the subsequent application before the expiration of its approval for the guarantee or the credit enhancement.
- (2) Application prioritization and processing. Applications will be prioritized based on districts' property wealth per ADA, with the application of a district with a lower property wealth per ADA prioritized before that of a district with a higher property wealth per ADA. All applications received during a calendar month will be held until up to the 15th business day of the subsequent month. On or before the 15th business day of each month, the commissioner will announce the results of the prioritization and process applications for initial approval for the guarantee, up to the available net capacity as of the application deadline, subject to the requirements of this section.
- (A) Approval for guarantees will be awarded each month beginning with the districts with the lowest property wealth per ADA until the PSF reaches its net capacity to guarantee bonds.
 - (B) Approval for guarantees will be awarded based on the fund's capacity to fully guarantee the bond issue for which the guarantee is sought. Applications for bond issues that cannot be fully guaranteed will not receive an award. The amount of bond issue for which the guarantee was requested may not be modified after the monthly application deadline for the purposes of securing the guarantee during the award process. If PSF net capacity has been exhausted, the commissioner will process the application for approval of the credit enhancement as specified in §61.1038 of this title.
 - (C) The actual guarantee of the bonds is subject to the approval process prescribed in subsection (g) of this section.
 - (D) An applicant school district is ineligible for consideration for the guarantee if its lowest credit rating from any nationally recognized investment rating firm as defined in subsection (b)(9) of this section is the same as or higher than that of the PSF.
- (3) Late application. An application received after the application deadline will be considered a valid application for the subsequent month, unless withdrawn by the submitting district before the end of the subsequent month.
- (4) Notice of application status. Each district that submits a valid application will be notified of the application status within 15 business days of the application deadline.
- (5) Reapplication. If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the time period specified in subsection (g)(4) of this section, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months.
- (g) Approval for the guarantee; district responsibilities on receipt of approval.

- (1) Initial and final approval provisions.
 - (A) If, during the monthly estimation of PSF capacity described in subsection (e)(1) of this section, the commissioner determines that the available capacity of the PSF is 10% or less, the commissioner may require an applicant school district to obtain final approval for the guarantee as described in paragraph (3) of this subsection.
 - (B) If the commissioner has not made such a determination:
 - (i) the commissioner will consider the initial approval described in paragraph (2) of this subsection as both the initial and final approval; and
 - (ii) an applicant school district that has received notification of initial approval for the guarantee, as described in paragraph (2) of this subsection, may consider that notification as notification of initial and final approval for the guarantee and may complete the sale of the applicable bonds.
- (2) Initial approval.
 - (A) The following provisions apply to all applications for the guarantee, regardless of whether an application is for a new money, refunding, or combination issue. Under the TEC, §45.056, the commissioner will investigate the applicant school district's accreditation status and financial status. A district must be accredited and financially sound to be eligible for initial approval by the commissioner. The commissioner's review will include the following:
 - (i) the purpose of the bond issue;
 - (ii) the district's accreditation status as defined by §97.1055 of this title (relating to Accreditation Status) in accordance with the following:
 - (I) if the district's accreditation status is Accredited, the district will be eligible for consideration for the guarantee;
 - (II) if the district's accreditation status is Accredited-Warning or Accredited-Probation, the commissioner will investigate the underlying reason for the accreditation rating to determine whether the accreditation rating is related to the district's financial soundness. If the accreditation rating is related to the district's financial soundness, the district will not be eligible for consideration for the guarantee; or
 - (III) if the district's accreditation status is Not Accredited-Revoked, the district will not be eligible for consideration for the guarantee;
 - (iii) the district's compliance with statutes and rules of the TEA; and
 - (iv) the district's financial status and stability, regardless of the district's accreditation rating, including approval of the bonds by the attorney general under the provisions of the TEC, §45.0031 and §45.005.
 - (B) The following limitation applies to applications for new money issues of bonds for which the election authorizing the issuance of the bonds was called after July 15, 2004. The commissioner will limit approval for the guarantee to a district that has, at the time of the application for the guarantee, less than 90% of the annual debt service of the district with the highest annual debt service per ADA, as determined by the commissioner annually, or less than 90% of the total debt service of the district with the highest total debt service per ADA, as determined by the commissioner annually. The limitation will not apply to school districts that have enrollment growth, as defined in subsection (b)(8) of this section, of at least 25%, based on PEIMS data on enrollment available at the time of application. The annual debt service amount is the amount defined by subsection (b)(1) of this section. The total debt service amount is the amount defined by subsection (b)(13) of this section.

- (C) The commissioner will grant or deny initial approval for the guarantee based on the review described in subparagraph (A) of this paragraph and the limitation described in subparagraph (B) of this paragraph and will provide an applicant district whose application has received initial approval for the guarantee written notice of initial approval.
- (3) Final approval. The provisions of this paragraph apply only as described in paragraph (1) of this subsection. A district must receive final approval before completing the sale of the bonds for which the district has received notification of initial approval.
- (A) A district that has received initial approval must provide a written notice to the TEA two business days before issuing a preliminary official statement (POS) for the bonds that are eligible for the guarantee or two business days before soliciting investment offers, if the bonds will be privately placed without the use of a POS.
 - (i) The district must receive written confirmation from the TEA that the capacity continues to be available before proceeding with the public or private offer to sell bonds.
 - (ii) The TEA will provide this notification within one business day of receiving the notice of the POS or notice of other solicitation offers to sell the bonds.
 - (B) A district that received confirmation from the TEA in accordance with subparagraph (A) of this paragraph must provide written notice to the TEA of the placement of an item to approve the bond sale on the agenda of a meeting of the school board of trustees no later than two business days before the meeting. If the bond sale is completed pursuant to a delegation by the board to a pricing officer or committee, notice must be given to the TEA no later than two business days before the execution of a bond purchase agreement by such pricing officer or committee.
 - (i) The district must receive written confirmation from the TEA that the capacity continues to be available for the bond sale before the approval of the sale by the school board of trustees or by the pricing officer or committee.
 - (ii) The TEA will provide this notification within one business day before the date that the district expects to complete the sale by official action of the board or of a pricing officer or committee.
 - (C) The TEA will process requests for final approval from districts that have received initial approval on a first come, first served basis. Requests for final approval must be received before the expiration of the initial approval.
 - (D) A district may provide written notification as required by this paragraph by facsimile transmission or by email in a manner prescribed by the commissioner.
- (4) District responsibilities on receipt of approval.
- (A) Once a district is awarded initial approval for the guarantee, each issuance of the bonds must be approved by the attorney general within 180 days of the date of the letter granting the approval for the guarantee. The initial approval for the guarantee will expire at the end of the 180-day period. The commissioner may extend the 180-day period, based on extraordinary circumstances, on receiving a written request from the district or the attorney general before the expiration of the 180-day period.
 - (B) If the bonds are not approved by the attorney general within 180 days of the date of the letter granting the approval for the guarantee, the commissioner will consider the application withdrawn, and the district must reapply for a guarantee.
 - (C) If applicable, the district must comply with the provisions for final approval described in paragraph (3) of this subsection to maintain approval for the guarantee.
 - (D) A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee.

- (h) Financial exigency. The following provisions describe how a declaration of financial exigency under §109.2001 of this title (relating to Financial Exigency) affects a district's application for guarantee approval or a district's previously granted approval.
- (1) Application for guarantee of new money issue. The commissioner will deny approval of an application for the guarantee of a new money issue if the applicant school district has declared a state of financial exigency for the district's current fiscal year. The denial of approval will be in effect for the duration of the applicable fiscal year unless the district can demonstrate financial stability.
 - (2) Approval granted before declaration. If in a given district's fiscal year the commissioner grants approval for the guarantee of a new money issue and the school district subsequently declares a state of financial exigency for that same fiscal year, the district must immediately notify the commissioner and may not offer the bonds for sale unless the commissioner determines that the district may proceed.
 - (3) Application for guarantee of refunding issue. The commissioner will consider an application for the guarantee of a refunding issue that meets all applicable requirements specified in this section even if the applicant school district has declared a state of financial exigency for the district's current fiscal year. In addition to fulfilling all applicable requirements specified in this section, the applicant school district must also describe, in its application, the reason financial exigency was declared and how the refunding issue will support the district's financial recovery plan.
- (i) Allocation of specific holdings. If necessary to successfully operate the BGP, the commissioner may allocate specific holdings of the PSF to specific bond issues guaranteed under this section. This allocation will not prejudice the right of the SBOE to dispose of the holdings according to law and requirements applicable to the fund; however, the SBOE will ensure that holdings of the PSF are available for a substitute allocation sufficient to meet the purposes of the initial allocation. This allocation will not affect any rights of the bond holders under law.
- (j) Defeasance. The guarantee will be completely removed when bonds guaranteed by the BGP are defeased, and such a provision must be specifically stated in the bond order. If bonds guaranteed by the BGP are defeased, the district must notify the commissioner in writing within ten calendar days of the action.
- (k) Bonds issued before August 15, 1993. For bonds issued before August 15, 1993, a school district seeking the guarantee of eligible bonds must certify that, on the date of issuance of any bond, no funds received by the district from the Available School Fund (ASF) are reasonably expected to be used directly or indirectly to pay the principal or interest on, or the tender or retirement price of, any bond of the political subdivision or to fund a reserve or placement fund for any such bond.
- (l) Bonds guaranteed before December 1, 1993. For bonds guaranteed before December 1, 1993, if a school district cannot pay the maturing or matured principal or interest on a guaranteed bond, the commissioner will cause the amount needed to pay the principal or interest to be transferred to the district's paying agent solely from the PSF and not from the ASF. The commissioner also will direct the comptroller of public accounts to withhold the amount paid, plus interest, from the first state money payable to the district, excluding payments from the ASF.
- (m) Bonds issued after August 15, 1993, and guaranteed on or after December 1, 1993. If a school district cannot pay the maturing or matured principal or interest on a guaranteed bond, the commissioner will cause the amount needed to pay the principal or interest to be transferred to the district's paying agent from the PSF. The commissioner also will direct the comptroller of public accounts to withhold the amount paid, plus interest, from the first state money payable to the district, regardless of source, including the ASF.
- (n) Payments. For purposes of the provisions of the TEC, Chapter 45, Subchapter C, matured principal and interest payments are limited to amounts due on guaranteed bonds at scheduled maturity, at scheduled interest payment dates, and at dates when bonds are subject to mandatory redemption, including extraordinary mandatory redemption, in accordance with the terms of the bond order. All such payment dates, including mandatory redemption dates, must be specified in the bond order or other document pursuant to which the bonds initially are issued. Without limiting the provisions of this subsection, payments attributable to an optional redemption or a right granted to a bondholder to demand payment on a

tender of such bonds according to the terms of the bonds do not constitute matured principal and interest payments.

- (o) Guarantee restrictions. The guarantee provided for eligible bonds under the provisions of the TEC, Chapter 45, Subchapter C, is restricted to matured bond principal and interest. The guarantee applies to all matured interest on eligible bonds, whether the bonds were issued with a fixed or variable interest rate and whether the interest rate changes as a result of an interest reset provision or other bond order provision requiring an interest rate change. The guarantee does not extend to any obligation of a district under any agreement with a third party relating to bonds that is defined or described in state law as a "bond enhancement agreement" or a "credit agreement," unless the right to payment of such third party is directly as a result of such third party being a bondholder.
- (p) Notice of default. A school district that has determined that it is or will be unable to pay maturing or matured principal or interest on a guaranteed bond must immediately, but not later than the fifth business day before maturity date, notify the commissioner.
- (q) Payment from PSF.
 - (1) Immediately after the commissioner receives the notice described in subsection (p) of this section, the commissioner will instruct the comptroller to transfer from the appropriate account in the PSF to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.
 - (2) Immediately after receipt of the funds for payment of the principal or interest, the paying agent must pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller will hold the canceled bond or coupon on behalf of the PSF.
 - (3) Following full reimbursement to the PSF with interest, the comptroller will further cancel the bond or coupon and forward it to the school district for which payment was made. Interest will be charged at the rate determined under the Texas Government Code, §2251.025(b). Interest will accrue as specified in the Texas Government Code, §2251.025(a) and (c).
- (r) Bonds not accelerated on default. If a school district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the school district's default.
- (s) Reimbursement of PSF. If payment from the PSF is made on behalf of a school district, the school district must reimburse the amount of the payment, plus interest, in accordance with the requirements of the TEC, §45.061.
- (t) Repeated failure to pay. If a total of two or more payments are made under the BGP or the credit enhancement program authorized under §61.1038 of this title on the bonds of a school district, the commissioner will take action in accordance with the provisions of the TEC, §45.062.

§33.67. Bond Guarantee Program for Charter Schools.

- (a) Statutory provision. The commissioner of education must administer the guarantee program for open-enrollment charter school bonds according to the provisions of the Texas Education Code (TEC), Chapter 45, Subchapter C.
- (b) Definitions. The following definitions apply to the guarantee program for open-enrollment charter school bonds.
 - (1) Amortization expense--The annual expense of any debt and/or loan obligations.
 - (2) Annual debt service--Payments of principal and noncapitalized interest on outstanding bonded debt scheduled to occur during a charter district's fiscal year as reported by the Municipal Advisory Council (MAC) of Texas or its successor, if the charter district is responsible for outstanding bonded indebtedness.
 - (A) The annual debt service will be determined by the current report of the bonded indebtedness of the charter district as reported by the MAC of Texas or its successor as of the date of the application deadline.

- (B) Solely for the purpose of this calculation, the debt service amounts for variable rate bonds will be those that are published in the final official statement or, if there is no official statement, debt service amounts based on the maximum rate permitted by the bond resolution or other bond proceeding that establishes a maximum interest rate for the bonds.
 - (C) Annual debt service includes required payments into a sinking fund as authorized under 26 United States Code (USC) §54A(d)(4)(C), provided that the sinking fund is maintained by a trustee or other entity approved by the commissioner that is not under the control or common control of the charter district.
- (3) Application deadline--The last business day of the month in which an application for a guarantee is filed. Applications must be submitted electronically through the website of the MAC of Texas or its successor by 5:00 p.m. on the last business day of the month to be considered in that month's application processing. This application deadline does not apply to applications for issues to refund bonds previously guaranteed by the Bond Guarantee Program.
 - (4) Board resolution--The resolution adopted by the governing body of an open-enrollment charter holder that:
 - (A) requests guarantee of bonds through the Bond Guarantee Program; and
 - (B) authorizes the charter holder's administration to pursue bond financing.
 - (5) Bond--A debt security issuance approved by the attorney general, issued under the TEC, Chapter 53, to provide long-term financing with a maturity schedule of at least three years.
 - (6) Bond Guarantee Program (BGP)--The guarantee program that is described by this section and established under the TEC, Chapter 45, Subchapter C.
 - (7) Bond resolution--The resolution, indenture, or other instrument adopted by the governing body of an issuer of bonds authorizing the issuance of bonds for the benefit of a charter district.
 - (8) Charter district--An open-enrollment charter holder designated as a charter district under subsection (e) of this section, as authorized by the TEC, § 12.135.
 - (9) Combination issue--An issuance of bonds for which an application for a guarantee is filed that includes both a new money portion and a refunding portion, as permitted by the TEC, Chapter 53. The eligibility of combination issues for the guarantee is limited by the eligibility of the new money and refunding portions as defined in this subsection.
 - (10) Debt service coverage ratio--A measure of a charter district's ability to pay interest and principal with cash generated from current operations. The debt service coverage ratio (total debt service coverage on all long-term capital debt) equals the excess of revenues over expenses plus interest expense plus depreciation expense plus amortization expense, all divided by annual debt service. The calculation can be expressed as: $(\text{Excess of revenues over expenses} + \text{interest expense} + \text{depreciation expense} + \text{amortization expense}) / \text{annual debt service}$.
 - (11) Depreciation expense--The audited amount of depreciation that was expensed during the fiscal period.
 - (12) Educational facility--A classroom building, laboratory, science building, faculty or administrative office building, or other facility used exclusively for the conduct of the educational and administrative functions of a charter school.
 - (13) Foundation School Program (FSP)--The program established under the TEC, Chapters 41, 42, and 46, or any successor program of state appropriated funding for school districts in the state of Texas.
 - (14) Long-term debt--Any debt of the charter district that has a term of greater than three years and is secured on a parity basis with the bonds to be guaranteed.
 - (15) Maximum annual debt service--As of any date of calculation, the highest annual debt service requirements with respect to all outstanding long-term debt for any succeeding fiscal year.

- (16) Nationally recognized investment rating firm--An investment rating firm that is designated by the United States Securities and Exchange Commission as a nationally recognized statistical rating organization (NRSRO) and is demonstrating that it has:
 - (A) had its current NRSRO designation for at least three consecutive years;
 - (B) provided credit ratings to each of the following:
 - (i) fifteen or more fixed income securities denominated in United States dollars and issued during the immediately preceding three years;
 - (ii) ten or more school districts in the United States;
 - (iii) one or more charter schools in the United States; and
 - (C) a documented separation of duties between employees involved in credit analysis and employees involved in business relationships with clients.
 - (17) New money issue--An issuance of revenue bonds under the TEC, Chapter 53, for the purposes of:
 - (A) the acquisition, construction, repair, or renovation of an educational facility of an open-enrollment charter school and equipping real property of an open-enrollment charter school, provided that any bonds for student or teacher housing must meet the following criteria:
 - (i) the proposed housing is contemplated in the charter or charter application; and
 - (ii) the proposed housing is an essential and integral part of the educational program included in the charter contract; or
 - (B) the refinancing of one or more promissory notes executed by an open-enrollment charter school, each in an amount in excess of \$500,000, that evidence one or more loans from a national or regional bank, nonprofit corporation, or foundation that customarily makes loans to charter schools, the proceeds of which loans were used for a purpose described in subparagraph (A) of this paragraph; or
 - (C) both.
 - (18) Open-enrollment charter--This term has the meaning assigned in §100.1001 of this title (relating to Definitions).
 - (19) Open-enrollment charter holder--This term has the meaning assigned to the term "charter holder" in the TEC, §12.1012.
 - (20) Open-enrollment charter school--This term has the meaning assigned to the term "charter school" in §100.1001 of this title.
 - (21) Open-enrollment charter school campus--This term has the meaning assigned to the term "charter school campus" in §100.1001 of this title.
 - (22) Refunding issue--An issuance of bonds under the TEC, Chapter 53, for the purpose of refunding:
 - (A) bonds that have previously been issued under that chapter and have previously been approved by the attorney general; or
 - (B) bonds that have previously been issued for the benefit of an open-enrollment charter school under Vernon's Civil Statutes, Article 1528m, and have previously been approved by the attorney general.
- (c) Bond eligibility.
- (1) Only those combination, new money, and refunding issues as defined in subsection (b)(9), (17), and (22), respectively, of this section are eligible to receive the guarantee. The bonds must, without the guarantee, be rated as investment grade by a nationally recognized investment rating firm and must be issued on or after September 28, 2011.

- (2) Refunding issues must comply with the following requirements to retain eligibility for the guarantee for the refunding bonds.
 - (A) As with any open-enrollment charter holder applying for approval for the guarantee, the charter holder for which the refunding bonds are being issued must meet the requirements for charter district designation specified in subsection (e)(2) of this section and the requirements for initial approval specified in subsection (f)(3)(A) of this section.
 - (B) The charter holder must demonstrate that issuing the refunding bond(s) will result in a present value savings to the charter holder. Present value savings is determined by computing the net present value of the difference between each scheduled payment on the original bonds and each scheduled payment on the refunding bonds. Present value savings must be computed at the true interest cost of the refunding bonds. If the commissioner approves refunding bonds for the guarantee based on evidence of present value savings but at the time of the sale of the refunding bonds a present value savings is not realized, the commissioner may revoke the approval of the bonds for the guarantee.
 - (C) For issues that refund bonds previously guaranteed by the BGP, the charter holder must demonstrate that the refunding bond or bonds will not have a maturity date later than the final maturity date of the bonds being refunded.
 - (D) The refunding transaction must comply with the provisions of subsection (f)(5)(A)-(C) and (E) of this section.
 - (3) If an open-enrollment charter holder files an application for a combination issue, the application will be treated as an application for a single issue for the purposes of eligibility for the guarantee. A guarantee for the combination issue will be awarded only if both the new money portion and the refunding portion meet all of the applicable eligibility requirements described in this section. As part of its application, the charter holder making the application must present data that demonstrate compliance for both the new money portion of the issue and the refunding portion of the issue.
 - (4) If the commissioner determines that an applicant has deliberately misrepresented information related to a bond issue to secure a guarantee, the commissioner must revoke the approval of the bonds for the guarantee.
- (d) Determination of Permanent School Fund (PSF) capacity to guarantee bonds for charter districts.
- (1) Each month the commissioner will estimate the available capacity of the PSF to guarantee bonds for charter districts. This capacity is determined by multiplying the net capacity determined under §33.65 of this title (relating to Bond Guarantee Program for School Districts) by the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner. The commissioner's determination of the number of students enrolled in open-enrollment charter schools in this state and the number of students enrolled in all public schools in this state is based on the enrollment data submitted by school districts and charter schools to the Public Education Information Management System (PEIMS) during the most recent fall PEIMS submission. Annually, the commissioner will post the applicable student enrollment numbers and the percentage of students enrolled in open-enrollment charter schools on the Texas Education Agency (TEA) web page related to the BGP. The commissioner shall hold 5.0% of the charter school available capacity in reserve each month.
 - (2) For state fiscal years 2018 through 2022, the available capacity of the PSF to guarantee bonds for charter districts shall follow the schedule described in TEC, §45.0532(b-1), unless the SBOE adopts a different percentage for a specific fiscal year or years in accordance with TEC, §45.0532(b-2) and (b-3). This paragraph expires September 1, 2022.
 - (3) Up to half of the total capacity of the PSF to guarantee bonds for charter districts may be used to guarantee charter district refunding bonds.

- (e) Application process and application processing. An open-enrollment charterholder must apply to the commissioner for the guarantee of eligible bonds by submitting an application electronically through the website of the MAC of Texas or its successor. Before an application for the guarantee will be considered, a charterholder must first be determined by the commissioner to meet criteria for designation as a charter district for purposes of this section. The application submitted through the website of the MAC of Texas or its successor will serve as both a charterholder's application for designation as a charter district and its application for the guarantee.
- (1) Application submission and fee. As part of its application, an open-enrollment charter holder must submit the information required under the TEC, §45.055(b), and this section and any additional information the commissioner may require. The application and all additional information required by the commissioner must be received before the application will be processed. The open-enrollment charterholder may not submit an application for a guarantee before the governing body of the charterholder adopts a board resolution as defined in subsection (b)(4) of this section.
- (A) The amount of the application fee is the amount specified in §33.65 of this title.
- (B) The fee is due at the time the application for charter district designation and the guarantee is submitted. An application will not be processed until the fee has been remitted according to the directions provided on the website of the MAC of Texas or its successor and received by the TEA.
- (C) The fee will not be refunded to an applicant that:
- (i) is designated a charter district but is not approved for the guarantee; or
- (ii) receives approval for the guarantee but does not sell its bonds before the expiration of its approval for the guarantee.
- (D) The fee may be transferred to a subsequent application for the guarantee by a charter district that has been approved for the guarantee if the charter district withdraws its application and submits the subsequent application before the expiration of its approval for the guarantee.
- (2) Eligibility to be designated a charter district.
- (A) To be designated a charter district and have its application for the guarantee considered by the commissioner, an open-enrollment charter holder must:
- (i) have operated at least one open-enrollment charter school in the state of Texas for at least three years and have had students enrolled in the school for those three years;
- (ii) identify in its application for which open-enrollment charter school and, if applicable, for which open-enrollment charter school campus the bond funds will be used;
- (iii) in its application, agree that the bonded indebtedness for which the guarantee is sought will be undertaken as an obligation of all entities under common control of the open-enrollment charterholder and agree that all such entities will be liable for the obligation if the open-enrollment charterholder defaults on the bonded indebtedness, provided that an entity that does not operate a charter school in Texas is subject to this subparagraph only to the extent that it has received state funds from the open-enrollment charterholder;
- (iv) not have an unresolved corrective action that is more than one year old, unless the open-enrollment charterholder has taken appropriate steps, as determined by the commissioner, to begin resolving the action;
- (v) have had, for the past three years, an audit as required by §100.1047 of this title (relating to Accounting for State and Federal Funds) that was completed with unqualified or unmodified opinions;

- (vi) have received an investment grade credit rating from a nationally recognized investment rating firm as defined in subsection (b)(16) of this section as specified by the TEC, §45.0541, within the last year; and
 - (vii) not have materially violated a covenant relating to debt obligation in the immediately preceding three years.
 - (B) For an open-enrollment charter holder to be designated a charter district and have its application for the guarantee considered by the commissioner, each open-enrollment charter school operated under the charter must not have an accreditation rating of Not Accredited-Revoked and must have a rating of met standard or met alternative standard as its most recent state academic accountability rating. However, if an open-enrollment charter school operated under the charter is not yet rated because the school is in its first year of operation, that fact will not impact the charter holder's eligibility to be designated a charter district and apply for the guarantee.
 - (3) Application processing. All applications received during a calendar month that were submitted by open-enrollment charter holders determined to meet the criteria in paragraph (2) of this subsection will be held until the 15th business day of the subsequent month. On the 15th business day of each month, the commissioner will announce the results of the pro rata allocation of a available capacity, if pro rata allocation is necessary, and process applications for initial approval for the guarantee, up to the available capacity as of the application deadline, subject to the requirements of this section.
 - (A) If the available capacity is insufficient to guarantee the total value of the bonds for all applicant charter districts, the commissioner will allocate the available capacity on a pro rata basis to each applicant charter district. For each applicant, the commissioner will determine the percentage of the total amount of all applicants' proposed bonds that the applicant's proposed bonds represent. The commissioner will then allocate to that applicant the same percentage of the available capacity, but in no event will an allocation be equal to an amount less than \$500,000.
 - (B) The actual guarantee of the bonds is subject to the approval process prescribed in subsection (f) of this section.
 - (C) An applicant charter district is ineligible for consideration for the guarantee if its lowest credit rating from any nationally recognized investment rating firm as defined in subsection (b)(16) of this section is the same as or higher than that of the PSF.
 - (4) Late application. An application received after the application deadline will be considered a valid application for the subsequent month, unless withdrawn by the submitting open-enrollment charter holder before the end of the subsequent month.
 - (5) Notice of application status. Each open-enrollment charter holder that submits a valid application will be notified of the application status within 15 business days of the application deadline.
 - (6) Reapplication. If an open-enrollment charter holder does not receive designation as a charter district, does not receive approval for the guarantee, or for any reason does not receive approval of the bonds from the attorney general within the time period specified in subsection (f)(5) of this section, the charter holder may reapply in a subsequent month. An application that was denied approval for the guarantee or that was submitted by a charter holder that the commissioner determined did not meet the criteria for charter district designation will not be retained for consideration in subsequent months. A reapplication fee will be required unless the conditions described in subsection (e)(1)(D) of this section apply to the charter holder.
- (f) Approval for the guarantee; charter district responsibilities on receipt of approval.
- (1) Approval for the guarantee and charter renewal or amendment.
 - (A) If an open-enrollment charter holder applies for the guarantee within the 12 months before the charter holder's charter is due to expire, application approval will be contingent on successful renewal of the charter, and the bonds for which the open-enrollment charter

holder is applying for the guarantee may not be issued before the successful renewal of the charter.

- (B) If an open-enrollment charterholder proposes to use the proceeds of the bonds for which it is applying for the guarantee for an expansion that requires a charter amendment, application approval will be contingent on approval of the amendment, and the bonds may not be issued before approval of the amendment.

(2) Initial and final approval provisions.

- (A) The commissioner may require an applicant charter district to obtain final approval for the guarantee as described in paragraph (4) of this subsection if:
 - (i) during the monthly estimation of PSF capacity described in §33.65 of this title, the commissioner determines that the available capacity of the PSF as described in §33.65 of this title is 10% or less; or
 - (ii) during the monthly estimation of the available capacity of the PSF to guarantee bonds for charter districts described in subsection (d) of this section, the commissioner determines that the available capacity of the PSF to guarantee bonds for charter districts is 10% or less.
- (B) If the commissioner has not made such a determination:
 - (i) the commissioner will consider the initial approval described in paragraph (3) of this subsection as both the initial and final approval; and
 - (ii) an applicant charter district that has received notification of initial approval for the guarantee, as described in paragraph (3) of this subsection, may consider that notification as notification of initial and final approval for the guarantee and may complete the sale of the applicable bonds.

(3) Initial approval.

- (A) The following provisions apply to all applications for the guarantee, regardless of whether an application is for a new money, refunding, or combination issue. Under the TEC, §45.056, the commissioner will investigate the financial status of the applicant charter district and the accreditation status of all open-enrollment charter schools operated under the charter. For the charter district's application to be eligible for initial approval by the commissioner, each open-enrollment charter school operated under the charter must be accredited, and the charter district must be financially sound. The commissioner's review will include review of the following:
 - (i) the purpose of the bond issue;
 - (ii) the accreditation status, as defined by §97.1055 of this title (relating to Accreditation Status), of all open-enrollment charter schools operated under the charter in accordance with the following, except that, if an open-enrollment charter school operated under the charter has not yet received an accreditation rating because it is in its first year of operation, that fact will not impact the charter district's eligibility for consideration for the guarantee:
 - (I) if the accreditation status of all open-enrollment charter schools operated under the charter is Accredited, the charter district will be eligible for consideration for the guarantee;
 - (II) if the accreditation status of any open-enrollment charter school operated under the charter is Accredited-Warning or Accredited-Probation, the commissioner will investigate the underlying reason for the accreditation rating to determine whether the accreditation rating is related to the open-enrollment charter school's financial soundness. If the accreditation rating is related to the open-enrollment charter

school's financial soundness, the charter district will not be eligible for consideration for the guarantee; or

- (III) if the accreditation status of any open-enrollment charter school operated under the charter is Not Accredited-Revoked, the charter district will not be eligible for consideration for the guarantee;
 - (iii) the charter district's financial status and stability, regardless of each open-enrollment charter school's accreditation rating, including approval of the bonds by the attorney general under the provisions of the TEC, §53.40;
 - (iv) whether the TEA has required the charter district to submit a financial plan under §109.1101 of this title (relating to Financial Solvency Review) in the last three years;
 - (v) the audit history of the charter district and of all open-enrollment charter schools operated under the charter;
 - (vi) the charter district's compliance with statutes and rules of the TEA and with applicable state and federal program requirements and the compliance of all open-enrollment charter schools operated under the charter with these statutes, rules, and requirements;
 - (vii) any interventions and sanctions to which the charter district has been subject; to which any of the open-enrollment charter schools operated under the charter has been subject; and, if applicable, to which any of the open-enrollment charter school campuses operated under the charter has been subject;
 - (viii) formal complaints received by the TEA that have been made against the charter district, against any of the open-enrollment charter schools operated under the charter, or against any of the open-enrollment charter school campuses operated under the charter;
 - (ix) the state academic accountability rating of all open-enrollment charter schools operated under the charter and the campus ratings of all open-enrollment charter school campuses operated under the charter;
 - (x) any unresolved corrective actions that are less than one year old; and
 - (xi) whether the charter district is considered a high-risk grantee by the TEA office responsible for planning, grants, and evaluation.
- (B) The commissioner will limit approval for the guarantee to a charter district with a historical debt service coverage ratio, based on annual debt service, of at least 1.1 for the most recently completed fiscal year and a projected debt service coverage ratio, based on projected revenues and expenses and maximum annual debt service, of at least 1.2. If the bond issuance for which an application has been submitted is the charter district's first bond issuance, the commissioner will evaluate only projected debt service coverage. Projections of revenues and expenses are subject to approval by the commissioner.
- (C) The commissioner will grant or deny initial approval for the guarantee based on the review described in subparagraph (A) of this paragraph and the limitation described in subparagraph (B) of this paragraph and will provide an applicant charter district whose application has received initial approval for the guarantee written notice of initial approval.
- (4) Final approval. The provisions of this paragraph apply only as described in paragraph (2) of this subsection. A charter district must receive final approval before completing the sale of the bonds for which the charter district has received notification of initial approval.
- (A) A charter district that has received initial approval must provide a written notice to the TEA two business days before issuing a preliminary official statement (POS) for the

bonds that are eligible for the guarantee or two business days before soliciting investment offers, if the bonds will be privately placed without the use of a POS.

- (i) The charter district must receive written confirmation from the TEA that the capacity continues to be available and must continue to meet the requirements of subsection (e)(2) of this section before proceeding with the public or private offer to sell bonds.
 - (ii) The TEA will provide this notification within one business day of receiving the notice of the POS or notice of other solicitation offers to sell the bonds.
 - (B) A charter district that received confirmation from the TEA in accordance with subparagraph (A) of this paragraph must provide written notice to the TEA of the placement of an item to approve the bond sale on the agenda of a meeting of the bond issuer's board of directors no later than two business days before the meeting. If the bond sale is completed pursuant to a delegation by the issuer to a pricing officer or committee, notice must be given to the TEA no later than two business days before the execution of a bond purchase agreement by such pricing officer or committee.
 - (i) The charter district must receive written confirmation from the TEA that the capacity continues to be available for the bond sale before the approval of the sale by the bond issuer or by the pricing officer or committee.
 - (ii) The TEA will provide this notification within one business day before the date that the bond issuer expects to complete the sale by official action of the bond issuer or of a pricing officer or committee.
 - (C) The TEA will process requests for final approval from charter districts that have received initial approval on a first come, first served basis. Requests for final approval must be received before the expiration of the initial approval.
 - (D) A charter district may provide written notification as required by this paragraph by facsimile transmission, by email, or in another manner prescribed by the commissioner.
- (5) Charter district responsibilities on receipt of approval.
- (A) Once a charter district is awarded initial approval for the guarantee, each issuance of the bonds must be approved by the attorney general within 180 days of the date of the letter granting the approval for the guarantee. The initial approval for the guarantee will expire at the end of the 180-day period. The commissioner may extend the 180-day period, based on extraordinary circumstances, on receiving a written request from the charter district or the attorney general before the expiration of the 180-day period.
 - (B) If applicable, the charter district must comply with the provisions for final approval described in paragraph (4) of this subsection to maintain approval for the guarantee.
 - (C) If the bonds are not approved by the attorney general within 180 days of the date of the letter granting the approval for the guarantee, the commissioner will consider the application withdrawn, and the charter district must reapply for a guarantee.
 - (D) A charter district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee.
 - (E) The charter district must provide evidence of the final investment grade rating of the bonds to the TEA after receiving initial approval but before the distribution of the preliminary official statement for the bonds or, if the bonds are offered in a private placement, before approval of the bond sale by the governing body of the charter district.
 - (F) A charter district must identify by legal description any educational facility purchased or improved with bond proceeds no later than 30 days after entering into a binding commitment to expend bond proceeds for that purpose. The charter district must identify at that time whether and to what extent debt service will be paid with any source of revenue other than state funds.

- (g) Allocation of specific holdings. If necessary to successfully operate the BGP, the commissioner may allocate specific holdings of the PSF to specific bond issues guaranteed under this section. This allocation will not prejudice the right of the State Board of Education (SBOE) to dispose of the holdings according to law and requirements applicable to the fund; however, the SBOE will ensure that holdings of the PSF are available for a substitute allocation sufficient to meet the purposes of the initial allocation. This allocation will not affect any rights of the bond holders under law.
- (h) Defeasance. The guarantee will be completely removed when bonds guaranteed by the BGP are defeased, and such a provision must be specifically stated in the bond resolution. If bonds guaranteed by the BGP are defeased, the charter district must notify the commissioner in writing within ten calendar days of the action.
- (i) Payments. For purposes of the provisions of the TEC, Chapter 45, Subchapter C, matured principal and interest payments are limited to amounts due on guaranteed bonds at scheduled maturity, at scheduled interest payment dates, and at dates when bonds are subject to mandatory redemption, including extraordinary mandatory redemption, in accordance with their terms. All such payment dates, including mandatory redemption dates, must be specified in the bond order or other document pursuant to which the bonds initially are issued. Without limiting the provisions of this subsection, payments attributable to an optional redemption or a right granted to a bondholder to demand payment on a tender of such bonds according to the terms of the bonds do not constitute matured principal and interest payments.
- (j) Guarantee restrictions. The guarantee provided for eligible bonds under the provisions of the TEC, Chapter 45, Subchapter C, is restricted to matured bond principal and interest. The guarantee applies to all matured interest on eligible bonds, whether the bonds were issued with a fixed or variable interest rate and whether the interest rate changes as a result of an interest reset provision or other bond resolution provision requiring an interest rate change. The guarantee does not extend to any obligation of a charter district under any agreement with a third party relating to bonds that is defined or described in state law as a "bond enhancement agreement" or a "credit agreement," unless the right to payment of such third party is directly as a result of such third party being a bondholder.
- (k) Notice of default. A charter district that has determined that it is or will be unable to pay maturing or matured principal or interest on a guaranteed bond must immediately, but not later than the fifth business day before the maturing or matured principal or interest becomes due, notify the commissioner.
- (l) Charter District Bond Guarantee Reserve Fund. The Charter District Bond Guarantee Reserve Fund is a special fund in the state treasury outside the general revenue fund and is managed by the SBOE in the same manner that the PSF is managed by the SBOE.
- (m) Payment from Charter District Bond Guarantee Reserve Fund and PSF.
 - (1) Immediately after the commissioner receives the notice described in subsection (k) of this section, the commissioner will notify the TEA division responsible for administering the PSF of the notice of default and instruct the comptroller to transfer from the Charter District Bond Guarantee Reserve Fund established under the TEC, §45.0571, to the charter district's paying agent the amount necessary to pay the maturing or matured principal or interest.
 - (2) If money in the reserve fund is insufficient to pay the amount due on a bond under paragraph (1) of this subsection, the commissioner will instruct the comptroller to transfer from the appropriate account in the PSF to the charter district's paying agent the amount necessary to pay the balance of the unpaid maturing or matured principal or interest.
 - (3) Immediately after receipt of the funds for payment of the principal or interest, the paying agent must pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller will hold the canceled bond or coupon on behalf of the fund or funds from which payment was made.
 - (4) To ensure that the charter district reimburses the reserve fund and the PSF, if applicable, the commissioner will withhold from state funds otherwise payable to the charter district the amount that the charter district owes in reimbursement.
 - (5) Funds intercepted for reimbursement under paragraph (4) of this subsection will be used to fully reimburse the PSF before any funds reimburse the reserve fund. If the funds intercepted under

paragraph (4) of this subsection are insufficient to fully reimburse the PSF with interest, subsequent payments into the reserve fund will first be applied to any outstanding obligation to the PSF.

- (6) Following full reimbursement to the reserve fund and the PSF, if applicable, with interest, the comptroller will further cancel the bond or coupon and forward it to the charter district for which payment was made. Interest will be charged at the rate determined under the Texas Government Code (TGC), §2251.025(b). Interest will accrue as specified in the TGC, §2251.025(a) and (c). For purposes of this section, the "date the payment becomes overdue" that is referred to in the TGC, §2251.025(a), is the date that the comptroller makes the payment to the charter district's paying agent.
- (n) Bonds not accelerated on default. If a charter district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the charter district's default.
- (o) Reimbursement of Charter District Bond Guarantee Reserve Fund or PSF. If payment from the Charter District Bond Guarantee Reserve Fund or the PSF is made on behalf of a charter district, the charter district must reimburse the amount of the payment, plus interest, in accordance with the requirements of the TEC, §45.061.
- (p) Repeated failure to pay. If a total of two or more payments are made under the BGP on the bonds of a charter district, the commissioner may take action in accordance with the provisions of the TEC, §45.062.
- (q) Report on the use of funds and confirmation of use of funds by independent auditor. A charter district that issues bonds approved for the guarantee must report to the TEA annually in a form prescribed by the commissioner on the use of the bond funds until all bond proceeds have been spent. The charter district's independent auditor must confirm in the charter district's annual financial report that bond funds have been used in accordance with the purpose specified in the application for the guarantee.
- (r) Failure to comply with statute or this section. An open-enrollment charter holder's failure to comply with the requirements of the TEC, Chapter 45, Subchapter C, or with the requirements of this section, including by making any material misrepresentations in the charter holder's application for charter district designation and the guarantee, constitutes a material violation of the open-enrollment charter holder's charter.

Figure: 19 TAC §33.5(i)(2)

POTENTIAL CONFLICT OF INTEREST DISCLOSURE FORM
(State Board of Education and Persons Providing Services to the State Board of Education
Relating to the Management and Investment of the Permanent School Fund)

TO: Commissioner of Education or
 Chair, State Board of Education

FROM:

DATE:

Description of Facts Creating Potential Conflict of Interest:

Proposed Action to Avoid Conflict of Interest:

REVIEWED AND APPROVED: _____

Cc: Internal Auditor
 General Counsel

Review of the Permanent School Fund Liquid Account

September 13, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item provides an opportunity for the committee and board to review the bill requirements contained in House Bill (HB) 4388, 86th Texas Legislature, 2019. The committee will discuss implementation of the liquid account.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#); House Bill 4388, 86th Legislature, 2019; and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

HB 4388, 86th Texas Legislature, 2019 relating to the management of the permanent school fund by the School Land Board and the State Board of Education was signed into law on June 7, 2019 and was effective on September 1, 2019. HB 4388 amends various sections of the Education Code and Natural Resources Code. Section 4 of HB 4388 creates the Permanent School Fund Liquid Account and provides for its investment and management by the State Board of Education.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: None.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Discussion of Emerging and Diverse Investment Management in Alternative Asset Classes

September 12, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the committee to review the emerging market manager programs in alternative asset classes.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Report of the Permanent School Fund Executive Administrator and
Chief Investment Officer**

September 12, 2019

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: The Permanent School Fund executive administrator will report to the committee on matters relating to the management of the Permanent School Fund and the Charter District Reserve Fund. The report may present information on historical and current status of Fund holdings, current and proposed investment policies and procedures, and historical and current Fund performance and compliance. The administrator may update the board on the bond guarantee program, the status of requests for proposal or for qualifications and current contracts for services and other administrative activities undertaken on behalf of the board. The administrator may provide an update on the PSF distribution or on the effect of legislation impacting the PSF. The administrator may provide an analysis of current and future investment market conditions, focusing upon the impact on the holdings of the Permanent School Fund.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Per Capita Apportionment Rate for the 2019-2020 School Year

September 13, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: The board is responsible for setting a per capita apportionment rate for each school year based on an estimate of the amount available for expenditures from the Available School Fund. Agency staff members will propose a recommended rate for the 2019-2020 school year at the September meeting of the Committee on School Finance/ Permanent School Fund.

STATUTORY AUTHORITY: Texas Education Code (TEC), §43.001(b) and §48.004.

TEC, §43.001(b) requires the annual distribution of the Available School Fund and describes the revenue sources that make up the fund.

TEC, §48.004, requires the commissioner, in accordance with rules adopted by the State Board of Education, to require reports necessary to implement and administer the Foundation School Program.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: None

BACKGROUND INFORMATION AND JUSTIFICATION: House Bill 1, the General Appropriations Bill enacted by the 86th Texas Legislature, 2019, contains an estimate of the amount that will be available for expenditures from the Available School Fund for the 2019-2020 school year. The per capita apportionment will include distributions from the Permanent School Fund and funds from state occupation taxes and from the Motor Fuels Tax. The recommended preliminary per capita apportionment rate is based on an estimate of the funds available for expenditure. The rate is revised later in the school year based on actual funds available for expenditure.

FISCAL IMPACT: The per capita apportionment rate finances part of the cost of the Foundation School Program. State aid comes from the Available School Fund and the Foundation School Fund. The per capita apportionment rate determines how much of each district's total state aid is paid from the Available School Fund. The part that is not financed by the Available School Fund must be paid from the Foundation School Fund.

PUBLIC AND STUDENT BENEFIT: State aid for the Foundation School Program is partially funded by the Available School Fund per capita apportionment. If this source of funds were not available, the shortfall would have to be made up from the General Revenue Fund.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

PUBLIC COMMENTS: None.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

Staff Members Responsible:

Leo Lopez, Associate Commissioner, School Finance/ Chief School Finance Officer

Al McKenzie, Director, Forecasting & Fiscal Analysis

Amy Copeland, Assistant Director of State Funding

COMMITTEE ON SCHOOL INITIATIVES

Open-Enrollment Charter School Generation 25 Application Updates

September 12, 2019

COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: The director of the Division of Charter School Administration will discuss updates regarding the Generation Twenty-Five Open-Enrollment Charter Application.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§12.110](#).

The full text of the statutory citation can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: In 2020 the committee and board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation Twenty-Five Subchapter D Open-Enrollment Charter Schools scheduled to open in school year 2021-2022.

BACKGROUND INFORMATION AND JUSTIFICATION: The State Board of Education is engaged in an ongoing effort to remain abreast of the evolving state-educational landscape and prepare to address areas that are within its jurisdiction. To that end this item is for discussion of updates pertaining to the Generation Twenty-Five application, which will be due in January 2020.

Staff Members Responsible:

Megan Aghazadian, Deputy Commissioner, Educator and Systems Support
Joe Siedlecki, Associate Commissioner, Charters and Innovations
Heather Mauzé, Director, Charter School Administration

**Recommendation for Appointment to the
Boys Ranch Independent School District Board of Trustees**

September 13, 2019

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item provides an opportunity for board consideration of an appointment to the board of trustees of the Boys Ranch Independent School District. The appointment is necessary due to the resignation of one board member.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

TEC, §11.352 authorizes the State Board of Education to appoint school board members in special purpose school districts.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: No previous board action has occurred on this item.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The State Board of Education is statutorily authorized to appoint board members for independent school districts created under its former authority to establish school districts. Trustees so appointed shall hold office until their successors are appointed and qualified.

The following process is followed when selecting a board member for the Boys Ranch Independent School District Board of Trustee:

- Trustee submits notice of resignation to the school board president.
- School board president advises the chief executive officer of Cal Farley's Boys Ranch of resignation and potential replacements.
- CEO of Cal Farley's considers potential candidates based on their general understanding of the mission of Cal Farley's and the purpose of the Boys Ranch Independent School District, as well as experience in non-profit business, social services, and/or education.
- CEO of Cal Farley's discusses potential candidates with the BRISD school board president, and they come to an agreement on a suitable candidate.
- CEO interviews and discusses potential appointment with the trustee candidate.
- Assuming the candidate desires the position, CEO of Cal Farley's submits recommended candidate to the State Board of Education.

Recently, Mr. Dan Adams, President and Chief Executive Officer of Cal Farley's Boys Ranch, has notified the commissioner of one vacancy which exists on the board of trustees of the Boys Ranch Independent School District. The vacancy is due to the resignation of Mr. Ken Teel. The CEO has requested that Mr. James Taylor be appointed to fill the vacancy. Supporting documentation on the recommended candidate is included.

FISCAL IMPACT: No fiscal impact to the state will occur.

PUBLIC AND STUDENT BENEFIT: Both the public and the students will benefit by having a qualified individual appointed to the board of trustees.

PROCEDURAL AND REPORTING IMPLICATIONS: No procedural or reporting implications exist.

PUBLIC COMMENTS: No public comments are presented.

ALTERNATIVES: No alternatives are suggested.

OTHER COMMENTS AND RELATED ISSUES: No other comments or related issues are presented.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Mr. Dan Adams recommendation, approve the appointment of Mr. James Taylor to serve a two-year term of office, from September 13, 2019 to September 13, 2021, on the Boys Ranch Independent School District Board of Trustees.

Staff Member Responsible:

Jason Hewitt, Director of Monitors & Conservators, Special Investigations

Attachment: Correspondence from Mr. Dan Adams, President and Chief Executive Officer of Cal Farley's Boys Ranch, which includes biographical information and supporting material for the nominee

CAL FARLEY'S

CELEBRATING
80

YEARS
1939-2019

BOYS RANCH

June 27, 2019

Ms. Laura Gaines (550-001)
Sanction Monitoring
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Laura,

We have enclosed correspondence from Cal Farley's Boys Ranch President and CEO, Dan Adams, to Commissioner Morath requesting the appointment of **James Taylor** to the Cal Farley's Boys Ranch Independent School District Board of Trustees at the **September 2019** meeting of the State Board of Education.

Mr. Taylor will replace Ken Teel who has indicated his decision to resign effective September 1, 2019.

Also enclosed are Mr. Taylor's recent background check from Texas Health and Human Services, his resume, and signed and dated "Statement to Accompany."

It is a pleasure to meet you through email, and we appreciate your assistance in processing this request for presentation at the **September 2019** State Board of Education meeting. If you have any questions or require additional information, please call or email me at 806-322-2643 or sandrasargus@calfarley.org.

Sincerely,



Sandra Sargus
Executive Assistant to the
President and Chief Executive Officer

SJS

Enclosures

Cal Farley's provides professional programs and services in a Christ-centered atmosphere to strengthen families and support the overall development of children.

CAL FARLEY'S

CELEBRATING
80
YEARS
1939-2019

BOYS RANCH

June 26, 2019

Mr. Mike Morath
Commissioner
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Mr. Morath:

In my current capacity as President and Chief Executive Officer of Cal Farley's Boys Ranch, I request that the State Board of Education, at its **September 2019** meeting, appoint **Mr. James Taylor** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Mr. Taylor is qualified under Texas law and meets all requirements.

Mr. Taylor will replace Ken Teel who has expressed his decision to resign effective **September 1, 2019**.

Mr. Taylor's resume is enclosed, along with a signed statement expressing his willingness to accept the appointment and serve in full adherence to the state-established standards for school board members and certifying that the biographical information is true and correct. Also enclosed is a background check from Texas Health and Human Services.

I understand the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power is limited to duty as defined by statutes relating to the process of appointing members to the BRISD Board of Trustees. I also certify that the membership composition of the BRISD Board of Trustees is in full compliance with the provisions of the Texas Education Code, section 11.352. I further certify that the role of the BRISD superintendent is in full compliance with the provisions of the Texas Education Code, section 11.201.

Should you have any questions, please contact me at 806-322-2609 or via e-mail at danadams@calfarley.org.

I appreciate your consideration and look forward to confirmation of this appointment.

Sincerely,


Dan Adams
President and Chief Executive Officer

Enclosures

DA:sjs

Cal Farley's provides professional programs and services in a Christ-centered atmosphere to strengthen families and support the overall development of children.



TEXAS
Health and Human Services

06/13/2019

Michelle Maikoetter
PO BOX 5
BOYS RANCH, Texas 79010-0005

Operation # 1639
Cal Farley's Boys Ranch

Dear Michelle Maikoetter:

Your operation requested a background check for **James Leroy Taylor**, born in 1951. The following alternate names for this person were also checked: Jim Taylor, James Taylor. The results of the check are based on the identification information that your operation submitted for this individual. It is your responsibility to ensure the accuracy of the identifying data by reviewing supporting documents.

Based on a review of the background check results, the Centralized Background Check Unit (CBCU) determined that this person is **ELIGIBLE** to be present at your operation in the role of **Frequent/Regular Visitor**.

All background check types required for this role have been completed, and no further action is required at this time. The CBCU will notify you if this person's background check determination changes.

The CBCU has conducted this background check in compliance with, and as required by Child Care Licensing minimum standards, rules, and other Texas and federal law.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or otherwise associated with your operation, you must inactivate this person on the Background Check History webpage of your online provider account. If you do not have an online provider account or are unable to access it, notify your CBCU representative of the change in status.

If this person continues to be associated with your operation, you must submit a renewal background check for this person on or before **06/07/2024**.

If you have questions, please contact your CBCU representative or visit the CBCU webpage at http://www.dfps.state.tx.us/Background_Checks. If you are unsure who your CBCU representative is, you may find this information on the CBCU webpage or contact the CBCU Support Line at: 1-800-645-7549.

For your information, our records indicate that the following child care operations have submitted a background check request on this person:

- **Cal Farley's Boys Ranch on 06/07/2019**
- **Cal Farley's Boys Ranch on 12/08/2017**
- **Licensed Child Care Administrators on 03/10/2017**
- **Cal Farley's Boys Ranch on 12/09/2015**
- **Licensed Child Care Administrators on 02/20/2015**
- **BGC ~ CASA ~ Texas Statewide on 02/26/2014**
- **Cal Farley's Boys Ranch on 12/11/2013**
- **BGC ~ CASA ~ Texas Statewide on 11/19/2013**
- **Cal Farley's Boys Ranch on 01/30/2013**
- **Cal Farley's Boys Ranch on 01/31/2011**
- **Cal Farley's Boys Ranch on 02/02/2009**
- **Cal Farley's Boys Ranch on 03/21/2003**
- **Cal Farley's Boys Ranch on 02/07/2003**

Thank you,

The Centralized Background Check Unit

James Taylor

5714 Andover,
Amarillo, TX 79109

Ph. 806-681-6189(M)
806-373-2272(O)

E-mail: taylor.jim01@gmail.com

Experience

Compliance Coordinator and Training Assistant

6/01/2018 – Current – Amarillo Area CASA

- Responsible for ensuring volunteer files contain all documentation required by Texas CASA and National CASA.
- Responsible for gathering background information on volunteer applications.
- Responsible for updating on-line records for volunteers
- Responsible for assisting with training of new volunteers and providing on-going training opportunities
- Provide monthly in-house training for CASA staff in various topics related to trauma, personal development, diversity, etc.

Director of Training

11/19/2005 – 11/30/2018 - Cal Farley's, Amarillo, TX

- Responsible for Corporate Residential Services Training Department for Cal Farley's Boys Ranch and Girlstown campuses.

Duties included:

- Coaching/Mentoring/Supervising department staff
- Assuring training meets/exceeds TDFPS and COA standards.
- Coordinate community training seminars
- Provide Training for internal and external participants in strength-based models – Life Space Crisis Intervention, Response Ability Pathways, Satori Alternatives to Managing Aggression
- Align training curricula with corporate strategic plan
- Implement OPQI based on outcomes indicators

PDTE Coordinator

6/4/2005 – 11/19/2005 Cal Farley's

- Coordination of Program Development Training and Evaluation Team in Corporate Office

Duties included:

- Assuring training meets/exceeds TDFPS and COA standards.
- Assuring training meets/exceeds TDFPS and COA standards.
- Provide training for organization staff

Director of Adolescent Boys

12/27/03 – 6/4/2005 Cal Farley's

- Responsible for programming in 15 Adolescent boys homes at Boys Ranch.

Duties included:

- Coaching/Mentoring/Supervising Direct care and Casework Staff
- Assuring homes were meeting/exceeding licensing standards.
- On-call administrator for crisis intervention.
- Responsible for contacting child abuse hotline if abuse neglect incidents suspected.

Director of Homelife

7/12/03 – 12/27/2005 Cal Farley's

- Responsible for programming in 26 Youth Residential homes at Boys Ranch

Duties included:

- Coaching/Mentoring/Supervising Direct care and Casework Staff
- Assuring homes were meeting/exceeding licensing standards.
- On-call administrator for crisis intervention.
- Responsible for contacting child abuse hotline if abuse neglect incidents suspected.

Assistant Administrator for Homelife

6/28/2000 – 7/12/2003 Cal Farley's

- Responsible for programming in 26 Youth Residential homes at Boys Ranch

Duties included:

- Coaching/Mentoring/Supervising Direct care and Casework Staff
- Assuring homes were meeting/exceeding licensing standards.
- On-call administrator for crisis intervention.
- Responsible for contacting child abuse hotline if abuse neglect incidents suspected.

Community Director

November 1, 1997 – 6/28/2000 Cal Farley's

- Responsible for programming in 5 Adolescent Boys Community at Boys Ranch

Duties included:

- Coaching/Mentoring/Supervising Direct care and Casework Staff
- Assuring homes were meeting/exceeding licensing standards.
- On-call administrator for crisis intervention.
- Responsible for contacting child abuse hotline if abuse neglect incidents suspected.

Education & Professional Licenses

B.A. Henderson State University (1979) – Double Majors – English and Psychology
Nova Southeastern University (1990) Masters in Childcare Administration
Childcare Administrators License (1994) Current
Certified SAMA Trainer (2004) Current
Certified Senior Life Space Crisis Intervention Trainer (2003) Current
Certified Senior Response-Ability Pathways Trainer (2005) Current
Certified CAFAS (Child Adolescent Functional Assessment Scale) Trainer (2007) Current

Conferences/External training

2008 – 2012 – Texas Network of Youth Services

Trainings in behavior intervention techniques, Ethics training

2012 - CAEYC(Colorado Association for the Education of Young Childre conference – Denver, CO – Jack’s Brain/Jill’s Brain – gender differences in brain development

2009 – Houston ISD – Life Space Crisis Intervention

2009 – 2012 Gulf Coast Traces Center, New Waverly, TX – annual training – Responsibility Pathways

TDFPS Training

2007 - Selected to provide training in conjunction with TDFPS representative to agencies on the implementation of revised 2007 GRO 748 Standards

2009 - Selected to provide training in conjunction with TDFPS representatives to agencies regarding assessing supervision in foster care and residential treatment centers

Military

USMC – December 1969 – December 1972, Honorable Discharge E-5

Personal information: A wonderful 30 year marriage resulting in 2 great daughters currently attending UT Austin, one in the graduate of social work, the other in her freshman year majoring in Psychology. The elder was the valedictorian, the younger not wishing to outdo her sister was the salutatorian.

Interests and hobbies: Reading, Photography, Music, Hiking, Racquetball, Tennis
CASA Volunteer – 5 years

References:

Mel Droegemeier
Friend
806-352-9520

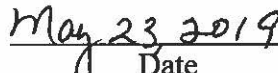
Jay Ricci
Friend/Neighbor
806-679-9973 (Mob)

Tyrone Malish
Friend/Neighbor
806-358-1207

STATEMENT TO ACCOMPANY
BOYS RANCH INDEPENDENT SCHOOL DISTRICT
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST
FOR
JAMES TAYLOR

I, **James Taylor**, verify that I am qualified under the general school laws of Texas to be a BRISD School Board Trustee. I certify that the attached biographical information is true and correct. I am willing to accept the appointment as BRISD School Board Trustee and serve in such capacity with full adherence to the state-established standards for the duties and responsibilities of school board members.


James Taylor (signature)


Date

**Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners
(Second Reading and Final Adoption)**

September 13, 2019

COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for second reading and final adoption proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would allow the commissioner of education to take action against the certificate of an independent hearing examiner if it is determined that the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, meets specified criteria. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §21.252.

TEC, §21.252, requires the State Board of Education (SBOE), in consultation with the State Office of Administrative Hearings, by rule to establish criteria for certifying independent hearing examiners who conduct hearings under the TEC, Chapter 21, Subchapter F.

The full text of the statutory citation can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date would allow improvements in the quality of independent hearing examiners to begin sooner and prevent an additional round of yearly nonrenewals from occurring before the amendment takes effect.

PREVIOUS BOARD ACTION: The proposed amendment was presented to the Committee on School Initiatives for discussion at the April 2019 SBOE meeting, and the SBOE approved the proposed amendment for first reading and filing authorization at the June 2019 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, §21.252(a), requires the SBOE to establish certification criteria for independent hearing examiners. Section 157.41 specifies certification criteria such as license required, experience, continuing education, and annual recertification for independent hearing examiners. The examiners preside over due process hearings involving terminations, suspensions without pay, and nonrenewal of term employment contracts. The examiners also develop findings of fact and conclusions of law, which are referred to the school district board of trustees.

Currently, §157.41 specifies that the commissioner may take action against the certificate of an independent hearing examiner if it is determined that the independent hearing examiner, during the time the independent hearing examiner has been certified, has: (1) served as an agent or representative of a school district; (2) served as an agent or representative of a teacher in any dispute with a school district; (3) served as an agent or representative of an organization of school employees, school administrators, or school boards; or (4) failed to timely issue a recommendation. The proposed amendment would specify in

subsection (l) that the commissioner may also take action against the certificate of an independent hearing examiner if it is determined that the law firm with which the independent hearing examiner is associated, meets any of the same criteria. This change would align the rule with TEC, §21.252.

TEC, §21.252(a), requires the SBOE, in consultation with the State Office of Administrative Hearings (SOAH), to establish certification criteria for hearing examiners. The TEA provided the proposed rule text to the SOAH and requested suggestions and comments. The SOAH responded that it had no questions or comments.

The attachment to this item reflects the text of proposed amendment to 19 TAC §157.41 for consideration by the SBOE for second reading and final adoption. No changes are recommended since approved for first reading.

FISCAL IMPACT: No changes have been made to this section since published as proposed.

The Texas Education Agency (TEA) has determined that there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed.

The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed.

The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed.

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed.

The proposal does not impose a burden on private property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed.

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation and increase the number of individuals subject to its applicability. Currently, §157.41 specifies that the commissioner may take action against the certificate of an independent hearing examiner if it is determined that the independent hearing examiner, during the time the independent hearing examiner has been certified, meets certain criteria. The proposed

amendment would specify that the commissioner may also take action against the certificate of an independent hearing examiner if it is determined that the law firm with which the independent hearing examiner is associated meets any of the same criteria. This change would align the rule with TEC, §21.252.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed.

The proposal would align the rule with statutory provisions in TEC, §21.252. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed.

The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed.

TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: Following the June 2019 SBOE meeting, notice of the proposed amendment to 19 TAC §157.41 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began August 2, 2019, and ended September 6, 2019. At the time this item was prepared, two public comments had been received and are summarized below. A summary of any additional public comments received regarding the proposal will be provided to the SBOE during the September 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 2019 in accordance with the SBOE board operating policies and procedures.

Comment. An administrator commented that it is wasteful to pay an attorney to serve as an independent hearing examiner. The administrator stated that a retired or former school superintendent would be more than qualified to hear and rule on such cases.

Response. The agency disagrees and recommends that the SBOE maintain language as proposed. TEC, §21.252(a), requires certified hearing examiners to "be licensed to practice law in this state."

Comment. A parent commented that the proposal provides good clarification so as not to allow a person or law office to shield wrong behavior.

Response. The agency agrees. TEC, §21.252(b), requires disqualification based on a conflict a lawyer's law firm may have.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners; and

Make an affirmative finding that immediate adoption of proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Von Byer, General Counsel, Legal Services

Christopher Maska, Director, Hearing and Appeals, Legal Services

Attachment:

Text of Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 157. Hearings and Appeals

Subchapter D. Independent Hearing Examiners

§157.41. Certification Criteria for Independent Hearing Examiners.

- (a) License required. An individual who is certified as an independent hearing examiner must be licensed to practice law in the State of Texas.
- (b) Representations prohibited. An independent hearing examiner, and the law firm with which the independent hearing examiner is associated, must not serve as an agent or representative of:
 - (1) a school district;
 - (2) a teacher in any dispute with a school district; or
 - (3) an organization of school employees, school administrators, or school boards.
- (c) Moral character and criminal history. An independent hearing examiner must:
 - (1) possess good moral character; and
 - (2) as demonstrated by a criminal history report process required by the commissioner of education, not have been convicted, given probation (whether through deferred adjudication or otherwise), or fined for:
 - (A) a felony;
 - (B) a crime of moral turpitude; or
 - (C) a crime that directly relates to the duties of an independent hearing examiner in a public school setting.
- (d) Status as a licensed attorney. An independent hearing examiner must:
 - (1) currently be a member in good standing of the State Bar of Texas;
 - (2) within the last five years, not have had the independent hearing examiner's bar license:
 - (A) reprimanded, either privately or publicly;
 - (B) suspended, either probated or otherwise; or
 - (C) revoked;
 - (3) have been licensed to practice law in the State of Texas or any other state for at least five years prior to application; and
 - (4) have engaged in the actual practice of law on a full-time basis, as defined by the Texas Board of Legal Specialization, for at least five years.
- (e) Experience. During the three years immediately preceding certification, an independent hearing examiner must have devoted a minimum of 50% of the examiner's time practicing law in some combination of the following areas, with a total of at least one-tenth or 10% of the independent hearing examiner's practice involving substantial responsibility for taking part in a contested evidentiary proceeding convened pursuant to law in which the independent hearing examiner personally propounded and/or defended against questions put to a witness under oath while serving as an advocate, a hearing officer, or a presiding judicial officer:
 - (1) civil litigation;
 - (2) administrative law;

- (3) school law; or
 - (4) labor law.
- (f) Continuing education. During each year of certification, an independent hearing examiner must receive credit for ten hours of continuing legal education, with three hours in the area of school law and seven hours in the area of civil trial advocacy and legal writing skills, which must include any combination of course work in evidence, civil procedure, and legal writing skills, during the period January 1 to December 31 of each year of certification.
- (g) Sworn application. In order to be certified as an independent hearing examiner, an applicant must submit a sworn application to the commissioner of education. The application shall contain the following acknowledgments, waivers, and releases.
- (1) The applicant agrees to authorize appropriate institutions to furnish relevant documents and information necessary in the investigation of the application, including information regarding grievances maintained by the State Bar of Texas.
 - (2) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose grievance matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.
 - (3) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose criminal matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.
- (h) Assurances as to position requirements. In the sworn application, the applicant must:
- (1) demonstrate that the applicant currently maintains an office or offices within the State of Texas;
 - (2) designate the office locations from which the applicant will accept appointments;
 - (3) demonstrate that the applicant provides telephone messaging and facsimile services during regular business hours;
 - (4) agree to attend meetings of independent hearing examiners in Austin, Texas, at the examiner's expense; and
 - (5) agree to comply with all reporting and procedural requirements established by the commissioner.
- (i) Voluntary evaluations. The commissioner may solicit voluntary evaluations from parties to a case regarding their observations of the independent hearings process.
- (j) Insufficient examiners in a region. In the event that insufficient numbers of independent hearing examiners are certified for any geographic region of the state, the commissioner may assign an independent hearing examiner whose office is within reasonable proximity to the school district.
- (k) Annual recertification.
- (1) Certification expires on December 31 of each calendar year. All independent hearing examiners seeking recertification shall reapply on a date specified by the commissioner. Certification as a hearing examiner is effective on a yearly basis only and does not confer any expectation of recertification in subsequent years.
 - (2) The commissioner, in his discretion, after providing notice and an opportunity to respond, may decline to recertify an independent hearing examiner, if the commissioner determines that the independent hearing examiner has failed to perform the duties of an independent hearing examiner in a competent manner. The commissioner may consider, but is not limited to, the following factors:
 - (A) timeliness;
 - (B) accuracy and appropriateness of procedural and evidentiary rulings;

- (C) decorum or control; or
 - (D) application of appropriate legal standards.
- (3) The commissioner's decision in regard to recertification is final and not appealable.
- (l) Action against certification. The commissioner, after providing notice and an opportunity to respond, may take action against the certificate of an independent hearing examiner if it is determined that the independent hearing examiner or the law firm with which the independent hearing examiner is associated , during the time the independent hearing examiner has been certified, has:
- (1) served as an agent or representative of a school district;
 - (2) served as an agent or representative of a teacher in any dispute with a school district;
 - (3) served as an agent or representative of an organization of school employees, school administrators, or school boards; or
 - (4) failed to timely issue a recommendation.

Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel 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, and Subchapter H, Assignments for Teachers Certified Before 1966

September 13, 2019

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel 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, and Subchapter H, Assignments for Teachers Certified Before 1966. The proposed revisions would incorporate courses approved by the SBOE, would update the list of credentials appropriate for placement into an assignment, would make technical edits, and would delete an outdated subchapter.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 231 is the Texas Education Code (TEC), §§21.003(a), 21.031(a), and 21.041(b)(1)-(2).

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 231, Requirements for Public School Personnel Assignments, provides guidance to school districts by listing courses by grade level and subject area and identifying the corresponding certificates appropriate for placement into each classroom assignment or administrative role. This information assists districts with hiring and personnel assignment decisions.

The proposed revisions to 19 TAC Chapter 231, Subchapters C, D, and E, would identify and align the appropriate SBEC-issued certificates to SBOE-approved courses and ensure accurate placement of qualified individuals into campus assignments. To reflect courses approved by the SBOE and make other necessary updates, the proposed revisions to 19 TAC Chapter 231 are described below.

Subchapter C, Grades 6-8 Assignments.

§231.47. English as a Second Language, Grades 6-8.

The proposed amendment to §231.47 would add two new SBOE-approved courses, English Learners Language Arts, Grade 7, and English Learners Language Arts, Grade 8, and would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.81. Dance, Middle School 1-3.

The proposed amendment to §231.81 would add the Dance: Grades 6-12 certificate to the list of credentials appropriate to teach these courses.

Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments.

§231.97. Innovative Course.

The proposed amendment to §231.97 would require that teacher qualifications specified in the approved innovative course descriptions must be satisfied to determine eligibility to teach an innovative course.

Subchapter E, Grades 9-12 Assignments.

Texas Education Agency (TEA) staff has identified the need for proposed changes to 10 of the 25 divisions within Subchapter E. The proposed changes are listed below by division:

Division 1. English Language Arts and Reading, Grades 9-12 Assignments.

§231.125. English as a Second Language, Grades 9-12.

The proposed amendment to §231.125 would add the new SBOE-approved TEKS-based course, English Language Development and Acquisition (ELDA), Grades 9-12, and would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.133. Speech, Grades 9-12.

The proposed amendment to §231.133(a) and (b) would delete the duplicative reference to Professional Communications from this section of the rule, as the course also appears in §231.331, Professional Communications, Grades 9-12. Proposed changes would ensure that the course and list of credentials appropriate for placement into the assignment only appears in §231.331, Professional Communications, Grades 9-12.

Division 3. Social Studies, Grades 9-12 Assignments.

§231.177. Ethnic Studies: Mexican American Studies, Grades 9-12.

Proposed new §231.177 would add a section into rule to support new ethnic studies courses approved by the SBOE and additional approved courses in the future.

Division 7. Fine Arts, Grades 9-12 Assignments.

§231.241. Art, Music, Theatre, and Dance, Grades 9-12.

The proposed amendment to §231.241(b) would include Music Studies and offer clarification in the field about the series of courses covered in this section. The proposed amendment to subsection (c) would include Technical Theatre and offer further clarification in the field about the series of courses covered in this section. The proposed amendment to subsection (d) would remove the reference to Fine Arts credit, as the emphasis on this course satisfying the requirements for this credit is no longer needed and may cause unnecessary confusion by offering guidance to students about one course. The best source for

graduation requirements and course credit options for all students can be found on the TEA website. Proposed new subsection (e) would provide guidance on the assignment to teach a new SBOE-approved course, International Baccalaureate Film Standard Level and Higher Level, Grades 9-12.

Division 8. Technology Applications, Grades 9-12 Assignments.

§231.259. Cybersecurity, Grades 9-12.

Proposed new §231.259 would add two new TEKS-based courses adopted by the SBOE, Foundations of Cybersecurity, Grades 9-12, and Cybersecurity Capstone and would provide guidance on the assignment to teach the courses.

Division 10. Agriculture, Food, and Natural Resources, Grades 9-12 Assignments.

§231.291. Floral Design, Grades 9-12.

The proposed amendment to §231.291 would add art certificates back to the list of credentials appropriate to teach Floral Design, Grades 9-12, as this course is aligned with Art, Level 1.

Division 11. Architecture and Construction, Grades 9-12 Assignments.

§231.301. Principles of Architecture; Principles of Construction, Grades 9-12.

The proposed amendment to §231.301 would add agriculture certificates to the list of credentials appropriate to teach these courses because holders of these certificates are already qualified to teach these courses at the advanced level. The proposed amendment is in response to written public testimony provided at the February 2019 SBEC meeting. Proposed changes would also provide for conforming technical edits.

Division 12. Arts, Audio Video Technology, and Communications, Grades 9-12 Assignments.

§231.331. Professional Communications, Grades 9-12.

The proposed amendment to §231.331 would delete two certificates, Mathematics/Physical Science/Engineering: Grades 6-12 and Mathematics/Physical Science/Engineering: Grades 8-12 certificates, added in error from the list of credentials appropriate to teach this course. The proposed amendment would also resolve previous issues with a duplicate listing of this course in two sections of the rule: English Language Arts and Reading and Career and Technical Education. Proposed changes would eliminate the duplicate reference for this course, consolidate the list of certificates appropriate for placement into the assignment, and emphasize that the school district is responsible for ensuring that each teacher assigned to teach Professional Communications, Grade 9-12, has completed appropriate education and/or training in effective communication strategies and demonstrates proficiency in oral and written communication. Proposed changes would also provide for conforming technical edits.

Division 15. Finance, Grades 9-12 Assignments.

§231.397. Accounting II, Grades 9-12.

The proposed amendment to §231.397 would expand the list of certifications appropriate to teach this course and mirror the requirements established for §231.395, Financial Mathematics, Grades 9-12, since this course may count for advanced mathematics credit.

Division 24. Science, Technology, Engineering, and Mathematics, Grades 9-12 Assignments.

§231.583. Robotics I, Grades 9-12.

The proposed amendment to §231.583 would add physics/mathematics certificates to the list of credentials appropriate to teach this course because holders of these certificates are already qualified to teach the advanced level of this course. The proposed amendment is in response to written public testimony provided at the February 2019 SBEC meeting. Proposed changes would also provide for conforming technical edits.

Division 25. Transportation, Distribution, and Logistics, Grades 9-12 Assignments.

§231.591. Transportation, Distribution, and Logistics, Grades 9-12.

The proposed amendment to §231.591(a) would add technology education certificate back to the list of credentials appropriate to teach these courses to cover staffing needs that have resulted in the removal of this provision. The proposed amendment is in response to written public testimony provided at the February 2019 SBEC meeting. Proposed changes would also provide for conforming technical edits.

Subchapter H. Assignments for Teachers Certified Before 1966.

The proposed repeal would remove this subchapter as the dated provision for those certified prior to September 1, 1962, through September 1, 1966, is outdated and the assignment for those educators certified before 1966 into classroom teaching assignments or administrative roles is provided in the remaining subchapters of 19 TAC Chapter 231.

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

FISCAL IMPACT: No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.002.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal an existing regulation. The proposed rulemaking would repeal Chapter 231, Subchapter H, Assignments for Teachers Certified Before 1966. This subchapter is outdated and the assignment for those educators certified before 1966 into classroom teaching assignments or administrative roles is provided in the remaining subchapters of Chapter 231. The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be continued guidance on appropriate credentials for placement into various campus assignments and roles. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality
Marilyn Cook, Director, Educator Certification

Attachment: Text of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 231. Requirements for Public School Personnel Assignments

Subchapter C. Grades 6-8 Assignments

§231.47. English as a Second Language, Grades 6-8.

An assignment in a departmentalized classroom for English as a Second Language, Grades 6-8, English Learners Language Arts, Grade 7, and English Learners Language Arts, Grade 8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

- (1) A valid classroom teaching certificate appropriate for the grade level and subject areas taught plus one of the following.
 - (A) Bilingual Education Supplemental.
 - (B) Bilingual Education Supplemental (Early Childhood-Grade 4).
 - (C) Bilingual Education Supplemental (Grades 4-8).
 - (D) Bilingual Endorsement.
 - (E) Bilingual/English as a Second Language Endorsement.
 - (F) English as a Second Language Endorsement.
 - (G) English as a Second Language Supplemental.
- (2) Bilingual Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (3) Bilingual Generalist: Grades 4-8.
- (4) Elementary Bilingual/English as a Second Language (Grades 1-8).
- (5) Elementary teacher certificate and assigned to teach English as a Second Language in an approved English as a Second Language program during 1981-1982 school year in the same school district.
- (6) Elementary Bilingual.
- (7) English as a Second Language Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (8) Junior High School or High School--Bilingual/English as a Second Language.
- (9) Prekindergarten-Grade 6--Bilingual/English as a Second Language (Grade 6 only).
- (10) Prekindergarten-Grade 12--Bilingual/English as a Second Language.
- (11) Prekindergarten-Grade 12--English as a Second Language.
- (12) Secondary Bilingual/English as a Second Language (Grades 6-12).

§231.81. Dance, Middle School 1-3.

An assignment in a departmentalized classroom for Dance, Middle School 1-3, is allowed with the Dance: Grades 6-12 and the Dance: Grades 8-12 certificate.

Subchapter D. Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments

§231.97. Innovative Course.

An assignment for an Innovative Course is allowed with a valid certificate that matches the grade level of the assignment and the teacher qualifications specified in the approved innovative course description as determined by the Texas Education Agency.

Subchapter E. Grades 9-12 Assignments

Division 1. English Language Arts and Reading, Grades 9-12 Assignments

§231.125. English as a Second Language, Grades 9-12.

An assignment for English as a Second Language, Grades 9-12, and English Language Development and Acquisition (ELDA), Grades 9-12, is allowed with a valid classroom teaching certificate appropriate for the grade level and subject areas taught plus one of the following certificates.

- (1) Bilingual Education Supplemental.
- (2) Bilingual Education Supplemental (Early Childhood-Grade 4).
- (3) Bilingual Education Supplemental (Grades 4-8).
- (4) Bilingual Endorsement.
- (5) Bilingual/English as a Second Language Endorsement.
- (6) English as a Second Language Endorsement.
- (7) English as a Second Language Supplemental.
- (8) Junior High School (Grades 9-10 only) or High School--Bilingual/English as a Second Language.
- (9) Prekindergarten-Grade 12--Bilingual/English as a Second Language.
- (10) Prekindergarten-Grade 12--English as a Second Language.
- (11) Secondary Bilingual/English as a Second Language (Grades 6-12).

§231.133. Speech, Grades 9-12.

~~(a)~~ An assignment for Oral Interpretation I, II, and III; Debate I, II, and III; Public Speaking I, II, and III; Independent Study in Speech; or Communications Applications [~~;-or Professional Communications~~], Grades 9-12, is allowed with one of the following certificates.

- (1) All-Level Speech and Drama.
- (2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).
- (3) Grades 6-12 or Grades 9-12--Speech Communications.
- (4) Junior High School (Grades 9-10 only) or High School--Speech.
- (5) Junior High School (Grades 9-10 only) or High School--Speech and Drama.
- (6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite. This assignment includes at least six semester hours in speech.
- (7) Secondary Speech Communications (Grades 6-12 or Grades 9-12).
- (8) Speech: Grades 7-12.
- (9) Speech: Grades 8-12.

~~[(b) An assignment for Professional Communications is allowed with a valid career and technical education certificate specified in §233.13 of this title (relating to Career and Technical Education (Certificates not requiring experience and preparation in a skill area)) or §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)) with a bachelor's degree and six semester credit hours in speech.]~~

Division 3. Social Studies, Grades 9-12 Assignments

§231.177. Ethnic Studies: Mexican American Studies, Grades 9-12.

An assignment for Ethnic Studies: Mexican American Studies, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--History.
- (2) Grades 6-12 or Grades 9-12--Social Studies.
- (3) Grades 6-12 or Grades 9-12--Social Studies, Composite.
- (4) History: Grades 7-12.
- (5) History: Grades 8-12.
- (6) Junior High School (Grades 9-10 only) or High School--History.
- (7) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.
- (8) Secondary History (Grades 6-12).
- (9) Secondary Social Studies (Grades 6-12).
- (10) Secondary Social Studies, Composite (Grades 6-12).
- (11) Social Studies: Grades 7-12.
- (12) Social Studies: Grades 8-12.

Division 7. Fine Arts, Grades 9-12 Assignments

§231.241. Art, Music, Theatre, and Dance, Grades 9-12.

- (a) An assignment for Art, Grades 9-12, is allowed with one of the following certificates.
 - (1) All-Level Art.
 - (2) Art: Early Childhood-Grade 12.
 - (3) Grades 6-12 or Grades 9-12--Art.
 - (4) Junior High School (Grades 9-10 only) or High School--Art.
 - (5) Secondary Art (Grades 6-12).
- (b) An assignment for Music, including Music Studies, Grades 9-12, is allowed with one of the following certificates.
 - (1) All-Level Music.
 - (2) Grades 6-12 or Grades 9-12--Music.
 - (3) Junior High School (Grades 9-10 only) or High School--Music.
 - (4) Music: Early Childhood-Grade 12.
 - (5) Secondary Music (Grades 6-12).
- (c) An assignment for Theatre, including Musical Theatre and Technical Theatre, Grades 9-12, is allowed with one of the following certificates.

- (1) All-Level Speech/Drama.
 - (2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).
 - (3) All-Level Theatre Arts (Prekindergarten-Grade 12).
 - (4) Grades 6-12 or Grades 9-12--Theatre Arts.
 - (5) Junior High School (Grades 9-10 only) or High School--Drama.
 - (6) Junior High School (Grades 9-10 only) or High School--Speech and Drama.
 - (7) Secondary Theatre Arts (Grades 6-12).
 - (8) Theatre: Early Childhood-Grade 12.
- (d) An assignment for Dance ~~[for Fine Arts credit]~~, Grades 9-12, is allowed with one of the following certificates.
- (1) Dance: Grades 8-12.
 - (2) Dance: Grades 6-12.
 - (3) Grades 6-12 or Grades 9-12--Dance.
 - (4) Junior High School (Grades 9-10 only) or High School--Dance.
 - (5) Secondary Dance (Grades 6-12).
- ~~(e) An assignment for International Baccalaureate Film Standard Level and Higher Level, Grades 9-12, is allowed with one of the following certificates.~~
- ~~(1) English Language Arts and Reading: Grades 7-12.~~
 - ~~(2) English Language Arts and Reading: Grades 8-12.~~
 - ~~(3) Grades 6-12 or Grades 9-12--English.~~
 - ~~(4) Grades 6-12 or Grades 9-12--English Language Arts, Composite.~~
 - ~~(5) Secondary English (Grades 6-12).~~
 - ~~(6) Secondary English Language Arts, Composite (Grades 6-12).~~
 - ~~(7) All-Level Speech/Drama.~~
 - ~~(8) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).~~
 - ~~(9) All-Level Theatre Arts (Prekindergarten-Grade 12).~~
 - ~~(10) Grades 6-12 or Grades 9-12--Theatre Arts.~~
 - ~~(11) Secondary Theatre Arts (Grades 6-12).~~
 - ~~(12) Theatre: Early Childhood-Grade 12.~~

Division 8. Technology Applications, Grades 9-12 Assignments

§231.259. Cybersecurity, Grades 9-12.

An assignment for Foundations of Cybersecurity, Grades 9-12, and Cybersecurity Capstone is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).

- (5) Technology Applications: Early Childhood-Grade 12.
- (6) Technology Applications: Grades 8-12.
- (7) Technology Education: Grades 6-12.
- (8) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (9) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (10) Vocational Trades and Industry. This assignment requires appropriate work approval.

Division 10. Agriculture, Food, and Natural Resources, Grades 9-12 Assignments

§231.291. Floral Design, Grades 9-12.

An assignment for Floral Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (6) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (7) All-Level Art.
- (8) Art: Early Childhood-Grade 12.
- (9) Grades 6-12 or Grades 9-12--Art.
- (10) Junior High School (Grades 9-10 only) or High School--Art.
- (11) Secondary Art (Grades 6-12).

Division 11. Architecture and Construction, Grades 9-12 Assignments

§231.301. Principles of Architecture; Principles of Construction, Grades 9-12.

An assignment for Principles of Architecture or Principles of Construction, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) [~~1~~] Any home economics or homemaking certificate.
- (4) [~~2~~] Family and Consumer Sciences, Composite: Grades 6-12.
- (5) [~~3~~] Mathematics/Physical Science/Engineering: Grades 6-12.
- (6) [~~4~~] Mathematics/Physical Science/Engineering: Grades 8-12.
- (7) [~~5~~] Secondary Industrial Arts (Grades 6-12).
- (8) [~~6~~] Secondary Industrial Technology (Grades 6-12).
- (9) [~~7~~] Technology Education: Grades 6-12.
- (10) [~~8~~] Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

- (11) ~~(9)~~ Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (12) ~~(10)~~ Vocational Trades and Industry. This assignment requires appropriate work approval.

Division 12. Arts, Audio Video Technology, and Communications, Grades 9-12 Assignments

§231.331. Professional Communications, Grades 9-12.

An assignment for Professional Communications, Grades 9-12, is allowed with one of the following certificates.

- (1) All-Level Speech and Drama ~~[Theatre Arts (Prekindergarten-Grade 12)]~~.
- ~~(2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).~~
- ~~(3) Grades 6-12 or Grades 9-12--Speech Communications.~~
- ~~(4) Junior High School (Grades 9-10 only) or High School--Speech.~~
- ~~(5) Junior High School (Grades 9-10 only) or High School--Speech and Drama.~~
- ~~(6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.~~
- (7) ~~(2)~~ Any vocational or career and technical education classroom teaching certificate specified in §233.13 of this title (relating to Career and Technical Education (Certificates not requiring experience and preparation in a skill area)) or §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)). The school district is responsible for ensuring that each teacher assigned to Professional Communications, Grades 9-12, has completed appropriate education and/or training in effective communication strategies and demonstrates proficiency in oral and written communication.
- ~~(3) — Mathematics/Physical Science/Engineering: Grades 6-12.~~
- ~~(4) — Mathematics/Physical Science/Engineering: Grades 8-12.~~
- (8) ~~(5)~~ Secondary English Language Arts, Composite (Grades 6-12).
- (9) ~~(6)~~ Secondary Speech (Grades 6-12).
- (10) ~~(7)~~ Secondary Speech Communications (Grades 6-12).
- (11) ~~(8)~~ Speech: Grades 7-12.
- (12) ~~(9)~~ Speech: Grades 8-12.

Division 15. Finance, Grades 9-12 Assignments

§231.397. Accounting II, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Accounting II, Grades 9-12, is allowed with one of the following certificates.
- (1) Any business or office education certificate.
 - (2) Business and Finance: Grades 6-12.
 - (3) Business Education: Grades 6-12.
 - ~~(4) Master Mathematics Teacher (Grades 8-12).~~
 - ~~(5) Mathematics: Grades 7-12.~~
 - ~~(6) Mathematics: Grades 8-12.~~

(7) Mathematics/Physical Science/Engineering: Grades 6-12.

(8) Mathematics/Physical Science/Engineering: Grades 8-12.

(9) Physics/Mathematics: Grades 7-12.

(10) Physics/Mathematics: Grades 8-12.

(11) Secondary Mathematics (Grades 6-12).

- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

Division 24. Science, Technology, Engineering, and Mathematics, Grades 9-12 Assignments

§231.583. Robotics I, Grades 9-12.

An assignment for Robotics I, Grades 9-12, is allowed with one of the following certificates.

(1) Mathematics/Physical Science/Engineering: Grades 6-12.

(2) Mathematics/Physical Science/Engineering: Grades 8-12.

(3) Physics/Mathematics: Grades 7-12.

(4) Physics/Mathematics: Grades 8-12.

(5) ~~(3)~~ Science, Technology, Engineering, and Mathematics: Grades 6-12.

(6) ~~(4)~~ Secondary Industrial Arts (Grades 6-12).

(7) ~~(5)~~ Secondary Industrial Technology (Grades 6-12).

(8) ~~(6)~~ Technology Applications: Early Childhood-Grade 12.

(9) ~~(7)~~ Technology Applications: Grades 8-12.

(10) ~~(8)~~ Technology Education: Grades 6-12.

(11) ~~(9)~~ Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(12) ~~(10)~~ Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(13) ~~(11)~~ Vocational Trades and Industry. This assignment requires appropriate work approval.

Division 25. Transportation, Distribution, and Logistics, Grades 9-12 Assignments

§231.591. Transportation, Distribution, and Logistics, Grades 9-12.

- (a) An assignment for Energy and Power of Transportation Systems; Aircraft Airframe Technology; Aircraft Powerplant Technology; Automotive Basics; Automotive Technology I: Maintenance and Light Repair; Automotive Technology II: Automotive Service; Advanced Transportation Systems Laboratory; Basic Collision Repair and Refinishing; Collision Repair; Paint and Refinishing; Diesel Equipment Technology I; Diesel Equipment Technology II; Distribution and Logistics; Introduction to Aircraft Technology; Principles of Distribution and Logistics; Principles of Transportation Systems; Introduction to Transportation Technology; or Management of Transportation Systems, Grades 9-12, is allowed with one of the following certificates.

(1) Technology Education: Grades 6-12.

(2) ~~(1)~~ Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(3) ~~(2)~~ Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

- (4) ~~(3)~~ Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Transportation Systems, Extended Practicum in Transportation Systems, Practicum in Distribution and Logistics, or Extended Practicum in Distribution and Logistics, Grades 9-12, is allowed with one of the following certificates.
- (1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (3) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Transportation Systems, Extended Practicum in Transportation Systems, Practicum in Distribution and Logistics, or Extended Practicum in Distribution and Logistics, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

[Subchapter H. Assignments for Teachers Certified Before 1966]

[Division 1. Departmentalized Classrooms, Grades 6-8 Assignments]

§231.661. General.

[If no provisions are listed in §231.663 of this title (relating to Minimum Requirements for Certificates Dated Prior to September 1, 1962, Grades 6-8) or §231.665 of this title (relating to Minimum Requirements for Certificates Dated After September 1, 1962, and Prior to September 1, 1966, Grades 6-8), assignments must meet requirements in Subchapters A-E of this chapter.]

§231.663. Minimum Requirements for Certificates Dated Prior to September 1, 1962, Grades 6-8.

~~[(a) — English Language Arts.]~~

~~[(1) — An assignment in a departmentalized classroom for English Language Arts, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~

~~[(2) — An assignment in a departmentalized classroom for Reading, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires specific preparation in the teaching of reading such as in service, seminar, or college course in reading.]~~

~~[(3) — An assignment in a departmentalized classroom for Reading Improvement, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires specific preparation in the teaching of reading such as in service, seminar, or college course in reading.]~~

~~[(4) — An assignment in a departmentalized classroom for Speech, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in speech.]~~

~~[(b) — Other Languages. An assignment in a departmentalized classroom for Other Languages, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credits hours in the language of the assignment.]~~

~~[(c) — Social Studies. An assignment in a departmentalized classroom for Social Studies, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~

~~[(d) — Mathematics. An assignment in a departmentalized classroom for Mathematics, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in mathematics.]~~

~~[(e) — Science.]~~

~~[(1) — An assignment in a departmentalized classroom for Life Science, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in science.]~~

~~[(2) — An assignment in a departmentalized classroom for Earth Science, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in science.]~~

~~[(f) — Fine Arts.]~~

~~[(1) — An assignment in a departmentalized classroom for Art, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in art.]~~

~~[(2) — An assignment in a departmentalized classroom for Theatre Arts, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in theatre arts.]~~

~~[(3) — An assignment in a departmentalized classroom for Music, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in music.]~~

~~[(g) — Health. An assignment in a departmentalized classroom for Health, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in health.]~~

~~[(h) — Physical Education. An assignment in a departmentalized classroom for Physical Education, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in physical education.]~~

~~[(i) — Technology Applications. An assignment in a departmentalized classroom for Technology Applications, Grades 6-8, is allowed with a certificate dated prior to September 1, 1962. This assignment requires a school district to ensure that teachers have the appropriate technology applications knowledge and skills, as defined in the State Board for Educator Certification approved Educator Standards for Technology Applications to teach the course(s) to which they are assigned.]~~

§231.665. Minimum Requirements for Certificates Dated After September 1, 1962, and Prior to September 1, 1966, Grades 6-8.

~~[(a) — English Language Arts.]~~

~~[(1) — An assignment in a departmentalized classroom for English Language Arts, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in English.]~~

~~[(2) — An assignment in a departmentalized classroom for Reading, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires specific preparation in the teaching of reading such as in-service, seminar, or college course in reading.]~~

~~[(3) — An assignment in a departmentalized classroom for Reading Improvement, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires specific preparation in the teaching of reading such as in-service, seminar, or college course in reading.]~~

~~[(4) — An assignment in a departmentalized classroom for Speech, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in speech.]~~

~~[(b) — Other Languages. An assignment in a departmentalized classroom for Other Languages, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in the language of the assignment.]~~

- ~~[(c) — Social Studies. An assignment in a departmentalized classroom for Social Studies, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~
- ~~[(d) — Mathematics. An assignment in a departmentalized classroom for Mathematics, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in mathematics.]~~
- ~~[(e) — Science.]~~
- ~~[(1) — An assignment in a departmentalized classroom for Life Science, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in science (any combination of sciences).]~~
- ~~[(2) — An assignment in a departmentalized classroom for Earth Science, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in science (any combination of sciences).]~~
- ~~[(f) — Fine Arts.]~~
- ~~[(1) — An assignment in a departmentalized classroom for Art, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in art.]~~
- ~~[(2) — An assignment in a departmentalized classroom for Theatre Arts, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in theatre arts.]~~
- ~~[(3) — An assignment in a departmentalized classroom for Music, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in music.]~~
- ~~[(g) — Health. An assignment in a departmentalized classroom for Health, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in health, biology, foods, nutrition, or physiology.]~~
- ~~[(h) — Physical Education. An assignment in a departmentalized classroom for Physical Education, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in physical education.]~~
- ~~[(i) — Technology Applications. An assignment in a departmentalized classroom for Technology Applications, Grades 6-8, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires a school district to ensure that teachers have the appropriate technology applications knowledge and skills, as defined in the State Board for Educator Certification approved Educator Standards for Technology Applications to teach the course(s) to which they are assigned.]~~

[Division 2. Departmentalized Classrooms, Grades 9-12 Assignments]

§231.671. General.

[If no provisions are listed in §231.673 of this title (relating to Minimum Requirements for Certificates Dated Prior to September 1, 1962, Grades 9-12) or §231.675 of this title (relating to Minimum Requirements for Certificates Dated After September 1, 1962, and Prior to September 1, 1966, Grades 9-12), assignments must meet requirements in Subchapters A-E of this chapter.]

§231.673. Minimum Requirements for Certificates Dated Prior to September 1, 1962, Grades 9-12.

[(a) — English Language Arts.]

- ~~[(1) — An assignment in a departmentalized classroom for Analysis of Visual Media, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~

- ~~[(2) — An assignment in a departmentalized classroom for Correlated Language Arts, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(3) — An assignment in a departmentalized classroom for Creative/Imaginative Writing, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(4) — An assignment in a departmentalized classroom for English I-IV, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(5) — An assignment in a departmentalized classroom for Humanities, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(6) — An assignment in a departmentalized classroom for Independent Study in English, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(7) — An assignment in a departmentalized classroom for Literary Genres, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(8) — An assignment in a departmentalized classroom for Practical Writing Skills, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(9) — An assignment in a departmentalized classroom for Research/Technical Writing, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(10) — An assignment in a departmentalized classroom for World Literature, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English.]~~
- ~~[(11) — An assignment in a departmentalized classroom for Reading Improvement, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires specific preparation in teaching of reading such as in service, seminar, or college course in reading.]~~
- ~~[(12) — An assignment in a departmentalized classroom for Advanced Reading, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires specific preparation in teaching of reading such as in service, seminar, or college course in reading.]~~
- ~~[(b) — Speech:]~~
- ~~[(1) — An assignment in a departmentalized classroom for Introduction to Speech Communication, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English, including 6 semester credit hours in speech.]~~
- ~~[(2) — An assignment in a departmentalized classroom for Oral Interpretation I-III, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English, including 6 semester credit hours in speech.]~~
- ~~[(3) — An assignment in a departmentalized classroom for Introduction to Radio and Television, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English, including 6 semester credit hours in speech.]~~
- ~~[(4) — An assignment in a departmentalized classroom for Debate I-III, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English, including 6 semester credit hours in speech.]~~

- ~~[(5) — An assignment in a departmentalized classroom for Public Speaking I-III, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English, including 6 semester credit hours in speech.]~~
- ~~[(6) — An assignment in a departmentalized classroom for Independent Study in Speech, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English, including 6 semester credit hours in speech.]~~
- ~~[(c) — Journalism. An assignment in a departmentalized classroom for Journalism, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English, including 6 semester credit hours in journalism.]~~
- ~~[(d) — Other Languages. An assignment in a departmentalized classroom for Other Languages, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in the language of the assignment.]~~
- ~~[(e) — Social Studies:]~~
- ~~[(1) — An assignment in a departmentalized classroom for Advanced Social Science Problems, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(2) — An assignment in a departmentalized classroom for Advanced Texas Studies, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(3) — An assignment in a departmentalized classroom for American Culture Studies, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(4) — An assignment in a departmentalized classroom for Psychology, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(5) — An assignment in a departmentalized classroom for Sociology, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(6) — An assignment in a departmentalized classroom for United States Government, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(7) — An assignment in a departmentalized classroom for United States History, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(8) — An assignment in a departmentalized classroom for World Area Studies, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(9) — An assignment in a departmentalized classroom for World Geography Studies, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(10) — An assignment in a departmentalized classroom for World History Studies, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in social studies.]~~
- ~~[(f) — Mathematics. An assignment in a departmentalized classroom for Mathematics, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in mathematics.]~~
- ~~[(g) — Science.]~~

- ~~[(1) — An assignment in a departmentalized classroom for Biology I and II, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in science with at least one course in biology.]~~
- ~~[(2) — An assignment in a departmentalized classroom for Chemistry I and II, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in science with at least one course in chemistry.]~~
- ~~[(3) — An assignment in a departmentalized classroom for Physics I and II, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in science with at least one course in physics.]~~
- ~~[(4) — An assignment in a departmentalized classroom for Astronomy, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in science with at least one course in astronomy.]~~
- ~~[(5) — An assignment in a departmentalized classroom for Environmental Science, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in science with at least one course in environmental science and/or ecology.]~~
- ~~[(h) — Health. An assignment in a departmentalized classroom for Health, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in health or related subjects such as nutrition, anatomy, physiology, kinesiology, other life sciences related to human health, social sciences related to mental or social health, home and family living, and first aid.]~~
- ~~[(i) — Physical Education. An assignment in a departmentalized classroom for Physical Education, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in physical education.]~~
- ~~[(j) — Fine Arts:]~~
 - ~~[(1) — An assignment in a departmentalized classroom for Art, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in art.]~~
 - ~~[(2) — An assignment in a departmentalized classroom for Theatre, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 18 semester credit hours in English, including 6 semester credit hours in theatre arts.]~~
 - ~~[(3) — An assignment in a departmentalized classroom for all Music courses except Applied Music, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in music.]~~
- ~~[(k) — Industrial Technology. An assignment in a departmentalized classroom for Industrial Technology, Grades 9-12, is allowed with a certificate dated prior to September 1, 1962. This assignment requires 12 semester credit hours in industrial arts.]~~

§231.675. Minimum Requirements for Certificates Dated After September 1, 1962, and Prior to September 1, 1966, Grades 9-12.

- ~~[(a) — English Language Arts:]~~
 - ~~[(1) — An assignment in a departmentalized classroom for Analysis of Visual Media, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
 - ~~[(2) — An assignment in a departmentalized classroom for Correlated Language Arts, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
 - ~~[(3) — An assignment in a departmentalized classroom for Creative/Imaginative Writing, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~

- ~~[(4) — An assignment in a departmentalized classroom for English I-IV, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
- ~~[(5) — An assignment in a departmentalized classroom for Humanities, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
- ~~[(6) — An assignment in a departmentalized classroom for Independent Study in English, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
- ~~[(7) — An assignment in a departmentalized classroom for Literary Genres, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
- ~~[(8) — An assignment in a departmentalized classroom for Practical Writing Skills, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
- ~~[(9) — An assignment in a departmentalized classroom for Research/Technical Writing, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
- ~~[(10) — An assignment in a departmentalized classroom for World Literature, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in English.]~~
- ~~[(11) — An assignment in a departmentalized classroom for Reading Improvement, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires specific preparation in teaching of reading such as in service, seminar, or college course in reading.]~~
- ~~[(12) — An assignment in a departmentalized classroom for Advanced Reading, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires specific preparation in teaching of reading such as in service, seminar, or college course in reading.]~~
- ~~[(b) — Speech:]~~
- ~~[(1) — An assignment in a departmentalized classroom for Introduction to Speech Communication, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in speech if teaching only one or two classes or 24 semester credit hours in speech if teaching three or more classes.]~~
- ~~[(2) — An assignment in a departmentalized classroom for Oral Interpretation I-III, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in speech if teaching only one or two classes or 24 semester credit hours in speech if teaching three or more classes.]~~
- ~~[(3) — An assignment in a departmentalized classroom for Introduction to Radio and Television, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in speech if teaching only one or two classes or 24 semester credit hours in speech if teaching three or more classes.]~~
- ~~[(4) — An assignment in a departmentalized classroom for Debate I-III, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in speech if teaching only one or two classes or 24 semester credit hours in speech if teaching three or more classes.]~~
- ~~[(5) — An assignment in a departmentalized classroom for Public Speaking I-III, Grades 9-12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment~~

requires 12 semester credit hours in speech if teaching only one or two classes or 24 semester credit hours in speech if teaching three or more classes.]

~~[(6) — An assignment in a departmentalized classroom for Independent Study in Speech, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in speech if teaching only one or two classes or 24 semester credit hours in speech if teaching three or more classes.]~~

~~[(c) — Journalism. An assignment in a departmentalized classroom for Journalism, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in journalism if teaching only one or two classes or 24 semester credit hours in journalism if teaching three or more classes.]~~

~~[(d) — Other Languages. An assignment in a departmentalized classroom for Other Languages, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in the language of assignment.]~~

~~[(e) — Social Studies:]~~

~~[(1) — An assignment in a departmentalized classroom for Advanced Social Science Problems, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~

~~[(2) — An assignment in a departmentalized classroom for Advanced Texas Studies, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~

~~[(3) — An assignment in a departmentalized classroom for American Culture Studies, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~

~~[(4) — An assignment in a departmentalized classroom for Psychology, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~

~~[(5) — An assignment in a departmentalized classroom for Sociology, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~

~~[(6) — An assignment in a departmentalized classroom for United States Government, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~

~~[(7) — An assignment in a departmentalized classroom for United States History, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~

~~[(8) — An assignment in a departmentalized classroom for World Area Studies, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]~~

~~[(9) — An assignment in a departmentalized classroom for World Geography Studies, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This~~

assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]

[(10) — An assignment in a departmentalized classroom for World History Studies, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in social studies, including 12 semester credit hours related to the assignment.]

[(f) — Mathematics. An assignment in a departmentalized classroom for Mathematics, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in mathematics.]

[(g) — Science.]

[(1) — An assignment in a departmentalized classroom for Biology I and II, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in biology.]

[(2) — An assignment in a departmentalized classroom for Chemistry I and II, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in chemistry.]

[(3) — An assignment in a departmentalized classroom for Physics I and II, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in physics.]

[(4) — An assignment in a departmentalized classroom for Astronomy, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in science with at least 12 semester credit hours in astronomy.]

[(5) — An assignment in a departmentalized classroom for Environmental Science, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in science, including at least 12 semester credit hours in environmental science and/or ecology.]

[(h) — Health. An assignment in a departmentalized classroom for Health, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 18 semester credit hours in health or related subjects such as nutrition, anatomy, physiology, kinesiology, other life sciences related to human health, social sciences related to mental or social health, home and family living, and first aid.]

[(i) — Physical Education. An assignment in a departmentalized classroom for Physical Education, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in physical education.]

[(j) — Fine Arts.]

[(1) — An assignment in a departmentalized classroom for Art, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in art.]

[(2) — An assignment in a departmentalized classroom for Theatre, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 12 semester credit hours in theatre arts if teaching only one or two classes or 24 semester credit hours in theatre arts if teaching three or more classes.]

[(3) — An assignment in a departmentalized classroom for all Music courses except Applied Music, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in music.]

[(k) — Industrial Technology. An assignment in a departmentalized classroom for Industrial Technology, Grades 9–12, is allowed with a certificate dated after September 1, 1962, and prior to September 1, 1966. This assignment requires 24 semester credit hours in industrial arts.]

Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services

September 13, 2019

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services. The proposed amendments would update the figure specifying required tests for issuance of the standard certificate; would create new requirements for issuance of intern and probationary certificates for the proposed new intensive pre-service option, as concurrently proposed in Chapter 228, Requirements for Educator Preparation Programs; would update the list of certification testing fees to include the performance-based assessment, edTPA, and content certification (subject-matter only) examinations; would provide technical edits; and would remove redundancies.

STATUTORY AUTHORITY: The statutory authority for 19 TAC §230.1 is the Texas Education Code (TEC), §§21.041(b)(1), (2), and (4) and (c), 21.044(a); 21.048, 21.050, and 22.082. The statutory authority for 19 TAC §230.21 is the TEC, §§21.041(b)(1), (2), and (4); 21.044(a); 21.048; 21.050; 22.082; and the Texas Occupations Code (TOC), §54.003. The statutory authority for 19 TAC §230.36 and §230.37 is the TEC, §§21.003(a), 21.031, 21.041(b)(1)-(5) and (9), 21.051, and 22.0831(c) and (f). The statutory authority for 19 TAC §230.101 is the TEC, §§21.031(a); 21.041(b)(1)-(5) and (9) and (c); 21.044(a), (e), and (f); 21.048, 21.0485, 21.050, 21.054(a); 22.082; and 22.0831(f); and TOC, §53.105.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230 specify the requirements for issuance of educator certificates and permits, the testing requirements and associated fees, and the types and classes of certificates issued. These requirements ensure that educators are qualified and professionally prepared to instruct the schoolchildren of Texas.

Some of the changes presented in this item correspond to revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, and amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Programs.

§230.1. Definitions.

The proposed amendment to §230.1 would align the test descriptions in Chapter 230 with the changes to pre-admission content test (PACT) examinations proposed in 19 TAC Chapter 228 and Chapter 227.

Proposed new §230.1(8) would define the term *content certification examination* and proposed new §230.1(9) would define the term *content pedagogy examinations*. This amendment would ensure alignment and clarity across chapters regarding the content of certification examinations. Conforming technical edits would also be made.

At the July 26, 2019 SBEC meeting, the SBEC adopted a change to add new §230.1(17) that would define the term *pilot exam* to align with the SBEC's intention of the two-year edTPA pilot and would require the SBEC to review the pilot exam by September 1, 2021. Subsequent definitions were also renumbered accordingly.

Since published as proposed, TEA staff has made edits to proposed §230.1(11) and §230.1(22) to maintain the current definitions of "educator" and "teacher."

§230.21. Educator Assessment.

The proposed amendment to §230.21(a)(1)(D) would confirm that a candidate who has not passed a computer- or paper-based certification examination is required to wait 45 days before attempting the examination again. This 45-day wait period would support the reliability and validity of examination results for computer- and paper-based examinations because a candidate could potentially memorize the material and examination questions if he or she were allowed to retake the examination more frequently. The proposed amendment would align with TEC, §21.048(a)(1), that states that the SBEC may not require that more than 45 days elapse before a person may retake an examination. This change allows candidates completing a portfolio or performance-based examination to attempt the examination before the 45 days have elapsed.

TEA staff recommends conducting a robust two-year pilot of edTPA, a performance-based assessment for teachers, prior to full implementation. At the April 2019 SBEC meeting, the SBEC approved, the edTPA pilot, and requested an update on the status of the pilot. A list of follow-up attachments is below:

- An update with a list of pilot programs can be found in Attachment III.
- Response to SBEC inquiries made at the April 2019 SBEC meeting can be found in Attachment IV.
- Summary of communication processes and public documents can be found in Attachment II.
- A list of edTPA considerations and responses can be found in Attachment V.

At the April 2019 SBEC meeting, the SBEC requested that staff continue to engage with educator preparation programs (EPPs) interested in pursuing an alternative performance assessment. A summary of actions and examination design standards can be found in Attachment VI.

The proposed amendment to Figure §230.21(e) would add edTPA as an optional, pilot exam in addition to the current Pedagogy and Professional Responsibilities (PPR EC-12) exam for the demonstration of pedagogical knowledge and skills for the majority of initial educator certification categories. This change is necessary to enable a candidate taking part in the edTPA pilot to receive certification on the basis of

edTPA and to prevent a pilot candidate from having to take an additional test, thus removing a potential disincentive from participating in the pilot and helping to ensure a more representative pilot sample.

At the July 26, 2019 SBEC meeting, the SBEC adopted a change to add "pilot exam" after each listed edTPA examination to Figure §230.21(e) to provide clarification that each edTPA optional examination will be used for pilot purposes only until and if the SBEC decides differently.

The proposed amendment would align Figure §230.21(e) to the current list of active certifications by removing §233.10, Dance: Grades 8-12, and §233.5, Technology Applications: Grades 8-12, which are no longer offered. The proposed amendment would replace two TExES assessments: 141 Computer Science, 8-12, and 142 Technology Applications, EC-12, with the following updated TExES content assessments for those certificates: 241 Computer Science, 8-12, and 242 Technology Applications, EC-12, respectively. These proposed changes are necessary to remove outdated provisions and provide clarity to candidates and preparation programs.

The proposed change to the column titles in Figure §230.21(e) would align the test descriptions in this chapter with the changes to PACT examinations, concurrently proposed in 19 TAC Chapter 228 and Chapter 227, and would align with the new definitions proposed in §230.1(8) and §230.1(9). The proposed amendment would adjust the "Required Content Test(s)" column name to "Required Content Pedagogy Test(s)" to reflect the distinction between examinations that test only pedagogy and those that test content in alignment with the new PACT examinations. The proposed amendment would adjust the "Pedagogy and Professional Responsibilities (PPR) Requirements" column name to "Pedagogical Requirement(s)" as it is intended to encompass all pedagogical assessments for all classes of certification.

In addition, the proposed amendment to Figure §230.21(e) would move the Performance Assessment for School Leaders (PASL), the content test for the Principal as Instructional Leader certification and endorsement, from the proposed new "Required Content Pedagogy Test(s)" column to the proposed new "Pedagogical Requirement(s)" column. This amendment would align with the certificate issuance procedures found in §§230.36, 241.20, and 241.35 because the PASL is a performance-based pedagogical certification exam that will require additional time for candidates to complete during their intern year.

§230.36. Intern Certificates and §230.37. Probationary Certificates.

SBEC is statutorily authorized to ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse population of this state. The SBEC rules in 19 TAC §230.36 and §230.37 specify the types and classes of certificates issued. These rules help ensure that applicants for certification and candidates enrolled in EPPs are qualified and professionally prepared to instruct the schoolchildren of Texas.

Research has shown that teachers who engage in hands-on practice as educators prior to entering the classroom as teachers of record are better prepared for their first teaching assignments, leading to better student outcomes. The proposed amendments to §230.36 and §230.37, along with concurrently proposed amendments to Chapter 228, would add an optional new route toward certification for candidates called intensive pre-service. The programmatic requirements of this route are stated in proposed new §228.33, Intensive Pre-Service. Candidates using the proposed new intensive pre-service option would demonstrate their proficiency and readiness to enter a classroom through pre-service practice instead of a standardized assessment. This would allow candidates to focus on their pre-service practice prior to entering the classroom as a teacher of record. Candidates would subsequently be held accountable to the same required certification assessments as other educator candidates before becoming fully certified. The proposed amendments to §230.36 and §230.37 would set out the requirements for certificate issuance of

candidates participating in this proposed new optional intensive pre-service route. The proposed amendments also include minor technical edits.

§230.36. Intern Certificates.

The proposed amendment to §230.36(d)(1) and (2) would align the test descriptions in Chapter 230 with the forthcoming changes to PACT examinations as outlined in the Chapter 227 and would align with the definition changes in §230.1(8) and §230.1(9). This change is necessary to ensure alignment across the chapters and to provide clarity and consistency for candidates and EPPs.

Proposed new §230.36(f) would align with proposed new 19 TAC §228.33, Intensive Pre-Service, which would allow certification candidates to be supported by their EPP as they complete the programmatic requirements of intensive pre-service. Specifically, the proposed new rule would reflect the following:

- Section 230.36(f) would clarify that the proposed new intensive pre-service option would apply to applicants for certification admitted into an EPP on or after January 1, 2020 and would clarify that these applicants must meet the requirements specified in rule. This amendment would align with the implementation date listed in proposed new §228.33, Intensive Pre-Service, and would ensure programs are not allowed to issue certifications under this route until the stated implementation date.
- Section 230.36(f)(1) would clarify that a passing score on the aligned pedagogical rubric specified in proposed new §228.33, Intensive Pre-Service, would be a requirement for issuance of an intern certificate for the intensive pre-service option. This amendment would define the proficiency level required for candidates to be issued an intern certificate through intensive pre-service. This would ensure that teacher candidates have demonstrated a level of content and pedagogy before entering the classroom.
- Section 230.36(f)(2) would confirm successful completion of the required content certification (subject-matter only) examination and would be required for issuance of an intern certificate for the intensive pre-service option. This amendment would ensure that candidates issued an intern certificate through intensive pre-service have demonstrated a minimum amount of content knowledge needed to teach their specific certification category.
- Section 230.36(f)(3) would clarify that candidates must meet the provisions, requirements, and conditions specified for issuance of all intern certificates in §230.36(a)-(c).

The proposed amendment to §230.36(f)(1) and (2) would apply to all certification categories, except Special Education EC-12 and Bilingual Education. This amendment would acknowledge that candidates teaching in special education and bilingual categories need special critical proficiencies to serve in these specialized areas. Section 230.36(f)(2)(A) and (B) would specify that Special Education EC-12 certification candidates must also pass the TExES Special Education Supplemental and that candidates for bilingual certificates would be required to pass the Bilingual Target Language Proficiency Test (BTLPT) or related language proficiency exam. This amendment would ensure that candidates teaching in Special Education and bilingual categories demonstrate the required critical proficiencies to serve in these specialized areas.

Since published as proposed, TEA staff has made technical edits to proposed §230.36(f)(2) to comport with the commissioner's rules concerning passing standards for educator certification examinations in 19 TAC §151.1001.

§230.37. Probationary Certificates.

The proposed amendment to §230.37(e)(3) would clarify that the needed assessments for issuance of probationary certificates for certificate categories other than classroom teacher would be those listed in the content pedagogy column of Figure §230.21(e). The pedagogical assessments for certifications other than classroom teacher require extensive preparation and demonstration that would be unreasonable to complete before a candidate seeks a standard certificate. The proposed amendment would ensure that a candidate has the appropriate amount of time to complete the pedagogical assessment. Currently, this only applies to the Principal as Instructional Leader certification.

Proposed new §230.37(f) would allow candidates undertaking intensive pre-service to receive a probationary certificate without having to pass the PPR EC-12 examination. The proposed amendment would also clarify that an applicant must meet the requirements for the intern certificate options specified in §230.36(f); the provisions, requirements, and conditions specified for all probationary certificates in §230.37(a)-(c); and successfully complete the required content pedagogy tests prescribed in Figure §230.21(e) by the end of the first school year. The proposed amendment would ensure that candidates participating in this optional route are held to the same certification requirements as other candidates and would allow candidates the time needed to complete the required assessments.

Since published as proposed, TEA staff has consolidated the requirements in proposed §230.37(f)(1)-(3) to remove redundancies by consolidating former §230.37(f)(1)-(3) into new §230.37(f)(1) and has made technical edits to proposed §230.37(f)(3) to comport with the commissioner's rules concerning passing standards for educator certification examinations in 19 TAC §151.1001.

§230.101. Schedule of Fees for Certification Services.

The proposed amendment to §230.101(c)(6) would specify the required fee for edTPA and §230.101(c)(7) would specify the fee for edTPA re-takes. This would establish the fee for edTPA in rule and would allow for the pilot of edTPA. During the pilot period, candidates would have the option to take the edTPA or the current PPR EC-12 assessment.

Proposed new §230.101(d) would differentiate between the examinations used for admission purposes and the examinations used for certification purposes.

Attachment I reflects the proposed changes to Chapter 230, Subchapters A, C, D, and G, including Figure §230.21(e).

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

FISCAL IMPACT: No changes have been made to this section since published as proposed. The TEA staff has determined that there is additional fiscal impact on state government required to comply with the proposal. The TEA estimates a cost of \$128,909 for each of the next five fiscal years (FYs) from FYs 2020-2024 for the development and ongoing administrative costs needed to maintain assessments. However, the TEA will receive an \$11 remittance for each Pre-Admission Content Test taken for an estimated total of \$128,909 for FYs 2020-2024 to offset the costs. Based on the 2017-2018 testing data, the TEA estimated 11,719 test attempts under the Pre-Admission Content Test route. In most cases,

because an EPP has a choice in their admission requirements, estimated costs to state government in this analysis do not include EPPs.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.002.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required. The SBEC does not anticipate an adverse effect for EPPs as a result of this proposal, including EPPs that qualify as small businesses or micro-businesses. The SBEC expects that these proposed rule changes may allow more candidates to qualify for admission into EPPs as a result of the admittance test now only requiring subject-matter knowledge. If EPPs have been relying on the PACT test to screen out candidates who did not already understand pedagogy, rather than teaching pedagogy to the level required by the educator standards, the increased revenue brought by more candidates may be offset to some extent by increased instruction costs. Even for these EPPs, the increase in instructional costs is not expected to be so significant as to overcome the increase in revenue from the additional qualified candidates. The educator standards on which the EPPs' curriculum is based have not changed with these proposed amendments. Moreover, EPPs can avoid any economic impact from the new assessment by implementing an additional pre-admission pedagogy examination of their own as an additional admission requirement. SBEC also does not anticipate an adverse effect for EPPs that choose to participate in the edTPA pilot, as the standards on which the EPPs' curriculum is based have not changed.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does impose a cost on regulated persons, another state agency, a special district, or a local government, and, therefore, is subject to TGC, §2001.0045. However, the proposal is exempt from TGC, §2001.0045, as provided under that statute, because the proposal is necessary to reduce the burden or responsibilities imposed on regulated persons. In addition, the proposal is necessary to ensure that certified Texas educators are competent to educate Texas students and, therefore, necessary to protect the safety and welfare of the residents of this state.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would require an increase in fees paid to the agency, but those fees will only cover the increased costs of administering the new PACT examination and the edTPA performance assessment for those who choose to participate in the pilot. The proposed rulemaking would create new regulations. A new regulation in proposed §230.21(a)(1)(D) would require a candidate who has not passed a computer- or paper-based certification examination to wait 45 days before attempting the examination again in order to prevent the candidate from memorizing the material and examination questions. A new regulation in proposed new §230.37(f) would allow candidates undertaking intensive pre-service to receive a probationary certificate without having to pass the PPR EC-12 examination and ensure that candidates participating in this optional route are held to the same certification requirements as other candidates. In addition, the new regulation would allow candidates the time needed to complete the required assessments and, ultimately, these candidates would meet the same certification requirements as other teacher candidates.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require a decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. The public and student benefit anticipated as a result of the proposed amendments would broaden the pool of potential educators in Texas by allowing EPPs to admit educator candidates who are competent in the subject they wish to teach but are not already well-versed in pedagogy. It would also offer continued and clear guidance on processes and procedures for testing and certificate issuance.

The TEA staff has determined that there is a cost to individuals required to comply with the proposal. Certain candidates for admission to an EPP--candidates who have neither a 2.5 undergraduate grade point average nor the required number of hours of college coursework in the specific content area in which the candidate is seeking certification--would have to take a new, additional content certification examination prior to admission. Previously, these candidates could simply take the examination required for final certification as an educator prior to admission. Under the proposed rules, these candidates take three examinations in the course of the educator preparation process: (1) a content certification examination before admission to an EPP, and after completion of the EPP for certification as an educator, (2) the content pedagogy examination, and (3) the PPR EC-12 examination. The total estimated cost to persons will be \$1,242,214 for each of the next five fiscal years (FYs) from FY 2020-2024. The cost is based on 11,719 possible examinees estimated to take the tests (using 2017-2018 data) at the price of \$106 per test. The \$106 total testing fee will be required from each candidate applying to take the content certification examination. The remainder of the fee for the content certification examination will go to the testing vendor, NCS Pearson.

Since the edTPA pilot examination is optional, compliance with the proposal does not result in additional costs to regulated persons.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality

Grace Wu, Director, Educator Standards, Testing, and Preparation

Attachment I: Text of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services, including Figure: 19 TAC §230.21(e)

Attachment II: Summary of Communication Process and Documents Prior to Official Rulemaking

Attachment III: edTPA Pilot Update

Attachment IV: Response to SBEC Questions at April Meeting

Attachment V: edTPA Considerations and Responses

Attachment VI: Update on Exploring edTPA Alternatives

ATTACHMENT I
Text of Proposed Amendments to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter A. General Provisions

§230.1. Definitions.

The following words and terms, when used in this chapter, Chapter 232 of this title (relating to General Certification Provisions), and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (2) Appropriate--Suitable for a particular purpose. The term denotes compliance with State Board for Educator Certification (SBEC) rules and with SBEC procedures and policies posted on the Texas Education Agency website that are related to the stated particular purpose.
- (3) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.
- (4) Certificate--Any educator credential issued by the State Board for Educator Certification under the authority of the Texas Education Code, Chapter 21, Subchapter B.
- (5) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics and includes the following: superintendent, principal, classroom teacher, school counselor, school librarian, educational diagnostician, reading specialist, and master teacher.
- (6) Charter school--A Texas public school operated by a charter holder under an open-enrollment charter school granted either by the State Board of Education (SBOE) or commissioner of education, whichever is applicable, pursuant to Texas Education Code, §12.101, identified with its own county district number.
- (7) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical education instructional setting. This term does not include an educational aide or a full-time administrator.
- (8) Content certification examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program.
- (9) Content pedagogy examinations--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's certification as an educator.
- (10) ~~(8)~~ Continuing professional education--Professional development required for the renewal of standard and/or lifetime certificates that is designed to ensure improvement in both the performance of the educator and achievement of his or her students.
- (11) ~~(9)~~ Educator--An individual who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B [~~also referred to as teacher~~].
- (12) ~~(10)~~ Educator preparation program--An entity approved by the State Board for Educator Certification to offer training and coursework that must adequately prepare candidates for educator certification and meet the standards and requirements of the board.

- (13) ~~(11)~~ Examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
- (14) ~~(12)~~ Hearing impairment--As defined in the Texas Education Code, §21.048(d)(1), a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
- (15) ~~(13)~~ Initial certification--The first Texas educator certificate for a particular class issued to an individual as specified in §230.33 of this title (relating to Classes of Certificates).
- (16) ~~(14)~~ Intern certificate--A type of certificate issued to a candidate who has passed all required content examinations and is completing requirements for certification through an approved educator preparation program.
- (17) Pilot exam--a certification exam that is subject to review by the State Board for Educator Certification prior to September 1, 2021.
- (18) ~~(17)~~ ~~(15)~~ Private school--A non-public school whose educational program has been evaluated by a regional accrediting agency and whose program has met and is maintaining certain educational standards.
- (19) ~~(18)~~ ~~(16)~~ Probationary certificate--A type of certificate issued to a candidate who has passed all required examinations and is completing requirements for certification through an approved educator preparation program.
- (20) ~~(19)~~ ~~(17)~~ Professional class--A term that refers to certificates for duties other than classroom teacher (e.g., superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and master teachers).
- (21) ~~(20)~~ ~~(18)~~ Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title (relating to Classes of Certificates).
- (22) ~~(21)~~ ~~(19)~~ Teacher--An individual who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B [~~also referred to as educator~~].
- (23) ~~(22)~~ ~~(20)~~ Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.
- (24) ~~(23)~~ ~~(21)~~ Teacher service record--The official document used to record years of service and days used and accumulated under the state's former minimum sick leave program or the state's current personal leave program.
- (25) ~~(24)~~ ~~(22)~~ Texas Essential Knowledge and Skills (TEKS)--The kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.
- (26) ~~(25)~~ ~~(23)~~ Texas school district--A school district accredited and approved by the Texas Education Agency under the Texas Education Code, Chapter 11.

Subchapter C. Assessment of Educators

§230.21. Educator Assessment.

- (a) A candidate seeking certification as an educator must pass the examination(s) required by the Texas Education Code (TEC), §21.048, and the State Board for Educator Certification (SBEC) in §233.1(e) of this title (relating to General Authority) and shall not retake an examination more than four times, unless the limitation is waived for good cause. The burden of proof shall be upon the candidate to demonstrate good cause.

- (1) For the purposes of the retake limitation described by the TEC, §21.048, an examination retake is defined as a second or subsequent attempt to pass any examination required for the issuance of a certificate, including an individual core subject examination that is part of the overall examination required for the issuance of a Core Subjects certificate as described in §233.2 of this title (relating to Early Childhood; Core Subjects).
- (A) A canceled examination score is not considered an examination retake.
 - (B) An examination taken by an educator during a pilot period is not considered part of an educator's five-time test attempt limit.
 - (C) Pursuant to TEC, §21.0491(d), the limit on number of test attempts does not apply to the trade and industrial workforce training certificate examination prescribed by the SBEC.
 - (D) A candidate who fails a computer- or paper-based examination cannot retake the examination before 45 days have elapsed following the candidate's last attempt to pass the examination.
- (2) Good cause is:
- (A) the candidate's highest score on an examination is within one conditional standard error of measurement (CSEM) of passing \geq and the candidate has completed 50 clock-hours of educational activities. CSEMs will be published annually on the Texas Education Agency (TEA) website;
 - (B) the candidate's highest score on an examination is within two CSEMs of passing \geq and the candidate has completed 100 clock-hours of educational activities;
 - (C) the candidate's highest score on an examination is within three CSEMs of passing \geq and the candidate has completed 150 clock-hours of educational activities;
 - (D) the candidate's highest score on an examination is not within three CSEMs of passing \geq and the candidate has completed 200 clock-hours of educational activities;
 - (E) if the candidate needs a waiver for more than one of the individual core subject examinations that are part of the overall examination required for the issuance of a Core Subjects certificate, the candidate has completed the number of clock-hours of educational activities required for each individual core subject examination as described in subparagraphs (A)-(D) of this paragraph up to a maximum of 300 clock-hours. The number of clock-hours for each examination may be divided equally based on the number of examinations in the waiver request, but the number of clock-hours for an examination shall not be less than 50; or
 - (F) if a CSEM is not appropriate for an examination, the TEA staff will identify individuals who are familiar and knowledgeable with the examination content to review the candidate's performance on the five most recent examinations, identify the deficit competency or competencies, and determine the number of clock-hours of educational activities required.
- (3) Educational activities are defined as:
- (A) institutes, workshops, seminars, conferences, interactive distance learning, video conferencing, online activities, undergraduate courses, graduate courses, training programs, in-service, or staff development given by an approved continuing professional education provider or sponsor, pursuant to §232.17 of this title (relating to Pre-Approved Professional Education Provider or Sponsor) and §232.19 of this title (relating to Approval of Private Companies, Private Entities, and Individuals), or an approved educator preparation program (EPP), pursuant to §228.10 of this title (relating to Approval Process); and
 - (B) being directly related to the knowledge and skills included in the certification examination competency or competencies in which the candidate answered less than 70 percent of competency questions correctly. The formula for identifying a deficit

competency is the combined total of correct answers for each competency on the five most recent examinations divided by the combined total of questions for each competency on the five most recent examinations.

- (4) Documentation of educational activities that a candidate must submit includes:
 - (A) the provider, sponsor, or program's name, address, telephone number, and email address. The TEA staff may contact the provider, sponsor, or program to verify an educational activity;
 - (B) the name of the educational activity (e.g., course title, course number);
 - (C) the competency or competencies addressed by the educational activity as determined by the formula described in paragraph (3)(B) of this subsection;
 - (D) the provider, sponsor, or program's description of the educational activity (e.g., syllabus, course outline, program of study); and
 - (E) the provider, sponsor, or program's written verification of the candidate's completion of the educational activity (e.g., transcript, certificate of completion). The written verification must include:
 - (i) the provider, sponsor, or program's name;
 - (ii) the candidate's name;
 - (iii) the name of the educational activity;
 - (iv) the date(s) of the educational activity; and
 - (v) the number of clock-hours completed for the educational activity. Clock-hours completed before the most recent examination attempt or after a request for a waiver is submitted shall not be included. One semester credit hour earned at an accredited institution of higher education is equivalent to 15 clock-hours.
- (5) To request a waiver of the limitation, a candidate must meet the following conditions:
 - (A) the candidate is otherwise eligible to take an examination. A candidate seeking a certificate based on completion of an EPP must have the approval of an EPP to request a waiver;
 - (B) beginning September 1, 2016, the candidate pays the non-refundable waiver request fee of \$160;
 - (C) the candidate requests the waiver of the limitation in writing on forms developed by the TEA staff; and
 - (D) the request for the waiver is postmarked not earlier than:
 - (i) 45 calendar days after an unsuccessful attempt at the fourth retake of an examination as defined in the TEC, §21.048; or
 - (ii) 90 calendar days after the date of the most recent denied waiver of the limitation request; or
 - (iii) 180 calendar days after the date of the most recent unsuccessful examination attempt that was the result of the most recently approved request for waiver of the limitation.
- (6) The TEA staff shall administratively approve each application that meets the criteria specified in paragraphs (2)-(5) of this subsection.
- (7) An applicant who does not meet the criteria in paragraphs (2)-(5) of this subsection may appeal to the SBEC for a final determination of good cause. A determination by the SBEC is final and may not be appealed.

- (b) A candidate seeking a standard certificate as an educator based on completion of an approved EPP may take the appropriate certification examination(s) required by subsection (a) of this section only at such time as the EPP determines the candidate's readiness to take the examinations, or upon successful completion of the EPP, whichever comes first.
- (c) The holder of a lifetime Texas certificate effective before February 1, 1986, must pass examinations prescribed by the SBEC to be eligible for continued certification, unless the individual has passed the Texas Examination of Current Administrators and Teachers (TECAT).
- (d) The commissioner of education approves the satisfactory level of performance required for certification examinations, and the SBEC approves a schedule of examination fees and a plan for administering the examinations.
- (e) The appropriate examination(s) required for certification are specified in the figure provided in this subsection.

Figure: 19 TAC §230.21(e) [~~Figure: 19 TAC §230.21(e)~~] [~~Figure: 19 TAC §230.21(e)~~]

- (f) Scores from examinations required under this title must be made available to the examinee, the TEA staff, and, if appropriate, the EPP from which the examinee will seek a recommendation for certification.
- (g) The following provisions concern ethical obligations relating to examinations.
 - (1) An educator or candidate who participates in the development, design, construction, review, field testing, scoring, or validation of an examination shall not reveal or cause to be revealed the contents of the examination to any other person.
 - (2) An educator or candidate who administers an examination shall not:
 - (A) allow or cause an unauthorized person to view any part of the examination;
 - (B) copy, reproduce, or cause to be copied or reproduced any part of the examination;
 - (C) reveal or cause to be revealed the contents of the examination;
 - (D) correct, alter, or cause to be corrected or altered any response to a test item contained in the examination;
 - (E) provide assistance with any response to a test item contained in the examination or cause assistance to be provided; or
 - (F) deviate from the rules governing administration of the examination.
 - (3) An educator or candidate who is an examinee shall not:
 - (A) copy, reproduce, or cause to be copied or reproduced any test item contained in the examination;
 - (B) provide assistance with any response to a test item contained in the examination, or cause assistance to be provided;
 - (C) solicit or accept assistance with any response to a test item contained in the examination;
 - (D) deviate from the rules governing administration of the examination; or
 - (E) otherwise engage in conduct that amounts to cheating, deception, or fraud.
 - (4) An educator, candidate, or other test taker shall not:
 - (A) solicit information about the contents of test items on an examination that the educator, candidate, or other test taker has not already taken from an individual who has had access to those items, or offer information about the contents of specific test items on an examination to individuals who have not yet taken the examination;
 - (B) fail to pay all test costs and fees as required by this chapter or the testing vendor; or

- (C) otherwise engage in conduct that amounts to violations of test security or confidentiality integrity, including cheating, deception, or fraud.
- (5) A person who violates this subsection is subject to:
 - (A) sanction, including, but not limited to, disallowance and exclusion from future examinations either in perpetuity or for a period of time that serves the best interests of the education profession, in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases); and/or
 - (B) denial of certification in accordance with the provisions of the TEC, §21.041(b)(7), and Chapter 249 of this title; and/or
 - (C) voiding of a score from an examination in which a violation specified in this subsection occurred as well as a loss of a test attempt for purposes of the retake limit in subsection (a) of this section.

Subchapter D. Types and Classes of Certificates Issued

§230.36. Intern Certificates.

- (a) General provisions.
 - (1) Certificate classes. An intern certificate may be issued for any class of certificate except educational aide.
 - (2) Requirement to hold an intern certificate. A candidate seeking certification as an educator must hold an intern certificate while participating in an internship through an approved educator preparation program (EPP).
- (b) Requirements for issuance. An intern certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.
 - (1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation for all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.
 - (2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).
 - (3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
 - (4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.
- (c) Conditions. The validity and effectiveness of an intern certificate is subject to the following conditions.
 - (1) Internship. The holder of an intern certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.
 - (2) Inactive status. An intern certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of an intern certificate may be reactivated if the holder satisfies the requirements specified in this section.
 - (3) Term of an intern certificate. An intern certificate shall be valid for one 12-month period from the date of issuance.

- (4) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:
- (A) intern certificates, limited to one 12-month period maximum, as described in this subsection;
 - (B) probationary certificates, limited to two 12-month periods maximum, as specified in §230.37 of this title (relating to Probationary Certificates)
 - (C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or
 - (D) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).
- (5) Reduction in force exception. If an educator is employed under an intern certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that intern term shall not count as one of the three years referenced in paragraph (4) of this subsection.
- (d) Testing requirements for issuance of an intern certificate. Beginning September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of an intern certificate to serve an internship in a classroom teacher assignment for each subject area to be taught.
- (1) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a classroom teacher assignment on or after September 1, 2017, a candidate must pass all of the appropriate ~~[certification]~~ content pedagogy examinations, as prescribed in Subchapter C of this chapter.
 - (2) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience on or after September 1, 2017, a candidate must satisfy the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)) and pass the appropriate content pedagogy ~~[certification]~~ examination(s), as prescribed in Subchapter C of this chapter.
- (e) Intern certificate in a certification class other than classroom teacher. An intern certificate may be issued for assignment as a superintendent, principal, reading specialist, master teacher, school librarian, school counselor, and educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.
- (1) An applicant for an intern certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of an intern certificate in that class.
 - (2) The individual must have also been:
 - (A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and
 - (B) assigned in the certificate area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.35 of this title (relating to Preparation Program Coursework and/or Training), other school approved by the TEA.
 - (3) The holder of an intern certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.
 - (4) The following provisions apply to the intern certificate for Principal as Instructional Leader.

- (A) During the transition period of December 1, 2018 through September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets the requirements specified in paragraphs (1)-(3) of this subsection.
 - (B) Effective September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets requirements specified in paragraphs (1)-(3) of this subsection and has passed the Principal as Instructional Leader examination specified in Subchapter C of this chapter (relating to Assessment of Educators).
- (f) Intern certificate for intensive pre-service. An intern certificate may be issued to an applicant who is admitted to an EPP intensive pre-service as prescribed in §228.33 of this title (relating to Intensive Pre-Service) on or after January 1, 2020, who ~~and meets the following requirements~~ :
- (1) obtained a passing score on the aligned pedagogical rubric specified in §228.33 of this title;
 - (2) obtained a passing score, in accordance with §151.1001 of this title (relating to Passing Standards), on ~~successfully completed~~ the required content certification (subject-matter only) examination and the following additional requirements for special education and bilingual assignments:
 - (A) Special education assignments also require a passing score, in accordance with §151.1001 of this title, on ~~successful completion of~~ the TExES Special Education Supplemental examination prescribed in §230.21(e) of this title (relating to Educator Assessment); and
 - (B) Bilingual education assignments also require a passing score, in accordance with §151.1001 of this title, on ~~successful completion of~~ the TExES Bilingual Target Language Proficiency examination or the related language proficiency examination prescribed in §230.21(e) of this title; and
 - (3) met the requirements as prescribed in subsections (a)-(c) of this section.

§230.37. Probationary Certificates.

- (a) General provisions.
 - (1) Certificate classes. A probationary certificate may be issued for any class of certificate except educational aide.
 - (2) Requirement to hold a probationary certificate. A candidate seeking certification as an educator must hold a probationary certificate while participating in an internship through an approved educator preparation program (EPP).
- (b) Requirements for issuance. A probationary certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.
 - (1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation of all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.
 - (2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).
 - (3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
 - (4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.

- (c) Conditions. The validity and effectiveness of a probationary certificate is subject to the following conditions.
- (1) Internship. The holder of a probationary certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.
 - (2) Inactive status. A probationary certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of a probationary certificate may be reactivated if the holder satisfies the program enrollment and school assignment requirements specified in §228.35 of this title (relating to Preparation Program Coursework and/or Training).
 - (3) Term of a probationary certificate. A probationary certificate shall be valid for a 12-month period from the date of issuance.
 - (4) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:
 - (A) intern certificates, limited to one 12-month period maximum, as described in this subsection;
 - (B) probationary certificates, limited to two 12-month periods maximum, as described in this subsection;
 - (C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or
 - (D) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).
 - (5) Reduction in force exception. If an educator is employed under a probationary certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that probationary term shall not count as one of the two allowed annual probationary terms.
- (d) Testing requirements for issuance of a probationary certificate.
- (1) Prior to September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of a probationary certificate to serve an internship in a classroom teacher assignment for each subject area to be taught:
 - (A) At the elementary school level, by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter (relating to Assessment of Educators), appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments).
 - (B) At the middle or high school level:
 - (i) by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title; or
 - (ii) by completing coursework that complies with the TEC, §21.050, and comprised of not fewer than 24 semester credit hours, including 12 semester credit hours of upper division coursework in the subject area(s) taught; or
 - (iii) in the case of career and technical education assignments based on skill and experience, by satisfying the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).

- (C) A candidate who is the teacher of record in a special education assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate special education certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the special education supplemental examination prior to the beginning of an internship, an EPP may permit the internship assignment if:
 - (i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination; and
 - (ii) the EPP implements the plan during the initial internship. ~~An [an]~~ EPP shall not permit an additional internship if all examinations requirements are not met.
- (D) A candidate who is in a bilingual education and/or English as a Second Language (ESL) assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate bilingual education and/or ESL certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the bilingual education supplemental examination, ESL supplemental examination, or the Bilingual Target Language Proficiency [~~bilingual target language proficiency~~] test prior to the beginning of an internship, an EPP may permit the internship if:
 - (i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination(s); and
 - (ii) the EPP implements the plan during the initial internship. An EPP shall not permit an additional internship if all examination requirements are not met.
- (2) Beginning September 1, 2017, a candidate must meet all testing requirements for issuance of a probationary certificate.
 - (A) To meet the subject matter knowledge requirements to be issued a probationary certificate for an internship in a classroom teacher assignment, a candidate must pass the appropriate certification examination(s), including the appropriate pedagogy and professional responsibilities examination, as prescribed in Subchapter C of this chapter.
 - (B) To meet the subject matter knowledge requirements to be issued a probationary certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience, a candidate must satisfy the requirements for that subject area contained in §233.14 of this title and pass the appropriate certification examination(s), including the appropriate pedagogy and professional responsibilities examination, as prescribed in Subchapter C of this chapter.
- (e) Probationary certificate in a certification class other than classroom teacher. A probationary certificate may be issued for an assignment as a superintendent, principal, reading specialist, master teacher, school librarian, school counselor, and/or educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.
 - (1) An applicant for a probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.
 - (2) The individual must have also been:
 - (A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and

- (B) assigned in the certificate category ~~[area]~~ being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.35 of this title, other school approved by the TEA.
 - (3) Effective September 1, 2017, to meet the subject matter requirements for issuance of the probationary certificate in a certification class other than classroom teacher, the individual must pass the appropriate content pedagogy examination(s) for that certificate.
 - (4) The holder of a probationary certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.
- ~~(f) Probationary certificate for intensive pre-service. A probationary certificate may be issued to an applicant who is admitted to an EPP intensive pre-service as prescribed in §228.33 of this title (relating to Intensive Pre-Service) on or after January 1, 2020, who:~~
- ~~(1) meets the applicable requirements prescribed in subsections (a)-(c) [subsection (b)] of this section;~~
 - ~~(2) has met requirements of §230.36(f) of this title; and~~
 - ~~[(3) has met the requirements as prescribed in subsections (a) (c) of this section; and]~~
 - ~~(3) [(4)] has obtained a passing score, in accordance with 19 TAC §151.1001 of this title (relating to Passing Standards), on [successfully completed] the required content pedagogy tests prescribed in §230.21(e) of this title (relating to Educator Assessment).~~

Subchapter G. Certificate Issuance Procedures

§230.101. Schedule of Fees for Certification Services.

- (a) An applicant for a certificate or a school district requesting a permit shall pay the applicable fee from the following list.
 - (1) Educational aide certificate:
 - (A) prior to September 1, 2017--\$30; and
 - (B) after August 31, 2017--\$15.
 - (2) Standard certificate--\$75.
 - (3) Probationary or intern certificate:
 - (A) prior to September 1, 2017--\$50; and
 - (B) after August 31, 2017--\$75.
 - (4) Addition of certification based on completion of appropriate examination--\$75.
 - (5) Review of a credential issued by a jurisdiction other than Texas (nonrefundable):
 - (A) prior to September 1, 2016--\$175; and
 - (B) after August 31, 2016--\$160.
 - (6) One-year certificate based on a credential issued by a jurisdiction other than Texas--\$50.
 - (7) Emergency permit (nonrefundable)--\$55.
 - (8) National criminal history check (nonrefundable)--The fee, posted on the Texas Education Agency website, shall include a \$10 criminal history review fee in addition to the current cost of fingerprint scanning, processing, and obtaining national criminal history record information from the Texas Department of Public Safety, its contractors, and the Federal Bureau of Investigation. The same fee will be paid by current certified educators who are subject to a national criminal history check pursuant to the Texas Education Code, §§22.082, 22.0831, and 22.0836.

- (9) Review of the superintendent application for the substitution of managerial experience for the principal certificate requirement (nonrefundable)--\$160.
 - (10) On-time renewal of educational aide certificate:
 - (A) prior to September 1, 2017--\$10; and
 - (B) after August 31, 2017--no charge.
 - (11) Additional fee for late renewal of educational aide certificate:
 - (A) prior to September 1, 2017--\$5; and
 - (B) after August 31, 2017--no charge.
 - (12) Reactivation of an inactive educational aide certificate--\$15.
 - (13) Reinstatement following restitution of child support or student loan repayment for educational aide certificate--\$20.
 - (14) On-time renewal of a standard certificate--\$20.
 - (15) Additional fee for late renewal of a standard certificate--\$10.
 - (16) Reactivation of an inactive standard certificate--\$40; except for an inactivation pursuant to §232.9 of this title (relating to Inactive Status and Late Renewal).
 - (17) Reinstatement following restitution of child support or student loan repayment--\$50.
 - (18) Visiting international teacher certificate--\$75.
 - (19) Request for preliminary criminal history evaluation (nonrefundable)--\$50.
- (b) The fee for correcting a certificate or permit when the error is not made by the Texas Education Agency shall be equal to the fee for the original certificate or permit.
- (c) An individual registering to take certification tests shall pay the applicable fee(s) from the following list of categories:
- (1) Selected Response-Only Assessments -- [] \$116.
 - (2) Single Subject Area Tests (801-809)-- [] \$58.
 - (3) Enhanced Selected-Response/Constructed-Response Assessments for Tests (801-809) -- [] \$70.
 - (4) Enhanced Selected-Response/Constructed-Response Assessments -- [] \$136.
 - (5) Enhanced Selected-Response/Constructed-Response Administrator and Student Services Assessments -- [] \$200.
 - (6) Performance-Based Assessments for teachers--\$311.
 - (7) Performance-Based Assessments for teachers, retake per task--\$111.
- (d) An individual registering to take a content certification examination prior to admission to an EPP shall pay the applicable fee(s) from the following list of categories:
- (1) Content Certification Examinations except American Sign Language (ASL)--\$106.
 - (2) Essential Academic Skills Sub-Tests Retake (701-703)--\$56.
 - (3) Content Certification Examinations for ASL Sub-Tests (784-785)--\$56.

Figure: 19 TAC §230.21(e)

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	<u>Pedagogical Requirement(s)</u> <u>[Pedagogy and Professional Responsibilities (PPR) Requirements]</u>
Art			
§233.10	Art: Early Childhood-Grade 12	178 Art EC-12 Texas Examinations of Educator Standards (TExES)	160 <u>Pedagogy and Professional Responsibilities (PPR) EC-12 TExES or 2015 edTPA: Visual Arts (pilot exam)</u>
Bilingual Education			
§233.6	Bilingual Education Supplemental: Spanish	164 Bilingual Education Supplemental TExES and 190 <u>Bilingual Target Language Proficiency (BTLPT)</u> – Spanish TExES	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: American Sign Language	164 Bilingual Education Supplemental TExES and 184 American Sign Language (ASL) EC-12 TExES and 073 Texas Assessment of Sign Communications- American Sign Language (TASC-ASL)	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Arabic	164 Bilingual Education Supplemental TExES and American Council for the Teaching of Foreign Languages (ACTFL) 614 Oral Proficiency Interview (OPI) – Arabic and 615 Writing Proficiency Test (WPT) – Arabic	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Chinese	164 Bilingual Education Supplemental TExES and ACTFL 618 OPI – Chinese (Mandarin) and 619 WPT – Chinese (Mandarin)	Not Applicable: Not a Stand-alone Certificate

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) [Pedagogy and Professional Responsibilities (PPR) Requirements]
Bilingual Education (continued)			
§233.6	Bilingual Education Supplemental: Japanese	164 Bilingual Education Supplemental TExES and ACTFL 616 OPI – Japanese and 617 WPT – Japanese	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Vietnamese	164 Bilingual Education Supplemental TExES and ACTFL 620 OPI – Vietnamese and 621 WPT – Vietnamese	Not Applicable: Not a Stand-alone Certificate
Career and Technical Education			
§233.13	Technology Education: Grades 6-12	171 Technology Education 6-12 TExES	160 PPR EC-12 TExES <u>or</u> 2143 edTPA: <u>Technology and Engineering Education (pilot exam)</u>
§233.13	Family and Consumer Sciences, Composite: Grades 6-12	American Association of Family and Consumer Sciences (AAFCS) 200 Family and Consumer Sciences – Composite Examination	160 PPR EC-12 TExES <u>or</u> 2117 edTPA: <u>Family and Consumer Sciences (pilot exam)</u>
§233.13	Human Development and Family Studies: Grades 8-12	AAFCS 202 Human Development and Family Studies Concentration Examination	160 PPR EC-12 TExES <u>or</u> 2117 edTPA: <u>Family and Consumer Sciences (pilot exam)</u>
§233.13	Hospitality, Nutrition, and Food Sciences: Grades 8-12	AAFCS 201 Hospitality, Nutrition, and Food Science Concentration Examination	160 PPR EC-12 TExES <u>or</u> 2117 edTPA: <u>Family and Consumer Sciences (pilot exam)</u>
§233.13	Agriculture, Food, and Natural Resources: Grades 6-12	272 Agriculture, Food, and Natural Resources 6-12 TExES	160 PPR EC-12 TExES <u>or</u> 2100 edTPA: <u>Agricultural Education (pilot exam)</u>
§233.13	Business and Finance: Grades 6-12	276 Business and Finance 6-12 TExES	160 PPR EC-12 TExES <u>or</u> 2102 edTPA: <u>Business Education (pilot exam)</u>

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) [Pedagogy and Professional Responsibilities (PPR) Requirements]
§233.14	Marketing: Grades 6-12	275 Marketing 6-12 TExES	160 PPR EC-12 TExES <u>or</u> 2102 edTPA: Business Education (pilot exam)
§233.14	Health Science: Grades 6-12	273 Health Science 6-12 TExES	160 PPR EC-12 TExES
§233.14	Trade and Industrial Education: Grades 6-12	Not Applicable	270 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6-12 TExES
Computer Science and Technology Applications			
§233.5	Computer Science: Grades 8-12	[141 Computer Science 8-12 TExES or] 241 Computer Science 8-12 TExES	160 PPR EC-12 TExES <u>or</u> 2143 edTPA: Technology and Engineering Education (pilot exam)
§233.5	Technology Applications: Early Childhood-Grade 12	[142 Technology Applications EC-12 TExES or] 242 Technology Applications EC-12 TExES	160 PPR EC-12 TExES <u>or</u> 2108 edTPA: Educational Technology Specialist (pilot exam)
[§233.5]	[Technology Applications: Grades 8-12]	[139 Technology Applications 8-12 TExES]	[160 PPR EC-12 TExES]
Core Subjects			
§233.2	Core Subjects: Early Childhood-Grade 6	291 Core Subjects EC-6 TExES	160 PPR EC-12 TExES <u>or</u> 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 (pilot exam)

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) [Pedagogy and Professional Responsibilities (PPR) Requirements]
§233.2	Core Subjects: Grades 4-8	211 Core Subjects 4-8 TExES	160 PPR EC-12 TExES or 2016 edTPA: Middle Childhood Mathematics (pilot exam) or 2017 edTPA: Middle Childhood Science (pilot exam) or 2018 edTPA: Middle Childhood English-Language Arts (pilot exam) or 2019 edTPA: Middle Childhood History/Social Studies (pilot exam)
Counselor			
§239.20	School Counselor: Early Childhood-Grade 12	152 School Counselor EC-12 TExES	Not Applicable: Not an Initial Certificate
Dance			
§233.10	[Dance: Grades 8-12]	[179 Dance 8-12 TExES]	[160 PPR EC-12 TExES]
§233.10	Dance: Grades 6-12	279 Dance 6-12 TExES	160 PPR EC-12 TExES or 2021 edTPA: K-12 Performing Arts (pilot exam)
Educational Diagnostician			
§239.84	Educational Diagnostician: Early Childhood-Grade 12	153 Educational Diagnostician EC-12 TExES	Not Applicable: Not an Initial Certificate

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	<u>[Pedagogy and Professional Responsibilities (PPR) Requirements]</u> <u>Pedagogical Requirement(s)</u>
English Language Arts and Reading			
§233.3	English Language Arts and Reading: Grades 4-8	117 English Language Arts and Reading 4-8 TExES	160 PPR EC-12 TExES or 2018 edTPA: <u>Middle Childhood English-Language Arts (pilot exam)</u>
§233.3	English Language Arts and Reading: Grades 7-12	231 English Language Arts and Reading 7-12 TExES	160 PPR EC-12 TExES or 2003 edTPA: <u>Secondary English-Language Arts (pilot exam)</u>
§233.3	English Language Arts and Reading/Social Studies: Grades 4-8	113 English Language Arts and Reading/ Social Studies 4-8 TExES	160 PPR EC-12 TExES or 2018 edTPA: <u>Middle Childhood English-Language Arts (pilot exam)</u> or 2019 edTPA: <u>Middle Childhood History/Social Studies (pilot exam)</u>
§239.93	Reading Specialist: Early Childhood-Grade 12	151 Reading Specialist EC-12 TExES	Not Applicable: Not an Initial Certificate
English as a Second Language			
§233.7	English as a Second Language Supplemental	154 English as a Second Language Supplemental TExES	Not Applicable: Not a Stand-alone Certificate
Gifted and Talented			
§233.9	Gifted and Talented Supplemental	162 Gifted and Talented TExES	Not Applicable: Not a Stand-alone Certificate
Health			
§233.11	Health: Early Childhood-Grade 12	157 Health Education EC-12 TExES	160 PPR EC-12 TExES or 2119 edTPA: <u>Health Education (pilot exam)</u>

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	<u>[Pedagogy and Professional Responsibilities (PPR) Requirements]</u> <u>Pedagogical Requirement(s)</u>
Journalism			
§233.3	Journalism: Grades 7-12	256 Journalism 7-12 TExES	160 PPR EC-12 TExES or 2003 edTPA: <u>Secondary English-Language Arts (pilot exam)</u>
Junior Reserve Officer Training			
§233.17	Junior Reserve Officer Training Corps: Grades 6-12	Not Applicable	160 PPR EC-12 TExES
Languages Other Than English			
§233.15	American Sign Language: Early Childhood-Grade 12	184 ASL EC-12 TExES and 073 TASC-ASL	160 PPR EC-12 TExES or 2020 edTPA: <u>World Language (pilot exam)</u>
§233.15	Arabic: Early Childhood-Grade 12	ACTFL 605 OPI – Arabic and 600 WPT – Arabic	160 PPR EC-12 TExES or 2020 edTPA: <u>World Language (pilot exam)</u>
§233.15	Chinese: Early Childhood-Grade 12	ACTFL 606 OPI – Chinese (Mandarin) and 601 WPT – Chinese (Mandarin)	160 PPR EC-12 TExES or 2020 edTPA: <u>World Language (pilot exam)</u>
§233.15	French: Early Childhood-Grade 12	610 Languages Other Than English (LOTE) French EC-12 TExES	160 PPR EC-12 TExES or 2020 edTPA: <u>World Language (pilot exam)</u>

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) [Pedagogy and Professional Responsibilities (PPR) Requirements]
Languages Other Than English (continued)			
§233.15	German: Early Childhood-Grade 12	611 LOTE German EC-12 TExES	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Hindi: Early Childhood-Grade 12	ACTFL 622 OPI – Hindi and 623 WPT – Hindi	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Italian: Early Childhood-Grade 12	ACTFL 624 OPI – Italian and 625 WPT – Italian	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Japanese: Early Childhood-Grade 12	ACTFL 607 OPI – Japanese and 602 WPT – Japanese	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Korean: Early Childhood-Grade 12	ACTFL 630 OPI – Korean and 631 WPT – Korean	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Latin: Early Childhood-Grade 12	612 LOTE Latin EC-12 TExES	160 PPR EC-12 TExES or 2104 edTPA: Classical Languages (pilot exam)
§233.15	Portuguese: Early Childhood-Grade 12	ACTFL 632 OPI – Portuguese and 633 WPT – Portuguese	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Russian: Early Childhood-Grade 12	ACTFL 608 OPI – Russian and 603 WPT – Russian	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Spanish: Early Childhood-Grade 12	613 LOTE Spanish EC-12 TExES	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Turkish: Early Childhood-Grade 12	ACTFL 626 OPI – Turkish and 627 WPT – Turkish	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
§233.15	Vietnamese: Early Childhood-Grade 12	ACTFL 609 OPI – Vietnamese and 604 WPT – Vietnamese	160 PPR EC-12 TExES or 2020 edTPA: World Language (pilot exam)
Librarian			
§239.60	School Librarian: Early Childhood-Grade 12	150 School Librarian Early Childhood-12 TExES	Not Applicable: Not an Initial Certificate

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) [Pedagogy and Professional Responsibilities (PPR) Requirements]
Master Teacher			
§239.102	Master Mathematics Teacher: Early Childhood-Grade 4	087 Master Mathematics Teacher EC-4 Texas Examinations for Master Teachers (TEMaT)	Not Applicable: Not an Initial Certificate
§239.102	Master Mathematics Teacher: Grades 4-8	088 Master Mathematics Teacher 4-8 TExMaT	Not Applicable: Not an Initial Certificate
§239.102	Master Mathematics Teacher: Grades 8-12	089 Master Mathematics Teacher 8-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.101	Master Reading Teacher: Early Childhood-Grade 12	085 Master Reading Teacher EC-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.103	Master Technology Teacher: Early Childhood-Grade 12	086 Master Technology Teacher EC-12 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher: Early Childhood-Grade 4	090 Master Science Teacher EC-4 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher: Grades 4-8	091 Master Science Teacher 4-8 TExMaT	Not Applicable: Not an Initial Certificate
§239.104	Master Science Teacher: Grades 8-12	092 Master Science Teacher 8-12 TExMaT	Not Applicable: Not an Initial Certificate

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) [Pedagogy and Professional Responsibilities (PPR) Requirements]
Mathematics and Science			
§233.4	Mathematics: Grades 4-8	115 Mathematics 4-8 TExES	160 PPR EC-12 TExES <u>or</u> 2016 edTPA: Middle Childhood Mathematics (pilot exam)
§233.4	Science: Grades 4-8	116 Science 4-8 TExES	160 PPR EC-12 TExES <u>or</u> 2017 edTPA: Middle Childhood Science (pilot exam)
§233.4	Mathematics/Science: Grades 4-8	114 Mathematics/ Science 4-8 TExES	160 PPR EC-12 TExES <u>or</u> 2016 edTPA: Middle Childhood Mathematics (pilot exam) <u>or</u> 2017 edTPA: Middle Childhood Science (pilot exam)
§233.4	Mathematics: Grades 7-12	235 Mathematics 7-12 TExES	160 PPR EC-12 TExES <u>or</u> 2005 edTPA: Secondary Mathematics (pilot exam)
§233.4	Science: Grades 7-12	236 Science 7-12 TExES	160 PPR EC-12 TExES <u>or</u> 2006 edTPA: Secondary Science (pilot exam)
§233.4	Life Science: Grades 7-12	238 Life Science 7-12 TExES	160 PPR EC-12 TExES <u>or</u> 2006 edTPA: Secondary Science (pilot exam)

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) [Pedagogy and Professional Responsibilities (PPR) Requirements]
Mathematics and Science (continued)			
§233.4	Physical Science: Grades 6-12	237 Physical Science 6-12 TExES	160 PPR EC-12 TExES or 2006 edTPA: Secondary Science (pilot exam)
§233.4	Physics/Mathematics: Grades 7-12	243 Physics/Mathematics 7-12 TExES	160 PPR EC-12 TExES or 2005 edTPA: Secondary Mathematics (pilot exam) or 2006 edTPA: Secondary Science (pilot exam)
§233.4	Mathematics/Physical Science/Engineering: Grades 6-12	274 Mathematics/Physical Science/Engineering 6-12 TExES	160 PPR EC-12 TExES or 2005 edTPA: Secondary Mathematics (pilot exam) or 2006 edTPA: Secondary Science (pilot exam) or 2143 edTPA: Technology and Engineering Education (pilot exam)
§233.4	Chemistry: Grades 7-12	240 Chemistry 7-12 TExES	160 PPR EC-12 TExES or 2006 edTPA: Secondary Science (pilot exam)
Music			
§233.10	Music: Early Childhood-Grade 12	177 Music EC-12 TExES	160 PPR EC-12 TExES or 2021 edTPA: K-12 Performing Arts (pilot exam)
Physical Education			
§233.12	Physical Education: Early Childhood-Grade 12	158 Physical Education EC-12 TExES	160 PPR EC-12 TExES or 2011 edTPA: Physical Education (pilot exam)

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) <u>[Pedagogy and Professional Responsibilities (PPR) Requirements]</u>
Principal and Superintendent			
§241.20	Principal as Instructional Leader: Early Childhood-Grade 12	268 Principal as Instructional Leader TExES <u>[and Performance Assessment for School Leaders (PASL)]</u>	<u>[Not Applicable: Not an Initial Certificate]</u> Educational Testing Service (ETS) 368 Performance Assessment for School Leaders (PASL)
§241.35	Principal as Instructional Leader Endorsement	<u>[Performance Assessment for School Leaders (PASL)]</u> <u>Not Applicable: Not an Initial Certificate (Individuals must already hold a valid certificate to serve in the role of principal to be eligible for this endorsement.)</u>	Educational Testing Service (ETS) 368 Performance Assessment for School Leaders (PASL) <u>[Not Applicable: Not an Initial Certificate; however, individuals must already hold a valid certificate to serve in the role of principal to be eligible for this endorsement.]</u>
§241.60	Principal: Early Childhood-Grade 12	068 Principal TExES	Not Applicable: Not an Initial Certificate.
§242.20	Superintendent: Early Childhood-Grade 12	195 Superintendent TExES	Not Applicable: Not an Initial Certificate
Social Studies			
§233.3	Social Studies: Grades 4-8	118 Social Studies 4-8 TExES	160 PPR EC-12 TExES <u>or 2019 edTPA: Middle Childhood History/Social Studies (pilot exam)</u>
§233.3	Social Studies: Grades 7-12	232 Social Studies 7-12 TExES	160 PPR EC-12 TExES <u>or 2004 edTPA: Secondary History/Social Studies (pilot exam)</u>
§233.3	History: Grades 7-12	233 History 7-12 TExES	160 PPR EC-12 TExES <u>or 2004 edTPA: Secondary History/Social Studies (pilot exam)</u>

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Pedagogical Requirement(s) [Pedagogy and Professional Responsibilities (PPR) Requirements]
Speech Communications			
§233.3	Speech: Grades 7-12	129 Speech 7-12 TExES	160 PPR EC-12 TExES <u>or</u> 2003 edTPA: Secondary English-Language Arts (pilot exam)
Special Education			
§233.8	Special Education: Early Childhood-Grade 12	161 Special Education EC-12 TExES	160 PPR EC-12 TExES <u>or</u> 2012 edTPA: Special Education (pilot exam)
§233.8	Special Education Supplemental	163 Special Education Supplemental TExES	Not Applicable: Not a Stand-alone Certificate
§233.8	Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12	181 Deaf and Hard of Hearing EC-12 TExES and 072 TASC or 073 TASC-ASL (required for assignment but not for certification)	160 PPR EC-12 TExES <u>or</u> 2012 edTPA: Special Education (pilot exam)
§233.8	Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12	182 Visually Impaired TExES and 183 Braille TExES or 283 Braille TExES	Not Applicable: Not a Stand-alone Certificate
Theatre			
§233.10	Theatre: Early Childhood-Grade 12	180 Theatre EC-12 TExES	160 PPR EC-12 TExES <u>or</u> 2021 edTPA: K-12 Performing Arts (pilot exam)

ATTACHMENT II
Summary of Communication Process and Documents Prior to Official Rule-Making

Month	Meetings	Documents Released to all Educator Preparation Programs
September 2018	<ul style="list-style-type: none"> • Three in-person meetings with educator preparation programs • 1 in-person meeting with teacher organization 	
October 2018	<ul style="list-style-type: none"> • 7 meetings/calls with educator preparation programs • 2 educator preparation program in-person stakeholder meetings • 2 in-person meetings with professional organizations • 1 in-person presentation at educator preparation conference • 1 online stakeholder engagement survey 	<ul style="list-style-type: none"> • Follow-up FAQ of 23 questions including questions about rationale, scoring, technology, resources, and fees
November 2018	<ul style="list-style-type: none"> • 7 meetings/calls with educator preparation programs • 2 in-person meetings with professional organizations including TASA • 2 meetings with ESC leadership • 1 educator preparation program in-person stakeholder meeting 	<ul style="list-style-type: none"> • Follow-up FAQ of 31 questions including questions on research, video, and district/cooperating teacher involvement
December 2018	<ul style="list-style-type: none"> • 3 meetings/calls with educator preparation programs • 2 in-person meetings with Texas Association of School Personnel Administrators 	
January 2019	<ul style="list-style-type: none"> • 2 in-person meetings with Texas Association of School Personnel Administrators • 1 in-person presentation at TASA Mid-Winter 	<ul style="list-style-type: none"> • Follow-up FAQ of 28 questions including questions about available training and curriculum • Follow-up edTPA considerations in response to common claims

	Completed as of June 25, 2019	Scheduled on or after June 25, 2019
On-site edTPA 101 sessions (three-hour sessions)	31	9
On-site Regional Workshops (whole-day sessions)	11	18

Staff published the following supplemental documents in the SBEC agendas.

December 2018	April 2019
<ul style="list-style-type: none"> • Stakeholder Engagement Meetings • Stakeholder Engagement Meeting Minutes • Key Concerns and Responses • Follow-Up to Stakeholder Questions • Survey Results as of November 14, 2018 	<ul style="list-style-type: none"> • Most frequent edTPA Myths and Realities (attachment V) • edTPA Pilot Summary • edTPA Pilot Application • edTPA Pilot FAQ • edTPA Pilot Testimony Considerations and Responses (attachment VI) • edTPA Considerations and Responses (attachment VII)

**ATTACHMENT III
edTPA Pilot Update**

Participating EPP	Anticipated # of Candidates	Region
ACT-RGV/PSJA ISD	~75	1
Concordia University	~10	13
Excellence in Teaching	~5	1
ESC 4 (Inspire Texas)	~20	4
ESC 10	~35	10
ESC 12	~25	12
ESC 20	~10	20
Houston ISD	~10	4
Our Lady of the Lake University	~10	20
Relay Graduate School of Education	~30	Multiple
Rice University	~10	4
Stephen F. Austin State University	~30	7
Southwestern Adventist University	~10	11
Teacher Builder	~75	1
Teaching Excellence	~20	4
Texas A&M Commerce	~15	10
Texas A&M Corpus Christi	~20	2
Texas Tech University	~285	17
The New Teacher Project (TNTP)	~70	18
Trinity University	~20	20
University of North Texas – Dallas	~90	10
University of Texas – Dallas	~85	10
University of Texas – El Paso	~30	19
University of Texas – San Antonio	~50	20
University of Texas – Tyler	~115	7
Urban Teachers	~75	10
Western Governor’s University	~500	Multiple

Number of Participating EPPs	Estimated Number of Participating Candidates
27	1700-1750

edTPA Draft Pilot Timeline

Date	Action
May 3, 2019	Notification of acceptance sent to participating EPPs
May 10, 2019	TEA Webinar: edTPA Orientation
June 7, 2019	TEA Webinar: Cycle of Effective Teaching and Role and Responsibilities
July 15, 2019	TEA Webinar: Task I Deep Dive—Planning for Instruction and Assessment
Before August 1, 2019	<ul style="list-style-type: none"> • Onsite introductory sessions titled edTPA 101 provided by edTPA Program Managers at Pearson. These sessions will be open to faculty, supervisors, and P-12 partners designed to build an understanding of the purpose, development, and structure of the assessment. • Collect candidate demographic data and district partner data. • Regional workshops provided by members of the edTPA National Academy. These sessions are intended for methods and foundations faculty, university supervisors, and mentor teachers who support or supervise candidates and will cover the following: <ul style="list-style-type: none"> ○ A close examination of edTPA tasks and rubrics, including what candidates are asked to think about, do, and write for each task as well as how portfolios will be evaluated. ○ Sharing of instrumental resources best practices from successful implementation plans. ○ Guidelines and best practices for supporting candidates completing their edTPA portfolio.
August 9, 2019	TEA Webinar: Task II Deep Dive—Instructing and Engaging Students in Learning
September 1, 2019	TEA staff collect following data from programs: <ul style="list-style-type: none"> • Demographic information • Faculty training documents • Curriculum alignment information • Materials used to determine which candidates are recommended for edTPA (versus PPR)
September 13, 2019	TEA Webinar: Task III Deep Dive—Assessing Student Learning
October 11, 2019	TEA Webinar: Task IV Deep Dive & Writing Workshops for Candidates
October 24, 2019	First window closes for submission of edTPA portfolio.
November 10, 2019	First window closes for pilot reimbursement.
November 15, 2019	TEA Webinar: TBD based on program needs
January 10, 2020	TEA Webinar: Submission Logistics and Results Analyzer
February 13, 2020	TEA Webinar: TBD based on Program Needs
February 2020	<ul style="list-style-type: none"> • Focus group of teacher candidates who submitted the edTPA portfolio. • Survey to collect perception data from EPPs, principals, and districts • Analyze edTPA rubric scores from portfolios submitted October through March
March 13, 2020	<ul style="list-style-type: none"> • TEA Webinar: TBD based on Program Needs
April 10, 2020	<ul style="list-style-type: none"> • TEA Webinar: TBD based on Program Needs
May 8, 2020	<ul style="list-style-type: none"> • TEA Webinar: TBD based on Program Needs

May-June 2020	<ul style="list-style-type: none"> • Focus group of teacher candidates who submitted the edTPA portfolio. • Survey to collect perception data from EPPs, principals, and districts
June 30, 2020	Analyze edTPA rubric scores from portfolios submitted April through June
Ongoing	<ul style="list-style-type: none"> • Monthly implementation calls with edTPA Program Managers and/or members of the edTPA National Academy. • Collect data during monthly calls about retention, perception, and additional costs related to edTPA • On-demand virtual supports from edTPA Program Managers and/or members of the edTPA National Academy to address questions and concerns and determine next steps. • State-wide implementation support webinars for edTPA coordinators with edTPA Program Managers

ATTACHMENT IV
Response to SBEC Question at April Meeting

Consideration	Response
<p>How does edTPA ensure test security?</p>	<p>Maintaining Integrity of the edTPA Performance-Based Assessment edTPA requires the demonstration of professional integrity. The expectations associated with candidate accountability for security and the process for maintaining the integrity of edTPA are as follows:</p> <p>Drafting Process</p> <ul style="list-style-type: none"> • Prior to beginning the process of edTPA, candidates review the Professional Responsibilities section located in each subject-specific edTPA handbook. In this section, candidates are made aware of edTPA policies, such as submission requirements and deadlines, registration agreements, attestations, permissions, and confidentiality. <p>The Professional Responsibilities section states the following, which is reinforced in the edTPA Rules of Assessment Participation (see Rule #2, “Originality of Submission”):</p> <p><i>Follow the guidelines for candidate support found at www.edTPA.com as you develop your evidence for edTPA. Although you may seek and receive appropriate support from your university supervisors, cooperating/master teachers, university instructors, or peers during this process, the ultimate responsibility for completing this assessment lies with you. Therefore, when you submit your completed work, you must be able to confirm your adherence with certain statements, such as the following:</i></p> <ul style="list-style-type: none"> ○ <i>I have primary responsibility for teaching the students/class during the learning segment profiled in this assessment.</i> ○ <i>I have not previously taught this learning segment to the students/class.</i> ○ <i>The video clips submitted are unedited (continuous) and show me teaching the students/class profiled in the evidence submitted.</i> ○ <i>The student work included in the documentation is that of my students, completed during the learning segment documented in this assessment.</i> ○ <i>I am author of the commentaries and other written responses to prompts in this assessment.</i> ○ <i>Appropriate citations have been made for all materials in the assessment whose sources are from published text, the Internet, or other educators.</i> <ul style="list-style-type: none"> • Programs are encouraged to help candidates examine expectations for performance evaluated by edTPA in meaningful ways and discuss how they will demonstrate their performances in relation to those expectations. • Throughout the process of edTPA, programs are permitted to provide appropriate forms of support for candidates (e.g., ask probing questions) as they develop their edTPA artifacts and commentaries. For more information regarding the appropriate forms of support, please see the edTPA Guidelines for Acceptable Candidate Support. <ul style="list-style-type: none"> ○ Note: As programs review a candidate’s edTPA artifacts and commentaries, prior to the submission process, should they find

that the tone, language, or videos, for example, do not reflect an authentic representation of the candidate’s classroom, students, and/or performance, programs have an ethical obligation to discuss these inconsistencies with the candidate and develop punitive next steps if needed.

Registration and Submission

- Upon registering for edTPA, candidates will attest to honoring the Professional Responsibilities when developing their edTPA artifacts and commentaries. See [edTPA Candidate Attestations](#) for a list of the Professional Responsibilities. The Compliance statement regarding such Professional Responsibilities includes the following statement: “I understand that if I fail to comply with the rules, requirements, and policies specified or referenced on the ... website, including these Rules of Assessment Participation, or if I take any prohibited actions, my results may be voided...”

Official Scoring (See [Administrative Review](#))

- During official scoring, portions of a candidate's submitted materials are screened for originality by official scorers and detection software. Portfolios are identified for Administrative Review if screening indicates a match of identical or similar language with other sources. Screening for each subject area includes analysis of matched language across any and all source(s), including previously submitted portfolios.
- Once under Administrative Review, portfolios undergo an analysis by multiple reviewers. At the conclusion of the Administrative Review, if the reviewers are unable to confirm the originality of any part of the submission, all scores related to the portfolio under review will be voided.
- If the final decision is to release the scores, the candidate will be contacted and told when the score report will be available for viewing in his/her account. In some cases, the candidate may receive a letter indicating that materials demonstrate a possible violation of the Rules of Assessment Participation and cautioning the candidate to comply with edTPA assessment rules in the future.
- Prior to voiding scores, candidates are given an opportunity to provide information, other than the portfolio materials submitted for official scoring, that may support the originality of the candidate's submitted materials. After reviewing information provided by the candidate and after considering the final recommendation of the Administrative Review committee, Pearson or the state licensing agency may determine to either exit the portfolio from Administrative Review to proceed to official score reporting or to void all scores related to that submission.
- Information provided by a candidate as part of an appeal may be shared with the state licensing agency and/or Educator Preparation Program for additional investigation.

ATTACHMENT V
edTPA Considerations and Responses

Consideration	TEA Response
1. Is the test a glorified writing test?	No. edTPA is designed as an assessment of pedagogy and not writing skill; scorers are trained and monitored to ensure that writing quality does not bias a scoring decision. edTPA is an assessment of reflection on practice—it's about the evidence candidates provide. Long, elaborate prose is not required. Candidates can use bullet points to identify evidence and to justify their decisions in reflective commentaries.
2. Are other states dropping out of using edTPA?	<p>No. This is false. 19 states have policy requiring or allowing edTPA as a requirement for program completion or licensure. Individual programs in 22 other states have chosen to use edTPA as a tool for teacher development.</p> <p>In response to actions from the Illinois General Assembly in its examination of issues impacting the state's teacher shortage, the Illinois State Board of Education reviewed and discussed issues that may be impacting the pipeline of available educators, including edTPA, at its April 17, 2019, meeting. The ISBE heard public testimony and reports from its staff on the topic. At the conclusion of the discussion, the ISBE was supportive of retaining both content licensure assessments and edTPA as a requirement for licensure and authorized its staff to advocate for that position in forthcoming legislative hearings.</p> <p>The Illinois General Assembly dismissed in May. The bills related to educator licensure that passed did not impact edTPA or the content licensure assessments.</p>
3. edTPA will lead to a teacher shortage, especially with teachers of color.	<p>Numerous states have faced a decline in teacher production that is occurring regardless of edTPA policy or fees.</p> <p>The differences in performance between candidate groups are much less than we see on traditional multiple-choice assessments for educators.</p> <p>A performance assessment may help remove some of the barriers candidates of color face while providing more support during their preparation.</p>
4. If a candidate is not successful on edTPA, what happens to them for next year?	If candidates receive more than one condition code per task (meaning the item was incomplete or unscorable), they may choose to resubmit for \$111 per task in the subsequent window (as soon as within 14 days) or take the EC-12 PPR. As is the case under the current system, if candidates are unable to meet the assessment requirements for certification, they will need to work with their program and district on alternative placement opportunities.
5. Is edTPA really needed?	<p>Yes. Our current system has significant opportunities for improvement.</p> <p>1) Teachers indicate that they are not adequately prepared. 2) Principals indicate teachers are not adequately prepared.</p>

	<p>3) Over 700 teachers completing their internships abandon their students during the school year.</p> <p>4) School districts pay for the gaps in preparation.</p>
6. Why are we piloting edTPA?	<p>The current system and test create a false positive for teacher candidates and educator preparation programs.</p> <p>For candidates, the multiple-choice test does not mirror the realities of the classroom.</p> <p>For EPPs, performance on the multiple-choice test does not differentiate their ability to successfully prepare teachers or provide them educative data to continuously improve.</p>
7. Why can't Texas create their own performance assessment?	<p>The development time and cost needed to create a new performance assessment is not conducive to responding to immediate needs of students.</p> <p>TEA has continued discussions with Sam Houston State University and Texas State University on a T-TESS aligned performance assessment. Additional details can be found in Appendix 7.</p>
8. Is it going to improve teacher quality?	<p>There are currently positive, early indications from North Carolina and Washington.</p> <p>EPIC (Education Policy Initiative at Carolina) found that overall, these predictive validity results show that edTPA measures significantly predict first-year teacher performance.</p> <p>Goldhaber, Cowan, and Theobald (2016) found that edTPA scores were “highly predictive of employment in the state’s public teaching workforce” and continuous edTPA scores are a “significant predictor of student mathematics achievement in some specifications.”</p>
9. What other alternatives were considered outside of edTPA?	<p>An educator certification assessment must be reliable and valid for certification/licensure purposes. The other performance assessment that meets this bar is the PPAT. The PPAT is not grade or content-specific.</p>
10. edTPA is not aligned to Texas expectations.	<p>edTPA incorporates the TEKS into the various tasks and rubrics.</p> <p>TEA has conducted a thorough review of edTPA and T-TESS and found significant degrees of alignment.</p>
11. Is this so far down the road that turning back is the only option?	<p>No. TEA requests the Board’s support in piloting edTPA and recommends completing the edTPA pilot before discussing and developing additional options.</p>
12. This will replace current successful EPP practices.	<p>No. edTPA supports practice-based preparation focused on planning, instruction, assessment, and reflection.</p>

	Programs that are not providing practice-based preparation focused on planning, instruction, assessment, and reflection will likely need to alter their preparation.
13. Can the video be gamed?	<p>No. edTPA videos must meet specific criteria and are scored with an objective rubric. Furthermore, video-based assignments and reflections are a longstanding best practice used by EPPs.</p> <p>It is the responsibility of the educator preparation program to provide guidance to candidates throughout the edTPA process. If the program feels that the video is inauthentic, then they should discourage the candidate from using it.</p>
14. edTPA scorers are unqualified.	No. Scorers must be PK–12 teachers or EPP teacher educators with significant pedagogical content knowledge in the field in which they score, as well as with experience working as instructors or mentors for novice teachers.
15. Pearson is leading this change	No. TEA selected Pearson to provide testing services based on their strength and alignment to the criteria for effective performance assessments.
16. How is the pilot happening if no rule changes have taken place?	TEA is bringing Chapter 230 to the Board in July for adoption that will allow the completion of edTPA as an option for issuance of a standard certification. If the Board approves staff’s recommended amendments to Chapter 230, staff will present to SBOE in September. The proposed rule has an effective date of mid-October, which is in time for the second edTPA submission window.
17. What is the purpose of the pilot?	<p>The purpose of the pilot is two-fold:</p> <ol style="list-style-type: none"> 1. to identify and develop best practices on implementation of edTPA by EPPs and 2. to measure early outcomes for candidates and EPPs who complete edTPA.
18. What data will demonstrate success in the pilot?	<p>To identify and develop best practices on implementation for edTPA by EPPs, TEA will summarize information about implementation at the EPP level. We will work with the collection of pilot EPPs to collaboratively identify best practices. In this way, successful practices for implementation in Texas will be identified by the field.</p> <p>To measure early outcomes for candidates and EPPs who complete the edTPA process, TEA will use robust methods to compare candidates completing the edTPA with highly similar candidates completing the current PPR. These candidates will be compared on several dimensions, including employment, retention, appraisal, and efficacy in the classroom (to the extent such data are available). Staff will present the results of these comparisons to the SBEC. Ultimately, it will be up to the Board to determine future action informed by the results of the pilot.</p>
19. How do the intern/probationary	TEA staff have discussed this potential issue with stakeholders since early in the fall and agree that this issue may be something to address pending

<p>rules align to edTPA implementation?</p>	<p>experience with the pilot. In each of our previous stakeholder meetings, representatives from alternative certification programs have been decidedly split on this issue. Because the pilot maintains a safeguard for candidates to take and pass the current Pedagogy and Professional Responsibilities exam to earn their probationary or standard certification if they do not complete edTPA, there is no need to make this change until and if edTPA is adopted as the only assessment. This safeguard is in place in the current rule, and a change at this time would be premature. Additionally, the experience with the pilot will provide actual data as to whether there is an issue of significant numbers of candidates being unable to successfully pass edTPA during their intern year.</p>
<p>20. What was meant by constructed response and T-TESS statements?</p>	<p>Options provided by testifiers that are not currently developed included adding in constructed response (short answer) questions to the Pedagogy and Professional Responsibilities (PPR) examination as well as creating a performance assessment that is aligned to T-TESS.</p>
<p>21. This is too much change all at once.</p>	<p>The proposed changes for the Pre-Admission Content Test (PACT), edTPA, and intensive pre-service are all options for programs to consider. PACT is currently and will continue to be an admissions option for programs to utilize. Intensive pre-service is an option that programs can apply to offer. edTPA is a being proposed as an opt-in pilot.</p> <p>Updates and changes to the current content/content pedagogy have continued to be made to ensure that the teacher examination is aligned to changing student expectations.</p>

ATTACHMENT VI
Update on Exploring edTPA Alternatives

Date	Action
May 23, 2019	TEA staff invited members from Sam Houston State and Texas State Universities to meet about an edTPA alternative
June 13, 2019	TEA staff sent members from Sam Houston State and Texas State Universities draft performance assessment design standards for purposes of licensure (draft below)
June 17, 2019	<p>TEA staff met with members from Sam Houston State and Texas State Universities about an edTPA alternative</p> <p>Both groups reviewed the design standards and agreed that steps need to be taken for T-TESS to be recast as an assessment that can be used for licensure state-wide.</p>
Next Steps	<p>Sam Houston and Texas State University agreed to reach out to TEA if design requirements clarification was needed.</p> <p>Sam Houston and Texas State University agreed to communicate with TEA about steps moving forward as they work to develop a T-TESS alternative.</p> <p>TEA agreed to communicate edTPA pilot updates with Sam Houston and Texas State University.</p>

Texas Performance Assessment Design Standards (Draft, June 13, 2019)

Assessment Design Standard 1: Assessment Design for Validity and Fairness

A teaching performance assessment seeking approval for use in Texas in which complex pedagogical assessment tasks and multi-level scoring scales are linked to and assess the Texas educator standards. must be grade band and subject-specific. Performance assessments must be available for all initial certifications currently offered in Texas.

The model sponsor clearly describes the uses for which the assessment has been validated (i.e., to serve as a determination of a candidate's status with respect to the Texas educator standards and to provide an indication of preparation program quality and effectiveness), anticipates its potential misuses, and identifies appropriate uses consistent with the assessment's validation process. The model sponsor maximizes the fairness of the assessment design for all groups of candidates in the program. A passing standard is recommended by the model sponsor based on a standard setting study where educators have made a professional judgment about an appropriate performance standard for beginning teachers to meet prior to licensure.

**Note: the "model sponsor" refers to the entity that represents the assessment and is responsible to programs using that model and to the TEA. Model sponsors may be an individual institution, a group of institutions and/or partners, a private entity, and/or combinations of these.*

Required Elements for Performance Assessment Design Standard 1: Assessment Designed for Validity and Fairness

1(a) The performance assessment includes complex pedagogical assessment tasks to prompt aspects of candidate performance that measure the Texas educator standards. Each task is substantively related to two or more major domains of the Texas educator standards. For use in judging candidate-generated responses to each pedagogical task, the assessment also includes multi-level scoring rubrics that are clearly related to the Texas educator standards that the task measures. Each task and its associated rubrics measure two or more Texas educator standards. Collectively, the tasks and rubrics in the assessment address key aspects of the five major domains of the Texas educator standards. The sponsor of the performance assessment documents the relationships between Texas educator standards, tasks, and rubrics.

1(b) The performance assessment must include a focus on content-specific pedagogy within the design of the performance assessment tasks and scoring scales to assess the candidate's ability to effectively teach the content area(s) authorized by the certification sought.

1(c) Consistent with the language of the Texas educator standards, the performance assessment defines scoring rubrics so candidates seeking certification can earn acceptable scores on the performance assessment with the use of different content-specific pedagogical practices that support implementation of the PK-12 content standards and curriculum frameworks. The model sponsor takes steps to plan and anticipate the appropriate scoring of candidates who use a wide range of pedagogical practices that are educationally effective and builds scoring protocols to take these variations into account.

1(d) The model sponsor must include within the design of the performance assessment candidate tasks a focus on addressing the teaching of English learners, all underserved education groups or groups that need to be served differently, and students with special needs in the general education classroom to adequately assess the candidate's ability to effectively teach all students.

1(e) For elementary candidates, the model sponsor must include assessments of the core content areas of at least Literacy and Mathematics. Programs use local program performance assessments for History/Social Science and Science if not already included as part of the performance assessment.

1(f) The model sponsor must include a focus on classroom teaching performance within the performance assessment, including a video of the candidate's classroom teaching performance with candidate commentary describing the lesson plan and rationale for teaching decisions shown and evidence of the effect of that teaching on student learning.

1 (g) The model sponsor must provide materials appropriate for use by programs in helping faculty become familiar with the design of the performance assessment, the candidate tasks and the scoring rubrics so that faculty can effectively assist candidates to prepare for the assessment. The performance assessment must also provide candidate materials to assist candidates in understanding the nature of the assessment, the specific assessment tasks, the scoring rubrics, submission processes, and scoring processes.

1(h) The model sponsor develops scoring rubrics and assessor training procedures that focus primarily on teaching performance and that minimize the effects of candidate factors that are not clearly related to pedagogical competence, which may include (depending on the circumstances) factors such as personal attire, appearance, demeanor, speech patterns, and accents or any other bias that are not likely to affect job effectiveness and/or student learning.

1(i) The model sponsor provides a clear statement acknowledging the intended uses of the assessment. The statement demonstrates the model sponsor's clear understanding of the implications of the assessment for candidates, preparation programs, the public schools, and PK-12 students. The statement includes appropriate cautions about additional or alternative uses for which the assessment is not valid. All elements of assessment design and development are consistent with the intended uses of the assessment for determining the pedagogical competence of candidates for Standard certification in Texas and as information useful for determining program quality and effectiveness.

1(j) The model sponsor completes content review and editing procedures to ensure that pedagogical assessment tasks and directions to candidates are culturally and linguistically sensitive, fair, and appropriate for candidates from diverse backgrounds.

1(k) The model sponsor completes initial and periodic basic psychometric analyses to identify pedagogical assessment tasks and/or scoring rubrics that show differential effects in relation to candidates' race, ethnicity, language, gender, or disability. When group pass-rate differences are found, the model sponsor investigates the potential sources of differential performance and seeks to eliminate construct-irrelevant sources of variance.

1(l) In designing assessment administration procedures, the model sponsor includes administrative accommodations that preserve assessment validity while addressing issues of access for candidates with disabilities or learning needs.

1(m) In the course of determining a passing standard, the model sponsor secures and reflects on the considered judgments of teachers, supervisors of teachers, support providers of new teachers, and other preparers of teachers regarding necessary and acceptable levels of proficiency on the part of entry-level teachers. The model sponsor periodically reviews the reasonableness of the scoring scales and established passing standard, when and as directed by the TEA.

1(n) To preserve the validity and fairness of the assessment over time, the model sponsor may need to develop and field test new pedagogical and content pedagogical assessment tasks and multi-level scoring rubrics to replace or strengthen prior ones. Initially and periodically, the model sponsor analyzes the assessment tasks and scoring rubrics to ensure that they yield important evidence that represents candidate knowledge and skill related to the Texas educator standards, and serve as a basis for determining entry-level pedagogical competence to teach the curriculum and student population of Texas' PK-12 public schools. The model sponsor documents the basis and results of each analysis and modifies the tasks and rubrics as needed.

1(o) The model sponsor must make all performance assessment materials available to the TEA upon request for review and approval, including materials that are proprietary to the model sponsor. The TEA will maintain the confidentiality of all materials designated as proprietary by the model sponsor.

Performance Assessment Design Standard 2: Assessment Designed for Reliability and Fairness

The sponsor of the performance assessment requests approval of an assessment that will yield, in relation to the key aspects of the major domains of the Texas educator standards, enough collective evidence of each candidate's pedagogical and content pedagogical performance to serve as a valid basis to judge the candidate's general pedagogical competence for a Standard certification. The model sponsor carefully

monitors assessment development to ensure consistency with this stated purpose of the assessment. The performance assessment includes a comprehensive program to train, calibrate and maintain assessor calibration over time. The model sponsor periodically evaluates the assessment system to ensure equitable treatment of candidates. The assessment system and its implementation contribute to local and statewide consistency in the assessment of teaching competence.

Required Elements for Performance Assessment Design Standard 2: Assessment Designed for Reliability and Fairness

2(a) In relation to the key aspects of the major domains of the Texas educator standards, the pedagogical assessment tasks, rubrics, and the associated directions to candidates are designed to yield enough valid evidence for an overall judgment of each candidate's pedagogical and content pedagogical qualifications for a Standard certification as one part of the requirements for the certification.

2(b) Pedagogical and content pedagogical assessment tasks and scoring rubrics are extensively field tested in practice before being used operationally for certification. The model sponsor evaluates the field test results thoroughly and documents the field test design, participation, methods, results and interpretation.

2(c) The performance assessment includes a comprehensive process to select and train assessors who score candidate responses to the pedagogical assessment tasks. An assessor training program demonstrates convincingly that prospective and continuing assessors gain a deep understanding of the Texas educator standards, the pedagogical and content-pedagogical assessment tasks and the multi-level scoring rubrics. The training program includes task-based scoring trials in which an assessment trainer evaluates and certifies each assessor's scoring accuracy and calibration in relation to the scoring rubrics associated with the task. The model sponsor establishes selection criteria for assessors of candidate responses to the performance assessment. The selection criteria include but are not limited to appropriate pedagogical expertise in the content areas assessed within the performance assessment. The model sponsor selects assessors who meet the established selection criteria and uses only assessors who successfully calibrate during the required performance assessment model assessor training sequence. When new pedagogical tasks and scoring rubrics are incorporated into the assessment, the model sponsor provides additional training to the assessors, as needed.

2(d) The model sponsor plans and implements periodic evaluations of the assessor training program, which include systematic feedback from assessors and assessment trainers and which lead to substantive improvements in the training as needed.

2(e) The model sponsor provides a consistent scoring process for all programs using that model. The scoring process conducted by the model sponsor to assure the reliability and validity of candidate outcomes on the assessment may include, for example, regular auditing, selective back reading, and double scoring of candidate responses near the cut score by the qualified, calibrated scorers trained by the model sponsor. The model sponsor provides a detailed plan for establishing and maintaining scorer accuracy and inter-rater reliability during field testing and operational administration of the assessment. The model sponsor demonstrates that the assessment procedures, taken as a whole, maximize the accurate determination of each candidate's overall pass-fail status on the assessment. The model sponsor must provide an annual audit process that documents that scoring outcomes are consistent and reliable within the model for candidates across the range of programs, and informs the TEA where inconsistencies in outcomes are identified. If inconsistencies are identified, the sponsor must provide a plan to the TEA for how it will address and resolve the scoring inconsistencies both for the current scoring results and for future scoring of the performance assessment.

2(f) The model sponsor provides the option for candidates seeking elementary certification and LOTE certifications to submit all required components of the portfolio in Spanish or LOTE certification language without translation.

2(g) The model sponsor's performance assessment design includes a clear and easy to implement appeal procedure for candidates who do not pass the assessment, including an equitable process for rescoring of evidence already submitted by an appellant candidate in the program.

2(h) The model sponsor conducting scoring for the program provides results on the performance assessment to the individual candidate based on performance relative to the performance assessment's specific scoring rubrics within a maximum of three weeks following candidate submission of completed performance assessment portfolio. The model sponsor provides results to programs based on both individual and aggregated data relating to candidate performance relative to the rubrics.

2(i) The model sponsor provides program level aggregate results to the TEA, in a manner, format and time frame specified by the TEA, as one means of assessing program quality. It is expected that these results will be used within the TEA's ongoing accreditation and accountability systems.

Performance Assessment Design Standard 3: Performance Assessment Sponsor Support Responsibilities

The sponsor of the performance assessment provides technical support to teacher preparation programs using that model concerning fidelity of implementation of the model as designed. The model sponsor is responsible for conducting and/or moderating scoring for all programs, as applicable, within a national scorer approach. The model sponsor has ongoing responsibilities to interact with the TEA, to provide candidate and program outcomes data as requested and specified by the TEA, and to maintain the currency of the model over time.

Required Elements for Assessment Design Standard 3: Performance Assessment Sponsor Support Responsibilities

3(a) The model sponsor commits to providing on-site and regional training to programs utilizing the performance assessment at no cost to the participating programs.

3(b) The model sponsor provides technical assistance to programs utilizing the performance assessment to support fidelity of implementation of the model as designed. Clear implementation procedures and materials such as a candidate and a program handbook are provided by the model sponsor to programs using the model.

3(c) A model sponsor conducting scoring for programs is responsible for providing performance assessment outcomes data at the candidate and program level to the program within three weeks and to the TEA, as specified by the TEA.

3(d) The model sponsor is responsible for submitting at minimum an annual report to the TEA describing, among other data points, the programs using the performance assessment, the number of candidate submissions scored, the date(s) when responses were received for scoring, the date(s) when the results of the scoring were provided to the preparation programs, the number of candidate appeals, first and second time passing rates, candidate completion passing rates, and other operational details as specified by the TEA.

3(e) The model sponsor is responsible for maintaining the currency of the performance assessment, including making appropriate changes to the assessment tasks and/or to the scoring rubrics and associated program, candidate, and scoring materials, as directed by the TEA when necessitated by changes in the TEKS/ELPS and/or in the teacher educator standards.

3(f) The model sponsor must define the retake policies for candidates who fail one or more parts of the performance assessment which preserve the reliability and validity of the assessment results. The retake policies must include whether the task(s) on which the candidate was not successful must be retaken in whole or in part, with appropriate guidance for programs and candidates about which task and/or task components must be resubmitted for scoring by a second assessor and what the resubmitted response must include.

Review of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

September 13, 2019

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. The proposed revisions would establish requirements for an optional intensive pre-service preparation and certification pathway, for educator preparation program (EPP) name changes, and for a candidate seeking certification in two categories to have clinical teaching in both. A technical edit would correct an accreditation status reference.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 228 is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (2); 21.044; 21.0442(c); 21.0443; 21.0453; 21.0454; 21.0455; 21.046(b); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050; 21.051; and the Texas Occupations Code (TOC), §55.007.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 228, Requirements for Educator Preparation Programs, establish the requirements for EPPs. The proposed revisions would add intensive pre-service as an optional preparation and certification pathway, define and establish the requirements of intensive pre-service, and establish an implementation date for the intensive pre-service option.

The proposed revisions would address a need to provide guidance in rule for instances where EPPs desire a name change following a change in ownership and would also require a candidate who has a second certification category to have clinical teaching in both certification categories. Current rules do not address these issues.

Some of the changes presented in this item correspond to amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, and 19 TAC Chapter 227, Provisions for Educator Preparation Programs.

The following describes the proposed revisions.

§228.2. Definitions.

The proposed amendment in §228.2(7) would add the phrase, "may contain one or more certification categories," and delete the phrase, "also known as a certification field," from the definition of *certification class* to clarify that a class of certificate may contain one or more categories within a certification. For example, the certificate classes include superintendent, principal, classroom teacher, reading specialist, master teacher, school librarian, school counselor, and educational diagnostician, as specified in 19 TAC §230.33. As indicated in 19 TAC Chapter 233, certificates in the classroom teacher class have various categories such as English Language Arts and Reading, Social Studies, Special Education, and Health. This proposed amendment would better distinguish between a class and a category since a category is a subgroup of a class.

The proposed amendment in §228.2(20) would define intensive pre-service as an educator assignment supervised through an EPP that may lead to an intern and probationary certification and subsequently, the completion of a standard certificate. Intensive pre-service would provide a candidate the opportunity to practice content pedagogy and pedagogy skills in a classroom setting with support before serving in the role as the classroom teacher of record.

§228.17. Change of Ownership and Name Change.

Proposed new §228.17 includes a new subsection title, *Change of Ownership and Name Change* (currently *Change of Ownership*) that encompasses the new rule that would allow EPPs to change their names when they change ownership, but not otherwise. This change is necessary to account for instances where programs change ownership, and the new owners desire a different name. The proposed new rule would not allow a program to change its name unless it has both a recent change in ownership that has been reported to Texas Education Agency (TEA) staff within 10 days of the change and a current accreditation status of "Accredited" or "Accredited-Not Rated." These changes will better preserve the integrity of the accreditation system and prevent programs from confusing the public with frequent name changes. To enforce this and ensure EPP compliance, the proposed new rule would allow for TEA staff to recommend an accreditation status of "Accredited-Probation" immediately when a program fails to inform TEA staff regarding its name change. Further, under 19 TAC §229.4, Determination of Accreditation Status, an EPP's accreditation can be revoked after it has been on "Accredited-Probation" status for one year. Current §228.17 would be proposed for repeal as a result of proposed new §228.17.

Since published as proposed, SBEC approved a change to proposed new §228.17(d) to accurately reflect the status of "Accredited-Probation." This change is a technical edit necessary to align these rules with the accreditation statuses listed in TEC, §21.0451(a)(1), and 19 TAC §229.4, Determination of Accreditation Status.

§228.33. Intensive Pre-Service.

Pre-service experience is important to student success, and the proposed new rule would encourage EPPs to offer pre-service training and bring the benefit of clinical teaching to alternative certification and post-baccalaureate candidates. The proposed new rule would allow a candidate with an intern certificate or probationary certificate to move into a role as teacher of record by passing the subject-matter only examination and successfully completing the intensive pre-service training requirements. A candidate would not need to take the content pedagogy examination for issuance of the intern certificate. The proposed new rule would not mandate that EPPs offer intensive pre-service; it would be an option for programs to apply to use this route. A candidate taking this route would still be held to the same testing requirements after issuance of their intern certificate and would be encouraged to take the performance assessment to pair practice-based preparation with a practice-based assessment. The requirement for

issuance of a standard certificate would include the completion of all required assessments as defined in Figure: 19 TAC §230.21(e).

Proposed new §228.33(a) would establish the programmatic requirements of intensive pre-service prior to issuance of an intern certificate including:

- an intensive program with a minimum of four consecutive weeks,
- a minimum of 12 instructional days with one hour of supervised instruction per day, and
- a minimum of four face-to-face observation/feedback coaching sessions provided by a qualified coach that include observations of at least 15 minutes and coaching meetings that are a minimum of 30 minutes.

Proposed new §228.33(b) would specify the requirements a candidate coach must have to offer the observation and feedback sessions described in proposed new §228.33(a).

Proposed new §228.33(c) would specify the eligibility criteria for a candidate seeking the intern certificate via intensive pre-service. Proposed subsection (c)(1) would provide a cross reference to the requirements of concurrently proposed new §230.36(f) that further describes requirements for obtaining the intern certificate for intensive pre-service. Section 228.33(c)(3) would provide a cross reference to commissioner's rule in 19 TAC §150.1002 that governs teacher appraisals and specifies the Texas Teacher Evaluation and Support System (T-TESS) Rubric and would include the dimensions of T-TESS and performance measures that a candidate would need to meet as further criteria for obtaining the intern certificate via intensive pre-service. This would apply to all certification categories except for Special Education EC-12 (candidates would be required to pass the Special Education Supplemental) and bilingual (candidates would be required to pass the Bilingual Target Language Proficiency or related language proficiency exam).

Proposed new §228.33(d) would specify the criteria by which an intensive pre-service candidate could be eligible for a probationary certificate, as indicated in concurrently proposed new §230.37(f).

Proposed new §228.33(e) would set the implementation date of the intensive pre-service training to on or after January 1, 2020.

Candidates participating in the optional intensive pre-service route will need to meet the following assessment requirements for certification.

	Intern Certification	Probationary Certification	Standard Certification
Intensive Pre-Service	<ul style="list-style-type: none"> • Successful completion of intensive pre-service training • Content certification examination (subject-matter knowledge) 	<ul style="list-style-type: none"> • Content pedagogy examination 	<ul style="list-style-type: none"> • Pedagogical Examination

Candidates not participating in intensive pre-service will need to meet the following assessment requirements for certification.

	Intern Certification	Probationary Certification	Standard Certification
Not in Intensive Pre-Service	<ul style="list-style-type: none"> • Content pedagogy examination 	<ul style="list-style-type: none"> • Pedagogical Examination 	

§228.35. Preparation Program Coursework and/or Training.

The proposed amendment to §228.35(e)(2)(A) would add language to specify clinical teaching requirements for a candidate seeking initial certification in only one subject area or in more than one subject area. This would parallel the experience requirements for an intern teacher seeking certification in more than one certification category so that a candidate would have clinical teaching in both certification categories. Under the current rule, a candidate for certification in two categories can complete his or her clinical teaching in just one of the two categories, leaving no practical classroom experience in the other certification category. This allows a candidate to become fully certified in both categories without clinical teaching experience in both categories. Under the proposed language, candidates would need to have a primary assignment that is not less than an average of four hours each day in the subject area and grade level of certification sought, and the EPP would need to be approved to offer preparation in the certification category required for the additional assignment, to provide ongoing support for each assignment as prescribed in §228.35(g), and to provide coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom. In addition, the campus administrator would agree to assign a qualified cooperating teacher appropriate to each assignment. The proposed revisions also include conforming technical edits.

The proposed amendment in §228.35(e)(8)(C) would add a reference to the intern certificate rule in §230.36. The current reference only refers to the probationary certificate.

Proposed new §228.35(g)(7) would add language for an all-level clinical teaching assignment requirement for a candidate seeking certification in an additional area to include an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day. This addresses instances where a candidate cannot be observed for both areas during the same observation. For example, science and physical education cannot be observed concurrently and would require separate observations for each area.

The proposed amendment in §228.35(e)(2)(B)(viii) would include a conforming technical edit.

§228.40. Assessment and Evaluation of Candidates for Certification and Program Improvement.

The proposed amendment in §228.40(b) would align the certification requirements with changes to the examinations that candidates take for admission to an EPP that distinguish subject-matter-only content certification examinations from content pedagogy examinations required for standard certification. The proposed amendment would delete the phrase, "unless a candidate passes the appropriate content certification examination(s) as a requirement for admission to an EPP" to clarify that the EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for certification, unless that content pedagogy test can be used for admission purposes for the low-incidence language tests such as Portuguese, Russian, etc.

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

FISCAL IMPACT: No changes have been made to this section since published as proposed. Because participation in the intensive pre-service route is voluntary and not mandatory under the proposed rules, the TEA staff has determined that there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposed rules.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.002.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations. Proposed new §228.17 amends the subsection title to *Change of Ownership and Name Change* to reflect the fact that the amended rule would create a new regulation to allow EPPs to change their names when they change ownership. Proposed new §228.33 would allow a candidate with an intern certificate or probationary certificate to move into a role as teacher of record, having passed the subject-matter only examination and successfully completing the intensive pre-service. A candidate would not need to take the content pedagogy examination for issuance of the intern certificate. Proposed new §228.35(e)(2)(A)(iii) would create a new regulation requiring a candidate seeking certification in two categories to have clinical teaching in both certification categories. The proposed new regulation would prevent a candidate from becoming fully certified in both categories without clinical teaching experience in both categories, as is allowed under current rule.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. The proposal would result in clear guidance for EPPs on requirements for

providing preparation to individuals seeking certification as an educator. The proposal would also result in clear requirements for EPPs seeking name changes to ensure public clarity of each entity's name. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality
Tam Jones, Director, Educator Preparation

Attachment: Text of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 228. Requirements for Educator Preparation Programs

§228.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31.
- (2) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (3) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's degree from an accredited institution of higher education.
- (4) Benchmarks--A record similar to a transcript for each candidate enrolled in an educator preparation program documenting the completion of admission, program, certification, and other requirements.
- (5) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.
- (6) Certification category--A certificate type within a certification class , as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates) [~~; also known as certification field~~] .
- (7) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title [~~also known as certification field~~] .
- (8) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.
- (9) Clinical teaching--A supervised educator assignment through an educator preparation program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.
- (10) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited institution of higher education is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, internship, and practicum are actual hours spent in the required educational activities and experiences.
- (11) Contingency admission--Admission as described in §227.15 of this title (relating to Contingency Admission).
- (12) Cooperating teacher--For a clinical teacher candidate, an educator who is collaboratively assigned by the educator preparation program (EPP) and campus administrator; who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed cooperating teacher training, including training in how to coach and mentor teacher candidates, by the EPP within three weeks of being assigned to a clinical teacher; who is currently

certified in the certification category for the clinical teaching assignment for which the clinical teacher candidate is seeking certification; who guides, assists, and supports the candidate during the candidate's clinical teaching in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor.

- (13) Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more educator certification classes.
- (14) Entity--The legal entity that is approved to deliver an educator preparation program.
- (15) Field-based experiences--Introductory experiences for a classroom teacher certification candidate involving, at the minimum, reflective observation of Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting.
- (16) Field supervisor--A currently certified educator, hired by the educator preparation program, who preferably has advanced credentials, to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators. A field supervisor shall have at least three years of experience and current certification in the class in which supervision is provided. A field supervisor shall be an accomplished educator as shown by student learning. A field supervisor with experience as a campus-level administrator and who holds a current certificate that is appropriate for a principal assignment may also supervise classroom teacher, master teacher, and reading specialist candidates. A field supervisor with experience as a district-level administrator and who holds a current certificate that is appropriate for a superintendent assignment may also supervise principal candidates. If an individual is not currently certified, an individual must hold at least a master's degree in the academic area or field related to the certification class for which supervision is being provided and comply with the same number, content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours), §232.13 of this title (relating to Number of Required Continuing Professional Education Hours by Classes of Certificates), and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities). A field supervisor shall not be employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum. A mentor, cooperating teacher, or site supervisor, assigned as required by §228.35(f) of this title (relating to Preparation Program Coursework and/or Training), may not also serve as a candidate's field supervisor.
- (17) Formal admission--Admission as described in §227.17 of this title (relating to Formal Admission).
- (18) Head Start Program--The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.
- (19) Initial certification--The first Texas certificate in a class of certificate issued to an individual based on participation in an approved educator preparation program.
- (20) Intensive Pre-Service--An educator assignment supervised by an educator preparation program accredited and approved by the State Board for Educator Certification prior to a candidate meeting the requirements for issuance of intern and probationary certificates.
- (21) ~~(20)~~ Intern certificate--A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has passed ~~[pass]~~ all required content pedagogy certification examinations and is completing initial requirements for certification through an approved educator preparation program.
- (22) ~~(21)~~ Internship--A paid supervised classroom teacher assignment for one full school year at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.
- (23) ~~(22)~~ Late hire--An individual who has not been accepted into an educator preparation program before the 45th day before the first day of instruction and who is hired for a teaching assignment

by a school after the 45th day before the first day of instruction or after the school's academic year has begun.

- (24) [~~(23)~~] Mentor--For an internship candidate, an educator who is collaboratively assigned by the campus administrator and the educator preparation program (EPP); who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed mentor training, including training in how to coach and mentor teacher candidates, by an EPP within three weeks of being assigned to the intern; who is currently certified in the certification category in which the internship candidate is seeking certification; who guides, assists, and supports the candidate during the internship in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor.
- (25) [~~(24)~~] Pedagogy--The art and science of teaching, incorporating instructional methods that are developed from scientifically-based research.
- (26) [~~(25)~~] Post-baccalaureate program--An educator preparation program, delivered by an accredited institution of higher education and approved by the State Board for Educator Certification to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree and are seeking an additional degree.
- (27) [~~(26)~~] Practicum--A supervised educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that is in a school setting in the particular class for which a certificate in a class other than classroom teacher is sought.
- (28) [~~(27)~~] Probationary certificate--A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved educator preparation program.
- (29) [~~(28)~~] School day--If not referring to the school day of a particular public or private school, a school day shall be at least seven hours (420 minutes) each day, including intermissions and recesses.
- (30) [~~(29)~~] School year--If not referring to the school year of a particular public or private school, a school year shall provide at least 180 days (75,600 minutes) of instruction for students.
- (31) [~~(30)~~] Site supervisor--For a practicum candidate, an educator who has at least three years of experience in the aspect(s) of the certification class being pursued by the candidate; who is collaboratively assigned by the campus or district administrator and the educator preparation program (EPP); who is currently certified in the certification class in which the practicum candidate is seeking certification; who has completed training by the EPP, including training in how to coach and mentor candidates, within three weeks of being assigned to a practicum candidate; who is an accomplished educator as shown by student learning; who guides, assists, and supports the candidate during the practicum; and who reports the candidate's progress to the candidate's field supervisor.
- (32) [~~(31)~~] Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.
- (33) [~~(32)~~] Texas Essential Knowledge and Skills (TEKS)--The kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

§228.17. Change of Ownership and Name Change.

- (a) An educator preparation program (EPP) that changes ownership shall notify the Texas Education Agency (TEA) staff of the change of ownership in writing within 10 days of the change.

- (b) A change of ownership is any agreement to transfer the control of an EPP. The control of an EPP is considered to have changed:
- (1) in the case of ownership by an individual, when more than 50% of the EPP has been sold or transferred;
 - (2) in the case of ownership by a partnership or a corporation, when more than 50% of the owning partnership or corporation has been sold or transferred; or
 - (3) in the case of ownership by a board of directors, officers, shareholders, or similar governing body, when more than 50% of the ownership has changed.
- (c) An EPP may not change its name unless it has notified TEA of a change of ownership within the preceding 90 days and has an [g] SBEC accreditation status of "Accredited" or "Accredited--Not Rated." The EPP shall notify TEA staff of the name change in writing.
- (d) TEA staff shall recommend an accreditation status of "~~Not~~ Accredited--Probation" in accordance with §229.4(e)(2) of this title (relating to Determination of Accreditation Status) for any EPP that fails to notify TEA staff timely regarding a change in ownership or a change of program name.

§228.17. Change of Ownership.

- ~~[(a) — Any agreement to transfer the control of an educator preparation program (EPP) is considered a change of ownership. The control of an EPP is considered to have changed:]~~
- ~~(1) — in the case of ownership by an individual, when more than 50% of the EPP has been sold or transferred;]~~
 - ~~(2) — in the case of ownership by a partnership or a corporation, when more than 50% of the owning partnership or corporation has been sold or transferred; or]~~
 - ~~(3) — in the case of ownership by a board of directors, officers, shareholders, or similar governing body, when more than 50% of the ownership has changed.]~~
- ~~[(b) — In order to continue providing educator preparation, the new owners of the EPP shall notify TEA staff of the ownership change in writing within 10 days of the change in ownership.]~~

§228.33. Intensive Pre-Service.

- (a) To offer intensive pre-service, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an intern certificate:
- (1) a four-week minimum intensive program;
 - (2) a minimum of 12 instructional days with one hour of supervised instruction per day;
 - (3) a minimum of four face-to-face observation/feedback coaching cycles provided by qualified coaches with observations that are a minimum of 15 minutes and coaching meetings that are a minimum of 30 minutes; and
 - (4) the requirements regarding coursework and/or training for a candidate seeking initial certification in the classroom teacher certification class as specified in §228.35(b)(1) and (2) of this title (relating to Preparation Program Coursework and/or Training).
- (b) An EPP offering intensive pre-service shall ensure that:
- (1) a candidate coach participates in a minimum of four observation/feedback coaching cycles provided by program supervisors and ongoing training;
 - (2) a candidate coach completes a TEA-approved observation training or has completed a minimum of 150 hours of observation/feedback training; and
 - (3) a candidate coach shall have a current certification in the class in which supervision is provided.

- (c) A candidate participating in intensive pre-service will be eligible for an intern certificate by completing:
- (1) the requirements as prescribed in §230.36(f) of this title (relating to Intern Certificates);
 - (2) programmatic requirements under subsection(a)(1)-(4) of this section;
 - (3) the requirements of the following proficiencies in §150.1002 of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet all of the following performance level measures:
 - (A) Developing performance level on Planning Dimension 1.1: Standards and Alignment;
 - (B) Developing performance level on Planning Dimension 1.2: Data and Assessment;
 - (C) Developing performance level on Instruction Dimension 2.1: Achieving Expectations;
 - (D) Developing performance level on Instruction Dimension 2.2: Content Knowledge and Expertise;
 - (E) Developing performance level on Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;
 - (F) Developing performance level on Learning Environment Dimension 3.2: Managing Student Behavior;
 - (G) Developing performance level on Learning Environment Dimension 3.3: Classroom Culture;
 - (H) Proficient performance level on Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;
 - (I) Developing performance level on Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and
 - (J) Developing performance level on Professional Practices and Responsibilities Dimension 4.3: Professional Development.
- (d) A candidate participating in intensive pre-service will be eligible for a probationary certificate as prescribed in §230.37(f) of this title (relating to Probationary Certificates).
- (e) The provisions in this subchapter apply to an applicant who is admitted to an EPP intensive pre-service on or after January 1, 2020.

§228.35. Preparation Program Coursework and/or Training.

- (a) Coursework and/or training for candidates seeking initial certification in any certification class.
 - (1) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the classroom.
 - (2) Coursework and/or training shall be sustained, rigorous, intensive, interactive, candidate-focused, and performance-based.
 - (3) All coursework and/or training shall be completed prior to EPP completion and standard certification.
 - (4) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of training may be provided by a school district and/or campus that is an approved Texas Education Agency (TEA) continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in the Texas Education Code (TEC), §21.451 (Staff Development Requirements) and must be directly related to the certificate being sought.
 - (5) Each EPP must develop and implement specific criteria and procedures that allow:

- (A) military service member or military veteran candidates to credit verified military service, training, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought; and
 - (B) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought.
- (6) Coursework and training that is offered online must meet, or the EPP must be making progress toward meeting, criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:
- (A) Accreditation or Certification by the Distance Education Accrediting Commission;
 - (B) Program Design and Teaching Support Certification by Quality Matters;
 - (C) Part 1, Chapter 4, Subchapter P, of this title (relating to Approval of Distance Education Courses and Programs for Public Institutions); or
 - (D) Part 1, Chapter 7 of this title (relating to Degree Granting Colleges and Universities Other than Texas Public Institutions).
- (b) Coursework and/or training for candidates seeking initial certification in the classroom teacher certification class. An EPP shall provide each candidate with a minimum of 300 clock-hours of coursework and/or training. An EPP shall provide a minimum of 200 clock-hours of coursework and/or training for a candidate seeking a Trade and Industrial Workforce Training certificate as specified by §233.14(e) of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)). Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:
- (1) a minimum of 30 clock-hours of field-based experience. Up to 15 clock-hours of this field-based experience may be provided by use of electronic transmission or other video or technology-based method; and
 - (2) 150 clock-hours of coursework and/or training that allows candidates to demonstrate proficiency in:
 - (A) designing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for diverse learners and encourage higher-order thinking, persistence, and achievement;
 - (B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;
 - (C) ensuring high levels of learning, social-emotional development, and achievement for all students through knowledge of students, proven practices, and differentiated instruction;
 - (D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;
 - (E) organizing a safe, accessible, and efficient classroom;
 - (F) establishing, communicating, and maintaining clear expectations for student behavior;
 - (G) leading a mutually respectful and collaborative class of actively engaged learners;
 - (H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;
 - (I) reflect on his or her practice; and

- (J) effectively communicating with students, families, colleagues, and community members.
- (c) Coursework and/or training for candidates seeking initial certification in a certification class other than classroom teacher. An EPP shall provide coursework and/or training to ensure that the educator is effective in the assignment. An EPP shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the educator standards for the applicable certification class.
- (d) Late hire provisions. A late hire for a school district teaching position may begin employment under an intern or probationary certificate before completing the pre-internship requirements of subsection (b) of this section, but shall complete these requirements within 90 school days of assignment.
- (e) Educator preparation program delivery. An EPP shall provide evidence of ongoing and relevant field-based experiences throughout the EPP in a variety of educational settings with diverse student populations, including observation, modeling, and demonstration of effective practices to improve student learning.
 - (1) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 30 clock-hours. The field-based experiences must be completed prior to assignment in an internship or clinical teaching.
 - (A) Field-based experiences must include 15 clock-hours in which the candidate, under the direction of the EPP, is actively engaged in instructional or educational activities that include:
 - (i) authentic school settings in a public school accredited by the TEA or other school approved by the TEA for this purpose;
 - (ii) instruction by content certified teachers;
 - (iii) actual students in classrooms/instructional settings with identity-proof provisions;
 - (iv) content or grade-level specific classrooms/instructional settings; and
 - (v) written reflection of the observation.
 - (B) Up to 15 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method. Field-based experience provided by use of electronic transmission or other video or technology-based method must include:
 - (i) direction of the EPP;
 - (ii) authentic school settings in an accredited public or private school;
 - (iii) instruction by content certified teachers;
 - (iv) actual students in classrooms/instructional settings with identity-proof provisions;
 - (v) content or grade-level specific classrooms/instructional settings; and
 - (vi) written reflection of the observation.
 - (C) Up to 15 clock-hours of field-based experience may be satisfied by serving as a long-term substitute. A long-term substitute is an individual who has been hired by a school or district to work at least 30 consecutive days in an assignment as a classroom teacher. Experience may occur after the candidate's admission to an EPP or during the two years before the date the candidate is admitted to the EPP. The candidate's experience in instructional or educational activities must be documented by the EPP and must be obtained at a public or private school accredited or approved for the purpose by the TEA.
 - (2) For initial certification in the classroom teacher certification class, each EPP shall also provide at least one of the following.

- (A) Clinical Teaching. A candidate must have a clinical teaching assignment for each subject area in which the candidate is seeking initial certification.
- (i) For a candidate seeking initial certification in only one subject area, the following provisions apply.
- (I) Clinical teaching must meet one of the following requirements:
- (-a-) ~~(I)~~ a minimum of 14 weeks (no fewer than 70 full days), with a full day being 100% of the school day; or
- (-b-) ~~(II)~~ a minimum of 28 weeks (no fewer than 140 half days), with a half day being 50% of the school day.
- (II) ~~(ii)~~ A clinical teaching assignment as described in subclause (I)(-a-) of this clause ~~[clause (i)(I) of this subparagraph]~~ shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and duty-free lunch periods.
- (ii) For a candidate seeking initial certification in more than one subject area, the primary teaching assignment must meet the requirements of clause (i)(I)(-a-) of this subparagraph. Additional clinical teaching assignments in other subject areas may be less than an average of four hours each day during the 14 weeks of clinical teaching if:
- (I) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;
- (II) the EPP is approved to offer preparation in the certification category required for the additional assignment;
- (III) the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;
- (IV) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and
- (V) the campus administrator agrees to assign a qualified cooperating teacher appropriate to each assignment.
- (iii) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.
- (iv) An EPP may permit a full day clinical teaching assignment up to 5 full days fewer than the minimum and a half day clinical teaching assignment up to 10 half days fewer than the minimum if due to maternity leave, military leave, illness, or bereavement.
- (B) Internship. An internship must be for a minimum of one full school year for the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.
- (i) An EPP may permit an internship of up to 30 school days fewer than the minimum if due to maternity leave, military leave, illness, bereavement, or if the late hire date is after the first day of the school year.

- (ii) The beginning date for an internship for the purpose of field supervision is the first day of instruction with students in the school or district in which the internship takes place.
- (iii) An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and duty-free lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day if:
 - (I) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;
 - (II) the EPP is approved to offer preparation in the certification category required for the additional assignment;
 - (III) the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;
 - (IV) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and
 - (V) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required.
- (iv) A candidate must hold an intern or probationary certificate while participating in an internship. A candidate must meet the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates) to be eligible for an intern or probationary certificate.
- (v) An EPP may recommend an additional internship if:
 - (I) the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional internship; or
 - (II) the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional internship.
- (vi) An EPP must provide ongoing support to a candidate as described in subsection (g) of this section for the full term of the initial and any additional internship, unless, prior to the expiration of that term:
 - (I) a standard certificate is issued to the candidate during any additional internship under a probationary certificate;
 - (II) the candidate resigns, is non-renewed, or is terminated by the school or district. A candidate must provide the EPP the official notice of resignation or termination within seven calendar days after receipt of the notice from the employing school or district. Within seven calendar days after receipt of the official notice of resignation or termination, an EPP must notify a candidate in writing that the EPP will provide TEA with notice about the resignation or termination and that the intern or probationary certificate will be inactivated by the TEA 30 calendar days from the effective date of the resignation or termination. Within one business day after providing the notice to a candidate, an EPP must email the TEA a copy of the notice to the candidate and a copy of the official notice of the resignation or termination;

- (III) the candidate is discharged or is released from the EPP. An EPP must notify a candidate in writing that the candidate is being discharged or released, that the EPP will provide the employing school or district with notice of the discharge or release, that the EPP will provide TEA with notice about the discharge or release, and that the intern or probationary certificate will be inactivated by the TEA 30 calendar days from the effective date of the discharge or release. Within one business day after providing a candidate with notice of discharge or release, an EPP must provide written notification to the employing school or district of the withdrawal, discharge, or release. Within one business day of providing notice to the employing school or district, an EPP must email the TEA a copy of the notice of discharge or release and a copy of the notice to the employing school or district;
- (IV) the candidate withdraws from the EPP. A candidate must notify the EPP in writing that the candidate is withdrawing from the EPP. Within seven calendar days after receipt of the withdrawal notice, an EPP must notify a candidate in writing that the EPP will provide the employing school or district with notice of the withdrawal, that the EPP will provide TEA with notice about the withdrawal, and that the intern or probationary certificate will be inactivated by the TEA 30 calendar days from the effective date of the withdrawal. Within one business day after providing a candidate with notice of discharge or release, an EPP must provide written notification to the employing school or district of the withdrawal, discharge, or release. Within one business day of providing notice to the employing school or district, an EPP must email the TEA a copy of the notice of withdrawal and a copy of the notice to the employing school or district;
- (V) the internship assignment does not meet the requirements described in this subparagraph. Within seven calendar days of knowing that an internship assignment does not meet requirements, an EPP must notify a candidate in writing: that the internship assignment does not meet the requirements; that the EPP will provide the employing school or district with notice; that the EPP will provide the TEA with notice; and that the intern or probationary certificate will be inactivated by the TEA 30 calendar days from the effective date the notice to the candidate was sent by the EPP. Within one business day after providing a candidate with notice, an EPP must provide written notification to the employing school or district that the internship assignment does not meet requirements and that the TEA will inactivate the certificate. Within one business day of providing notice to the employing school or district, an EPP must email the TEA a copy of the notice to the candidate and a copy of the notice to the employing school or district.
- (vii) An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.
- (viii) An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1,

Chapter 4, Subchapter D of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges [~~Public Schools~~]).

- (3) An EPP may request an exception to the clinical teaching option described in this subsection.
- (A) Submission of Exception Request. The request for an exception must include an alternate requirement that will adequately prepare candidates for educator certification and ensure the educator is effective in the classroom. The request for an exception must be submitted in a form developed by the TEA staff that shall include:
- (i) the rationale and support for the alternate clinical teaching option;
 - (ii) a full description and methodology of the alternate clinical teaching option;
 - (iii) a description of the controls to maintain the delivery of equivalent, quality education; and
 - (iv) a description of the ongoing monitoring and evaluation process to ensure that EPP objectives are met.
- (B) Review, Approval, and Revocation of Exception Request.
- (i) Exception requests will be reviewed by TEA staff, and the TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the exception should be approved. The SBEC may:
 - (I) approve the request;
 - (II) approve the request with conditions;
 - (III) deny approval of the request; or
 - (IV) defer action on the request pending receipt of further information.
 - (ii) If the SBEC approves the request with conditions, the EPP must meet the conditions specified in the request. If the EPP does not meet the conditions, the approval is revoked.
 - (iii) If the SBEC approves the request, the EPP must submit a written report of outcomes resulting from the clinical teaching exception to the TEA by September 15 of each academic year. If the EPP does not timely submit the report, the approval is revoked.
 - (iv) If the SBEC does approve the exception or an approval is revoked, an EPP must wait at least six months from the date of the denial or revocation before submitting a new request.
- (4) Candidates participating in an internship or a clinical teaching assignment need to experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching or an internship, they must be provided through field-based experiences.
- (5) An internship or clinical teaching experience for certificates that include early childhood may be completed at a Head Start Program with the following stipulations:
- (A) a certified teacher is available as a trained mentor;
 - (B) the Head Start program is affiliated with the federal Head Start program and approved by the TEA;
 - (C) the Head Start program teaches three- and four-year-old students; and
 - (D) the state's prekindergarten curriculum guidelines are being implemented.

- (6) An internship or clinical teaching experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
- (7) An internship or clinical teaching experience shall not take place in a setting where the candidate:
 - (A) has an administrative role over the mentor or cooperating teacher; or
 - (B) is related to the field supervisor, mentor, or cooperating teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
- (8) For certification in a class other than classroom teacher, each EPP shall provide a practicum for a minimum of 160 clock-hours whereby a candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.
 - (A) A practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
 - (B) A practicum shall not take place in a setting where the candidate:
 - (i) has an administrative role over the site supervisor; or
 - (ii) is related to the field supervisor or site supervisor by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
 - (C) An intern or probationary certificate may be issued to a candidate for a certification class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates).
 - (i) A candidate for an intern or probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.
 - (ii) An EPP may recommend an additional practicum under a probationary certificate if:
 - (I) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional practicum; or
 - (II) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.
 - (D) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.
- (9) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for field-based experience, internship, clinical teaching, and/or practicum.
 - (A) All Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of field-based experience, internship, clinical teaching, and/or practicum.

- (B) An EPP may file an application with the TEA for approval, subject to periodic review, of a public school, a private school, or a school system located within any state or territory of the United States, as a site for field-based experience. The application shall be in a form developed by the TEA staff and shall include, at a minimum, evidence showing that the instructional standards of the school or school system align with those of the applicable Texas Essential Knowledge and Skills (TEKS) and SBEC certification standards.
- (C) An EPP may file an application with the TEA for approval, subject to periodic review, of a public or private school located within any state or territory of the United States, as a site for an internship, clinical teaching, and/or practicum required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum:
 - (i) the accreditation(s) held by the school;
 - (ii) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable TEKS and SBEC certification standards;
 - (iii) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and
 - (iv) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.
- (D) An EPP may file an application with the TEA for approval, subject to periodic review, of a public or private school located outside the United States, as a site for clinical teaching, internship, or practicum required by this chapter. The application shall be in a form developed by the TEA staff and shall include, at a minimum, the same elements required in subparagraph (C) of this paragraph for schools located within any state or territory of the United States, with the addition of a description of the on-site program personnel and program support that will be provided and a description of the school's recognition by the U.S. State Department Office of Overseas Schools.
- (f) Mentors, cooperating teachers, and site supervisors. In order to support a new educator and to increase educator retention, an EPP shall collaborate with the campus or district administrator to assign each candidate a mentor during the candidate's internship, assign a cooperating teacher during the candidate's clinical teaching experience, or assign a site supervisor during the candidate's practicum. If an individual who meets the certification category and/or experience criteria for a cooperating teacher, mentor, or site supervisor is not available, the EPP and campus or district administrator shall assign an individual who most closely meets the criteria and document the reason for selecting an individual that does not meet the criteria. The EPP is responsible for providing mentor, cooperating teacher, and/or site supervisor training that relies on scientifically-based research, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented.
- (g) Ongoing educator preparation program support for initial certification of teachers. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate, document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's cooperating teacher or mentor. Neither the pre-observation conference nor the post-observation conference need to be onsite. For candidates participating in an internship, the field supervisor shall provide a copy of the written feedback to the candidate's supervising campus administrator. Formal observations by the field supervisor conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided

by the field supervisor as appropriate. In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience. For an internship, the field supervisor shall collaborate with the candidate, mentor, and supervising campus administrator throughout the internship.

- (1) Each formal observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.
 - (2) An EPP must provide the first formal observation within the first third of all clinical teaching assignments and the first six weeks of all internship assignments.
 - (3) For an internship under an intern certificate or an additional internship described in subsection (e)(2)(B)(v)(I) of this section, an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship.
 - (4) For a first-year internship under a probationary certificate or an additional internship described in subsection (e)(2)(B)(v)(II) of this section, an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment.
 - (5) If an internship under an intern certificate or an additional internship described in subsection (e)(2)(B)(v)(I) of this section involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, an EPP must provide a minimum of three observations in each assignment. For each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship.
 - (6) For a first-year internship under a probationary certificate or an additional internship described in subsection (e)(2)(B)(v)(II) of this section that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, an EPP must provide a minimum of one formal observation in each of the assignments during the first half of the assignment and a minimum of one formal observation in each assignment during the second half of the assignment.
 - (7) For a 14-week, full-day clinical teaching assignment, an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment. For an all-level clinical teaching assignment in more than one location or in an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, a minimum of two formal observations must be provided during the first half of the assignment and a minimum of one formal observation must be provided during the second half of the assignment.
 - (8) For a 28-week, half-day clinical teaching assignment or a full-day clinical teaching assignment that exceeds 14 weeks and extends beyond one semester, an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the last half of the assignment.
- (h) Ongoing educator preparation program support for certification in a certification class other than classroom teacher. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter of the assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's site supervisor. Neither the pre-observation conference nor

the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. The field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.

- (1) Formal observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
 - (2) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology-based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre- and post-conference.
 - (3) Regardless of the type of certificate held by a candidate during a practicum, an EPP must provide a minimum of one formal observation within the first third of the practicum, one formal observation within the second third of the practicum, and one formal observation within the final third of the practicum.
- (i) Coursework and/or training for candidates seeking Early Childhood: Prekindergarten-Grade 3 certification.
- (1) In support of the educator standards that are the curricular basis of the Early Childhood: Prekindergarten-Grade 3 certificate, an EPP shall integrate the following concepts and themes throughout the coursework and training:
 - (A) using planning and teaching practices that support student learning in early childhood, including:
 - (i) demonstrating knowledge and skills to support child development (birth-age eight) in the following areas:
 - (I) brain development;
 - (II) physical development;
 - (III) social-emotional learning; and
 - (IV) cultural development;
 - (ii) demonstrating knowledge and skills of effective, research supported, developmentally appropriate instructional approaches to support young students' learning, including, but not limited to:
 - (I) intentional instruction with clear learning goals;
 - (II) project-based learning;
 - (III) child-directed inquiry;
 - (IV) learning through play; and
 - (V) integration of knowledge across content areas;
 - (iii) demonstrating knowledge and skills in implementing instruction tailored to the variability in learners' needs, including, but not limited to, small group instruction;
 - (iv) demonstrating knowledge and skills in early literacy development and pedagogy, including:
 - (I) demonstrating effective ways to support language development, particularly oral language development, including, but not limited to, growth in academic vocabulary, comprehension, and inferencing abilities; and

- (II) demonstrating effective ways to support early literacy development, including letter knowledge, phonological awareness, early writing, and decoding;
 - (v) demonstrating knowledge and skills in early mathematics and science development and pedagogy;
 - (vi) demonstrating knowledge and skills in developing and implementing pedagogical approaches for students who are English learners and/or bilingual; and
 - (vii) demonstrating knowledge and skills in developing and implementing pedagogical approaches for students who have or are at risk for developmental delays and disabilities;
- (B) assessing the success of instruction and student learning through developmentally appropriate assessment, including:
- (i) demonstrating knowledge of multiple forms of assessment, the information that each form of assessment can provide about a student's learning and development, and how to conceive, construct, and/or select an assessment aligned to standards that can demonstrate student learning to stakeholders;
 - (ii) demonstrating knowledge in how to use assessments to inform instruction to support student growth; and
 - (iii) demonstrating knowledge and application of children's developmental continuum in the analysis of assessment results utilizing a variety of assessment types to gain a full understanding of students' current development and assets;
- (C) creating developmentally appropriate learning environments, including:
- (i) demonstrating knowledge and skills in supporting learners' development of self-regulation and executive function (e.g., behavior, attention, goal setting, cooperation);
 - (ii) demonstrating knowledge and skills in designing, organizing, and facilitating spaces for learning, particularly small group learning, in both indoor and outdoor contexts; and
 - (iii) demonstrating knowledge and skills in developing learning environments that support English learners' development, including structures to support language development and communication;
- (D) working with families, students, and the community through:
- (i) teacher agency and teacher leadership;
 - (ii) research-based family engagement practices;
 - (iii) understanding the capabilities of students through parent and community input; and
 - (iv) the development and modeling of responsive relationships with children; and
- (E) using a diversity and equity framework, such as:
- (i) demonstrating knowledge and skills in creating early learning communities that capitalize on the cultural knowledge and strengths children bring to the classroom;
 - (ii) demonstrating knowledge and skills in creating an early learning environment that reflects the communities in which they work; and

- (iii) demonstrating knowledge and skills in how to access the knowledge children and families bring to school.
- (2) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the applicant to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 with a minimum of 150 clock-hours of coursework and/or training that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, Division 1, of this title (relating to Early Childhood: Prekindergarten-Grade 3) and that is based on the concepts and themes specified in subsection (i)(1) of this section. A clinical teaching, internship, or practicum assignment is not required for completion of program requirements.
- (3) An EPP shall provide each candidate who holds a valid standard, provisional, or one year classroom teacher certificate specified in §230.31 of this title (relating to Professional Educator Preparation and Certification) in a certificate category that does not allow the candidate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 coursework and/or training as specified in subsections (a) and (b) of this section that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, Division 1, of this title (relating to Early Childhood: Prekindergarten-Grade 3) and that is based on the concepts and themes specified in subsection (i)(1) of this section, a clinical experience as specified in subsection (e)(2) of this section, a mentor or cooperating teacher as specified in subsection (f) of this section, and ongoing support as specified in subsection (g) of this section.
- (j) Coursework and/or training for candidates seeking a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certification.
 - (1) An EPP must provide a minimum of 300 hours of coursework and/or training related to the educator standards for that certificate adopted by the SBEC.
 - (2) An EPP shall provide a clinical experience of at least 350 clock-hours in a supervised educator assignment in a public school accredited by the TEA or other school approved by the TEA for this purpose. A TVI certification candidate must demonstrate proficiency in each of the educator standards for the certificate being sought during the clinical experience. A clinical experience is successful when the field supervisor recommends to the EPP that the TVI certification candidate should be recommended for a TVI supplemental certification.
 - (A) An EPP will provide guidance, assistance, and support for the TVI certification candidate by assigning a cooperating teacher and/or providing individual or group consultation. The EPP is responsible for providing training to cooperating teachers and/or consultation providers.
 - (B) An EPP will collaborate with the program coordinator for the Texas School for the Blind and Visually Impaired Statewide Mentor Program to assign a TVI mentor for the TVI certification candidate. The Texas School for the Blind and Visually Impaired Statewide Mentor Program is responsible for providing training for all TVI mentors.
 - (C) An EPP will provide ongoing support for the TVI certification candidate. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter of the assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational practices observed; and provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate. Neither the pre-observation conference nor the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be

used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate.

- (i) Formal observations must be at least 135 minutes in duration in total throughout the clinical experience and must be conducted by the field supervisor.
- (ii) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology-based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre- and post-conference.
- (iii) An EPP must provide a minimum of one formal observation within the first third of the clinical experience, one formal observation within the second third of the clinical experience, and one formal observation within the final third of the clinical experience.

(k) Candidates employed as certified educational aides.

- (1) Clinical Teaching Assignment. Candidates employed as certified educational aides may satisfy their clinical teaching assignment requirements through their instructional duties.
 - (A) If an EPP permits candidates employed as certified educational aides, as defined by Chapter 230, Subchapter E, of this title (relating to Educational Aide Certificate), to satisfy the clinical teaching assignment requirements through their instructional duties, the clinical teaching assignment must be for a minimum of 490 hours (14-week equivalent).
 - (B) An EPP may permit an educational aide employed in a clinical teaching to be excused from up to 35 of the required hours due to maternity leave, military leave, or illness.
 - (C) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.
- (2) Coursework and Training. An EPP must provide coursework and/or training as specified in subsections (a) and (b) of this section, a clinical experience as specified in subsection (e) of this section, a cooperating teacher as specified in subsection (f) of this section, and ongoing support as specified in subsection (g) of this section. An EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment.

(l) Exemptions.

- (1) Under the TEC, §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under the TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience, internship, or clinical teaching.
- (2) Under the TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an EPP or while the person is enrolled in an EPP is exempt from any clinical teaching, internship, or field-based experience program requirement.

§228.40. Assessment and Evaluation of Candidates for Certification and Program Improvement.

- (a) To ensure that a candidate for educator certification is prepared to receive a standard certificate, the educator preparation program (EPP) shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP.
- (b) An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate content pedagogy ~~[certification]~~ examination(s) required for certification, unless that content pedagogy test is used for admission purposes [unless a candidate passes the appropriate content certification examination(s) as a requirement for admission to an EPP].
- (c) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP.
- (d) An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct. An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP.
- (e) For the purposes of EPP improvement, an entity shall continuously evaluate the design and delivery of the EPP components based on performance data, scientifically-based research practices, and the results of internal and external feedback and assessments.
- (f) An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program.

**Discussion of Proposed Amendments to 19 TAC Chapter 61, School Districts,
Subchapter A, Board of Trustees Relationship**

September 12, 2019

**COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides an opportunity for the Committee on School Initiatives to discuss proposed amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship. The proposed amendments would reflect changes made by House Bill (HB) 3 and HB 403, 86th Texas Legislature, 2019, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. The proposed amendments would also address the required number of nominees for trustee candidates for military reservation districts.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.159, as amended by HB 403, 86th Texas Legislature, 2019; TEC, §11.185 and §11.186, as added by HB 3, 86th Texas Legislature, 2019; and TEC, §11.352.

TEC, §11.159, as amended by HB 403, 86th Texas Legislature, 2019, requires the SBOE to provide a training course for school board trustees, including one hour of training every two years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

TEC, §11.185 and §11.186, as added by HB 3, 86th Texas Legislature, 2019, requires each district board of trustees to adopt proficiency plans and annual goals for early childhood literacy, mathematics proficiency, and college, career, and military readiness.

TEC, §11.352, grants the SBOE the authority to appoint a board of three or five trustees for each military reservation district.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: The proposed amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, will be presented for first reading and filing authorization at the November 2019 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The TEC, §11.159, Member Training and Orientation, requires the SBOE to provide a training course for school board trustees. Section 61.1 addresses this statutory requirement. School board trustee training under current SBOE rule includes a local school district orientation session, a basic orientation to the TEC, an annual team-building session with the local school board and the superintendent, specified hours of continuing education based on identified needs, and training on evaluating student academic performance.

HB 3, 86th Texas Legislature, 2019, added TEC, §11.185 and §11.186, and requires each district board of trustees to adopt proficiency plans and annual goals for early childhood literacy; mathematics proficiency; and college, career, and military readiness. The annual goals should be

for the subsequent five years to reach quantifiable goals. These plans are to be reviewed each year by the board of trustees and posted on the website of each district and campus.

TEC, §11.352, grants the SBOE the authority to appoint a board of three or five trustees for each military reservation district. Enlisted personnel and officers may be appointed to the school board, but a majority of the trustees must be civilians. The trustees are selected from a list of people provided by the commanding officer of the military reservation.

Staff Members Responsible:

Jeff Cottrill, Deputy Commissioner, Governance and Accountability

Drew Howard, Senior Director, Lone Star Governance

Jason Hewitt, Senior Director, Special Investigations, Monitors, and Conservators

Attachment: Text of 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship

ATTACHMENT
Text of Current 19 TAC

Chapter 61. School Districts

Subchapter A. Board of Trustees Relationship

§61.1. Continuing Education for School Board Members.

- (a) Under the Texas Education Code (TEC), §11.159, the State Board of Education (SBOE) shall adopt a framework for governance leadership to be used in structuring continuing education for school board members. The framework shall be posted to the Texas Education Agency (TEA) website and shall be distributed annually by the president of each board of trustees to all current board members and the superintendent.
- (b) The continuing education required under the TEC, §11.159, applies to each member of an independent school district board of trustees. The continuing education requirement consists of orientation sessions, an annual team-building session with the local board and the superintendent, and specified hours of continuing education based on identified needs. The superintendent's participation in team-building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.
 - (1) Each school board member of an independent school district shall receive a local district orientation and an orientation to the TEC.
 - (A) Each new board member shall participate in a local district orientation session within one year before or 120 days after the board member's election or appointment. The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities. The local district orientation shall be at least three hours in length for each new board member. Any sitting board member may attend or participate in the local district orientation. The local district orientation shall address local district practices in the following, in addition to topics chosen by the local district:
 - (i) curriculum and instruction;
 - (ii) business and finance operations;
 - (iii) district operations;
 - (iv) superintendent evaluation; and
 - (v) board member roles and responsibilities.
 - (B) A sitting board member shall receive a basic orientation to the TEC and relevant legal obligations. The orientation shall have special but not exclusive emphasis on statutory provisions related to governing Texas school districts. The orientation shall be delivered by regional education service centers (ESCs) and shall be no less than three hours in length. Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction). A newly elected or appointed board member of an independent school district shall receive the orientation to the TEC within the first 120 days of service. The orientation to the TEC shall be open to any sitting board member who chooses to attend.
 - (C) After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall receive an update from an ESC or any registered provider to the basic orientation to the TEC. The update session shall be of sufficient length to familiarize board members with major changes in the code and other relevant legal developments related to school governance. A board member who has attended an ESC basic orientation session that incorporates the most recent legislative changes is not required to attend an update.

- (2) The entire board, including all board members, shall annually participate with their superintendent in a team-building session facilitated by the ESC or any registered provider. The team-building session shall be at least three hours in length. The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team. The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership. The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the year for the governance leadership team.
- (3) In addition to the continuing education requirements in paragraphs (1) and (2) of this subsection, each board member shall receive additional continuing education on an annual basis in fulfillment of assessed needs and based on the framework for governance leadership. The continuing education sessions may be provided by ESCs or other registered providers.
 - (A) In a board member's first year of service, he or she shall receive at least ten hours of continuing education in fulfillment of assessed needs. Up to five of the required ten hours may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (g) of this section.
 - (B) Following a board member's first year of service, he or she shall receive at least five hours of continuing education annually in fulfillment of assessed needs. A board member may fulfill the five hours of continuing education through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (g) of this section.
 - (C) A board president shall receive continuing education related to leadership duties of a board president as some portion of the annual requirement.
- (4) Each school board member shall complete continuing education every two years on evaluating student academic performance.
 - (A) The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in the TEC, §11.1515.
 - (B) A candidate for school board may complete the training up to one year before the candidate is elected. If a newly elected or appointed school board member did not complete this training in the year preceding the member's election, the member must complete the training within 120 days after election or appointment. A returning board member shall complete the training by the second anniversary of the completion of the trustee's previous training.
 - (C) An authorized provider for training on evaluating student academic performance is a provider who is registered pursuant to subsection (f) of this section and has demonstrated proficiency in the content required by subsection (b)(4)(E) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course and evaluation on the topic, by being certified as a Lone Star Governance coach, through a review of the provider's qualifications and course design, or through other means as determined by the commissioner of education.
 - (D) The training on evaluating student academic performance shall be at least three hours in length.

- (E) The continuing education training required by this subsection shall include, at a minimum, the following:
 - (i) instruction in school board behaviors correlated to improved student outcomes with emphasis on inputs, outcomes, and collaborative student outcome goal setting;
 - (ii) instruction in progress monitoring to improve student outcomes with emphasis on progress monitoring practices, formative assessments, interim assessments, and summative assessments; and
 - (iii) instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under the TEC, Chapter 39, and the state accountability rating system.
- (F) If the training is attended by an entire school board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements of subsection (b)(2) of this section, the training may serve to meet a school board member's obligation to receive training under subsection (b)(2) and (4) of this section, as long as the training complies with the Texas Open Meetings Act.
- (c) No continuing education shall take place during a school board meeting unless that meeting is called expressly for the delivery of board member continuing education. However, continuing education may take place prior to or after a legally called board meeting in accordance with the provisions of the Texas Government Code, §551.001(4).
- (d) An ESC board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members.
- (e) A registration fee shall be determined by ESCs to cover the costs of providing continuing education programs offered by ESCs.
- (f) A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(1)(C) and (2)-(4) of this section.
 - (1) The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
 - (2) An updated registration shall be required of a provider of continuing education every three years.
 - (3) A school district that provides continuing education exclusively for its own board members is not required to register.
 - (4) An ESC is not required to register under this subsection.
- (g) The provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's registration number.
- (h) At least 50% of the continuing education required in subsection (b)(3) of this section shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.
- (i) To the extent possible, the entire board shall participate in continuing education programs together.
- (j) At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule.

The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

- (k) Annually, the SBOE shall commend those local board-superintendent teams that receive at least eight hours of the continuing education specified in subsection (b)(2) and (3) of this section as an entire board-superintendent team.
- (l) Annually, the SBOE shall commend local board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool developed under the TEC, §11.182, or any other tool approved by the commissioner.

§61.2. Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District.

- (a) In nominating trustee candidates for military reservation school districts, the commanding officer of the military reservation shall do the following:
 - (1) submit a list to the commissioner of education with at least three nominees for each vacancy. A majority of the trustees appointed to the school board must be civilian, and all may be civilian. When two or more vacancies occur simultaneously, a list of three different nominees for each vacancy shall be submitted. In cases when the commanding officer wishes to reappoint existing board members, a list of three nominees for each vacancy must still be submitted. Nominees not selected for existing vacancies may be resubmitted as candidates for subsequent vacancies. The commanding officer may rank in the order of preference the nominees submitted for each vacancy;
 - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas and lives or is employed on the military reservation;
 - (3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each of the nominees which expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement which expresses recognition of the powers of the board of trustees to govern and manage the operations of the military reservation school districts;
 - (6) submit a signed statement regarding the governance and management operations of the district which expresses recognition that the role of the commanding officer of the military reservation is limited only to the duty defined by statute in the process for appointing members of the board of trustees; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the Texas Education Code (TEC), §11.352.
- (b) In nominating trustee candidates for the Boys Ranch Independent School District (ISD), the president and chief executive officer of the Cal Farley's Boys Ranch shall do the following:
 - (1) submit a name to the commissioner for each vacancy. When two or more vacancies occur simultaneously, a name for each vacancy shall be submitted. In cases when the president and chief executive officer wishes to reappoint existing board members, the name of the existing board member for each vacancy must still be submitted;
 - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas;

- (3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each of the nominees which expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement which expresses recognition of the powers of the board of trustees to govern and manage the operations of the Boys Ranch ISD;
 - (6) submit a signed statement regarding the governance and management operations of the district which expresses recognition that the role of the superintendent is in full compliance with the provisions of the TEC, §11.201; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the TEC, §11.352.
- (c) A member of a board of trustees appointed under the TEC, §11.352, and this section will serve a term of two years. A member of the board of trustees, who during the period of the term of office resigns from office or experiences a change of status that disqualifies such member for appointment under the provisions of the TEC, shall become ineligible to serve at the time of the change of status. A board vacancy resulting from such resignation or disqualification shall be filled in accordance with the procedures established under the TEC, §11.352, and this section.

INFORMATION MATERIALS

STATE BOARD OF EDUCATION OPERATING RULES
(Amended January 28, 2019)

CHAPTER 1. BOARD ORGANIZATION

The statutory citation for this chapter is the Texas Education Code, §7.107.

§1.1. Officers of the Board.

- (a) Selection.
- (1) The vice chair and secretary of the board shall be elected in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
 - (2) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect a board member to fill the vacancy for the unexpired term of that officer at the next board meeting. Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
- (b) Duties.
- (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
 - (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
 - (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

§1.2. Committees of the Board.

- (a) The standing committees of the board and their areas of oversight are:

Committee of the Full Board

1. Public testimony
2. Establishment of essential knowledge and skills (TEKS)
3. Adopt instructional materials

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including procedures concerning dyslexia and related disorders)
3. Instructional materials proclamations
4. Student assessment program implementation

5. General education
6. Education of individuals with disabilities
7. Gifted and talented education
8. Adult education
9. Library standards
10. Texas School for the Blind and Visually Handicapped/Texas School for the Deaf

Committee on School Finance/Permanent School Fund

1. State and federal funding issues
2. Financial budgeting, reporting, and regulation
3. Contract and grant approval
4. Instructional materials financing and operations
5. Review commissioner's annual FSP budget
6. Community education funding
7. Oversight of the Bond Guarantee Program
8. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions

Committee on School Initiatives

1. Long-range plans required by statute
 2. Educational technology and telecommunications
 3. Review and evaluation of charter school applications, revisions, and amendments the commissioner of education proposes to grant
 4. State Board for Educator Certification rules review
 5. School board member training policy
 6. Hearing examiners
 7. Military reservation and special school districts
 8. Extracurricular activities
 9. Home-rule school district probation and revocation
- (b) Amendments to the areas of committee oversight reflecting new or changing board responsibilities may be made during the board's periodic operating rules review or by means of resolution addressing the change in responsibilities should such change occur between the operating rules review.
- (c) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.
- (d) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (e) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The

officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall also consider seniority (total years of service), ethnicity balance, gender balance, and relevant qualifications specific to a committee assignment in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee.

- (f) Ad hoc committees. Ad hoc committees (i.e., task forces) may be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (g) From time to time committees may find it necessary to request legal opinions, comprehensive studies, or reports to be prepared by the staff to aid the committees in their deliberations. To ensure clarity and coordination, all such requests shall be directed to the Division of State Board of Education Support and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request the Attorney General to issue an opinion under Texas Government Code §402.042.

§1.3. Board Member Seating Selection.

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.

CHAPTER 2. MEETINGS

The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.

§2.1. Regular Meetings of the Board.

In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

§2.2. Special Meetings of the Board.

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

§2.3. Open Meetings.

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet.

§2.4. Executive Sessions.

Executive sessions of the board or of board committees are meetings with only board members and persons authorized by law. Executive sessions shall be held in accordance with Texas Government Code, Chapter 551, Open Meetings.

§2.5. Agendas.

- (a) The commissioner of education shall prepare and submit to each member of the board, prior to each meeting, a draft agenda schedule, listing item titles with short summaries of each item. Other than as is provided in subsection (b) and (c), all agenda items are subject to the approval of the chair of the board. Materials supplementing the agenda may be included. Official agendas will be available the day of the board meeting.
- (b) The chairs of the Committee on Instruction, Committee on School Finance/Permanent School Fund, Committee on School Initiatives, and ad hoc committees shall collaborate with the board chair regarding items to be placed on their respective committee agendas. Committee agendas shall include statutorily mandated motions, items assigned to the committee by the board chair, items posted at the discretion of the committee chair and items voted on as set out in subsection (c) below. Committee chairs may post discussion items per their discretion, but action items must be approved by the board chair, subject to the process set out in (c) below.

- (c) Any member of the board may request that a committee chair, other than the Committee of the Full Board, place an item on the agenda of that chair's committee, as either a discussion item or an action item. If the committee chair agrees, the item is placed on the agenda of that chair's committee in accordance with the member's request, subject to the approval of the board chair. If the committee chair denies the member's request, the member may appeal the denial to the board chair. If the board chair denies the request, the member may appeal the denial to the board. If the board approves the request, it is placed on the agenda of the committee to which the request was made at the next meeting of that committee.
- (d) A subject on the agenda that is outside the scope of the board's authority may only be considered by the board or the Committee of the Full Board by a vote of a majority of the membership of the board. The chair, in consultation with Agency legal counsel, shall make a determination of whether an item is outside the scope of the board's authority when preparing the agenda. Any member may move to place an item determined by the chair to be outside the scope of the board's authority on the agenda for a subsequent meeting.

§2.6. Official Transaction of Business.

- (a) The board shall transact official business only when in session with a quorum present. Unless otherwise provided by law, in order for a board action to be final, it must be approved by a majority of the board members present and voting.
- (b) The chair may authorize the board to meet via videoconference call. As required by Government Code §551.127(c), if videoconference calling technology is used, the meeting location where the presiding officer of the meeting is present must be open to the public, except during executive sessions. The chair may limit the number of remote videoconference locations in the interest of decorum and teleconference capacity.
- (c) No posters, props, flags, noisemakers, or other visual displays are allowed by board members within the meeting rooms without permission from the presiding chair.

§2.7. Rules of Order.

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) No signs, placards or other objects of a similar nature shall be permitted in the audience gallery area.
- (d) No applause, outburst or other demonstration by any spectator shall be permitted during the public testimony, public hearing or debate portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings.

- (e) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.

§2.8. Minutes.

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved and which carry the original signature of the secretary of the board.

§2.9. Resolutions.

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the Division of State Board of Education Support not less than four weeks prior to the Monday of the week during which the meeting at which the resolution is to be considered. The board shall consider the resolution and any germane amendments at the next meeting following such notice.
- (b) Titles for congratulatory, commendatory or other non-substantive resolutions shall be submitted by the timelines prescribed in this section with resolution text following at date and time consistent with the staff's pre-meeting preparation timeline.
- (c) The board may consider a resolution which expresses an opinion related to specific instructional materials or which expresses concerns as to the appropriateness of specific instructional materials for certain ages or populations. Resolutions considered under this subsection must conform to the following:
 - (1) The resolution shall be submitted in compliance with subsection (a) of this section.
 - (2) Board action on a resolution expressing an opinion related to specific instructional materials may only be considered after final action has been taken concerning placement of the specific instructional materials on the list of adopted instructional materials for use in the public schools of Texas. Board action relative to instructional materials resolutions must take place within 90 days of adoption of the specific instructional materials under 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, §66.66(c).
 - (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
 - (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
 - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner.

- (B) Instructional materials should promote citizenship, patriotism, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears, should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.
 - (i) Instructional materials should present positive aspects of the United States and its heritage.
 - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
 - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
- (C) Instructional materials should not include blatantly offensive language or illustrations.
- (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.
 - (i) Instructional materials should not encourage life-styles deviating from generally accepted standards of society.
 - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
 - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
 - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.

- (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
 - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
 - (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.

(a) General Provisions.

- (1) The board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
- (2) Work session and ad hoc committee meetings are exempt from this requirement.
- (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
- (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.
- (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
- (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

(b) Registration Procedures.

- (1) Individuals may register between the hours of 8 a.m. on the Friday preceding the board meeting and 5 p.m. (Central Time) on the Monday preceding the board meeting on the agency website at <https://tea.texas.gov/PublicTestimonySBOE/>, or by facsimile at (512) 936-4319, or, during normal operating hours, by telephone at (512) 463-9007 or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, room 1-109, Austin, Texas 78701.

- (2) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, mailing address, email address, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if he or she is a lobbyist registered with the Texas Ethics Commission.
 - (3) A person may register himself or herself, and one other person. Organizations may not register more than two persons per item.
 - (4) Those registering online will receive an email confirming the registration during the next business day.
 - (5) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
 - (6) Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.
 - (7) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
 - (8) All speakers shall provide thirty-five (35) collated or stapled copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide thirty-five (35) copies of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.
- (c) Oral Public Testimony to Committees.
- (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.
 - (2) Three minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
 - (3) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee after staff has presented the item.
 - (4) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (d) Oral Public Testimony to the General Meeting of the Board.
- (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section of the agenda.

- (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Three minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
- (3) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author is a lobbyist registered with the Texas Ethics Commission.
- (b) If the written testimony is submitted at the regular board or committee meeting, thirty-five (35) collated or stapled copies shall be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who were unable to attend or to testify at a committee or board meeting due to time constraints may provide thirty-five (35) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.

§2.12. Public Hearings.

- (a) Types of Public Hearings.
 - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
 - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to instructional materials issues. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules. Public hearings regarding the instructional materials adoption process are governed by 19 TAC §66.60.
- (b) Speakers shall preregister in accordance with the procedures set out in §2.10(b).

- (c) The presiding chair shall establish the procedures for conducting the public hearing. These procedures shall include, but are not limited to, the following:
 - (1) Providing for presentations from invited persons or an introduction from staff;
 - (2) Providing that preregistered speakers are heard in order of registration times and dates, or requiring alternating points of view in order of registration times and dates;
 - (3) Establishing time limits for speakers, generally three minutes each;
 - (4) Adjourning the hearing at the end of the allotted time period listed in the agenda item or any extension granted by a vote of the majority of the board or appropriate committee.
- (d) Persons who testify at a public hearing shall bring thirty-five (35) collated or stapled copies of their testimony for distribution to board members and agency executive staff.
- (e) Persons who were unable to testify at a public hearing due to time constraints may provide thirty-five (35) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.
- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers if time constraints may not allow some registered speakers to testify.

§2.13. Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments, prior to the board adoption of any rule. Public comments regarding proposed board rules may be submitted as provided in the notice of proposed rulemaking published in the *Texas Register*. The deadline for submitting public comments is 5:00 p.m. on Friday the week prior to the start of the board meeting. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

CHAPTER 3. TRAVEL AND EXPENSES

The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.

§3.1. Reimbursement of Expenses.

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
 - (1) public transportation (excluding receipts for bus, taxi, or limousine);
 - (2) car rental;
 - (3) lodging; and
 - (4) conference registration fees (which may not include banquets, books, or materials).
- (e) Lodging receipts must show the rate for single occupancy plus tax which will be the maximum reimbursable amount per day for lodging.
- (f) Receipts are not required to claim expenses for meals; however, the General Appropriations Act provides that "none of the funds appropriated under this act for travel expenses may be expended for alcoholic beverages" and no such expenses may be claimed for reimbursement.
- (g) Other official travel expenses which board members may claim include the following when the expenses are required for the conduct of state business:
 - (1) parking fees (including personal vehicles);
 - (3) notary fees for official documents; and
 - (4) wireless connection.

- (h) Board members may not claim reimbursement for expenses such as the following:
 - (1) laundry or other personal items;
 - (2) tips or gratuities of any kind; and
 - (3) alcoholic beverages.
- (i) All claims for reimbursement will be reviewed by agency accounting personnel to ensure compliance with the requirements of the appropriations act, and any appropriate adjustments to claims shall be made by staff.
- (j) A yearly budget shall be established for travel of board members. The budgeted amount would include an allotment of travel funds for board members to attend board meetings and committee meetings, and an allotment for in-district, out-of-district, and out-of-state meetings. An additional allotment shall be budgeted for travel of the chair when representing the State Board of Education at meetings. When there is a change in office during the fiscal year, the travel budget will be reassigned to the new board member.
- (k) A board member may be reimbursed for travel expenses for attending activities other than State Board of Education meetings and committee meetings provided that the board members are in compliance with the following procedures:
 - (1) In-District and Out-of-District Travel. In-district and out-of-district travel is at each member's discretion. Prior approval is not required; however, any travel for which reimbursement is requested must be directly related to the duties and responsibilities of the State Board of Education. Any requests for reimbursement, directly or indirectly related to seeking election to office, will not be allowed.
 - (2) Out-of-State Travel. Prior approval is required by the officers of the board (chair, vice chair, and secretary).
- (l) A board member may be reimbursed for travel expenses incurred while serving on any board, council, or commission or serving in any official board position as an appointee for specific administrative functions when appointed by the State Board of Education or its chair, or subject to approval of the board or its officers of the board.
- (m) None of the funds appropriated in the General Appropriations Act shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

§3.2. Travel Arrangements and Hotel Reservations for State Board of Education Meetings.

- (a) Board members shall be responsible for making their own arrangements for travel to and from board meetings. Agency travel coordinators are available for assistance.
- (b) A Division of State Board of Education Support staff member or his/her designee will make guaranteed hotel reservations for each board member upon request.
- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.
 - (1) An entity making a gift and/or grant under this section may not:
 - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
 - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
 - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
 - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
 - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
 - (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
 - (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
 - (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.

- (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.
- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.
- (1) A charter may not be evaluated using funds under this section unless the commissioner has:
 - (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
 - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
 - (2) The commissioner shall receive, disburse and account for funds accepted by the board.
 - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
 - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
 - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
 - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
 - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
 - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.

- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under §7.102(c)(9). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
- (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.

§4.1. Standards of Conduct and Conflicts of Interest.

- (a) Personal interest in board actions. Whenever a board member has a financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter.
- (b) The Permanent School Fund ethics policy governs the conduct of State Board of Education members with respect to the investment and management of the Permanent School Fund.

§4.2. Press and Public Relations.

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

§4.3. Disclosure of Campaign Contributions and Gifts.

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
 - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
 - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
 - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
 - (2) "contract, grant, or charter" means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open enrollment charter schools.
 - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
 - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
 - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

CHAPTER 5. RULES AND THE RULEMAKING PROCESS

The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Government Code, Chapter 2002, Subchapter B; Texas Education Code, §7.102(e)-(f).

§5.1. State Board of Education Rules.

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as First Reading and Second Reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered.
- (c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
 - (1) **First Reading and Filing Authorization.** The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
 - (2) **Second Reading and Final Adoption.** If the public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
 - (3) **Withdrawal.** The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
 - (4) **Refiling.** The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law, or
 - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
 - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements.

§5.5. Rulemaking Authority.

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

§5.6. Review of the State Board of Education Rules.

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. If necessary, proposed amendments will be brought to the board following the procedure described in §5.2 of these rules.

§5.7. Filing of Amendments.

A member wishing to amend any Texas Essential Knowledge and Skills (TEKS) being considered by the board for second reading and final adoption shall submit the amendment in writing to the staff no later than noon on the day prior to the final vote on the adoption of the TEKS. All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.

CHAPTER 6. ADVISORY GROUPS

The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.

§6.1. General Provisions.

- (a) The State Board of Education may establish a Committee of Investment Advisors (CIA) to the Permanent School Fund and approve all selected appointments. The CIA shall be composed of not more than 15 members, one appointed by each State Board of Education member, who each have considerable institutional investment expertise and are free from conflicts of interest. The CIA member will closely advise the individual State Board of Education member who appointed the member on all matters relative to the management of the Permanent School Fund as necessary. The CIA may meet in person or via conference call or telephone conference as needed. Duties and responsibilities of the CIA are within the *Texas Permanent School Fund - Investment Procedures Manual*, Section A.2.

- (b) If the board does not establish a CIA, nothing shall prevent a board member from selecting and working with an investment advisor in a manner consistent with federal and state laws and the Investment Procedures Manual.

**Texas Permanent School Fund
Asset Allocation Mix - SBOE
July 31, 2019**

<u>Asset Class</u>	<u>Portfolio</u>	<u>Book Value</u>	<u>Mix</u>	<u>Fair Value</u>	<u>Mix</u>
Equity	Domestic Small-Mid Cap	\$ 1,171,119,776	4.36%	\$ 1,718,454,669	4.97%
	Domestic Large Cap	2,025,157,053	7.55%	4,773,144,028	13.81%
	Total Domestic Equity	3,196,276,829	11.91%	6,491,598,697	18.78%
	International Equity - Blackrock	3,936,464,054	14.67%	4,991,222,233	14.44%
	QMA Emerging Market Equity	315,518,450	1.18%	356,190,254	1.03%
	Navarro Emerging Market Equity	330,737,541	1.23%	472,519,270	1.37%
Total Public Market Equity	Total Emerging Market Equity	646,255,991	2.41%	828,709,524	2.40%
		7,778,996,874	28.99%	12,311,530,454	35.62%
Fixed Income	Domestic Fixed Income	4,413,556,437	16.45%	4,483,494,030	12.97%
	Investec Emerging Market Debt	1,194,279,230	4.45%	1,251,246,444	3.62%
	Ashmore Emerging Market Debt	1,198,579,160	4.47%	1,250,671,834	3.62%
	Stone Harbor Emerging Market Debt	-	0.00%	-	0.00%
	Total Emerging Market Debt	2,392,858,390	8.92%	2,501,918,278	7.24%
Total Fixed Income		6,806,414,827	25.37%	6,985,412,308	20.21%
Absolute Return	Raven 1	800,000,000	2.98%	1,092,747,799	3.16%
	Raven 4	600,000,000	2.24%	1,021,769,626	2.96%
	Raven 6	353,884,155	1.32%	466,737,792	1.35%
	Raven 7	412,711,614	1.54%	572,830,802	1.66%
	Raven 8	418,586,838	1.56%	483,919,410	1.40%
	Total Absolute Return		2,585,182,607	9.64%	3,638,005,429
Private Equity	Columbia NB Crossroads Fund L.P.	252,837,312	0.94%	326,269,178	0.94%
	Columbia NB Crossroads Fund II L.P.	371,724,344	1.39%	576,416,850	1.67%
	Columbia NB Crossroads Fund II Tranche C	723,354,647	2.70%	896,521,107	2.59%
	TPSF NB PE Program	786,033,240	2.93%	1,014,183,153	2.93%
	Private Equity Direct	572,748,514	2.13%	627,927,206	1.82%
	Columbia CS Fund, L.P.	275,442,712	1.03%	383,420,584	1.11%
Total Private Equity		2,982,140,769	11.12%	3,824,738,078	11.06%
Real Estate	Direct Real Estate Investments	2,394,183,227	8.92%	2,943,242,752	8.51%
Total Real Estate		2,394,183,227	8.92%	2,943,242,752	8.51%
Risk Parity	AQR Capital Management	846,664,411	3.15%	1,311,457,012	3.79%
	Bridgewater	764,790,629	2.85%	1,239,979,763	3.59%
	Total Risk Parity Strategies	1,611,455,040	6.00%	2,551,436,775	7.38%
Real Return	Real Return - TIPS	1,079,336,978	4.02%	1,102,797,540	3.19%
	Real Return Commodities - Terlingua 1	587,500,000	2.19%	395,021,702	1.14%
	Real Return Commodities - Terlingua 2	575,000,000	2.14%	380,997,902	1.10%
	Real Return Commodities - Terlingua 3	207,216,097	0.77%	209,129,253	0.60%
	Total Real Return	2,449,053,075	9.12%	2,087,946,397	6.03%
Total Unallocated Cash		228,665,424	0.84%	228,665,424	0.66%
Fund Total		26,836,091,843	100.00%	34,570,977,617	100.00%

Notes: The asset classes include cash that has been allocated to the investment portfolios.
Exposure includes fair value of funded investments plus unfunded commitments.

Exposure: Total Private Equity Exposure and Percentage of Fund Total Fair Value 6,100,812,446 17.65%
Total Real Estate Exposure and Percentage of Fund Total Fair Value 4,783,408,719 13.84%

Current State Board of Education approved Strategic Asset Allocation Mix (approved June 15, 2018)

Large Cap U.S. Equity	13.00%	Real Estate	10.00%
Small/Mid Cap U.S. Equity	5.00%	Risk Parity	7.00%
Developed and Emerging Market International Large Cap Equity	14.00%	Real Return-Commodities	3.00%
Emerging Market Equity	3.00%	Real Return-TIPS	3.00%
Domestic Investment Grade Fixed Income	12.00%	Absolute Return	10.00%
Emerging Market Debt (LC)	7.00%	Private Equity	13.00%
			<u>100.00%</u>

2017-2021 Rule Review Plan for State Board of Education Rules

STATE BOARD OF EDUCATION: INFORMATION

SUMMARY: This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2017 through August 2021. Texas Government Code, §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill (SB) 178, 76th Texas Legislature, 1999, amended the Texas Government Code by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in Texas Government Code, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2017-2021 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2013-2017 SBOE rule review with the addition of new rules that took effect subsequent to the adoption of that plan. The 2017-2021 plan is the sixth rule review cycle of SBOE rules.

In accordance with Texas Education Code, §28.002(m), the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2017-2021 rule review plan. The TEKS were also exempt from previous rule review plans. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE designed to align the adoption of instructional materials with amendments to the TEKS.

Revisions to Rule Review Plan. The 2017-2021 SBOE rule review plan was approved at the November 2016 SBOE meeting and will appear on an ongoing basis in the information pages of each SBOE agenda until completion.

Any necessary modifications to the plan will appear in the information pages of the SBOE agenda along with the ongoing report.

Rule Review Procedures. Secretary of State rules specify the following two-step review process to implement the rule review requirement in the Texas Government Code, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples. These examples

present the following points: (1) if no amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and no further action will be necessary; and (2) if amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and the amendments will be presented as a separate item under the standard rulemaking process.

Example 1. Rule Review with No Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE	Action item that presents a summary of comments received, if any, from Notice of Proposed Review. The SBOE authorizes filing the Notice of Adopted Review, noting that no changes are being proposed to the rule as a result of the review.
	Texas Register	After the SBOE meeting, staff files Notice of Adopted Review that states the rule will continue to exist without changes (see Attachment II).
END OF REVIEW PROCESS (no item at June SBOE Meeting)		

Example 2. Rule Review with Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies anticipated changes to the rule.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading)	Separate action items are included in the agenda: one that presents comments received, if any, from Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments. The SBOE authorizes filing the Notice of Adopted Review and approves the proposed amendments for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed amendments and the Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed amendments for second reading and final adoption. Item includes a summary of comments, if any, on proposed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule under Review

January SBOE Meeting	SBOE Committee (first reading)	Action item that presents the proposed repeal of rule. SBOE approves proposed repeal for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed repeal of rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files adopted repeal.
END OF REPEAL PROCESS		

Staff Members Responsible:

Cristina De La Fuente-Valadez, Director, Rulemaking
Amanda Gunter, Program Specialist, Rulemaking

Attachment I: 2017-2021 Rule Review Plan for State Board of Education Rules

Attachment II: Sample Notices of Proposed Review and Adopted Review

ATTACHMENT I

2017-2021 Rule Review Plan for State Board of Education Rules (Approved November 2016, Revised January 2019)

Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.

Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE. This review is designed to align the adoption of instructional materials with the amendments to the TEKS.

Review Period: September 2017 - August 2018			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 74. Curriculum Requirements	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2017
	<i>Subchapter B. Graduation Requirements</i>		
	<i>Subchapter C. Other Provisions</i>		
	<i>Subchapter D. Graduation Requirements, Beginning with School Year 2001-2002</i>		
	<i>Subchapter E. Graduation Requirements, Beginning with School Year 2004-2005</i>		
	<i>Subchapter F. Graduation Requirements, Beginning with School Year 2007-2008</i>		
	<i>Subchapter G. Graduation Requirements, Beginning with School Year 2012-2013</i>		
Chapter 105. Foundation School Program	<i>Subchapter A. Definitions</i>	Finance	November 2017
	<i>Subchapter B. Use of State Funds</i>		
Chapter 89. Adaptations for Special Populations	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2018
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
Chapter 61. School Districts	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2018

Review Period: September 2018 – August 2019			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 157. Hearings and Appeals	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	<u>January 2019</u> [September 2018]
	<i>Subchapter D. Independent Hearing Examiners</i>		
Chapter 129. Student Attendance	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2019
	<i>Subchapter B. Student Attendance Accounting</i>		

Review Period: September 2019 – August 2020			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund	<i>Subchapter A. State Board of Education Rules</i>	Finance	September 2019
Chapter 66. State Adoption and Distribution of Instructional Materials	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2019
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
Chapter 100. Charters	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2020
	<i>Subchapter B. Home-Rule School District Charters</i>		

Review Period: September 2020 – August 2021			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 30. Administration	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2020
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
Chapter 101. Assessment	<i>Subchapter A. General Provisions</i>	Assessment	January 2021
	<i>Subchapter B. Implementation of Assessments</i>		
	<i>Subchapter C. Local Option</i>		
Chapter 109. Budgeting, Accounting, and Auditing	<i>Subchapter A. Budgeting, Accounting, Financial Reporting, and Auditing for School Districts</i>	Finance	January 2021
	<i>Subchapter B. Texas Education Agency Audit Functions</i>		
	<i>Subchapter C. Adoptions by Reference</i>		
	<i>Subchapter D. Uniform Bank Bid or Request for Proposal and Depository Contract</i>		

SAMPLES

Attachment II

Notice of Proposed Review (Intention to review)

The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 129, Student Attendance, pursuant to the Texas Government Code, §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 129 are organized under the following subchapters: Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting.

As required by the Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist. The comment period begins with the publication of this notice and must last a minimum of 30 days.

Comments or questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494. Comments may also be submitted electronically to rules@tea.texas.gov.

Notice of Adopted Review (with no changes to rule) (Readoption)

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 129, Subchapters A and B, in the February 12, 2016 issue of the Texas Register (41 TexReg 1131).

The SBOE finds that the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

Notice of Adopted Review (with changes to rule) (Readoption with changes)

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 129, Subchapters A and B, in the February 12, 2016 issue of the Texas Register (41 TexReg 1131).

The SBOE finds that the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review. As part of the review, the SBOE is proposing an amendment to 19 TAC §129.21, which may be found in the Proposed Rules section of this *Texas Register* issue.

State Board of Education Meeting Schedule for 2020

September 13, 2019

STATE BOARD OF EDUCATION: INFORMATION

SUMMARY: According to the Texas Education Code, §7.106, the State Board of Education (SBOE) is to hold four meetings a year in Austin, Texas on dates determined by the chair. The SBOE may also hold other meetings as may be called by the chair. The purpose of this item is to announce SBOE meeting dates in 2020.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: Advance notice of future SBOE meetings will provide an opportunity for the SBOE, agency staff, and the public to be informed of upcoming meetings and to plan activities accordingly. The following dates for SBOE meetings in 2020 have been scheduled by the SBOE chair:

January 28-31, 2020
April 14-17, 2020
June 29-July 3, 2020
September 8-11, 2020
November 17-20, 2020

FISCAL IMPACT: None.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

PUBLIC COMMENTS: None.

OTHER COMMENTS AND RELATED ISSUES: None.

Staff Members Responsible:

Debbie Ratcliffe, Executive Director, State Board of Education Support Division

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STATUTORY AUTHORITY REFERENCE SECTION:

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONAL CODE (TOC)

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

Sec. 2. PERMANENT SCHOOL FUND.

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
 - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
 - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
 - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
 - (2) the land is not patentable under the law in effect before January 1, 2002; and
 - (3) the person claiming title to the land:

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

- (A) holds the land under color of title;
 - (B) holds the land under a chain of title that originated on or before January 1, 1952;
 - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
 - (D) has a deed to the land recorded in the appropriate county; and
 - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
 - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
 - (2) change the mineral reservation in an existing patent.

Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
 - (2) any navigable waterway or related interest owned by a governmental entity; or
 - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 5

Sec. 5. COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.

- (a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:
 - (1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:
 - (A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or
 - (B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and
 - (2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.
- (b) The expenses of managing permanent school fund land and investments shall be paid by appropriation from the permanent school fund.
- (c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.
- (d) The legislature by law may provide for using the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed \$750 million or a higher amount authorized by a two-thirds record vote of both houses of the legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled.
- (e) The legislature may appropriate part of the available school fund for administration of a bond guarantee program established under this section.

- (f) Notwithstanding any other provision of this constitution, in managing the assets of the permanent school fund, the State Board of Education may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section [70](#), of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.
- (g) Notwithstanding any other provision of this constitution or of a statute, the General Land Office or an entity other than the State Board of Education that has responsibility for the management of permanent school fund land or other properties may in its sole discretion distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$300 million each year.
- (h) Expired.

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.102. STATE BOARD OF EDUCATION POWERS AND DUTIES.

- (a) The board may perform only those duties relating to school districts or regional education service centers assigned to the board by the constitution of this state or by this subchapter or another provision of this code.
- (b) The board has the powers and duties provided by Subsection (c), which shall be carried out with the advice and assistance of the commissioner.
- (c)
 - (1) The board shall develop and update a long-range plan for public education.
 - (2) The board may enter into contracts relating to or accept grants for the improvement of educational programs specifically authorized by statute.
 - (3) The board may accept a gift, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution in the manner the board determines.
 - (4) The board shall establish curriculum and graduation requirements.
 - ~~(5) The board shall establish a standard of performance considered satisfactory on student assessment instruments.~~
 - (6) The board may create special-purpose school districts under Chapter [11](#).
 - (7) The board shall provide for a training course for school district trustees under Section [11.159](#).
 - (8) The board shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by Subchapter B, Chapter [12](#), and may place on probation or revoke a home-rule school district charter as provided by that subchapter.
 - ~~(9) The board may grant an open enrollment charter or approve a charter revision as provided by Subchapter D, Chapter [12](#).~~
 - (10) The board shall adopt rules establishing criteria for certifying hearing examiners as provided by Section [21.252](#).
 - (11) The board shall adopt rules to carry out the curriculum required or authorized under Section [28.002](#).
 - (12) The board shall establish guidelines for credit by examination under Section [28.023](#).
 - (13) The board shall adopt transcript forms and standards for differentiating high school programs for purposes of reporting academic achievement under Section [28.025](#).
 - (14) The board shall adopt guidelines for determining financial need for purposes of the Texas Advanced Placement Incentive Program under Subchapter C, Chapter [28](#), and may approve payments as provided by that subchapter.
 - (15) The board shall adopt criteria for identifying gifted and talented students and shall develop and update a state plan for the education of gifted and talented students as required under Subchapter D, Chapter [29](#).
 - (16) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 73, Sec. 2.06(a)(1), eff. September 1, 2013.
 - (17) The board shall adopt rules relating to community education development projects as required under Section [29.257](#).
 - (18) The board may approve the plan to be developed and implemented by the commissioner for the coordination of services to children with disabilities as required under Section [30.001](#).
 - (19) The board shall establish a date by which each school district and state institution shall provide to the commissioner the necessary information to determine the district's share of the cost of the education of a student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as required under Section [30.003](#) and may adopt other rules concerning funding of the education of students enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as authorized under Section [30.003](#).
 - (20) The board shall adopt rules prescribing the form and content of information school districts are required to provide concerning programs offered by state institutions as required under Section [30.004](#).
 - (21) The board shall adopt rules concerning admission of students to the Texas School for the Deaf as required under Section [30.057](#).

- (22) The board shall carry out powers and duties related to regional day school programs for the deaf as provided under Subchapter D, Chapter [30](#).
 - (23) The board shall adopt and purchase or license instructional materials as provided by Chapter [31](#) and adopt rules required by that chapter.
 - (24) The board shall develop and update a long-range plan concerning technology in the public school system as required under Section [32.001](#) and shall adopt rules and policies concerning technology in public schools as provided by Chapter [32](#).
 - (25) The board shall conduct feasibility studies related to the telecommunications capabilities of school districts and regional education service centers as provided by Section [32.033](#).
 - (26) The board shall appoint a board of directors of the center for educational technology under Section [32.034](#).
 - (27) Repealed by Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.
 - (28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section [38.003](#).
 - (29) The board shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
 - (30) The board shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#) [42].
 - (31) The board may invest the permanent school fund within the limits of the authority granted by Section [5](#), Article VII, Texas Constitution, and Chapter 43.
 - (32) The board shall adopt rules concerning school district budgets and audits of school district fiscal accounts as required under Subchapter A, Chapter [44](#).
 - (33) The board shall adopt an annual report on the status of the guaranteed bond program and may adopt rules as necessary for the administration of the program as provided under Subchapter C, Chapter [45](#).
 - (34) The board shall prescribe uniform bid blanks for school districts to use in selecting a depository bank as required under Section [45.206](#).
- (d) The board may adopt rules relating to school districts or regional education service centers only as required to carry out the specific duties assigned to the board by the constitution or under Subsection (c).
 - (e) An action of the board to adopt a rule under this section is effective only if the board includes in the rule's preamble a statement of the specific authority under Subsection (c) to adopt the rule.
 - (f) Except as otherwise provided by this subsection, a rule adopted by the board under this section does not take effect until the beginning of the school year that begins at least 90 days after the date on which the rule was adopted. The rule takes effect earlier if the rule's preamble specifies an earlier effective date and the reason for that earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law; or
 - (B) a state law that specifically refers to this section and expressly requires the adoption of an earlier effective date; or
 - (2) on the affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.110. PUBLIC TESTIMONY.

The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.111. HIGH SCHOOL EQUIVALENCY EXAMINATIONS.

- (a) The board shall provide for the administration of high school equivalency examinations.
- (a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:
 - (1) over 17 years of age;
 - (2) 16 years of age or older and:
 - (A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;
 - (B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or
 - (C) is enrolled in the Texas Military Department's Seaborne Challenge Corps; or
 - (3) required to take the examination under a court order issued under Section 65.103(a)(3), Family Code.
- (b) The board by rule shall establish and require payment of a fee as a condition to the issuance of a high school equivalency certificate and a copy of the scores of the examinations. The fee must be reasonable and designed to cover the administrative costs of issuing the certificate and a copy of the scores. The board may not require a waiting period between the date a person withdraws from school and the date the person takes the examination unless the period relates to the time between administrations of the examination.
- (c) The board by rule shall develop and deliver high school equivalency examinations and provide for the administration of the examinations online. The rules must provide a procedure for verifying the identity of the person taking the examination.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 8. REGIONAL EDUCATION SERVICE CENTERS
SUBCHAPTER B. POWERS AND DUTIES

TEC, §8.0531. INSTRUCTIONAL MATERIALS DEVELOPED BY A COLLABORATION OF REGIONAL EDUCATION SERVICE CENTERS.

Notwithstanding any other provision of this subchapter or Section [8.001\(c\)](#), instructional lessons developed as part of a curriculum management system by a regional education service center, acting alone or in collaboration with one or more other regional education service centers, shall be subject to the same review and adoption process as outlined in Section [31.022](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF
INDEPENDENT SCHOOL DISTRICT

TEC, §11.159. MEMBER TRAINING AND ORIENTATION.

- (a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.
- (b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (c) The State Board of Education shall require a trustee to complete every two years at least:
 - (1) three hours of training [~~every two years~~] on evaluating student academic performance; and
 - (2) one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.
- (c-1) The training required by Subsection (c)(1) must be research-based and designed to support the oversight role of the board of trustees under Section 11.1515.
- (c-2) A candidate for trustee may complete the training required by Subsection (c) up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.
- (d) A trustee or candidate for trustee may complete training required under Subsection (c) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate.
- (e) For purposes of this section, "other maltreatment" has the meaning assigned by Section 42.002, Human Resources Code.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

TEC, §11.352. GOVERNANCE OF SPECIAL-PURPOSE DISTRICT.

- (a) The State Board of Education shall appoint for each district established under Section 11.351 a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is not required to be a resident of the district.
- (b) For each military reservation school district, the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel and military officers may be appointed to the school board. A majority of the trustees appointed for the district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified to serve as members of a school district board of trustees under Section 11.061 and who live or are employed on the military reservation. The list shall be furnished to the board by the commanding officer of the military reservation. The trustees appointed serve terms of two years.
- (c) The State Board of Education may adopt rules for the governance of a special-purpose district. In the absence of a rule adopted under this subsection, the laws applicable to independent school districts apply to a special-purpose district.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §12.106. STATE FUNDING.

- (a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter ~~48~~ [~~42~~] equal to the amount of funding per student in weighted average daily attendance, ~~excluding enrichment funding under Section 42.302(a), to which the charter holder would be entitled for the school under Chapter 42 if the school were a school district without a tier one local share for purposes of Section 42.253.~~ excluding the adjustment under Section 48.052, the funding under Sections 48.101, 48.110, 48.111, and 48.112, and enrichment funding under Section 48.202(a) [42.302(a)], to which the charter holder would be entitled for the school under Chapter 48 [42] if the school were a school district without a tier one local share for purposes of Section 48.266 [42.253].
- (a-1) In determining funding for an open-enrollment charter school under Subsection (a), the amount of the allotment under Section 48.102 is based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under Section 48.101 [:
- (1) ~~adjustments under Sections 42.102, 42.104, and 42.105 are based on the average adjustment for the state; and~~
- (2) ~~the adjustment under Section 42.103 is based on the average adjustment for the state that would have been provided under that section as it existed on January 1, 2018.~~
- (a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between:
- (1) the product of:
- (A) the quotient of:
- (i) the total amount of funding provided to eligible school districts under Section 48.101(b) or (c); and
- (ii) the total number of students in average daily attendance in school districts that receive an allotment under Section 48.101(b) or (c);
- and

(B) the sum of one and the quotient of:

(i) the total number of students in average daily attendance in school districts that receive an allotment under Section 48.101(b) or (c);

and

(ii) the total number of students in average daily attendance in school districts statewide; and (2) \$125.

~~(a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under Section 42.302 based on the state average tax effort.~~

(a-3) In addition to the funding provided by Subsections [Subsection] (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under Section 48.202 [42.302] based on the state average tax effort.

(a-4) In addition to the funding provided by Subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under Sections 48.110 and 48.112 and Subchapter D, Chapter 48, if the charter holder would be entitled to the funding if the school were a school district.

~~(b) An open-enrollment charter school is entitled to funds that are available to school districts from the agency or the commissioner in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding.~~

(c) The commissioner may adopt rules to provide and account for state funding of open-enrollment charter schools under this section. A rule adopted under this section may be similar to a provision of this code that is not similar to Section 12.104(b) if the commissioner determines that the rule is related to financing of open-enrollment charter schools and is necessary or prudent to provide or account for state funds.

(d) Subject to Subsection (e), in addition to other amounts provided by this section, a charter holder is entitled to receive, for the open-enrollment charter school, funding per student in average daily

attendance in an amount equal to the guaranteed level of state and local funds per student per cent of tax effort under Section [46.032](#)(a) multiplied by the lesser of:

- (1) the state average interest and sinking fund tax rate imposed by school districts for the current year; or
 - (2) a rate that would result in a total amount to which charter schools are entitled under this subsection for the current year equal to \$60 million.
- (e) A charter holder is entitled to receive funding under Subsection (d) only if the most recent overall performance rating assigned to the open-enrollment charter school under Subchapter C, Chapter [39](#), reflects at least acceptable performance. This subsection does not apply to a charter holder that operates a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital.
- (f) Funds received by a charter holder under Subsection (d) may only be used:
- (1) to lease an instructional facility;
 - (2) to pay property taxes imposed on an instructional facility;
 - (3) to pay debt service on bonds issued to finance an instructional facility; or
 - (4) for any other purpose related to the purchase, lease, sale, acquisition, or maintenance of an instructional facility.
- (g) In this section, "instructional facility" has the meaning assigned by Section [46.001](#).
- (h) Except as provided by Subsection (i), all remaining funds of a charter holder for an open-enrollment charter school that ceases to operate must be returned to the agency and deposited in the charter school liquidation fund.
- (i) The agency may approve a transfer of a charter holder's remaining funds to another charter holder if the charter holder receiving the funds has not received notice of the expiration or revocation of the charter holder's charter for an open-enrollment charter school or notice of a reconstitution of the governing body of the charter holder under Section 12.1141 or 12.115.
- (j) The commissioner may adopt rules specifying:
- (1) the time during which a former charter holder must return remaining funds under Subsection
- (h); and

(2) the qualifications required for a charter holder to receive a transfer of remaining funds under Subsection (i).

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SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER D. OPEN-ENROLLMENT CHARTER SCHOOL

TEC, §12.110. APPLICATION.

- (a) The commissioner shall adopt:
 - (1) an application form and a procedure that must be used to apply for a charter for an open-enrollment charter school; and
 - (2) criteria to use in selecting a program for which to grant a charter.
- (b) The application form must provide for including the information required under Section 12.111 to be contained in a charter.
- (c) As part of the application procedure, the commissioner may require a petition supporting a charter for a school signed by a specified number of parents or guardians of school-age children residing in the area in which a school is proposed or may hold a public hearing to determine parental support for the school.
- (d) The commissioner shall approve or deny an application based on:
 - (1) documented evidence collected through the application review process;
 - (2) merit; and
 - (3) other criteria as adopted by the commissioner, which must include:
 - (A) criteria relating to the capability of the applicant to carry out the responsibilities provided by the charter and the likelihood that the applicant will operate a school of high quality;
 - (B) criteria relating to improving student performance and encouraging innovative programs; and
 - (C) a statement from any school district whose enrollment is likely to be affected by the open-enrollment charter school, including information relating to any financial difficulty that a loss in enrollment may have on the district.
- (e) The commissioner shall give priority to applications that propose an open-enrollment charter school campus to be located in the attendance zone of a school district campus assigned an unacceptable performance rating under Section 39.054 for the two preceding school years.

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SUBCHAPTER A. GENERAL PROVISIONS

TEC, §21.003. CERTIFICATION REQUIRED.

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.
- (b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section 502.002, Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.
- (c) The commissioner may waive the requirement for certification of a superintendent if requested by a school district as provided by Section 7.056. A person who is not certified as a superintendent may not be employed by a school district as the superintendent before the person has received a waiver of certification from the commissioner. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate. A person may be designated to act as a temporary or interim superintendent for a school district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

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TEC, §21.031. PURPOSE.

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

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TEC, §21.041. RULES; FEES.

- (a) The board may adopt rules as necessary for its own procedures.
- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (3) specify the period for which each class of educator certificate is valid;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
 - (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;
 - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
 - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;
 - (9) provide for continuing education requirements; and
 - (10) provide for certification of persons performing appraisals under Subchapter H.
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.
- (d) The board may propose a rule adopting a fee for the approval or renewal of approval of an educator preparation program, or for the addition of a certificate or field of certification to the scope of a program's approval. A fee imposed under this subsection may not exceed the amount necessary, as determined by the board, to provide for the administrative cost of approving, renewing the approval of, and appropriately ensuring the accountability of educator preparation programs under this subchapter.

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SUBCHAPTER A. GENERAL PROVISIONS

TEC, §21.044. EDUCATOR PREPARATION.

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.
- (c) The instruction under Subsection (b) must:
 - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
 - (A) employed by institutions of higher education; and
 - (B) approved by the board; and
 - (2) include information on:
 - (A) characteristics of dyslexia;
 - (B) identification of dyslexia; and
 - (C) effective, multisensory strategies for teaching students with dyslexia.
- (c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:
 - 1) be provided through:
 - (A) a program selected from the list of recommended best practice-based programs and research-based practices established under Section 38.351; or
 - (B) a course offered by any accredited public or private postsecondary educational institution as part of a degree program [161.325, Health and Safety Code]; and
 - (2) include effective strategies [~~for teaching and intervening with students with mental or emotional disorders~~], including de-escalation techniques and positive behavioral interventions and supports, for teaching and intervening with students with mental health conditions or who engage in substance abuse.
- (c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
 - (1) be aligned with the International Society for Technology in Education's standards for teachers;
 - (2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and
 - (3) include resources to address any deficiencies identified by the digital literacy evaluation.
- (d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section [28.027](#), at a secondary school, a person must:

- (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
- (2) have at a minimum:
 - (A) an associate degree from an accredited institution of higher education; and
 - (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.
- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
 - (1) an associate degree or more advanced degree from an accredited institution of higher education;
 - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
 - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).
- (f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.
- (g) Each educator preparation program must provide information regarding:
 - (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
 - (2) the effect of supply and demand forces on the educator workforce in this state;
 - (3) the performance over time of the educator preparation program;
 - (4) the importance of building strong classroom management skills;
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H; and
 - (6) appropriate relationships, boundaries, and communications between educators and students.

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TEC, §21.046. QUALIFICATIONS FOR CERTIFICATION AS SUPERINTENDENT OR PRINCIPAL.

- (a) The qualifications for superintendent must permit a candidate for certification to substitute management training or experience for part of the educational experience.
- (b) The qualifications for certification as a principal must be sufficiently flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements. Supervised and approved on-the-job experience in addition to required internship shall be accepted in lieu of classroom hours. The qualifications must emphasize:
 - (1) instructional leadership;
 - (2) administration, supervision, and communication skills;
 - (3) curriculum and instruction management;
 - (4) performance evaluation;
 - (5) organization; and
 - (6) fiscal management.
- (c) Because an effective principal is essential to school improvement, the board shall ensure that:
 - (1) each candidate for certification as a principal is of the highest caliber; and
 - (2) multi-level screening processes, validated comprehensive assessment programs, and flexible internships with successful mentors exist to determine whether a candidate for certification as a principal possesses the essential knowledge, skills, and leadership capabilities necessary for success.
- (d) In creating the qualifications for certification as a principal, the board shall consider the knowledge, skills, and proficiencies for principals as developed by relevant national organizations and the State Board of Education.
- (e) For purposes of satisfying eligibility requirements for certification as a principal, a teacher who is certified under Section [21.0487](#):
 - (1) is considered to hold a classroom teaching certificate; and
 - (2) may apply as creditable years of teaching experience as a classroom teacher any period during which the teacher was employed by a school district as a Junior Reserve Officer Training Corps instructor before or after the teacher was certified under Section [21.0487](#).

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TEC, §21.048. CERTIFICATION EXAMINATIONS.

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.
- (a-1) The board may not require that more than 45 days elapse before a person may retake an examination. A person may not retake an examination more than four times, unless the board waives the limitation for good cause as prescribed by the board.
- (a-2) The board shall adopt rules that provide that in order to teach any grade level from prekindergarten through grade six a person must demonstrate proficiency in the science of teaching reading on a certification examination for each class of certificate issued by the board after January 1, 2021.
- ~~(a-2) For purposes of the limitation imposed by Subsection (a-1) on the number of administrations of an examination, a person who initially took an examination before September 1, 2015, may retake the examination up to four times after that date, regardless of the number of times that the person attempted to perform satisfactorily on the examination before that date. This subsection expires September 1, 2018.~~
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.
- (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b).
 - (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.

- (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057.
- (d) In this section:
- (1) "Hearing impairment" means a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
 - (2) "Reliability" means the extent to which an experiment, test, or measuring procedure yields the same results on repeated trials.
 - (3) "Validity" means being:
 - (A) well-grounded or justifiable;
 - (B) relevant and meaningful;
 - (C) correctly derived from premises or inferences; and
 - (D) supported by objective truth or generally accepted authority.

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TEC, §21.049. ALTERNATIVE CERTIFICATION.

- (a) To provide a continuing additional source of qualified educators, the board shall propose rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.
- (b) The board may not require a person employed as a teacher in an alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 for at least three years to complete an alternative educator certification program adopted under this section before taking the appropriate certification examination.

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TEC, §21.050. ACADEMIC DEGREE REQUIRED FOR TEACHING CERTIFICATE; FIELD-BASED EXPERIENCE OR INTERNSHIP.

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, ~~[other than education]~~, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.
- (b) ~~[The board may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate.]~~ The board shall provide for a minimum number of semester credit hours of field-based experience or internship to be included in the credit hours needed for certification. The board may propose rules requiring additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.
- (c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

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TEC, §21.051. RULES REGARDING FIELD-BASED EXPERIENCE AND OPTIONS FOR FIELD EXPERIENCE AND INTERNSHIPS.

- a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.
- (b) Before a school district may employ a candidate for certification as a teacher of record and, except as provided by Subsection (b-1), after the candidate's admission to an educator preparation program, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities under supervision at:
 - (1) a public school campus accredited or approved for the purpose by the agency; or
 - (2) a private school recognized or approved for the purpose by the agency.
- (b-1) A candidate may satisfy up to 15 hours of the field-based experience requirement under Subsection (b) by serving as a long-term substitute teacher as prescribed by board rule. Experience under this subsection may occur after the candidate's admission to an educator preparation program or during the two years before the date the candidate is admitted to the program. The candidate's experience in instructional or educational activities must be documented by the educator preparation program and must be obtained at:
 - (1) a public school campus accredited or approved for the purpose by the agency; or
 - (2) a private school recognized or approved for the purpose by the agency.
- (c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:
 - (1) the validity of a certification issued before September 1, 2012; or
 - (2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.
- (d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.
- (e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).
- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification.

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TEC, §21.054. CONTINUING EDUCATION.

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements, including opportunities for educators to receive micro-credentials in fields of study related to the educator's certification class as provided by Subsection (i).
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.
- (d) Continuing education requirements for a classroom teacher must provide that at least [not more than] 25 percent of the training required every five years include instruction regarding:
- (1) collecting and analyzing information that will improve effectiveness in the classroom;
 - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (3) digital learning, digital teaching, and integrating technology into classroom instruction;
 - (4) educating diverse student populations, including:
 - (A) students who are eligible to participate in special education programs under Subchapter A, Chapter 29 [with disabilities, including mental health disorders];
 - (B) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
 - (C) students with mental health conditions or who engage in substance abuse;
 - (D) students with intellectual or developmental disabilities;
 - (E) students who are educationally disadvantaged;
 - (F) ~~[(C)]~~ students of limited English proficiency; and
 - (G) ~~[(D)]~~ students at risk of dropping out of school; ~~[and]~~
 - (5) understanding appropriate relationships, boundaries, and communications between educators and students; and[-]
 - ~~(6)[(d-2)]~~ Continuing education requirements for a classroom teacher may include instruction regarding how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
- (d-1) The instruction required under Subsection (d) may include two or more listed topics together.
- (d-2) The instruction required under Subsection (d)(6) must:
- (1) comply with the training required by Section 38.036(c)(1); and
 - (2) be approved by the commissioner.

- (e) Continuing education requirements for a principal must provide that at least ~~[not more than]~~ 25 percent of the training required every five years include instruction regarding:
- (1) effective and efficient management, including:
 - (A) collecting and analyzing information;
 - (B) making decisions and managing time; and
 - (C) supervising student discipline and managing behavior;
 - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
 - (4) effective implementation of a comprehensive school counseling program under Section 33.005;
 - (5) mental health programs addressing a mental health condition;
 - (6) educating diverse student populations, including:
 - (A) students who are eligible to participate in special education programs under Subchapter A, Chapter 29 [with disabilities, including mental health disorders];
 - (B) students with intellectual or developmental disabilities;
 - (C) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
 - (D) students with mental health conditions or who engage in substance abuse;
 - (E) students who are educationally disadvantaged;
 - (F) ~~[(C)]~~ students of limited English proficiency; and
 - (G) ~~[(D)]~~ students at risk of dropping out of school; ~~[and]~~
 - (7) ~~[(5)]~~ preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code; and [-]
 - (8) ~~[(e-2) Continuing education requirements for a principal may include instruction regarding]~~ how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

(e-2) The instruction required under Subsection (e)(8) must be:

- (1) based on relevant best practice-based programs and research-based practices; and
 - (2) approved by the commissioner, in consultation with the Health and Human Services Commission.
- (f) Continuing education requirements for a counselor must provide that at least ~~[not more than]~~ 25 percent of training required every five years include instruction regarding:
- (1) assisting students in developing high school graduation plans;
 - (2) implementing dropout prevention strategies; ~~[and]~~

- (3) informing students concerning:
 - (A) college admissions, including college financial aid resources and application procedures; and
 - (B) career opportunities;
- (4) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
- (5) effective implementation of a comprehensive school counseling program under Section 33.005.
- (g) The board shall adopt rules that allow an educator to fulfill ~~up to 12 hours of~~ continuing education requirements by participating in an evidence-based [a] mental health first aid training program or an evidence-based grief-informed and trauma-informed care program [offered by a local mental health authority under Section 1001.203, Health and Safety Code]. The rules adopted under this subsection must allow an educator to complete a program described by this subsection and receive credit toward continuing education requirements for twice the number of hours of instruction provided under that program, not to exceed 16 hours. The program must be offered through a classroom instruction format that requires in-person attendance. ~~[The number of hours of continuing education an educator may fulfill under this subsection may not exceed the number of hours the educator actually spends participating in a mental health first aid training program.]~~
- (h) Continuing education requirements for a superintendent must include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. For purposes of this subsection, "other maltreatment" has the meaning assigned by Section 42.002, Human Resources Code.
- (i) The board shall propose rules establishing a program to issue micro-credentials in fields of study related to an educator's certification class. The agency shall approve continuing education providers to offer micro-credential courses. A micro-credential received by an educator shall be recorded on the agency's Educator Certification Online System (ECOS) and included as part of the educator's public certification records.

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SUBCHAPTER F. HEARING BEFORE HEARING EXAMINERS

TEC, §21.252. CERTIFICATION OF HEARING EXAMINERS.

- (a) The State Board of Education, in consultation with the State Office of Administrative Hearings, by rule shall establish criteria for the certification of hearing examiners eligible to conduct hearings under this subchapter. A hearing examiner certified under this subchapter must be licensed to practice law in this state.

- (b) The commissioner shall certify hearing examiners according to the criteria established under Subsection (a). A person certified as a hearing examiner or the law firm with which the person is associated may not serve as an agent or representative of:
 - (1) a school district;
 - (2) a teacher in any dispute with a school district; or
 - (3) an organization of school employees, school administrators, or school boards.

- (c) The commissioner shall set hourly rates of compensation for a hearing examiner and shall set maximum amount of compensation a hearing examiner may receive for a hearing.

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TEC, §21.0442. EDUCATOR PREPARATION PROGRAM FOR PROBATIONARY AND STANDARD TRADE AND INDUSTRIAL WORKFORCE TRAINING CERTIFICATES.

- (a) The board shall propose rules under this subchapter to create an abbreviated educator preparation program for a person seeking certification in trade and industrial workforce training.
- (b) A person is eligible for admission to an educator preparation program created under this section only if the person:
 - (1) has been issued a high school diploma or a postsecondary credential, certificate, or degree;
 - (2) has seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered;
 - (3) holds with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement; and
 - (4) within the period described by Subdivision (2), has not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.
- (c) In proposing rules for an educator preparation program under this section, the board shall ensure that the program requires at least 80 hours of classroom instruction in:
 - (1) a specific pedagogy;
 - (2) creating lesson plans;
 - (3) creating student assessment instruments;
 - (4) classroom management; and
 - (5) relevant federal and state education laws.

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TEC, §21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND RENEWAL.

- (a) The board shall propose rules to establish standards to govern the approval or renewal of approval of:
 - (1) educator preparation programs; and
 - (2) certification fields authorized to be offered by an educator preparation program.
- (b) To be eligible for approval or renewal of approval, an educator preparation program must adequately prepare candidates for educator certification and meet the standards and requirements of the board.
- (c) The board shall require that each educator preparation program be reviewed for renewal of approval at least every five years. The board shall adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

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TEC, §21.0453. INFORMATION FOR CANDIDATES FOR TEACHER CERTIFICATION.

- (a) The board shall require an educator preparation program to provide candidates for teacher certification with information concerning the following:
 - (1) skills and responsibilities required of teachers;
 - (2) expectations for student performance based on state standards;
 - (3) the current supply of and demand for teachers in this state;
 - (4) the importance of developing classroom management skills; and
 - (5) the state's framework for appraisal of teachers and principals.
- (b) The board may propose rules as necessary for administration of this section, including rules to ensure that accurate and consistent information is provided by all educator preparation programs.

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TEC, §21.0454. RISK FACTORS FOR EDUCATOR PREPARATION PROGRAMS; RISK-ASSESSMENT MODEL.

- a) The board shall propose rules necessary to develop a set of risk factors to use in assessing the overall risk level of each educator preparation program. The set of risk factors must include:
 - (1) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:
 - (A) the seriousness of any violation of a rule, standard or procedure;
 - (B) whether the violation resulted in an action being taken against the program;
 - (C) whether the violation was promptly remedied by the program;
 - (D) the number of alleged violations; and
 - (E) any other matter considered to be appropriate in evaluating the program's compliance history; and
 - (2) whether the program meets the accountability standards under Section [21.045](#).
- (b) The set of risk factors developed by the board may include whether an educator preparation
- (c) The board shall use the set of risk factors to guide the agency in conducting monitoring, inspections, and compliance audits of educator preparation programs, including evaluations associated with renewals under Section [21.0443](#).

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TEC, §21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION PROGRAMS.

- (a) The board shall propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an educator preparation program to the agency.
- (b) The board by rule shall require an educator preparation program to notify candidates for teacher certification of the complaint process adopted under Subsection (a). The notice must include the name, mailing address, telephone number, and Internet website address of the agency for the purpose of directing complaints to the agency. The educator preparation program shall provide for that notification:
 - (1) on the Internet website of the educator preparation program, if the program maintains a website; and
 - (2) on a sign prominently displayed in program facilities.
- (c) The board shall post the complaint process adopted under Subsection (a) on the agency's Internet website.
- (d) The board has no authority to arbitrate or resolve contractual or commercial issues between an educator preparation program and a candidate for teacher certification.

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TEC, §21.0485. CERTIFICATION TO TEACH STUDENTS WITH VISUAL IMPAIRMENTS.

- (a) To be eligible to be issued a certificate to teach students with visual impairments, a person must:
 - (1) complete either:
 - (A) all course work required for that certification in an approved educator preparation program; or
 - (B) an alternative educator certification program approved for the purpose by the board;
 - (2) perform satisfactorily on each examination prescribed under Section [21.048](#) for certification to teach students with visual impairments, after completing the course work or program described by Subdivision (1); and
 - (3) satisfy any other requirements prescribed by the board.
- (b) Subsection (a) does not apply to eligibility for a certificate to teach students with visual impairments, including eligibility for renewal of that certificate, if the application for the initial certificate was submitted on or before September 1, 2011.

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**TEC, §21.0487. JUNIOR RESERVE OFFICER TRAINING CORPS TEACHER
CERTIFICATION.**

- (a) The board shall establish a standard Junior Reserve Officer Training Corps teaching certificate to provide Junior Reserve Officer Training Corps instruction.
- (b) To be eligible for a certificate under this section, a person must:
 - (1) hold a bachelor's degree from an institution of higher education that is, and at the time the person received the degree was, accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
 - (2) satisfy the eligibility and testing requirements for certification as a Junior Reserve Officer Training Corps instructor established by the branch of service in which the person served; and
 - (3) complete an approved educator preparation program.
- (c) The board shall propose rules to:
 - (1) approve educator preparation programs to prepare a person as a teacher for certification under this section; and
 - (2) establish requirements under which:
 - (A) a person's training and experience acquired during the person's military service serves as proof of the person's demonstration of subject matter knowledge if that training and experience is verified by the branch of service in which the person served; and
 - (B) a person's employment by a school district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program or while the person is enrolled in an educator preparation program is applied to satisfy any student teaching, internship, or field-based experience program requirement.
- (d) A person is not required to hold a certificate established under this section to be employed by a school district as a Junior Reserve Officer Training Corps instructor.

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TEC, §21.0489. EARLY CHILDHOOD CERTIFICATION.

- (a) To ensure that there are teachers with special training in early childhood education focusing on prekindergarten through grade three, the board shall establish an early childhood certificate.
- (b) A person is not required to hold a certificate established under this section to be employed by a school district to provide instruction in prekindergarten through grade three.
- (c) To be eligible for a certificate established under this section, a person must:
 - (1) either:
 - (A) satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:
 - (i) teaching methods for:
 - (a) using small group instructional formats that focus on building social, emotional, and academic skills;
 - (b) navigating multiple content areas; and
 - (c) managing a classroom environment in which small groups of students are working on different tasks; and
 - (ii) strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or
 - (B) hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by Paragraph (A);
 - (2) perform satisfactorily on an early childhood certificate examination prescribed by the board; and
 - (3) satisfy any other requirements prescribed by the board.

Text of subsection as added by Acts 2017, 85th Leg., R.S., Ch. 837 (H.B. 2039), Sec. 1

- (d) The criteria for the course of instruction described by Subsection (c)(1)(A) shall be developed by the board in consultation with faculty members who provide instruction at institutions of higher education in education preparation programs for an early childhood through grade six certificate.

Text of subsection as added by Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. 1839), Sec. 5

- (d) The criteria for the course of instruction described by Subsection (c)(1)(A) shall be developed by the board in consultation with faculty members who provide instruction at institutions of higher education in educator preparation programs for an early childhood through grade six certificate.

Added by Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 5, eff. June 12, 2017.

Added by Acts 2017, 85th Leg., R.S., Ch. 837 (H.B. [2039](#)), Sec. 1, eff. June 15, 2017.

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TEC, §21.0491. PROBATIONARY AND STANDARD TRADE AND INDUSTRIAL WORKFORCE TRAINING CERTIFICATES.

- (a) To provide a continuing additional source of teachers to provide workforce training, the board shall establish a probationary trade and industrial workforce training certificate and a standard trade and industrial workforce training certificate that may be obtained through an abbreviated educator preparation program under Section 21.0442.
- (b) To be eligible for a probationary certificate under this section, a person must:
 - (1) satisfactorily complete the course work for that certificate in an educator preparation program under Section [21.0442](#); and
 - (2) satisfy any other requirements prescribed by the board.
- (c) To be eligible for a standard certificate under this section, a person must:
 - (1) hold a probationary certificate issued under this section;
 - (2) be employed by:
 - (A) a public or private primary or secondary school; or
 - (B) an institution of higher education or an independent or private institution of higher education as those terms are defined by Section [61.003](#); and
 - (3) perform satisfactorily on a standard trade and industrial workforce training certificate examination prescribed by the board.
- (d) The limitation imposed by Section [21.048](#)(a-1) on the number of administrations of an examination does not apply to the administration of the standard trade and industrial workforce training certificate examination prescribed by the board.
- (e) Notwithstanding any other law, the board may administer the standard trade and industrial workforce training certificate examination to a person who satisfies the requirements of Subsections (c)(1) and (2).
- (f) The board shall propose rules to:
 - (1) specify the term of a probationary certificate and a standard certificate issued under this section; and
 - (2) establish the requirements for renewal of a standard certificate.

Text of section effective on June 15, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 3, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 1, eff. June 15, 2017.

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SUBCHAPTER C. CRIMINAL HISTORY RECORDS

**TEC, §22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY STATE BOARD FOR
EDUCATOR CERTIFICATION.**

The State Board for Educator Certification shall subscribe to the criminal history clearinghouse as provided by Section [411.0845](#), Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter [21](#).

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SUBCHAPTER C. CRIMINAL HISTORY RECORDS

TEC, §22.0831. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTIFIED EDUCATORS .

- (a) In this section, "board" means the State Board for Educator Certification.
- (b) This section applies to a person who is an applicant for or holder of a certificate under Subchapter B, Chapter [21](#), and who is employed by or is an applicant for employment by a school district, open-enrollment charter school, or shared services arrangement.
- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (d) The board shall place an educator's certificate on inactive status for failure to comply with a deadline for submitting information required under this section.
- (e) The board may allow a person who is applying for a certificate under Subchapter B, Chapter [21](#), and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.
- (f) The board may propose rules to implement this section, including rules establishing:
 - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
 - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.
- (g) Expired.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

TEC, §28.002. REQUIRED CURRICULUM.

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
- (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on: ~~the importance of proper nutrition and exercise;~~
 - (i) physical health, including the importance of proper nutrition and exercise;
 - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
 - (C) physical education;
 - (D) fine arts;
 - (E) career and technology education;
 - (F) technology applications;
 - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - (H) personal financial literacy.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (b-1) In this section, "common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative.
- (b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.
- (b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).
- (b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.
- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter [31](#) and addressed on the assessment instruments required under Subchapter B, Chapter [39](#). As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.

- (c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.
- (c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).
- (c-3) In adopting the essential knowledge and skills for the technology applications curriculum for kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include coding, computer programming, computational thinking, and cybersecurity. The State Board of Education shall review and revise, as needed, the essential knowledge and skills of the technology applications curriculum every five years to ensure the curriculum:
 - (1) is relevant to student education; and
 - (2) aligns with current or emerging professions.
- (d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:
 - (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
 - (2) is consistent with national physical education standards for:
 - (A) the information that students should learn about physical activity; and
 - (B) the physical activities that students should be able to perform;
 - (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
 - (4) offers students an opportunity to choose among many types of physical activity in which to participate;
 - (5) offers students both cooperative and competitive games;
 - (6) meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section [29.003\(b\)](#) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
 - (7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
 - (8) teaches self-management and movement skills;
 - (9) teaches cooperation, fair play, and responsible participation in physical activity;
 - (10) promotes student participation in physical activity outside of school; and
 - (11) allows physical education classes to be an enjoyable experience for students.

- (e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.
- (f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:
 - (1) be flexible in approving a course for credit for high school graduation under this subsection; and
 - (2) approve courses in cybersecurity for credit for high school graduation under this subsection.
- (g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:
 - (1) includes teacher input;
 - (2) provides district employees with the opportunity to express opinions regarding the initiative; and
 - (3) includes a meeting of the board of trustees of the district at which:
 - (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
 - (B) members of the public and district employees are given the opportunity to comment regarding the initiative.
- (g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:
 - (1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
 - (2) the course or other activity allows students to enter:
 - (A) a career or technology training program in the district's region of the state;
 - (B) an institution of higher education without remediation;
 - (C) an apprenticeship training program; or
 - (D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.
- (g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.
- (g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.
- (h) The State Board of Education and each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of instructional materials. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.

- (i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.
- (j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.
- (k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).
- (l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:
 - (1) any student who is unable to participate in the required physical activity because of illness or disability; and
 - (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.
- (l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.
- (l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).
- (l-3)
 - (1) This subsection may be cited as "Lauren's Law."
 - (2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
 - (A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
 - (B) children at a school-designated function.
- (m) Section [2001.039](#), Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).

- (n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).
- (o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.
- (p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:
 - (1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;
 - (2) address relationship skills, including money management, communication skills, and marriage preparation; and
 - (3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.
- (p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:
 - (1) child development;
 - (2) parenting skills, including child abuse and neglect prevention; and
 - (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
- (p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.
- (p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.
- (q) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(1), eff. September 1, 2014.
- (r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, [causes,] consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in [and] alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse [alcohol] awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based substance abuse [alcohol] awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse [or delay alcohol use] among students, as determined by evaluations that are evidence-based [use valid and reliable measures and that are published in peer reviewed journals].
- (s) In this subsection, "bullying" has the meaning assigned by Section [37.0832](#) and "harassment" has the meaning assigned by Section [37.001](#). In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.
- (t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that

prepares students to communicate in a language other than English in a specific professional, business, or industry environment.

(w) Repealed section 28.002 (w)

~~(w) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of nonmedical use of prescription drugs. The agency shall compile a list of evidence-based prescription drug misuse awareness programs from which a school district may choose a program to use in the district's middle school, junior high school, and high school health curriculums. In this subsection, an "evidence-based prescription drug misuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent nonmedical use of prescription drugs among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.~~

(z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:

(1) "Cyberbullying" has the meaning assigned by Section 37.0832.

(2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND
ACADEMIC ACHIEVEMENT RECORD

TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002](#) (a)(1) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
 - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
 - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
 - (1) four credits in English language arts under Section [28.002](#)(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
 - (2) three credits in mathematics under Section [28.002](#)(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
 - (3) three credits in science under Section [28.002](#)(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
 - (4) three credits in social studies under Section [28.002](#)(a)(1)(D), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history;
 - (5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section [28.002](#)(a)(2)(A);
 - (6) five elective credits;
 - (7) one credit in fine arts under Section [28.002](#)(a)(2)(D); and

- (8) except as provided by Subsection (b-11), one credit in physical education under Section [28.002\(a\)\(2\)\(C\)](#).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:
- (1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1), for an advanced mathematics course under Subsection (b-1)(2), and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section [28.002\(g-1\)](#); and
 - (2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.
- (b-3) In adopting rules for purposes of Subsection (b-2), the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections [39.023\(c\)](#) and [39.025](#).
- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.
- ~~(b-6) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.~~
- ~~(b-6) A school district may allow a student to enroll concurrently in Algebra I and geometry.~~
- (b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section [61.822](#). Notwithstanding Subsection (b-15) or (c) of this section, Section [39.025](#), or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section [61.822](#), as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.
- (b-8) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (b-9) A school district, with the approval of the commissioner, may allow a student to satisfy the fine arts credit required under Subsection (b-1)(7) by participating in a community-based fine arts

program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the essential knowledge and skills identified for fine arts by the State Board of Education under Section [28.002\(c\)](#). The fine arts program may be provided on or off a school campus and outside the regular school day.

- (b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.
- (b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section [28.002\(g-1\)](#), or one academic elective credit for the physical education credit required under Subsection (b-1)(8). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:
 - (1) if the student receives special education services under Subchapter A, Chapter [29](#), the student's admission, review, and dismissal committee;
 - (2) if the student does not receive special education services under Subchapter A, Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or
 - (3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.
- (b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages, including computer coding.
- (b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:
 - (1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and
 - (2) appropriate substitute courses for purposes of this subsection.
- (b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:

- (1) if the student receives special education services under Subchapter A, Chapter [29](#), the student's admission, review, and dismissal committee; or
 - (2) if the student does not receive special education services under Subchapter A, Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.
- (b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:
- (1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);
 - (2) four credits in science, which must include the courses described by Subsection (b-1)(3);
 - (3) the remaining curriculum requirements under Subsection (b-1); and
 - (4) the curriculum requirements for at least one endorsement under Subsection (c-1).
- (b-16) A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.
- (b-17) The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.
- (b-18) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.
- (b-19) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.
- (b-20) The State Board of Education shall adopt rules to include the instruction developed under Section [28.012](#) in one or more courses in the required curriculum for students in grade levels 9 through 12.
- (b-21) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirement for one credit under Subsection (b-1)(5) by successfully completing at an elementary school either a dual language immersion program under Section [28.0051](#) or a course in American Sign Language [at an elementary school].
- (c) A person may receive a diploma if the person is eligible for a diploma under Section [28.0251](#). In other cases, a student may graduate and receive a diploma only if:
- (1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections [28.0256](#) and [Section] [39.025](#); or
 - (2) the student successfully completes an individualized education program developed under Section [29.005](#).

- (c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:
- (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, cybersecurity, and computer coding, engineering, and advanced mathematics;
 - (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
 - (3) public services, which includes courses directly related to health sciences and occupations, mental health, education and training, law enforcement, and culinary arts and hospitality;
 - (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
 - (5) multidisciplinary studies, which allows a student to:
 - (A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and
 - (B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.
- (c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:
- (1) require a student in order to earn any endorsement to successfully complete:
 - (A) four credits in mathematics, which must include:
 - (i) the courses described by Subsection (b-1)(2); and
 - (ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;
 - (B) four credits in science, which must include:
 - (i) the courses described by Subsection (b-1)(3); and
 - (ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and
 - (C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and
 - (2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under

Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.

- (c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.
- (c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.
- (c-5) A student may earn a performance acknowledgment on the student's transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:
 - (1) for outstanding performance:
 - (A) in a dual credit course;
 - (B) in bilingualism and biliteracy;
 - (C) on a college advanced placement test or international baccalaureate examination;
 - (D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - (E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
 - (2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.
- (c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section [28.0258](#). This subsection expires September 1, ~~2019~~ 2023.
- (c-7) Subject to Subsection (c-8), a student who is enrolled in a special education program under Subchapter A, Chapter 29, may earn an endorsement on the student's transcript by:
 - (1) successfully completing, with or without modification of the curriculum:
 - (A) the curriculum requirements identified by the State Board of Education under Subsection (a); and
 - (B) the additional endorsement curriculum requirements prescribed by the State Board of Education under Subsection (c-2); and
 - (2) successfully completing all curriculum requirements for that endorsement adopted by the State Board of Education:
 - (A) without modification of the curriculum; or

(B) with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's admission, review, and dismissal committee.

- (c-8) For purposes of Subsection (c-7), the admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.
- (c-10) In adopting rules under Subsection (c-1), the State Board of Education shall adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.
- (d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section [39.025](#). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- (e) Each school district shall report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly identify whether a student received a diploma or a certificate of coursework completion.
- (e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.
- (e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:
- (1) enrolled in the foundation high school program;
 - (2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and
 - (3) enrolled in a program to earn an endorsement described by Subsection (c-1).
- (e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter [29](#).
- (f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter A, Chapter [29](#), and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).
- (g) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.

- (h) The commissioner by rule shall adopt a transition plan to implement and administer the amendments made by H.B. No. 5, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2014-2015 school year. Under the transition plan, a student who entered the ninth grade before the 2014-2015 school year must be permitted to complete the curriculum requirements required for high school graduation under:
- (1) the foundation high school program, if the student chooses during the 2014-2015 school year to take courses under this program;
 - (2) the minimum high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year;
 - (3) the recommended high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year; or
 - (4) the advanced high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year.
- (h-1) This subsection and Subsection (h) expire September 1, 2018.
- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. [~~In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a].~~]

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER D. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS

TEC, §29.122. ESTABLISHMENT.

- (a) Using criteria established by the State Board of Education, each school district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. A district may establish a shared services arrangement program with one or more other districts.
- (b) Each school district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 30. STATE AND REGIONAL PROGRAMS AND SERVICES
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §30.003. SUPPORT OF STUDENTS ENROLLED IN TEXAS SCHOOL FOR THE BLIND
AND VISUALLY IMPAIRED OR TEXAS SCHOOL FOR THE DEAF.**

- (a) For each student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, the school district that is responsible for providing appropriate special education services to the student shall share the cost of the student's education as provided by this section.
- (b) If the student is admitted to the school for a full-time program for the equivalent of two long semesters, the district's share of the cost is an amount equal to the dollar amount of maintenance and debt service taxes imposed by the district for that year divided by the district's average daily attendance for the preceding year.
- (c) If the student is admitted for a program less than two complete semesters in duration, other than a summer program, the district's share of the cost is an amount equal to the amount that would be the district's share under Subsection (b) for a full-time program multiplied by the quotient resulting from the number of full-time equivalent days in the program divided by the minimum number of days of instruction for students as provided by Section 25.081.
- (d) Each school district and state institution shall provide to the commissioner the necessary information to determine the district's share under this section. The information must be reported to the commissioner on or before a date set by rule of the State Board of Education. After determining the amount of a district's share for all students for which the district is responsible, the commissioner shall deduct that amount from the payments of foundation school funds payable to the district. Each deduction shall be in the same percentage of the total amount of the district's share as the percentage of the total foundation school fund entitlement being paid to the district at the time of the deduction, except that the amount of any deduction may be modified to make necessary adjustments or to correct errors. The commissioner shall provide for remitting the amount deducted to the appropriate school at the same time at which the remaining funds are distributed to the district. If a district does not receive foundation school funds or if a district's foundation school entitlement is less than the amount of the district's share under this section, the commissioner shall direct the district to remit payment to the commissioner, and the commissioner shall remit the district's share to the appropriate school.

- (e) For each student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, the appropriate school is entitled to the state available school fund apportionment.
- (f) The commissioner, with the assistance of the comptroller, shall determine the amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from the available school fund if Chapter 28, Acts of the 68th Legislature, 2nd Called Session, 1984, had not transferred statutorily dedicated taxes from the available school fund to the foundation school fund. That amount, minus any amount the schools do receive from the available school fund, shall be set apart as a separate account in the foundation school fund and appropriated to those schools for educational purposes.
- (f-1) The commissioner shall determine the total amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from school districts in accordance with this section if the following provisions had not reduced the districts' share of the cost of providing education services:
 - (1) H.B. No. 1, Acts of the 79th Legislature, 3rd Called Session, 2006;
 - (2) Section 45.0032; and
 - (3) Section 48.255.
- (f-2) ~~The amount determined under Subsection (f-1), [had not reduced the districts' share of the cost of providing education services. That amount,]~~ minus any amount the schools do receive from school districts, shall be set aside as a separate account in the foundation school fund and appropriated to those schools for educational purposes.
- (g) The State Board of Education may adopt rules as necessary to implement this section.
- (h) Expired.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 30. STATE AND REGIONAL PROGRAMS AND SERVICES
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §30.004. INFORMATION CONCERNING PROGRAMS.

- (a) Each school district shall provide each parent or other person having lawful control of a student with written information about:
 - (1) the availability of programs offered by state institutions for which the district's students may be eligible;
 - (2) the eligibility requirements and admission conditions imposed by each of those state institutions; and
 - (3) the rights of students in regard to admission to those state institutions and in regard to appeal of admission decisions.
- (b) The State Board of Education shall adopt rules prescribing the form and content of information required by Subsection (a).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC §31.002. DEFINITIONS.

In this chapter:

- (1) "Instructional material" means content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, on-line services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.
- (1-a) "Open education resource instructional material" means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. The term includes state-developed open education resource instructional material purchased under Subchapter B-1.
- (2) "Publisher" includes an on-line service or a developer or distributor of electronic instructional materials.
- (3) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 67(1), eff. July 19, 2011.
- (4) "Technological equipment" means hardware, a device, or equipment necessary for:
 - (A) instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or
 - (B) professional use by a classroom teacher.

EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 31.003. RULES.

The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 20, eff. July 19, 2011.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.022. INSTRUCTIONAL MATERIALS REVIEW AND ADOPTION.

- (a) The State Board of Education shall adopt a review and adoption cycle for instructional materials for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum under Section 28.002. In adopting the cycle, the board:
 - (1) is not required to review and adopt instructional materials for all grade levels in a single year; and
 - (2) shall give priority to instructional materials in the following subjects:
 - (A) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised and for which assessment instruments are required under Subchapter B, Chapter 39, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
 - (B) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
 - (C) foundation curriculum subjects not described by Paragraph (A) or (B), including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n); and
 - (D) enrichment curriculum subjects.
- (b) The board shall organize the cycle for subjects in the foundation curriculum so that not more than one-fourth of the instructional materials for subjects in the foundation curriculum are reviewed each biennium. The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum every eight years. The adoption of instructional materials for a subject in the foundation curriculum may be extended beyond the eight-year period only if the content of instructional materials for a subject is sufficiently current.
- (c) The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the enrichment curriculum on a cycle the board considers appropriate.
- (d) At least 12 months before the beginning of the school year for which instructional materials for a particular subject and grade level will be adopted under the review and adoption cycle, the board shall publish notice of the review and adoption cycle for those instructional materials. A request for production must allow submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (d-1) A notice published under Subsection (d) must state that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic sample of the instructional materials as required by Sections 31.027(a) and (b) and may not submit a print sample copy.
- (e) The board shall designate a request for production of instructional materials in a subject area and grade level by the school year in which the instructional materials are intended to be made available in classrooms and not by the school year in which the board makes the request for production.
- (f) The board shall amend any request for production issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation.
- (g) In reviewing and adopting instructional materials, the board shall consider a school district's need for technology as well as instructional materials and in any biennium may limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.
- (h) The board shall include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B. STATE FUNDING, ADOPTION, AND PURCHASE

TEC, §31.023. INSTRUCTIONAL MATERIAL LIST

- (a) For each subject and grade level, the State Board of Education shall adopt a list of instructional materials. The list includes each instructional material submitted for the subject and grade level that meets applicable physical specifications adopted by the State Board of Education and contains material covering at least half of the elements of the essential knowledge and skills of the subject and grade level in the student version of the instructional material, as well as in the teacher version of the instructional material, as determined by the State Board of Education under Section [28.002](#) and adopted under Section [31.024](#).
- (a-1) The State Board of Education shall determine the percentage of the elements of the essential knowledge and skills of the subject and grade level covered by each instructional material submitted. The board's determination under this subsection is final.
- (b) Each instructional material on the list must be:
 - (1) free from factual errors;
 - (2) suitable for the subject and grade level for which the instructional material was submitted; and
 - (3) reviewed by academic experts in the subject and grade level for which the instructional material was submitted.

TEXAS EDUCATION CODE
TITEL 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.035. SUPPLEMENTAL INSTRUCTIONAL MATERIALS.

- (a) Notwithstanding any other provision of this subchapter, the State Board of Education may adopt supplemental instructional materials that are not on the list adopted under Section [31.023](#). The State Board of Education may adopt supplemental instructional material under this section only if the instructional material:
 - (1) contains material covering one or more primary focal points or primary topics of a subject in the required curriculum under Section [28.002](#), as determined by the State Board of Education;
 - (2) is not designed to serve as the sole instructional material for a full course;
 - (3) meets applicable physical specifications adopted by the State Board of Education;
 - (4) is free from factual errors;
 - (5) is suitable for the subject and grade level; and
 - (6) is reviewed by academic experts in the subject and grade level.
- (b) The State Board of Education shall identify the essential knowledge and skills identified under Section [28.002](#) that are covered by supplemental instructional material adopted by the board under this section.
- (c) Supplemental instructional material is subject to the review and adoption cycle provisions, including the midcycle review and adoption cycle provisions, of this subchapter.
- (d) A school district or open-enrollment charter school may requisition supplemental instructional material adopted under this section only if the district or school requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Section [31.023](#) that in combination cover each element of the essential knowledge and skills for the course for which the district or school is requisitioning the supplemental instructional materials.
- (e) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 67(5), eff. July 19, 2011.
- (f) A school district or open-enrollment charter school that requisitions supplemental instructional materials shall certify to the agency that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by the district or school, cover the essential knowledge and skills identified under Section [28.002](#) by the State Board of Education for the subject and grade level for which the district or school is requisitioning the supplemental instructional materials.
- (g) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 67(5), eff. July 19, 2011.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

TEC, §31.081. INSTRUCTIONAL MATERIALS WEB PORTAL.

- (a) The commissioner shall develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials under Section [31.101](#).
- (b) The web portal must include general information such as price, computer system requirements, and any other relevant specifications for each instructional material:
 - (1) on the instructional materials list, including the list adopted under Section [31.0231](#); or
 - (2) submitted by a publisher for inclusion in the web portal.
- (c) The commissioner by rule shall establish the procedure by which a publisher may submit instructional materials for inclusion in the web portal.
- (d) The commissioner shall use a competitive process to contract for the development of the web portal.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

TEC, §31.082. QUALITY OF INSTRUCTIONAL MATERIALS SUBMITTED BY PUBLISHER.

- (a) The commissioner shall contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under Section [31.081](#). The analysis must:
 - (1) evaluate the quality of the material; and
 - (2) determine the extent to which the material covers the essential knowledge and skills identified under Section [28.002](#) for the subject and grade level for which the material is intended to be used, including an identification of:
 - (A) each of the essential knowledge and skills for the subject and grade level or levels covered by the material; and
 - (B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the material.
- (b) The commissioner shall include in the web portal developed under Section [31.081](#) the results of each analysis conducted under Subsection (a).

TEXAS EDUCATION CODE
CHAPTER 33. SERVICE PROGRAMS AND EXTRACURRICULAR ACTIVITIES
SUBCHAPTER D. EXTRACURRICULAR ACTIVITIES

TEC, §33.081. EXTRACURRICULAR ACTIVITIES.

- (a) The State Board of Education by rule shall limit participation in and practice for extracurricular activities during the school day and the school week. The rules must, to the extent possible, preserve the school day for academic activities without interruption for extracurricular activities. In scheduling those activities and practices, a school district must comply with the rules of the board.
- (b) A student enrolled in a school district in this state or who participates in an extracurricular activity or a University Interscholastic League competition is subject to school district policy and University Interscholastic League rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of the board of trustees of the district.
- (c) A student who is enrolled in a school district in this state or who participates in a University Interscholastic League competition shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the school district or the University Interscholastic League after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described by Subsection (d-1). A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Subsection (d) are met. A suspension does not last beyond the end of a school year. For purposes of this subsection, "grade evaluation period" means:
 - (1) the six-week grade reporting period; or
 - (2) the first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.
- (d) Until the suspension is removed under this subsection or the school year ends, a school district shall review the grades of a student suspended under Subsection (c) at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described by Subsection (d-1), is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades.
- (d-1) Subsections (c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. The agency shall review on a biennial basis courses described by this subsection to determine if other courses should be excluded from the requirement that a student be suspended from participation in an extracurricular activity under Subsection (c). Not later than January 1 of each odd-numbered year, the agency shall report the findings under this subsection to the legislature.
- (e) Suspension of a student with a disability that significantly interferes with the student's ability to meet regular academic standards must be based on the student's failure to meet the requirements of the student's individualized education program. The determination of whether a disability significantly interferes with a student's ability to meet regular academic standards must be made by the student's admission, review, and dismissal committee. For purposes of this subsection, "student with a disability" means a student who is eligible for a district's special education program under Section [29.003\(b\)](#).
- (f) A student suspended under this section may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance.
- (g) An appeal to the commissioner is not a contested case under Chapter [2001](#), Government Code, if the issues presented relate to a student's eligibility to participate in extracurricular activities, including issues related to the student's grades or the school district's grading policy as applied to the student's eligibility. The commissioner may delegate the matter for decision to a person the commissioner designates. The decision of the commissioner or the commissioner's designee in a matter governed by this subsection may not be appealed except on the grounds that the decision is arbitrary or capricious. Evidence may not be introduced on appeal other than the record of the evidence before the commissioner.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE G. SAFE SCHOOLS
CHAPTER 38. HEALTH AND SAFETY
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §38.003. SCREENING AND TREATMENT FOR DYSLEXIA AND RELATED DISORDERS.

- (a) Students enrolling in public schools in this state shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.
- (b-1) Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.
- (c) Subject to Subsection (c-1), the [The] State Board of Education shall adopt any rules and standards necessary to administer this section.
- (c-1) The agency by rule shall develop procedures designed to allow the agency to:
 - (1) effectively audit and monitor and periodically conduct site visits of all school districts to ensure that districts are complying with this section, including the program approved by the State Board of Education under this section;
 - (2) identify any problems school districts experience in complying with this section, including the program approved by the State Board of Education under this section; and
 - (3) develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished.
- (d) In this section:
 - (1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.
 - (2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 42. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §48.004 [~~42.004~~]. ADMINISTRATION OF THE PROGRAM.

The commissioner, [~~in accordance with the rules of the State Board of Education,~~] shall adopt rules and take [~~such~~] action and require [~~such~~] reports consistent with this chapter as [~~may be~~] necessary to implement and administer the Foundation School Program.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 42. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER C. SPECIAL ALLOTMENTS

TEC, §42.151. SPECIAL EDUCATION.

- (a) For each student in average daily attendance in a special education program under Subchapter A, Chapter 29, in a mainstream instructional arrangement, a school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 1.1. For each full-time equivalent student in average daily attendance in a special education program under Subchapter A, Chapter 29, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to instructional arrangement as follows:

Homebound—5.0

Hospital class—3.0

Speech therapy—5.0

Resource room—3.0

Self-contained, mild and moderate, regular campus—3.0

Self-contained, severe, regular campus—3.0

Off home campus—2.7

Nonpublic day school—1.7

Vocational adjustment class—2.3

- (b) A special instructional arrangement for students with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services shall be established under the rules of the State Board of Education. The funding weight for this arrangement shall be 4.0 for those students who receive their education service on a local school district campus. A special instructional arrangement for students with disabilities residing in state schools shall be established under the rules of the State Board of Education with a funding weight of 2.8.
- (c) For funding purposes, the number of contact hours credited per day for each student in the off home campus instructional arrangement may not exceed the contact hours credited per day for the multidistrict class instructional arrangement in the 1992-1993 school year.
- (d) For funding purposes the contact hours credited per day for each student in the resource room; self-contained, mild and moderate; and self-contained, severe, instructional arrangements may not exceed the

average of the statewide total contact hours credited per day for those three instructional arrangements in the 1992-1993 school year.

- (e) The State Board of Education by rule shall prescribe the qualifications an instructional arrangement must meet in order to be funded as a particular instructional arrangement under this section. In prescribing the qualifications that a mainstream instructional arrangement must meet, the board shall establish requirements that students with disabilities and their teachers receive the direct, indirect, and support services that are necessary to enrich the regular classroom and enable student success.
- (f) In this section, "full-time equivalent student" means 30 hours of contact a week between a special education student and special education program personnel.
- (g) The State Board of Education shall adopt rules and procedures governing contracts for residential placement of special education students. The legislature shall provide by appropriation for the state's share of the costs of those placements.
- (h) Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, must be used in the special education program under Subchapter A, Chapter 29.
- (i) The agency shall encourage the placement of students in special education programs, including students in residential instructional arrangements, in the least restrictive environment appropriate for their educational needs.
- (j) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 494, Sec. 1, eff. September 1, 2011.
- (k) A school district that provides an extended year program required by federal law for special education students who may regress is entitled to receive funds in an amount equal to 75 percent, or a lesser percentage determined by the commissioner, of the adjusted basic allotment or adjusted allotment, as applicable, for each full-time equivalent student in average daily attendance, multiplied by the amount designated for the student's instructional arrangement under this section, for each day the program is provided divided by the number of days in the minimum school year. The total amount of state funding for extended year services under this section may not exceed \$10 million per year. A school district may use funds received under this section only in providing an extended year program.
- (l) From the total amount of funds appropriated for special education under this section, the commissioner shall withhold an amount specified in the General Appropriations Act, and distribute that amount to school districts for programs under Section 29.014. The program established under that section is required only in school districts in which the program is financed by funds distributed under this subsection and any other funds available for the program. After deducting the amount withheld under this subsection from the total amount appropriated for special education, the commissioner shall reduce each district's allotment proportionately and shall allocate funds to each district accordingly.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0031. PERMANENT SCHOOL FUND ETHICS POLICY.

- (a) In addition to any other requirements provided by law, the State Board of Education shall adopt and enforce an ethics policy that provides standards of conduct relating to the management and investment of the permanent school fund. The ethics policy must include provisions that address the following issues as they apply to the management and investment of the permanent school fund and to persons responsible for managing and investing the fund:
 - (1) general ethical standards;
 - (2) conflicts of interest;
 - (3) prohibited transactions and interests;
 - (4) the acceptance of gifts and entertainment;
 - (5) compliance with applicable professional standards;
 - (6) ethics training; and
 - (7) compliance with and enforcement of the ethics policy.
- (b) The ethics policy must include provisions applicable to:
 - (1) members of the State Board of Education;
 - (2) the commissioner;
 - (3) employees of the agency; and
 - (4) any person who provides services to the board relating to the management or investment of the permanent school fund.
- (c) Not later than the 45th day before the date on which the board intends to adopt a proposed ethics policy or an amendment to or revision of an adopted ethics policy, the board shall submit a copy of the proposed policy, amendment, or revision to the Texas Ethics Commission and the state auditor for review and comments. The board shall consider any comments from the commission or state auditor before adopting the proposed policy.
- (d) The provisions of the ethics policy that apply to a person who provides services to the board relating to the management or investment of the permanent school fund must be based on the Code of Ethics and the Standards of Professional Conduct prescribed by the Association for Investment Management and Research or other ethics standards adopted by another appropriate professionally recognized entity.
- (e) The board shall ensure that applicable provisions of the ethics policy are included in any contract under which a person provides services to the board relating to the management and investment of the permanent school fund.

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TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0032. CONFLICTS OF INTEREST.

- (a) A member of the State Board of Education, the commissioner, an employee of the agency, or a person who provides services to the board that relate to the management or investment of the permanent school fund who has a business, commercial, or other relationship that could reasonably be expected to diminish the person's independence of judgment in the performance of the person's responsibilities relating to the management or investment of the fund shall disclose the relationship in writing to the board.
- (b) The board or the board's designee shall, in the ethics policy adopted under Section 43.0031, define the kinds of relationships that may create a possible conflict of interest.
- (c) A person who files a statement under Subsection (a) disclosing a possible conflict of interest may not give advice or make decisions about a matter affected by the possible conflict of interest unless the board, after consultation with the general counsel of the agency, expressly waives this prohibition. The board may delegate the authority to waive the prohibition established by this subsection.

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CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0033. REPORTS OF EXPENDITURES.

A consultant, advisor, broker, or other person providing services to the State Board of Education relating to the management and investment of the permanent school fund shall file with the board regularly, as determined by the board, a report that describes in detail any expenditure of more than \$50 made by the person on behalf of:

- (1) a member of the board;
- (2) the commissioner; or
- (3) an employee of the agency or of a nonprofit corporation created under Section 43.006.

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CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0034. FORMS; PUBLIC INFORMATION.

- (a) The board shall prescribe forms for:
 - (1) statements of possible conflicts of interest and waivers of possible conflicts of interest under Section 43.0032; and
 - (2) reports of expenditures under Section 43.0033.
- (b) A statement, waiver, or report described by Subsection (a) is public information.
- (c) The board shall designate an employee of the agency to act as custodian of statements, waivers, and reports described by Subsection (a) for purposes of public disclosure.

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CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.004. WRITTEN INVESTMENT OBJECTIVES; PERFORMANCE EVALUATION.

- (a) The State Board of Education shall develop written investment objectives concerning the investment of the permanent school fund. The objectives may address desired rates of return, risks involved, investment time frames, and any other relevant considerations.
- (b) The board shall employ a well-recognized performance measurement service to evaluate and analyze the investment results of the permanent school fund. The service shall compare investment results with the written investment objectives developed by the board, and shall also compare the investment of the permanent school fund with the investment of other public and private funds.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.051. DEFINITIONS.

In this subchapter:

- (1) "Board" means the State Board of Education.
- (1-a) "Charter district" means an open-enrollment charter school designated as a charter district under Section [12.135](#).
- (2) "Paying agent" means the financial institution that is designated by a school district or charter district as its agent for the payment of the principal of and interest on guaranteed bonds.

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TITLE 2. PUBLIC EDUCATION
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CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.052. GUARANTEE.

- (a) On approval by the commissioner, bonds issued under Subchapter A by a school district or Chapter [53](#) for a charter district, including refunding and refinanced bonds, are guaranteed by the corpus and income of the permanent school fund.
- (b) Notwithstanding any amendment of this subchapter or other law, the guarantee under this subchapter of school district or charter district bonds remains in effect until the date those bonds mature or are defeased in accordance with state law.

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CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.053. LIMITATION; VALUE ESTIMATES.

- (a) Except as provided by Subsection (d), the commissioner may not approve bonds for guarantee under this subchapter if the approval would result in the total amount of outstanding guaranteed bonds under this subchapter exceeding an amount equal to 2-1/2 times the cost value of the permanent school fund, as estimated by the board and certified by the state auditor.
- (b) Each year, the state auditor shall analyze the status of guaranteed bonds under this subchapter as compared to the cost value of the permanent school fund. Based on that analysis, the state auditor shall certify whether the amount of bonds guaranteed under this subchapter is within the limit prescribed by this section.
- (c) The commissioner shall prepare and the board shall adopt an annual report on the status of the guaranteed bond program under this subchapter.
- (d) The board by rule may increase the limit prescribed by Subsection (a) to an amount not to exceed five times the cost value of the permanent school fund, provided that the increased limit is consistent with federal law and regulations and does not prevent the bonds to be guaranteed from receiving the highest available credit rating, as determined by the board. The board shall at least annually consider whether to change any limit in accordance with this subsection. This subsection may not be construed in a manner that impairs, limits, or removes the guarantee of bonds that have been approved by the commissioner.

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TEC, §45.0531. ADDITIONAL LIMITATION: RESERVATION OF PERCENTAGE OF PERMANENT SCHOOL FUND VALUE.

- (a) In addition to the limitation on the approval of bonds for guarantee under Section [45.053](#), the board by rule may establish a percentage of the cost value of the permanent school fund to be reserved from use in guaranteeing bonds under this subchapter.
- (b) If the board has reserved a portion of the permanent school fund under Subsection (a), each year, the state auditor shall analyze the status of the reserved portion compared to the cost value of the permanent school fund. Based on that analysis, the state auditor shall certify whether the portion of the permanent school fund reserved from use in guaranteeing bonds under this subchapter satisfies the reserve percentage established.
- (c) If the board has reserved a portion of the permanent school fund under Subsection (a), the board shall at least annually consider whether to change the reserve percentage established to ensure that the reserve percentage allows compliance with federal law and regulations and serves to enable bonds guaranteed under this subchapter to receive the highest available credit rating, as determined by the board.
- (d) This section may not be construed in a manner that impairs, limits, or removes the guarantee of bonds that have been approved by the commissioner.

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CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.0532. LIMITATION ON GUARANTEE OF CHARTER DISTRICT BONDS.

- (a) In addition to the general limitation under Section [45.053](#), the commissioner may not approve charter district bonds for guarantee under this subchapter in a total amount that exceeds the charter capacity of the guaranteed bond program.
- (a-1) The commissioner may not approve charter district refunding or refinanced bonds for guarantee under this subchapter in a total amount that exceeds one-half of the charter capacity.
- (b) For purposes of this section, the charter capacity of the guaranteed bond program is the percentage of the total capacity of the guaranteed bond program established by the board under Sections [45.053](#)(d) and [45.0531](#) that is equal to the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner. Each time the board increases the limit under Section [45.053](#)(d), the total amount of charter district bonds that may be guaranteed increases accordingly under Subsection (a).
- (b-1) The charter capacity provided by Subsection (b) applies beginning with the state fiscal year that begins September 1, 2021. Subject to Subsections (b-2) and (b-3), the board shall establish a charter capacity for the preceding state fiscal years by increasing the total limitation on the amount of charter district bonds that could be guaranteed under the law in effect on January 1, 2017, by the following amount:
 - (1) for the state fiscal year that begins September 1, 2017, 20 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017;
 - (2) for the state fiscal year that begins September 1, 2018, 40 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017;
 - (3) for the state fiscal year that begins September 1, 2019, 60 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017; and
 - (4) for the state fiscal year that begins September 1, 2020, 80 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017.
- (b-2) For any year, the board may increase the charter capacity by less than the amount provided by Subsection (b-1) or may decline to increase the charter capacity by any amount if:
 - (1) the board determines that increasing the charter capacity by the amount provided by Subsection (b-1) would likely result in a negative impact on the bond ratings

provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested under this subchapter; or

- (2) one or more charter districts default on payment of maturing or matured principal or interest on a guaranteed bond, resulting in a negative impact on the bond ratings provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested under this subchapter.
- (b-3) If the board makes a determination described by Subsection (b-2) for any year and modifies the schedule provided by Subsection (b-1) for that year, the board may also make appropriate adjustments to the schedule for subsequent years to reflect the modification, provided that the charter capacity for any year may not exceed the limit provided for that year by the schedule.
- (b-4) Subsections (b-1), (b-2), and (b-3) and this subsection expire September 1, 2022.
- (c) Notwithstanding Subsections (a) and (b), the commissioner may not approve charter district bonds for guarantee under this subchapter if the guarantee will result in lower bond ratings for school district bonds for which a guarantee is requested under this subchapter.
- (d) The commissioner may request that the comptroller place the portion of the permanent school fund committed to the guarantee of charter district bonds in a segregated account if the commissioner determines that a separate account is needed to avoid any negative impact on the bond ratings of school district bonds for which a guarantee is requested under this subchapter.
- (e) A guarantee of charter district bonds must be made in accordance with this chapter and any applicable federal law.

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TEC, §45.0533. COMMUNICATION WITH NATIONALLY RECOGNIZED INVESTMENT RATING FIRM.

Information obtained from a nationally recognized investment rating firm relating to Section [45.053](#), [45.0531](#), or [45.0532](#) that concerns a hypothetical or actual scenario relating to the credit rating of the permanent school fund or the bond guarantee program of the permanent school fund, and any communications from, or information generated by, the agency, the board, the commissioner, or their employees relating to that information, is confidential and not subject to disclosure under Chapter [552](#), Government Code .

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TEC, §45.054. ELIGIBILITY OF SCHOOL DISTRICT BONDS.

To be eligible for approval by the commissioner, school district bonds must be issued under Subchapter A of this chapter or under Subchapter A, Chapter [1207](#), Government Code, to make a deposit under Subchapter B or C of that chapter, by an accredited school district.

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TEC, §45.0541. ELIGIBILITY OF CHARTER DISTRICT BONDS.

To be eligible for approval by the commissioner, charter district bonds must:

- (1) without the guarantee, be rated as investment grade by a nationally recognized investment rating firm; and
- (2) be issued under Chapter [53](#).

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TEC, §45.055. APPLICATION FOR GUARANTEE.

- (a) A school district or charter district seeking guarantee of eligible bonds under this subchapter shall apply to the commissioner using a form adopted by the commissioner for the purpose. The commissioner may adopt a single form on which a school district seeking guarantee or credit enhancement of eligible bonds may apply simultaneously first for guarantee under this subchapter and then, if that guarantee is rejected, for credit enhancement under Subchapter I.
- (b) An application under Subsection (a) must include:
 - (1) the name of the school district or charter district and the principal amount of the bonds to be issued;
 - (2) the name and address of the district's paying agent for those bonds; and
 - (3) the maturity schedule, estimated interest rate, and date of the bonds.
- (c) An application under Subsection (a) must be accompanied by a fee set by rule of the board in an amount designed to cover the costs of administering the programs to provide the guarantee or credit enhancement of eligible bonds.

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TEC, §45.056. INVESTIGATION.

- (a) Following receipt of an application for the guarantee of bonds, the commissioner shall conduct an investigation of the applicant school district or charter district in regard to:
 - (1) the status of the district's accreditation; and
 - (2) the total amount of outstanding guaranteed bonds.
- (a-1) For purposes of this subsection, "bond security documents" include the resolution, trust agreement, indenture, ordinance, loan agreement, deed of trust, bond, note, and any additional document executed in connection with the issuance of a charter district bond for which a guarantee is requested under this subchapter. The commissioner's investigation of an application submitted by a charter district may include evaluation of whether the charter district bond security documents provide a security interest in real property pledged as collateral for the bond and the repayment obligation under the proposed guarantee. The commissioner may decline to approve the application if the commissioner determines that sufficient security is not provided.
- (b) If following the investigation the commissioner is satisfied that the school district's bonds should be guaranteed under this subchapter or provided credit enhancement under Subchapter I, as applicable, or the charter district's bonds should be guaranteed under this subchapter, the commissioner shall endorse the bonds.

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**TEC, §45.0561. COMMISSIONER CONSIDERATION OF ADDITIONAL FACTORS FOR
CHARTER DISTRICT BONDS.**

- (a) In addition to considering all other applicable requirements under this subchapter, in determining whether to approve charter district bonds for guarantee the commissioner may consider any additional reasonable factor that the commissioner determines necessary to protect the guarantee program or minimize risk to the permanent school fund, including:
- (1) whether the charter district had an average daily attendance of more than 75 percent of its student capacity for each of the preceding three school years, or for each school year of operation if the charter district has not been in operation for the preceding three school years;
 - (2) the performance of the charter district under Sections [39.053](#) and [39.054](#); and
 - (3) any other indicator of performance that could affect the charter district's financial performance.
- (b) This section expires September 1, 2019.

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TEC, §45.057. GUARANTEE ENDORSEMENT.

- (a) The commissioner shall endorse bonds approved for guarantee with:
 - (1) the commissioner's signature or a facsimile of the commissioner's signature; and
 - (2) a statement relating the constitutional and statutory authority for the guarantee.
- (b) The guarantee is not effective unless the attorney general approves the bonds under Section [45.005](#) or [53.40](#), as applicable.

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TEC, §45.0571. CHARTER DISTRICT BOND GUARANTEE RESERVE FUND.

- (a) The charter district bond guarantee reserve fund is a special fund in the state treasury outside the general revenue fund. The following amounts shall be deposited in the fund:
 - (1) money due from a charter district as provided by Subsection (b); and
 - (2) interest earned on balances in the fund.
- (a-1) Notwithstanding Chapter [404](#), Government Code, the charter district bond guarantee reserve fund is managed by the board in the same manner that the permanent school fund is managed by the board. The board may invest money in the charter district bond guarantee reserve fund in accordance with the investment standard described by Section [404.024\(j\)](#), Government Code, and the board's investment is not subject to any other limitation or requirement provided by Section [404.024](#), Government Code.
- (a-2) The board shall adjust the investment portfolio of charter district bond guarantee reserve fund money periodically to ensure that the balance of the fund is sufficient to meet the cash flow requirements of the fund.
- (b) Subject to Subsection (c), a charter district that has a bond guaranteed as provided by this subchapter must remit to the commissioner, for deposit in the charter district bond guarantee reserve fund, an amount equal to 20 percent of the savings to the charter district that is a result of the lower interest rate on the bond due to the guarantee by the permanent school fund. The amount due under this section shall be paid on receipt by the charter district of the bond proceeds. The commissioner shall adopt rules to determine the amount due under this section.
- (c) Subsection (b) does not apply if, at the time the charter district receives the proceeds of the bond guaranteed as provided by this subchapter, the balance of the charter district bond guarantee reserve fund is at least equal to three percent of the total amount of outstanding guaranteed bonds issued by charter districts.
- (d) Each year, the commissioner shall:
 - (1) review the condition of the bond guarantee program and the amount that must be deposited in the charter district bond guarantee reserve fund from charter districts; and
 - (2) determine if charter districts should be required to submit a greater percentage of the savings resulting from the guarantee.
- (e) The commissioner shall make recommendations to the legislature based on the review under Subsection (d).

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TEC, §45.058. NOTICE OF DEFAULT.

Immediately following a determination that a school district or charter district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, but not later than the fifth day before maturity date, the school district or charter district shall notify the commissioner.

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TEC, §45.059. PAYMENT OF SCHOOL DISTRICT BOND ON DEFAULT.

- (a) Immediately following receipt of notice under Section [45.058](#) that a school district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, the commissioner shall instruct the comptroller to transfer from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.
- (b) Immediately following receipt of the funds for payment of the principal or interest, the paying agent shall pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller shall hold the canceled bond or coupon on behalf of the permanent school fund.
- (c) Following full reimbursement to the permanent school fund with interest, the comptroller shall further cancel the bond or coupon and forward it to the school district for which payment was made.

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TEC, §45.0591. PAYMENT OF CHARTER DISTRICT BOND ON DEFAULT.

- (a) Immediately following receipt of notice under Section [45.058](#) that a charter district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, the commissioner shall instruct the comptroller to transfer from the charter district bond guarantee reserve fund created under Section [45.0571](#) to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.
- (b) If money in the charter district bond guarantee reserve fund is insufficient to pay the amount due on a bond under Subsection (a), the commissioner shall instruct the comptroller to transfer from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the balance of the unpaid maturing or matured principal or interest.
- (c) Immediately following receipt of the funds for payment of the principal or interest, the paying agent shall pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller shall hold the canceled bond or coupon on behalf of the fund or funds from which payment was made.
- (d) Following full reimbursement to the charter district bond guarantee reserve fund and the permanent school fund, if applicable, with interest, the comptroller shall further cancel the bond or coupon and forward it to the charter district for which payment was made.

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TEC, §45.060. BONDS NOT ACCELERATED ON DEFAULT.

If a school district or charter district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the school district's or charter district's default.

TEXAS EDUCATION CODE
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TEC, §45.061. REIMBURSEMENT OF FUNDS.

- (a) If the commissioner orders payment from the permanent school fund or the charter district bond guarantee reserve fund on behalf of a school district or charter district, the commissioner shall direct the comptroller to withhold the amount paid, plus interest, from the first state money payable to the school district or charter district. Except as provided by Subsection (a-1), the amount withheld shall be deposited to the credit of the permanent school fund.
- (a-1) After the permanent school fund has been reimbursed for all money paid from the fund as the result of a default of a charter district bond guaranteed under this subchapter, any remaining amounts withheld under Subsection (a) shall be deposited to the credit of the charter district bond guarantee reserve fund.
- (b) In accordance with the rules of the board, the commissioner may authorize reimbursement to the permanent school fund or charter district bond guarantee reserve fund with interest in a manner other than that provided by this section.
- (c) The commissioner may order a school district to set an ad valorem tax rate capable of producing an amount of revenue sufficient to enable the district to:
 - (1) provide reimbursement under this section; and
 - (2) pay the principal of and interest on district bonds as the principal and interest become due.
- (d) If a school district fails to comply with the commissioner's order under Subsection (c), the commissioner may impose any sanction on the district authorized to be imposed on a district under Subchapter G, Chapter [39](#), including appointment of a board of managers or annexation to another district, regardless of the district's accreditation status or the duration of a particular accreditation status.

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TEC, §45.062. REPEATED DEFAULTS.

- (a) If a total of two or more payments are made under this subchapter or Subchapter I on the bonds of a school district and the commissioner determines that the school district is acting in bad faith under the guarantee program under this subchapter or the credit enhancement program under Subchapter I, the commissioner may request the attorney general to institute appropriate legal action to compel the school district and its officers, agents, and employees to comply with the duties required of them by law in regard to the bonds.

- (a-1) If a total of two or more payments are made under this subchapter on charter district bonds and the commissioner determines that the charter district is acting in bad faith under the guarantee program under this subchapter, the commissioner may request the attorney general to institute appropriate legal action to compel the charter district and its officers, agents, and employees to comply with the duties required of them by law in regard to the bonds.

- (b) Jurisdiction of proceedings under this section is in district court in Travis County.

TEXAS EDUCATION CODE
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TEC, §45.063. RULES.

The board may adopt rules necessary for the administration of the bond guarantee program.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE
CHAPTER 2001. ADMINISTRATIVE PROCEDURE
SUBCHAPTER B. RULEMAKING

TGC, §2001.039. AGENCY REVIEW OF EXISTING RULES.

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT
CHAPTER 2263. ETHICS AND DISCLOSURE REQUIREMENTS FOR
OUTSIDE FINANCIAL ADVISORS AND SERVICE PROVIDERS

TGC, §2263.004. ETHICS REQUIREMENTS FOR OUTSIDE FINANCIAL ADVISORS OR SERVICE PROVIDERS.

- (a) The governing body of a state governmental entity by rule shall adopt standards of conduct applicable to financial advisors or service providers who are not employees of the state governmental entity, who provide financial services to the state governmental entity or advise the state governmental entity or a member of the governing body of the state governmental entity in connection with the management or investment of state funds, and who:
- (1) may reasonably be expected to receive, directly or indirectly, more than \$10,000 in compensation from the entity during a fiscal year; or
 - (2) render important investment or funds management advice to the entity or a member of the governing body of the entity, as determined by the governing body.
- (b) A contract under which a financial advisor or service provider renders financial services or advice to a state governmental entity or other person as described by Subsection (a) is voidable by the state governmental entity if the financial advisor or service provider violates a standard of conduct adopted under this section.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER D. PRELIMINARY EVALUATION OF LICENSE ELIGIBILITY

TOC, §53.105. FEES.

A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 54. EXAMINATION ON RELIGIOUS HOLY DAY;
EXAMINATION ACCOMMODATIONS FOR PERSON WITH DYSLEXIA

TOC, §54.003. EXAMINATION ACCOMMODATIONS FOR PERSON WITH DYSLEXIA.

- (a) In this section, "dyslexia" has the meaning assigned by Section [51.970](#), Education Code.
- (b) For each licensing examination administered by a state agency, the agency shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia.
- (c) Each state agency shall adopt rules necessary to implement this section, including rules to establish the eligibility criteria an examinee must meet for accommodation under this section.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

**TOC, §55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH
MILITARY EXPERIENCE.**

- (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.
- (b) The state agency shall adopt rules necessary to implement this section.
- (c) Rules adopted under this section may not apply to an applicant who:
 - (1) holds a restricted license issued by another jurisdiction; or
 - (2) has an unacceptable criminal history according to the law applicable to the state agency.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF
INDEPENDENT SCHOOL DISTRICT

TEC. §11.185. EARLY CHILDHOOD LITERACY AND MATHEMATICS PROFICIENCY PLANS .

- (a) The board of trustees of each school district shall adopt and post on the district's Internet website early childhood literacy and mathematics proficiency plans that set specific annual goals for the following five school years to reach quantifiable goals for student performance in reading and mathematics at each campus.
- (b) Each plan adopted under Subsection (a) must:
- (1) identify annual goals for students in each group evaluated under the closing the gaps domain under Section 39.053(c)(3);
 - (2) include annual goals for aggregate student growth on the third grade reading or mathematics assessment instrument, as applicable, administered under Section 39.023 or on an alternative assessment instrument determined by the board of trustees;
 - (3) provide for targeted professional development for classroom teachers in kindergarten or first, second, or third grade who are assigned to campuses that the board of trustees identifies as not meeting the plan's goals;
 - (4) assign at least one district-level administrator or employee of the regional education service center for the district's region to:
 - (A) coordinate implementation of the plan; and
 - (B) submit an annual report to the board of trustees on the district's progress toward the goals set under the plan; and
 - (5) be reviewed annually by the board of trustees at a public meeting.
- (c) Each plan adopted under Subsection (a) may set separate goals for students in a bilingual education or special language program under Subchapter B, Chapter 29.
- (d) The professional development provided to classroom teachers under Subsection (b)(3) must, as appropriate, consider the unique needs of students in a bilingual education or special language program under Subchapter B, Chapter 29.
- (e) A school district shall post the annual report described by Subsection (b)(4)(B) on the district's Internet website and on the Internet website, if any, of each campus in the district.

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INDEPENDENT SCHOOL DISTRICT

TEC, §11.186. COLLEGE, CAREER, AND MILITARY READINESS PLANS.

- (a) The board of trustees of each school district shall adopt college, career, and military readiness plans that set specific annual goals for the following five school years to reach quantifiable goals for measures of student college, career, and military readiness at each campus.
- (b) Each plan adopted under Subsection (a) must:
- (1) identify annual goals for students in each group evaluated under the closing the gaps domain under Section 39.053(c)(3);
 - (2) include annual goals for aggregate student growth on college, career, and military readiness indicators evaluated under the student achievement domain under Section 39.053(c)(1);
 - (3) assign at least one district-level administrator or employee of the regional education service center for the district's region to:
 - (A) coordinate implementation of the plan; and
 - (B) submit an annual report to the board of trustees on the district's progress toward the goals set under the plan; and
 - (4) be reviewed annually by the board of trustees at a public meeting.
- (c) A school district shall post the annual report described by Subsection (b)(3)(B) on the district's Internet website and on the Internet website, if any, of each campus in the district.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.001. COMPOSITION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.

- (a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:
- (1) all land appropriated for the public schools by the constitution and laws of this state;
 - (2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as defined by Section [88.111](#); and property described by Section [12.128](#);
 - (3) all proceeds from the authorized sale of permanent school fund land;
 - (4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;
 - (5) all investments authorized by Section [43.003](#) of properties belonging to the permanent school fund; and
 - (6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.
- (b) The available school fund, which shall be apportioned annually to each county according to its scholastic population, consists of:
- (1) the distributions to the fund from the permanent school fund as provided by Sections ~~Section~~ [5\(a\)](#) and [\(g\)](#), Article VII, Texas Constitution;
 - (2) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;
 - (3) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and
 - (4) all other appropriations to the available school fund made by the legislature for public school purposes.
- (c) The term "scholastic population" in Subsection (b) or any other law governing the apportionment, distribution, and transfer of the available school fund means all students of school age enrolled in average daily attendance the preceding school year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state.
- (d) Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by Sections ~~Section~~ [5\(a\)](#) and [\(g\)](#), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state technology and instructional materials fund established under Section [31.021](#).

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MINUTES

STATE BOARD OF EDUCATION

JUNE 2019

Minutes

State Board of Education

June 14, 2019

STATE BOARD OF EDUCATION
(State Board for Career and Technology Education)

DONNA BAHORICH, Houston
Chair of the State Board of Education
District 6

MARTY ROWLEY, Amarillo
Vice Chair of the State Board of
Education
District 15

GEORGINA PÉREZ, El Paso
Secretary of the State Board of
Education
District 1

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

BARBARA CARGILL, Conroe
District 8

TOM MAYNARD, Florence
District 10

RUBEN CORTEZ, JR., Brownsville
District 2

SUE MELTON-MALONE, Robinson
District 14

AICHA DAVIS, Dallas
District 13

KEN MERCER, San Antonio
District 5

KEVEN ELLIS, Lufkin
District 9

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

Sue Melton-Malone, Chair
Pam Little, Vice-Chair
Aicha Davis
Georgina C. Pérez
Marty Rowley

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard, Chair
Lawrence A. Allen, Jr., Vice-Chair
Donna Bahorich
Patricia Hardy
Ken Mercer

SCHOOL INITIATIVES

Barbara Cargill, Chair
Marisa B. Perez-Diaz, Vice Chair
Ruben Cortez, Jr.
Keven Ellis
Matt Robinson

Minutes
State Board of Education
June 14, 2019

The State Board of Education met at 9:05 a.m. on Friday, June 14, 2019, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, April 5, 2019

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the January 28 and February 1, 2019 meeting of the State Board of Education, as printed.*

The State Board of Education considered items in the following order: Item number 1, 2, 20, 17, 18, 19, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,

1. Resolutions and Presentations

Katy Independent School District

The State Board of Education, by unanimous consent, adopted a resolution congratulating Katy Independent School District on its selection as the Advanced Placement (AP) Large District of the Year.

(ATTACHMENT 1, page 17)

Milken National Educator Awards Presentation

The State Board of Education recognized Krystal Contreras from Dr. C. M. Cash Elementary School in the San Benito Consolidated Independent School District as a Milken National Educator Award winner.

Student Heroes Award

The State Board of Education, by unanimous consent, adopted a resolution commending each of the following students for their unselfish volunteerism, good character and integrity: Hitzel Medrano, Irasema Orozco, Samantha Almaraz, Brianna Freeman, Abigail Redin, Claudia Favela, Alexandria Swett, Eduardo Verastegui, Joshua Silva, Epiphany Wilson, Stella Austin, Quinn Loach, Merissa Rieken, Meah Jones, and Landon Morrow.

(ATTACHMENT 2, page 19)

2. Approval of Consent Agenda

Any agenda item may be placed on the consent agenda by any State Board of Education committee. The State Board of Education may elect to take separate action on any item on the consent agenda.

By unanimous consent, the State Board of Education approved the following items on the consent agenda.

(Mr. Mercer was absent for the vote.)

- (1) Approval of Nominees to recommend to the Governor for Appointment on the Board of Trustees of the Teacher Retirement System of Texas**
(Board agenda page I-108)
(Committee of the Full Board)

The State Board of Education removed this item from the consent agenda.

- (2) One-Time Procedural Action to Correct the Effective Date of the Proposed Repeal of 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with an Emphasis on the Free Enterprise System and Its Benefits**
(Board agenda page I-110)
(Committee of the Full Board)

The State Board of Education amended the motion from the November 16, 2018 minutes of the State Board of Education that established an August 1, 2019 effective date for the proposed revisions to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter B, Middle School, Subchapter C, High School, and Subchapter D, Other Social Studies Courses, to include an August 1, 2019 effective date for the proposed repeal of 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits, Subchapter A, High School, and Subchapter B, Other Economics Courses., as recommended by the Committee of the Full Board.

- (3) **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses (First Reading and Filing Authorization)**
(Board agenda page II-50)
(Committee on Instruction)

The State Board of Education approved for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses, as recommended by the Committee on Instruction.

- (4) **Per Capita Apportionment Rate for the 2018-2019 School Year**
(Board agenda page III-11)
Committee on School Finance/Permanent School Fund

The State Board of Education approved a per capita rate of \$486.231 for the 2018-2019 school year.

- (5) **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of February, March and April 2019**
(Board agenda page III-15)
(Committee on School Finance/Permanent School Fund)

The State Board of Education ratified the purchases and sales for the months of February through April 2019, in the amount of \$1,426,554,579 and \$1,822,308,700, respectively, as recommended by the Committee on School Finance/Permanent School Fund.

- (6) **Permanent School Fund Pending Contract Renewals**
(Board agenda page III-17)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approve execution of agreements necessary to renew the standard contracts with StepStone Group Real Estate LP for real estate investment services through August 31, 2023; Navarro 1 Fund LLC for investment management services through August 31, 2024; and Raven 8 Fund, LLC for hedge fund investment services through August 31, 2021, as presented, and authorization for contract execution by the Commissioner of Education, as recommended by the Committee on School Finance/Permanent School Fund.

- (7) **Review of the Bond Guarantee Program Charter Capacity**
(Board agenda page III-18)
(Committee on School Finance/Permanent School Fund)

The committee took no action; therefore, this item was removed from the consent agenda.

- (8) **Review of the Permanent School Fund Emerging Market Equities Asset Class**
(Board agenda page III-19)
(Committee on School Finance/Permanent School Fund)

The State Board of Education terminated QMA and allocated funds to BlackRock Navarro 1 Fund, LLC, as recommended by the Committee on School Finance/Permanent School Fund.

- (9) **Permanent School Fund Related Legislation, 86th Legislature, Regular Session**
(Board agenda page III-20)
(Committee on School Finance/Permanent School Fund)

The State Board of Education applied the provisions of 19 TAC, Chapter 33, related to the investment and management of liquid assets of the Permanent School Fund to the management of the Permanent School Fund Liquid Account until such rules can be updated to reflect the addition of the Permanent School Fund Liquid Account, as recommended by the Committee on School Finance/Permanent School Fund.

Furthermore, upon receipt from the School Land Board, the State Board of Education authorized the staff of the PSF division of the Texas Education Agency to invest and manage the assets in the Permanent School Fund Liquid Account using the Bloomberg Barclays U.S. Aggregate 1-3 Year Total Return Index as the benchmark.

- (10) **Review of the Permanent School Fund Asset Allocation**
(Board agenda page III-22)
(Committee on School Finance/Permanent School Fund)

The committee took no action; therefore, this item was removed from the consent agenda.

- (11) **Recommendation for Appointment to the Fort Sam Houston Independent School District Board of Trustees**
(Board agenda page IV-1)
(Committee on School Initiatives)

The State Board of Education approved the appointment of Ms. Lisa M. Brown to serve a term of office from June 13, 2019 through June 13, 2021, on the Fort Sam Houston Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(ATTACHMENT 3, page 21)

- (12) **Recommendation for Appointments to the Lackland Independent School District Board of Trustees**
(Board agenda page IV-18)
(Committee on School Initiatives)

The State Board of Education approved the reappointment of Mr. Clifford Dietert and Dr. Laura Munro and the appointment of MSgt. Brian Case and Ms. Jere Pace to serve a term of office from June 13, 2019 through June 13, 2021, on the Lackland Independent School District Board of Trustees., as recommended by the Committee on School Initiatives.

(ATTACHMENT 4, page 27)

- (13) **Recommendation for Appointment to the Randolph Field Independent School District Board of Trustees**
(Board agenda page IV-35)
(Committee on School Initiatives)

The State Board of Education approved the reappointment of Mr. Patrick Luna to serve a term of office from June 13, 2019 through June 13, 2021, on the Randolph Field Independent School District Board of Trustees., as recommended by the Committee on School Initiatives.

(ATTACHMENT 5, page 43)

COMMITTEE OF THE FULL BOARD

3. **Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language**
(Second Reading and Final Adoption)
(Board agenda page I-26)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education approve for second reading and final adoption proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, as amended by the Committee of the Full Board, and*

Make an affirmative finding that immediate adoption of proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, as amended, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee of the Full Board.

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

4. **Proposed Amendment to 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013 (First Reading and Filing Authorization)**
(Board agenda page I-77)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education approve for second reading and final adoption proposed repeal and new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One Credit), Beginning with School Year 2019-2020; and*

Make an affirmative finding that immediate adoption of proposed repeal and new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One Credit), Beginning with School Year 2019-2020, is necessary and shall have an effective date of August 1, 2019, as recommended by the Committee of the Full Board.

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

5. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements (Second Reading and Final Adoption)**
(Board agenda page I-87)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education approve for second reading and final adoption proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements; and*

Make an affirmative finding that immediate adoption of proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, is necessary and shall have an effective date of August 1, 2019., as recommended by the Committee of the Full Board.

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

6. **Amendments to Proclamation 2020 of the State Board of Education Advertising for Bids on Instructional Materials**
(Board agenda page I-105)

The State Board of Education took no action on this item.

7. **Proclamation 2021 of the State Board of Education Advertising for Bids on Instructional Materials**

(Board agenda page I-107)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education approve Proclamation 2021 of the State Board of Education Advertising for Bids for Instructional Materials, as amended and recommended by the Committee of the Full Board.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

8. **Approval of Nominees to Recommend to the Governor for Appointment on the Board of Trustees of the Teacher Retirement System of Texas**

(Board agenda page I-108)

MOTION: *It was moved Mr. Maynard to recommend that the State Board of Education submit the names of David Corpus, Ysrael Valencia, and Nellie Ingram to the governor for consideration for appointment to the board of trustees of the Teacher Retirement System of Texas for a term expiring on August 31, 2025.*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and seconded by Ms. Davis to add Christine Ardis to the list of names to be submitted to the governor. The motion failed.*

VOTE: *A vote was taken on the original motion that the State Board of Education submit the names of David Corpus, Ysrael Valencia, and Nellie Ingram to the governor for consideration for appointment to the board of trustees of the Teacher Retirement System of Texas for a term expiring on August 31, 2025. The motion carried unanimously.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

COMMITTEE ON INSTRUCTION

8. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment**

(Second Reading and Final Adoption)

(Board agenda page II-1)

MOTION: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on Instruction.

MOTION AND VOTE: *It was moved by Ms. Perez, seconded by Ms. Hardy, and carried unanimously that the State Board of Education amend the English Language Arts Chart to reflect feedback from TCTELA and CREST for standards II D2 and II D3 only student expectations and authorize staff to make technical edits.*

VOTE: *A vote was taken on the main motion, as amended, that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment, as amended; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on Instruction. The motion carried.

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

9. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements (Second Reading and Final Adoption)**
(Board agenda page II-33)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements, is necessary and shall have an effective date of August 26, 2019, as recommended by the Committee on Instruction.

(Mrs. Bahorich, Mr. Cortez, Ms. Hardy, Mrs. Little, and Mr. Mercer were absent for the vote.)

10. **Proposed Revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses (Second Reading and Final Adoption)**
(Board agenda page II-40)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption proposed revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses; and*

Make an affirmative finding that immediate adoption of proposed revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, is necessary and shall have an effective date of August 1, 2019, as recommended by the Committee on Instruction.

(Mrs. Bahorich, Mr. Cortez, Ms. Hardy, Mrs. Little, and Mr. Mercer were absent for the vote.)

11. **Proposed Amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit) (Second Reading and Final Adoption)**
(Board agenda page II-45)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit); and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit), is necessary and shall have an effective date of August 26, 2019, as recommended by the Committee on Instruction.

(Mrs. Bahorich, Mr. Cortez, Ms. Hardy, Mrs. Little, and Mr. Mercer were absent for the vote.)

12. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders (First Reading and Filing Authorization)**
(Board agenda page II-54)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization, and approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, as recommended by the Committee on Instruction.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

13. **Proposed Approval of Innovative Courses**
(Board agenda page II-58)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve the following innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum: Community Transportation to be approved for a period of two years and Peer Assistance for Students with Disabilities I and II to be approved for a renewal period of three years.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

14. **Approval of Update of Instructional Materials**
(Board agenda page II-24)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve the request from ThinkCERCA to update ThinkCERCA, Texas Edition, Grade 6, ThinkCERCA, Texas Edition, Grade 7, and ThinkCERCA, Texas Edition, Grade 8 adopted in November 2018 under Proclamation 2019 provided that members of the committee on instruction are provided access to the online materials and that the matter be placed on the September agenda to allow the committee to confirm that changes were made, as recommended by the Committee on Instruction.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

15. **Approval of Proposed Updates to the Texas State Plan for the Education of Gifted/Talented Students**
(Board agenda page II-142)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve the updates to the Texas State Plan for the Education of Gifted/Talented Students.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

16. **Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide**
(Second Reading and Final Adoption)
(Board agenda page III-4)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on School Finance/Permanent School Fund.

(Mr. Allen, Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

COMMITTEE ON SCHOOL INITIATIVES

17. **Review of Proposed New 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter F, Supplemental Certificate Standards**
(Board agenda page IV-51)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter F, Supplemental Certificate Standards, as recommended by the Committee on School Initiatives.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

18. **Review of Proposed Amendment to 19 TAC Chapter 241, Certification as Principal, Subchapter B, Principal Certificate, §241.41, General Provisions**
(Board agenda page IV-59)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 241, Certification as Principal, Subchapter B, Principal Certificate, §241.41, General Provisions, as recommended by the Committee on School Initiatives.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

19. **Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners**
(First Reading and Filing Authorization)
(Board agenda page IV-64)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners, as recommended by the Committee on School Initiatives.*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer were absent for the vote.)

20. **Consideration of the Commissioner of Education’s Generation 24 Open-Enrollment Charter School Proposals**
(Board agenda page IV-70)

MOTION AND VOTE: *It was moved by Mrs. Cargill that the State Board of Education take no action on The Gathering Place (San Antonio) scheduled to open in the 2020-2021 school year. The motion carried with 12 members voting Aye and 2 members voting No, as follows:*

<u>Aye:</u>	<i>Mr. Allen</i>	<i>Mrs. Little</i>
	<i>Mrs. Bahorich</i>	<i>Mr. Maynard</i>
	<i>Mrs. Cargill</i>	<i>Mrs. Melton-Malone</i>
	<i>Ms. Davis</i>	<i>Ms. Perez-Diaz</i>
	<i>Dr. Ellis</i>	<i>Dr. Robinson</i>
	<i>Ms. Hardy</i>	<i>Mr. Rowley</i>

<u>No:</u>	<i>Mr. Cortez</i>	<i>Ms. Pérez</i>
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(Mr. Mercer was absent for the vote.)

MOTION: *It was moved by Mrs. Cargill that the State Board of Education veto Elevate Collegiate Charter School (Houston) scheduled to open in the 2020-2021 school year, as recommended by the Committee on School Initiatives.*

MOTION AND VOTE: *It was moved by Mr. Maynard and seconded by Mrs. Cargill to amend the motion by striking “veto.” and inserting “take no action on.” The motion carried with 12 members voting Aye and 3 members voting No, as follows:*

<u>Aye:</u>	Mr. Allen	Mrs. Little
	Mrs. Bahorich	Mr. Maynard
	Mrs. Cargill	Mrs. Melton-Malone
	Ms. Davis	Mr. Mercer
	Dr. Ellis	Ms. Perez-Diaz
	Ms. Hardy	Mr. Rowley

<u>No:</u>	Mr. Cortez	Dr. Robinson
	Ms. Pérez	

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz to reconsider the vote. The motion failed.*

VOTE: *A vote was taken on the motion that the State Board of Education take no action on Elevate Collegiate Charter School (Houston) scheduled to open in the 2020-2021 school year. The motion carried with 9 members voting Aye and 6 members voting No, as follows:*

<u>Aye:</u>	Mrs. Bahorich	Mr. Maynard
	Mrs. Cargill	Mrs. Melton-Malone
	Dr. Ellis	Mr. Mercer
	Ms. Hardy	Mr. Rowley
	Mrs. Little	

<u>No:</u>	Mr. Allen	Ms. Pérez
	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson

MOTION: *It was moved by Mrs. Cargill that the State Board of Education veto San Antonio Preparatory Charter School (San Antonio) scheduled to open in the 2020-2021 school year, as recommended by the Committee on School Initiatives. The motion failed with 6 members voting Aye and 8 members voting No, as follows:*

<u>Aye:</u>	Mr. Allen	Ms. Pérez
	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson

<u>No:</u>	Mrs. Cargill	Mr. Maynard
	Dr. Ellis	Mrs. Melton-Malone
	Ms. Hardy	Mr. Mercer
	Mrs. Little	Mr. Rowley

(Mrs. Bahorich was absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Maynard and seconded by Mrs. Cargill that the State Board of Education take no action on San Antonio Preparatory Charter School (San Antonio) scheduled to open in the 2020-2021 school year. The motion carried with 9 members voting Aye and 5 members voting No, as follows:*

<u>Aye:</u>	Mr. Allen	Mr. Maynard
	Mrs. Cargill	Mrs. Melton-Malone
	Dr. Ellis	Mr. Mercer
	Ms. Hardy	Mr. Rowley
	Mrs. Little	

<u>No:</u>	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson
	Ms. Pérez	

(Mrs. Bahorich was absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Cargill that the State Board of Education veto Royal Public Schools (Austin, Houston) scheduled to open in the 2020-2021 school year, as recommended by the Committee on School Initiatives. The motion carried with 8 members voting Aye and 5 members voting No, as follows:*

<u>Aye:</u>	Mr. Cortez	Mrs. Melton-Malone
	Ms. Davis	Ms. Pérez
	Ms. Hardy	Ms. Perez-Diaz
	Mrs. Little	Mr. Rowley

<u>No:</u>	Mr. Allen	Mr. Maynard
	Mrs. Cargill	Dr. Robinson
	Dr. Ellis	

(Mrs. Bahorich and Mr. Mercer were absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Cargill that the State Board of Education veto Houston Classical Charter School (Houston) scheduled to open in the 2020-2021 school year, as recommended by the Committee on School Initiatives. The motion failed with 4 members voting Aye and 7 members voting No, as follows:*

<u>Aye:</u>	Ms. Davis	Ms. Perez-Diaz
	Ms. Pérez	Dr. Robinson

<u>No:</u>	Mr. Allen	Mr. Maynard
	Mrs. Cargill	Mrs. Melton-Malone
	Dr. Ellis	Mr. Rowley
	Ms. Hardy	

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer, were absent for the vote.)

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Maynard and carried that the State Board of Education take no action on Houston Classical Charter School (Houston) scheduled to open in the 2020-2021. The motion carried with 7 members voting Aye and 4 members voting No, as follows:*

Aye: *Mr. Allen* *Mr. Maynard*
 Mrs. Cargill *Mrs. Melton-Malone*
 Dr. Ellis *Mr. Rowley*
 Ms. Hardy

No: *Ms. Davis* *Ms. Perez-Diaz*
 Ms. Pérez *Dr. Robinson*

(Mrs. Bahorich, Mr. Cortez, Mrs. Little, and Mr. Mercer, were absent for the vote.)

Public Testimony

The State Board of Education received presentations of public testimony, as follows:

NAME: Jeanette LaFevers
AFFILIATION: International Baccalaureate (IB) Organization
TOPIC: IB Arts other than Film

NAME: Sandra West
AFFILIATION: Individual
TOPIC: Science

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

Mrs. Melton-Malone did not report on the Committee on Instruction.

Committee on School Finance/Permanent School Fund

Mr. Maynard reported that the committee discussed emerging and diverse managers. He reported that the committee began the implementation process for the liquid fund to address the cash drag on the School Land Board. Finally, the committee is about to begin the process to expand the bond guarantee program.

Committee on School Initiatives

Mrs. Cargill did not report on the Committee on School Initiatives.

REPORTS OF OTHER STATE BOARD OF EDUCATION MEMBERS REGARDING AGENDA ITEMS AND EDUCATIONAL ACTIVITIES AND CONCERNS IN INDIVIDUAL DISTRICTS

Mr. Rowley adjourned the meeting at 3:36 p.m.

Georgina C. Pérez., Secretary

RESOLUTION

WHEREAS the Katy Independent School District is celebrating its centennial year; and

WHEREAS the district's record of providing an outstanding education was recently recognized by the College Board; and

WHEREAS the College Board recognized Katy ISD for expanding access to and increasing performance in Advanced Placement courses over a three-year period; and

WHEREAS this performance has earned Katy ISD a position on the annual AP Honor Roll seven times; and

WHEREAS from 2017 to 2018 alone, the number of Katy students enrolled in AP courses increased 25 percent; and

WHEREAS the number of AP exams taken during that period increased by 20 percent; and

WHEREAS three out of every four Katy students scored a 3 or higher on an AP exam taken, which can earn college course credit; and

WHEREAS Katy ISD was among 373 districts considered for additional prestigious honors from the College Board; and

WHEREAS Katy ISD was recently selected as the College Board Advanced Placement Large District of the Year; now, therefore, be it

RESOLVED that the State Board of Education commends the students, teachers, staff, administrators, and school trustees for the district's outstanding record of performance; and, be it further

RESOLVED that the board congratulates the district on its selection as the AP Large District of the Year.

WITNESS our signatures this fourteenth day of June, two thousand and nineteen, in Austin, Texas.

Donna Bahorich, Chair

Georgina Pérez, Secretary

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RESOLUTION

WHEREAS the State Board of Education’s Student Heroes Award, created in 2015, recognizes Texas public school students who engage in unselfish acts of kindness or service that benefit their fellow students or community; and

WHEREAS the SBOE members reviewed nominations and selected 15 students across the state as recipients of the 2019 Student Heroes Award; and

WHEREAS Hitzel Medrano, a sophomore at Del Rio High School in the San Felipe-Del Rio Consolidated Independent School District, voluntarily became a reading and math tutor, guiding and mentoring her English as a Second Language classmates; and

WHEREAS Irasema Orozco, an eighth-grade student at Diaz Junior High School in Hidalgo ISD, found her passion in working with donation drives to provide school supplies, clothes and toys to children at a homeless shelter; and

WHEREAS Samantha Almaraz, a junior at Lamar Academy in McAllen ISD, tackled food waste and food insecurity by creating the Energy Bar, a food pantry on her campus; and

WHEREAS Brianna Freeman, a senior at Carnegie Vanguard High School in Houston ISD, mentors junior high students, volunteers at a summer math boot camp and serves regularly at a soup kitchen; and

WHEREAS Abigail Redin, a junior at Smithson Valley High School in Comal ISD, who spearheaded the Soles4Souls project that collected more than 5,500 pairs of shoes in 11 days directly assisting people around the world; and

WHEREAS Claudia Favela, a cancer survivor who is a senior at Klein High School in Klein ISD, began the *Be Bold, Go Gold* organization to spread awareness about the impact of childhood cancer and the need for more research funding; and

WHEREAS Alexandria Swett, a third-grade student at C.W. Cline Elementary School in Friendswood ISD, goes out of her way to help and encourage classmates who are having a tough day or are feeling isolated; and

WHEREAS Eduardo Verastegui, a senior at Lewis Career and Technical High School in Pasadena ISD, creates positive and inspirational Spanish-language videos for his 400,000 YouTube followers that document what life is like in the United States for new immigrants; and

WHEREAS Joshua Silva, a junior at Robert E. Lee High School in Tyler ISD, helped launch a local Best Buddies chapter that creates 1-to-1 friendships between students in general education and special education; and

WHEREAS Epiphany Wilson, a senior at Royal Early College High School in Royal ISD, is known as a student who steps up and takes care of others, whether it is creating a Black History Month program, inspiring readers, or befriending lonely classmates; and

WHEREAS Stella Austin, a third-grade student at Heritage Elementary School in Keller ISD, created more than 110 stuffed cats to bring comfort to children who are hospitalized or living in a homeless shelter; and

WHEREAS Quinn Loach, a senior at Allen High School in Allen ISD, helped grow the Spread the Loaves program that prepares sandwiches for the homeless, tutors students in math and physics, and recruits students for the International Baccalaureate program; and

WHEREAS Merissa Rieken, a senior at Harmony School of Nature in DeSoto, actively volunteers hundreds of hours of service for organization such as the Dallas Children’s Aquarium and Mission Arlington; and

WHEREAS Meah Jones, a fourth-grade student at Old Settlers Elementary School in Lewisville ISD, makes and sells cookies to raise funds so she can provide books, toys, socks, and jackets to less fortunate students; and

WHEREAS Landon Morrow, a senior at Sands School in Sands Consolidated ISD, feeds his community by assisting with canned food drives, serving food at special school events and at funerals and is always willing to lend a helping hand, and

WHEREAS these amazing students have modeled caring and compassion in their communities; now, therefore be it

RESOLVED, That the State Board of Education extends its heartfelt thanks to each of these kindhearted students and commends them for their unselfish volunteerism, good character and integrity; and be it further

RESOLVED, That this resolution be presented to each of them and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this fourteenth day of June, two thousand and nineteen, in Austin, Texas.

Donna Bahorich, Chair

Georgina Pérez, Secretary

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**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



March 8, 2019

502 FSG/CC
2330 Stanley Road, B-122, Ste. A
JBSA Fort Sam Houston, Texas 78234-2362

Mr. Mike Morath,
Commissioner, Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701

Dear Mr. Morath,

I would like to respectfully request appointment of Ms. Lisa M. Brown to the Fort Sam Houston Independent School District (FSHISD) Board of Trustees. Enclosed are the resumes for each of the three nominees, as required by Texas Administrative Code Section 61.2a (1), along with signed Statements expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members. The names of the nominees are listed below and are ranked in order of preference.

Position 1

1. Lisa M. Brown
2. Andrea D. Nicholas
3. Bonnie Inkel

All nominees are qualified under the general school laws of Texas and either live or work on Joint Base San Antonio- Fort Sam Houston. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.

I recognize the power of the Board of Trustees to govern and manage the operations of the FSHISD and recognize that my role as the commanding officer of 502d Support Group is limited only to the duty defined by statute in the process for appointing the Board of Trustees.

Thank you and your staff for your support of our school district. If you have any questions please contact, Ms. Nita Ford-Hightower or Quiana Abner (210) 221-2214/2256

FIOL.SAMUEL.ENRIQUE.1182048026 Digitally signed by
48026 FIOL.SAMUEL.ENRIQUE.1182048026
Date: 2019.03.12 12:44:07 -05'00'

SAMUEL E. FIOL, COL, USA
Commander, 502d Force Support Group

4 Attachments:

1. Nominee – Ms. Lisa M. Brown
2. Nominee –Ms. Andrea D. Nicholas
3. Nominee – Ms. Bonnie Inkel
4. Background Checks

“The information herein is For Official Use Only (FOUO) which must be protected under the Freedom of Information Act of 1966 and Privacy Act of 1974, amended. Unauthorized disclosure or misuse of this PESONAL INFORMATION may result in criminal and/or civil penalties”



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: COL (Ret) Lisa M. Brown

Residential Address: AMEDDCS,3630StanleyRd

JBSA Ft. Sam Houston TX 78234

Physical Address of Employer:

AMEDDCS,3630StanleyRd

JBSA Ft. Sam Houston TX 78234

Board of Trustees Location Applying For: FSH ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

BROWN.LISA.MARIE.1
120813443

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BROWN.LISA.MARIE.1120813443
Date: 2019.02.21 12:17:42 -06'00'

2-21-2019

Signature of Applicant

Date

COL (Ret) Lisa M. Brown

Printed Name of Applicant

Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly. Form must be completed prior to setting up your interview with the selection board.

LISA M. BROWN

San Antonio, TX 78232 • (210) 771-2258 • brown-tx@msn.com • LinkedIn

SENIOR ADMINISTRATIVE MANAGEMENT EXECUTIVE

Operations / Human Resources / Administration

Respected executive with distinguished extensive experience leading operations, program management and public administration. Repeated success guiding sizeable, cross-functional teams in the design and implementation of enterprise-wide process redesign and restructure. Expert presenter, trainer and leader with a proven ability to develop and implement programs that result in a profitable and also compassionate culture.

Core competencies include:

- Strategic Business Planning
- Process Redesign & Change Management
- Program Management
- Performance Metrics
- Project Management
- Profit & Loss (P&L) Management
- Recruiting & Staffing Initiatives
- Team Building & Leadership
- Operational Functions
- Human Resource Management

PROFESSIONAL EXPERIENCE

Order of Military Medical Merit, San Antonio, TX **ADMINISTRATOR (2016-PRESENT)**

Administrator for a private, non-profit (501C) organization that recognizes the significant contributions that Army Medical Department individuals have made to Army Medicine.

Utilize administrative, operational and financial expertise to manage the day-to-day functions of the Order. Provide timely information to over 12K Order members on a regular basis.

Manage all financial transactions of the Order and arrange for a yearly audit and tax preparation from an impartial third party.

Prepare for and conduct monthly boards, providing nominations and other relevant information to board members and the President in a timely manner.

U.S. Army Medical Command, San Antonio, TX **DIRECTOR (2014 – 2016)**

Successfully directed a staff of ten executives, provided strategic oversight and direction to incorporate equities in enterprise-wide policies and products.

Selected accomplishments:

- Utilized extensive administrative knowledge base to assist over 500 customers in the areas of human resources, resource management and training and education.
- Provided timely and relevant information and training to over 50 ombudsmen from 28 facilities located across the United States, Korea and Europe, resulting in better customer assistance.
- Co-chaired a transformation initiative to realign staff and infuse the enterprise culture with a vision to move from a Healthcare System to a System for Health.
- Utilized extensive knowledge and experience with Disability Evaluation System to identify a critical accountability issue, resulting in innovating a solution both honoring to the patients and in compliance with regulatory mandates.

...continued...

U.S. Army Human Resources Command of Excellence, Fort Knox, KY
DEPUTY CHIEF ADMINISTRATOR (2011 – 2014)

Developed strategic vision and mission planning for a 25-person, executive-level staff. Successfully orchestrated and supervised organizational and operational functions such as budget oversight, human resources management and day-to-day operations.

Selected accomplishments:

- Decreased turnaround time of critical processes from 120 days to less than 3 days by implementing Lean Six Sigma processes.
- Implemented rigorous performance metrics to ensure essential functions were performed at required volumes throughout staff reductions.
- Increased assessment completion rates from 86% to 91% through effective program management.
- Provided expert input and information while engaging multiple outside agencies to achieve improvements in processes and policies concerning evaluations, placement and profile management of personnel.

U.S. Army Medical Department Center & School of Excellence, Joint Base San Antonio, TX
PERSONNEL PROPONENT PROGRAM MANAGER (2008 – 2011)

Successfully ensured a balanced and effective workforce through the utilization and analysis of objective force models to project future staffing and development requirements for four branches of the Army.

Selected accomplishments:

- Collaborated cross-functionally to identify and recommend training requirements and course attendance as well as potential critical personnel shortages.
- Proactively analyzed and provided action plans to increase a compromised organizational structure to ensure future needs would be met.

U.S. Army Medical Command, San Antonio, TX
CHIEF OPERATIONS OFFICER (2005 – 2008)

Significantly impacted corporate goals and objectives by successfully synchronizing multiple projects toward timely and efficient accomplishment. Provided exceptional customer service to a population of over 100,00 in areas of payroll, operations, and healthcare entitlements.

Selected accomplishments:

- Designed, implemented and maintained a database of reserve providers to offer personnel as a gesture of recognition and gratitude, which favorably impacted retention.
- Successfully coordinated and executed a 700-member breakout session to address retention.

Southeast Regional Medical Command, Fort Gordon, GA
PERSONNEL OPERATIONS OFFICER (2002 – 2005)

Meticulously collected, processed and maintained personnel data throughout multiple facilities, and expertly matched personnel needs to providers.

Selected accomplishments:

- Successfully maintained the fill rate for over 1,200 personnel requirements at 98% (exceeding 95% standard) for over three years.
- Provided exceptional administrative, operations and training support to a workforce of over 1,500 professionals to ensure mobilization readiness.

**** *** ****

Additional Experience as Assistant Controller, Assistant Director of Finance, Chief of Resource Management and Executive Officer

EDUCATION & CREDENTIALS

SYRACUSE UNIVERSITY, Syracuse, NY, Master of Business Administration

EXECUTIVE MILITARY LEADERSHIP SCHOOL, Carlisle, PA, Master of Strategic Studies

SPALDING UNIVERSITY, Louisville, KY, Bachelor of Arts in Pre-Medicine/Biology



DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO

MEMORANDUM FOR MR. MIKE MORATH
 Commissioner, Texas Education Agency
 1701 North Congress Avenue
 Austin, TX 78701

FROM: 502 ISG/CC
 1980 Bong Avenue
 JBSA-Lackland, TX 78236

SUBJECT: Appointment of MSgt. Brian Case to the Lackland Independent School District (LISD) Board of Trustees

1. I would like to respectfully request the reappointment of MSgt Brian Case to the Lackland Independent School District (LISD) Board of Trustees. Enclosed are the resumes of three nominees, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. My nominees, in order of preference are MSgt Brian Case, MSgt Maureen Kooken, and Mr. Michael Therriat.
3. All nominees are qualified under the general school laws of Texas and either live or work on JBSA-Lackland. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
4. I recognize the power of the Board of Trustees to govern and manage the operations of the LISD and recognize that my role as the commanding officer of JBSA-Lackland is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
5. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Lori Phipps at (210) 671-8388.

THOMPSON.SCO Digitally signed by
TT.J.1136960861 THOMPSON.SCOTT.J.1136960861
 Date: 2019.05.07 17:29:54 -0500'

SCOTT J. THOMPSON, Colonel, USAF
 Commander, 502d Installation Support Group

3 Attachments:

1. MSgt Brian Case
2. MSgt Maureen Kooken
3. Mr. Michael Therriat



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Brian Vincent Case

Residential Address: 2238 Scott Sather Dr *If using to confirm eligibility.*

San Antonio Texas 78236

Physical Address of Employer:

2238 Scott Sather Dr *If using to confirm eligibility.*

San Antonio Texas 78236

Board of Trustees Location Applying For: Lackland ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

CASE.BRIAN.VINCEN
T.1261200291

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CASE BRIAN VINCENT.1261200291
Date: 2019.02.11 21:37:58 -06'00'

11Feb2019

Signature of Applicant

Date

Brian V. Case

Printed Name of Applicant

Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly. Form must be completed prior to setting up your interview with the selection board.

OBJECTIVE

Seeking membership as a Lackland Independent School District trustee. I have seen first-hand the results of your amazing teachers and staff this district employs. They have had an enormous effect on my children's success that I feel called to help support in some small way. I am looking forward to paying it back!



ADDRESS

2238 Scott Sather Dr
San Antonio, TX, 78236



PHONE

937-789-6623



EMAIL

brian.case.1@us.af.mil



EDUCATION

Missouri State University,
Springfield, MO
M.S. Defense and Strategic Studies
(Deterrence and Weapons of Mass
Destruction) (Perusing)

University of Maryland
University College, Adelphi,
MD

B.S. Computer Science



REFERENCES

*Available upon request.

EXPERIENCE

30 December 2002 – Present – United States Air Force (USAF)

1 August 2016 - Present

Manager of Future Concepts • HQ 25th Air Force • San Antonio, TX
- Develops and maintains the 25th Air Force Commander's (Major General) Strategic Plan, including top priorities and goals as well as innovation efforts and processes.

- Advises the Commander on operational mission impacts of planned and future Intelligence, Surveillance, and Reconnaissance (ISR) capabilities
- Identifies ISR required capability gaps and translates requirements into programmatic and budget submissions.

1 November 2014 – 31 July 2014

Section Chief of Maintenance • Air Force Technical Applications Center (AFTAC), Detachment 415 • Chiang Mai, Thailand

- Led joint USAF and Royal Thai Navy maintenance team responsible for a \$2.3M 36-element seismic array used to detect nuclear and man-made explosions in support of Comprehensive Test Ban Treaty
- Managed \$300K yearly budget for detachment operations and maintenance, vehicles, leased housing, and dependent school funding through DoDEA.

1 Aug 2011 – 31 October 2014

Non-Commissioned Officer in Charge (NCOIC) of Radar Operations • National Air Space Intelligence Center (NASIC) • Dayton, OH

- Led 25 enlisted, civilian, and contractor analyst team and managed \$19M 24/7 operations center.
- Managed collection requirements and directed analysis of Over the Horizon (OTH) radar data in support of strategic and tactical warfighter operations.

1 Aug 2007 – 31 July 2011

Senior Seismic Maintenance Technician • AFTAC, Detachment 421
• Alice Springs, Australia

- Maintained \$1.1M 19 element seismic array used to detect nuclear and man-made explosions in support of Comprehensive Test Ban Treaty.
- Supported accounting of \$150K yearly budget for detachment operations and maintenance.

*Further experience available upon request.

COMMUNICATION

- Co-lead for a Strengths, Weakness, Opportunities, and Weaknesses (SWOT) event with +60 General Officers, Colonels, Command Chiefs and Senior Executive Service civilians to build framework for Major General's strategic plan.

- Coordinated Royal Thai Navy 3-star inspection; briefed detachment mission and escorted his team to remote jungle village to update him on detachment relief efforts to ease effects of famine.
- Selected by Department of State to serve as US Consulate Duty Officer to backfill holidays and leave; provided emergency assistance to Americans and local organizations in northern Thailand.
- Created community outreach with local schools in both Australia and Thailand briefing US Air Force nuclear deterrence mission and detecting nuclear events using geophysical techniques; over +200 children reached!
- Coordinated with Australian and Aboriginal elders to lobby and gain approval to safely and respectfully rebuild sensitive seismic equipment near sacred lands.

LEADERSHIP

- Led team of 15 on \$150K command, control, and communications surveillance suite install; equipped 26 sites across 650 sq. mi and increase network fidelity by 25%.
- Oversaw \$42K facility renovation; built multiple systems communications room and upgraded heating, ventilation, air-conditioning (HVAC) system and reduced energy costs by \$10K/yr.
- Saved environmental disaster and mission loss by innovatively removing lead and asbestos from aging communications network and upgraded with industry specified equipment saving a \$10M underground cable plant from catastrophe. Provided training and expertise to 4-man team covering 45 miles of cable.
- Teamed with military training to mentor incoming trainees for Scientific Applications Specialist career field. Providing needed subject matter expertise and mentoring to the newly enlisted on an obscure career field.



DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO

MEMORANDUM FOR MR. MIKE MORATH
Commissioner, Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701

FROM: 502 ISG/CC
1980 Bong Avenue
JBSA-Lackland, TX 78236

SUBJECT: Re-Appointment of Mr. Clifford Dietert to the Lackland Independent School District (LISD) Board of Trustees

1. I would like to respectfully request the reappointment of Mr. Clifford Dietert to the Lackland Independent School District (LISD) Board of Trustees. Enclosed are the resumes of three nominees, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. My nominees, in order of preference are Mr. Clifford Dietert, Mr. James Steindl and Mr. Richard Bui.
3. All nominees are qualified under the general school laws of Texas and either live or work on JBSA-Lackland. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
4. I recognize the power of the Board of Trustees to govern and manage the operations of the LISD and recognize that my role as the commanding officer of JBSA-Lackland is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
5. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Lori Phipps at (210) 671-8388.

THOMPSON.SCO Digitally signed by
THOMPSON SCOTT J.113696086
TT.J.1136960861 1
Date: 2019.04.08 20:25:26 -05'00'

SCOTT J. THOMPSON, Colonel, USAF
Commander, 502d Installation Support Group

- 3 Attachments:
1. Mr. Clifford Dietert
 2. Mr. James Steindl
 3. Mr. Richard Bui



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Cliford C. Dietert

Residential Address: 230 Hall Blvd, Ste 114A

San Antonio Texas 78243

Physical Address of Employer:

230 Hall Blvd, Ste 114A

San Antonio Texas 78243

Board of Trustees Location Applying For: Lackland ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

DIETERT.CLIFFORD.C
.1231024090

Digitally signed by
DIETERT.CLIFFORD.C.1231024090
Date: 2018.10.23 07:00:01 -05'00'

22 Oct 2018

Signature of Applicant

Date

Clifford C. Dietert

Printed Name of Applicant

Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly. Form must be completed prior to setting up your interview with the selection board.

Clifford Christian (Chris) Dietert

30125 Bridlegate Drive
Bulverde, TX 78163-4130
Home Ph: (830) 980-7194

Work Ph: (210) 977-4796
Cell Ph: (210) 278-6105
Email: clifford.dietert@us.af.mil

Objective

Secure reappointment as a Trustee to the Lackland Independent School Board and deliver a quality education to the military children attending Lackland ISD through proven leadership, oversight, and direction of the resources entrusted to the School Board.

Highlights

- 15+ years of management experience with extensive leadership responsibilities
 - 4 College Degrees: MBA, BBA, & two Associate Degrees in Management
 - 5 years Adjunct Faculty Instructor – University of Phoenix at San Antonio
 - Member of Board of Trustees – Lackland Independent School District (San Antonio)
 - Broad experience with public – political figures, media, conferences, public forums, etc.
 - Coaching/mentoring/leadership/team building/process improvement skills
-

Education

Master of Business Administration (MBA): 1992 – Texas State University

Bachelor of Business Administration (BBA): 1986 – Texas A&M at Corpus Christi
(Dean's List – Honors Graduate)

Associate of Applied Science (AAS) in Mid-Mgt & Production Mgt: 1981 & 1983 –
San Antonio College (Honor Roll)

Work History

United States Air Force (1988-1999 & 2000-Present)

Cryptologic & Cyber Systems Division (CCSD)

Director of Operations

- Currently serving as Director of Operations for a wide range of mission support services for a 1200+ strong Department of Defense organization with a world-wide customer base and multi-billion dollar budget across the FYDP. Key areas of responsibility include:
 - Human Resources: Manpower, Personnel, and Training Programs
 - IT Services: Oversees IT support for 5 networks and 1200 users
 - Facilities: Managing 11 buildings; 600K sf of admin, whse, maintenance & labs space
 - Public Affairs, Civilian Awards, and History Programs
 - Deployment, Contingency, Emergency Action, and Continuity of Ops Planning
 - Compliance Program: Audits & Inspections
 - Security, Facilities, and IT Network Infrastructure
 - Division Action Group: Acquisition & program oversight; leadership support functions
 - Security: Leading 3 offices responsible for personnel, program, & physical security

Past Positions:

Chief, Intelligence & Force Protection Branch

- Senior leader – served as Branch Chief in support of four major mission areas: the Consolidated Signals Intelligence Support Activity (CSSA), Force Protection Products, and Technical Applications Products, and the Bounty Hunter mission. Led a workforce of approximately 160 civilian, military and contractor personnel in the execution of \$100M across the FYDP and providing life cycle product support to a worldwide customer base located at more than 250 sites on 6 continents

Chief, Advanced Programs

Chief, Global Information Grid (GIG) Information Assurance (IA) Division

Chief, Signals Intelligence (SIGINT) Logistics Support Division

Director, Business Operations Division

HQ Air Intelligence Agency, Directorate of Logistics

- **Contingency War Planner & Logistics Management Specialist**
 - Served as Logistics Specialist & Contingency War Planner

USAA - Information Technology Company (ITCO) (1999-2000)

- **Project Management Office (PMO) Manager & IT Systems Analyst**
 - Served as the PMO Manager responsible for providing program management oversight, training, mentoring, and IT process improvement initiatives

Instructor/Facilitator Experience

Advisory Board Member – University of the Incarnate Word Criminal Justice Program

Adjunct Faculty Member – University of the Incarnate Word

- 2+ years online & in-classroom instructor – Criminal Justice Program

Adjunct Faculty Member – University of Phoenix San Antonio

- 5 years of in-classroom instructor experience – School of Business

Instructor – Franklin-Covey® - Under a Department of the Air Force License

- Focus: Achieving Your Highest Priorities®
- Great Leaders, Great Team, Great Results®

Personal Life Strategies Coach – With Emphasis in Business

- Certified Life Strategies Personal Coach through Spencer Institute
- Total Life Planning Institute Certified Coach
- Graduate of OPM Coaching Course: Coaching & Mentoring for Excellence
- Completed American Management Association Coaching Course

Expert Briefer/Presenter – Air Force, USAA, and Other Organizations

- Extensive experience developing/presenting presentations for high-level dignitaries (i.e., local, state, & national political figures, business & community leaders, foreign allies, etc.) as well as for conferences of several hundred audience members

Facilitator – Youth Solutions® Course, Family Forward, Inc®

- Independent Course Facilitator for Family Forward's Youth Solutions Program

Facilitator – “Share the Vision” Leadership Workshop – Bulverde United Methodist Church

Facilitator – ACTS Foundation Strategic Planning Workshop

Facilitator – Parenting With Dignity® Course (Drew Bledsoe Foundation®)

Certified Facilitator & Advanced Facilitator – American Society of Quality

Proven Leadership

Currently hold (or previously held) the following leadership positions:

- Board of Trustees – Lackland Independent School District (Lackland AFB, TX)
- Member, Board of Directors – 3 non-profit corporations
- City of Live Oak, TX: Chairman, Planning & Zoning Commission
 - City Representative to NE Partnership for Economic Development
- Leadership Programs: San Antonio Chamber & Alamo Federal Executive Board
- Member, San Antonio & Randolph Greater Chambers of Commerce
- Chair & Vice Chair, Church Council, Bulverde United Methodist Church

Training & Awards

Specialized Training Received:

- Defense Acquisition University Professional Certifications:
 - Program Management (Level 3) & Life Cycle Logistics (Level 3)

Awards Received:

- Alamo Federal Executive Board Federal Supervisor of the Year (2004)
- CPSG & Team Lackland AFB Senior-Level Civilian of the Year (2003)
- More Than 25 Other Awards & Recognition (Performance Awards, etc.)

Professional Integrity

Current Security Clearance: Top Secret/SCI with Counter-Intelligence Polygraph

References: Provided upon request



DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO

MEMORANDUM FOR MR. MIKE MORATH
Commissioner, Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701

FROM: 502 ISG/CC
1980 Bong Avenue
JBSA-Lackland, TX 78236

SUBJECT: Re-Appointment of Dr. Laura Munro to the Lackland Independent School District (LISD) Board of Trustees

1. I would like to respectfully request the reappointment of Dr. Laura Munro to the Lackland Independent School District (LISD) Board of Trustees. Enclosed are the resumes of three nominees, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. My nominees, in order of preference are Dr. Laura Munro, Mr. Michael Therriat and Ms. Kristen Rumley.
3. All nominees are qualified under the general school laws of Texas and either live or work on JBSA-Lackland. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
4. I recognize the power of the Board of Trustees to govern and manage the operations of the LISD and recognize that my role as the commanding officer of JBSA-Lackland is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
5. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Lori Phipps at (210) 671-8388.

THOMPSON.SCO
TT.J.1136960861

Digitally signed by
THOMPSON SCOTT.J 11369608
61
Date: 2018.08.17 17:08:14 -0500'

SCOTT J. THOMPSON, Colonel, USAF
Commander, 502d Installation Support Group

3 Attachments:

1. Dr. Laura Monroe
2. Mr. Michael Therriat
3. Ms. Kristen Rumley



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Dr. Laura Munro

Residential Address: 1618 Truemper Street

JBSA - Lackland, San Antonio, Texas 78236

Physical Address of Employer:

1618 Truemper Street

JBSA - Lackland, San Antonio, Texas 78236

Board of Trustees Location Applying For: Lackland ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

MUNRO.LAURA.J.101 Digitally signed by
6630949 MUNRO LAURA.J 1016630949
Date: 2018.10.03 07:12:08 -0500

3 Oct 18

Signature of Applicant

Date

Dr. Laura J. Munro

Printed Name of Applicant

Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly. Form must be completed prior to setting up your interview with the selection board.

Dr. Laura J. Munro, Ed.D.

**11230 FM 775
Floresville TX, 78114
(830) 393-0818
laura.munro@us.af.mil**

OBJECTIVE

Consideration for re-appointment to the Lackland Independent School District Board of Trustees.

WORK HISTORY

- 2018-present Air Force Basic Military Training Director, Lackland Air Force Base, TX
- 1996-1998 Training Support Squadron Commander, Lackland Air Force Base, TX
- 1994-1996 Technical Services Squadron Commander, Kelly Air Force Base, TX
- 1992-1994 Chief, Systems Acquisition and Implementation Branch, Kelly Air Force Base, TX
- 1991-1992 Chief, Technical Evaluations Branch, Kelly Air Force Base, TX
- 1990-1991 Joint Signals Group Deputy Group Commander, NATO, Izmir Air Base, Turkey
- 1989-1991 Systems Engineering Squadron Commander, NATO, Izmir Air Base, Turkey
- 1988-1989 Student, Communications-Computer Systems Staff Officer Course
- 1987-1988 Foreign Military Sales Program Manager, McClellan Air Force Base, CA
- 1983-1984 Chief, Communications-Electronic Maintenance, Bitburg, Air Base, Germany
- 1981-1983 Chief, Communications-Electronics Operations, Bitburg, Air Base, Germany
- 1979-1981 Chief, Communications-Electronics Operations, Davis Monthan Air Force Base, AZ
- 1978-1979 Student, Communications-Electronics Officer Basic Course

EDUCATION

- 1989 Doctor of Education in Organization & Leadership University of San Francisco, San Francisco, CA
- 1986 Master of Arts in Counseling Psychology National University, Sacramento, CA
- 1981 Master of Business Administration Golden Gate University, San Francisco, CA
- 1977 Bachelor of Science in Biology State University of New York, Stony Brook, NY

SCHOOL BOARD TRAINING/EXPERIENCE

2004-present

Extensive training in school board governance to include continuing education in:

- Budget Implementation
- Public Relations
- Legislative Updates
- Planning and Accountability
- Open Meetings Act
- School Law
- Effective Facilitation
- Texas Education Code
- Team Building

Multiple in congressional visits advocating educational needs of military families and the continued appropriations for Federal Impact Aid.

COMMUNITY VOLUNTEER ACTIVITIES

2000-present Member of the Wilford Hall Medical Center International Animal Care and Utilization Committee

2004-present Member (currently Secretary) of the Lackland ISD Board of Trustees

2005-present Member of the Hill Country Bicycle and Touring Club



DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO

MEMORANDUM FOR MR. MIKE MORATH
Commissioner, Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701

FROM: 502 ISG/CC
1980 Bong Avenue
JBSA-Lackland, TX 78236

SUBJECT: Appointment of Ms. Jere Pace to the Lackland Independent School District (LISD) Board of Trustees

1. I would like to respectfully request the reappointment of Ms. Jere Pace to the Lackland Independent School District (LISD) Board of Trustees. Enclosed are the resumes of three nominees, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. My nominees, in order of preference are Mr. Jere Pace, Mr. Perry Slater and Mr. John Mendoza.
3. All nominees are qualified under the general school laws of Texas and either live or work on JBSA-Lackland. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
4. I recognize the power of the Board of Trustees to govern and manage the operations of the LISD and recognize that my role as the commanding officer of JBSA-Lackland is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
5. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Lori Phipps at (210) 671-8388.

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SCOTT J. THOMPSON, Colonel, USAF
Commander, 502d Installation Support Group

- 3 Attachments:**
1. Ms. Jere Pace
 2. Mr. Perry Slater
 3. Mr. Brian Case



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: JERE MADELING PACE

Residential Address:

If using to confirm eligibility.

12227 STILLWATER CREEK
SAN ANTONIO, TX 78254

Physical Address of Employer:

If using to confirm eligibility.

102 HALL BLD, STE 249
SAN ANTONIO, TX 78243

Board of Trustees Location Applying For:

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.


Signature of Applicant

11 Feb 19
Date

JERE M. PACE
Printed Name of Applicant

Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly. Form must be completed prior to setting up your interview with the selection board.

Jere M. Pace

12227 Stillwater Creek

San Antonio TX 78254

Home: (210) 589-3566; Office: (210) 977-6977

Work E-mail: jere.pace.1@us.af.mil

Home E-mail: jerelazard@yahoo.com

OBJECTIVE: To serve as a Board Member of the Lackland Independent School District (LISD) Board of Trustees

EMPLOYMENT HISTORY:

Manpower Analyst, June 2011 to Present

Employer: 25th Air Force, 248 Kirknewton, Ste 249, San Antonio, TX 78243

Grade: GG-13

Supervisor: Mr. Renato Queza, (210) 977-5394, may be contacted

- Serves as the Command technical advisor regarding manpower requirements
- Develops, measures, and validates manpower and associated workloads
- Provides technical guidance and formulates recommendations on manpower requirements processes and utilization
- Plans, organizes, and develops studies or projects
- Negotiates effectively with management to accept and implement recommendations

EDUCATION:

Community College of the Air Force, April 2008

Associate Degree in Human Resource Management

Park University, October 2012

B.S. Degree, Human Resource Management – Magna Cum Laude GPA: 3.74/4.0

Webster University, June 2017

M.A. Degree, Management and Leadership

PROFESSIONAL MEMBERSHIPS:

Rotary Club of San Antonio Mission Trail, 2010 to Present

- Leverage professional expertise to oversee Club and District level operations and projects
- Ensures area of responsibility complies with Rotary International (RI) Constitution and Bylaws
- Serves on the Mission Trail Rotary Club Board and incoming Club Secretary, July 2019
- Graduated Assistant Governor; oversaw five Clubs across the District

Alumni Association, Leadership Federal Executive Board (FEB), Class of 2018

- Graduate of The Alamo FEB's 10-month leadership program
- Purpose is to foster activities and involvement within the greater San Antonio metropolitan area by "Giving Back to Our Community"

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**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



8 April 19

MEMORANDUM FOR MR. MIKE MORATH
COMMISSIONER, TEXAS EDUCATION AGENCY
1701 NORTH CONGRESS AVENUE
AUSTIN, TX 78701

FROM: 502 SFG/CC
1 Washington Circle, Suite 2
JBSA-Randolph, TX 78150-4560

SUBJECT: Reappointment of Mr. Patrick Luna to the Randolph Field Independent School District (RFISD) Board of Trustees

1. I respectfully request the reappointment of Mr. Patrick Luna to the RFISD Board of Trustees. Attached is his resume, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing his willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. The remaining nominees, in order of preference are, Mr. Bertell Francois and Mr. Marvin Strange.
3. All nominees are qualified under the general school laws of Texas and either live or work on JBSA-Randolph. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
4. I recognize the power of the Board of Trustees to govern and manage the operations of the RFISD and recognize that my role as the commanding officer of JBSA-Randolph is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
5. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Angela Green at (210) 652-3081.

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Y.F.1062602992 Date: 2019.04.08 18:52:47
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JEFFREY F. CARTER, Colonel, USAF
Commander, 502d Security Forces Group

4 Attachments:

1. RFISD Board Solicitation Letter
2. Mr. Patrick Luna's Application
3. Mr. Bertell Francois's Application
4. Mr. Marvin Strange's Application



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Patrick T. Luna

Residential Address: 100 H St East, Suite 5

JBSA Randolph TX 78150

Physical Address of Employer:

100 H St East, Suite 5

JBSA Randolph TX 78150

Board of Trustees Location Applying For: Randolph Field ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

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6064566 LUNA.PATRICK.T.1126064566
Date: 2019.03.22 10:30:47 -05'00'

22 March 2019

Signature of Applicant

Date

Patrick T. Luna

Printed Name of Applicant

***Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly.
Form must be completed prior to setting up your interview with the selection board.***

PATRICK T. LUNA
3303 Ashley Way, Marion TX 78124
210.652.7040 (Work) • (210) 268-2036 (Cell) • patricktluna@gmail.com

International Affairs Program Manager

31 years successful experience providing fiscal, strategic, and operational leadership

Dynamic, results-oriented leader with a strong track record of successful performance in unique and demanding positions utilizing keen analysis, insight and team approach to drive improvements and implementation of best practices to meet establish goals and objectives. Additional areas of expertise include:

- Strategy, Vision & Mission Planning
- Public Relations & Media Affairs
- Contract Negotiations & Strategic Alliances
- Finance, Budgeting & Cost Management
- Policy & Procedure Development
- Government Regulations & Relations

RELATIVE EXPERIENCE (TEC 11.352)

Decision Making Ability

- HQ AETC/IA AFSAT, JBSA Randolph (2010-Present). Manage international agreements by interfacing with and advising key officials in the State Department, Defense Security Cooperation Agency, Air Force Secretariat, Major Commands, Joint Staffs and Embassy Security Cooperation Offices requiring professional knowledge of the formulation and direction of foreign affairs that support US national security objectives.

Unfettered decision making authority; advised His Royal Highness Prince Faisal bin Hussein, Deputy Supreme Commander of the Jordan Armed Forces, of training efforts supporting CASA-235 gunship purchased through Direct Commercial Sales; trusted consult and advisement not to use security assistance went against the norm, but resulted in four full crews and 25 technicians trained/qualified and significant cost savings to the Jordanian government.

Enterprise based decisions; created first ever C-145 aircrew and technician training courses; coordinated with AETC and AFSOC functional area experts to receive Command approval; first partner national enrolled with two additional partner nations added for FY17; right decision for both USAF and partner nations; increased USAF training and mission capability.

Appointed Deputy Security Assistance Program Manager for Training; team lead for technical, aircrew and English language training for over 5K Royal Saudi Air Force students in and or awaiting training in the largest Foreign Military Sales case in USAF History valued at \$2.1B; not afraid to make decisions in a political-military sensitive program, chose to return over 25 students to Saudi Arabia for failure to progress; result, grades/attendance up; clearly in charge.

- HQ AETC/A4M, JBSA Randolph (2006-2007). Delivered flawless logistics, installation and mission support to shape the learning environment by developing policy/procedures for

facilities, force protection, aircraft support and modernization of over 2,800 aircraft valued at over \$7B.

Objectivity

- HQ AETC/IA AFSAT, JBSA Randolph (2009-Present). Managed international agreements for training services/congressionally appropriated grants by interfacing with/advising key officials in the State Department, Defense Security Cooperation, Air Force Secretariat (SAF/IA), Major Commands, Unified Commands, Joint Staffs, Security Assistance Program Manager (SAPM), AFMC System Acquisition Team, System Program Office (SPO) and Security Cooperation Office (SCO) on training issues requiring an objective and professional knowledge of the formulation and direction of foreign affairs that support US national security objectives. Develop Request for Information/Proposals (RFI/RFP), Performance Work Statement development, Independent Government Estimate (IGE), comprehensive Technical Evaluation (Tech-Eval), source selection evaluation, sole-source justification and other procurement documents/functions as needed to support the acquisition process.

Increased foreign partners' training by 31% using creative training methodologies; recouped cancelled/unused training slots by other partner nations at USAF/Contractor schools— no seat went unfilled, increased in-country training programs at a reduce cost by “piggy-backing” on training teams already in country/region and embedded training into equipment purchase contracts making training part of the equipment delivery – almost zero cost to partner nation.

- Combined Allied Powers Transition Forces, Senior Adviser, Kabul Air Base Afghanistan (2007-2009). Senior Advisor to Afghan Army Air Corps, Maintenance Group Commander on leadership roles/responsibilities, maintenance management, process improvement and leadership development. Developed aircraft, equipment and manpower requirements to build and sustain operations. Briefed USAF leadership and senior level decision makers on mission programs/process that required professional knowledge of the formulation/direction of foreign affairs of the USG and cultural and political dynamics of the Afghan civil and military government structure.

Critical Thinking

- HQ AETC/IA AFSAT, JBSA Randolph (2011-Present). Developed and implemented strategic training plans bolstering both national and foreign national capabilities/strengths while strengthening US presence and influence in theater operations and policy. Able to direct foreign nation's focus from present day to strategic outlook ensuring continued success.

Rebuilt Lebanese Air Force stifled by pilot/aircraft shortages; developed short/long term training plans via both USAF/Contractor pilot training programs, lobbied for critical USAF pilot slots, key to \$3M aircraft purchase grant to Lebanon and identified critical need to AF Headquarters for advance pilot and sensor operator training resulting in first ever USAF Special Operations Team mobile training team to Lebanon – result, saved critical aircraft program while increasing counter-terrorism capability for partner nation.

Headquarters AF hand picked for Yemen Air Force transition planning; Yemen civil war halted all training within the US; 128 students at risk in Navy, Army, Air Force and Contractor

training programs; extremely sensitive program require effective, efficient and methodical mitigation planning; all students accounted for, tracked and returned the Yemen and or processed through Department of Homeland Security; recognized at by USAF HQ leadership.

- Camber Corporation, San Antonio TX (2010-2011). Demonstrated knowledge and technical skill in the application of policies, methods and techniques to analyze and evaluate the effectiveness of training programs and to formulate and recommend courses of actions to provide necessary training within the planned program for the training venues to meet mission requirements.

Fiscal Competency

- HQ AETC/IA AFSAT, JBSA Randolph (2011-Present). Manage multiple FMS programs developing and implementing over \$100M in programs to support the acquisition of complex major weapon systems executed under the auspice of the US Department of State.

Tackled Bahrain financial reconciliation; \$500K over obligated/commitment; 9 month accounting effort/persistence resulted in all accounts being 100% reconciled and prepped for closure with \$125K identified as excess funds; Bahrain Defense Minister hailed as “the one”.

Recognized expert in Foreign Military Sales (FMS); appointed to lead the largest FMS case in USAF history value at over \$2.1B for the Royal Saudi Air Force; first act was to audit the program correcting over 1.5K line entries resulting in \$4K financial errors identified and fixed within the first 6 months on the job – message sent and received, fiscal responsibility a must.

Inherited two lagging English language training contract efforts for both overseas and stateside; assembled and led subject matter expert team that terminated one contract effort, combined and standardized two existing contract with remaining new contracting effort; contracts awarded ahead of schedule, no gap in training and \$75M below expected cost.

- Camber Corporation, San Antonio TX (2010-2011). Provided fiscal, strategic and operational leadership to reduce cost and improve operating results by revamping internal procedures and controls, reorganized/reallocated resources and implemented best practices and performance monitoring systems in support of continuous improvement.

Public School Education

- Randolph Field ISD, Board of Trustees (2012-Present). Team actions enabled District to face challenges head on while ensuring the right resources, personnel and funds were available to meet set objectives. Tackled challenges upfront; revamped District transfer policy, introduced middle school athletics/booster club, advanced technology in the classroom, constructed and upgraded facilities, increased teacher/staff to meet increased enrollment; result, District ranked #1 in San Antonio area and Top 100 in Texas twice.

Obtained over 110 hours of Trustee continued education and training and in 2012 selected from over 2,500 applicants for the Texas Association School Board Leadership Development Program.

Encouraged and worked with Board and Superintendent to develop long range strategic plans; specifically focused on increased enrollment to drive increased funding; result, aloud for increase in school programs and staff.

Recognizing a visionary leader is a must to meeting/implementing strategic plans; vocal supporter of the Superintendent; aligns with Board's strategic view; impact thus far, new high school opened on time, new cafeteria/gym/auditorium construction ahead of schedule, and football field renovation done; impact, student moral/grades/attendance exceed State standards.

Increase student patriotism/moral; key supporter/initiator of such new programs as the JROTC, middle school athletics, middle school pep squad and numerous other extracurricular programs.

- Geilenkirchen NATO AB Germany, Board of Trustees, Vice President (2002-2004). Advocated for growth and financial support; Department of Defense Schools (DoDS) replaced aging heating system, new playground equipment donated/repared by sponsors, increased cultural emersion field trips and school activities.
- Geilenkirchen NATO AB Germany, Parent Teacher Student Organization, Vice President (2001-2002). Supported school through various fund raisers and events; raised over \$3,000 during fund drive to fund annual Spring Festival; hosted base wide "American Day" event exposing base nationals to US carnival theme, all base organizations raised funds.
- Educator, Hallettsville ISD, Hallettsville TX (1994). Substitute teacher for math and history.
- Educator, Las Vegas ISD, Las Vegas NV (1993). Student teacher for math and electronics.
- Educator, University of Nevada, Las Vegas NV (1992). Teaching Assistant for political sciences

Community Involvement

- Webster University – San Antonio Alumni Association
- Knights of Columbus, Council #2828
- Eucharistic Minister and Lecture, Base Chapel
- Randolph Field ISD, Board of Trustees (2012-Present)
- Geilenkirchen NATO AB Germany, Board of Trustees, Vice President (2002-2004)
- Geilenkirchen NATO AB Germany, Parent Teacher Student Organization, Vice President (2001-2002)

Minutes

State Board of Education Committees

June 11-13, 2019

**Report of the State Board of Education
Committee of the Full Board
June 11, 2019**

The State Board of Education Committee of the Full Board met at 9:06 a.m. on Tuesday, June 11, 2019 in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Donna Bahorich, chair; Lawrence Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; Patricia Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Public Testimony

The Committee of the Full Board received no presentations of public testimony.

DISCUSSION ITEMS

**1. Joint meeting of the State Board of Education and School Land Board
(Board agenda page I-1)**

The committee did not discuss this item.

**2. Ethics Training
(Board agenda page I-2)**

Christopher Maska, director, division of hearings and appeals, presented information on current statutes and rules that apply to State Board of Education (SBOE) members.

Public testimony is not taken on Work Session items.

**3. Work Session on Texas Essential Knowledge and Skills (TEKS) Review and Instructional materials Adoption Cycle
(Board agenda page I-23)**

Monica Martinez, associate commissioner, standards and support services, provided an overview of the schedule for the work session.

Grace Wu, director, standards, testing and preparation, explained the process that is followed to adjust certification exams as a result of the revision of the TEKS. Marilyn Cook, director, educator certification and testing, provided an overview of the process for updating teacher assignment rules following revision of the TEKS or adoption of new high school courses.

Heather Justice, director, college career and military preparation, explained the steps that have been taken to identify high school course needs for career and technical education programs (CTE) of study and provided an overview of efforts to solicit feedback from stakeholders across the state. Ms. Martinez

explained staff recommendations for adoption of new high-priority CTE courses and revision of other high-priority courses.

Ms. Martinez and Kristen Dobson, executive director, special projects, explained options for adjustments to the current review and revision schedule and the possible inclusion of midcycle instructional materials reviews for reading language arts and mathematics.

The board provided feedback for an action item to be presented at the September SBOE meeting.

Mrs. Bahorich adjourned the meeting at 2:33 p.m.

**Report of the State Board of Education
Committee of the Full Board
June 12, 2019**

The State Board of Education Committee of the Full Board met at 9:08 a.m. on Wednesday, June 12, 2019 in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Donna Bahorich, chair; Lawrence Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; Patricia Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #2 and #4. Information regarding the individuals who presented public testimony is included in the discussion of that item.

The Committee of the Full Board considered items in the following order: Item number 1, 9, 2, 3, 4, 5, 6, 7, 8, 10, 11.

DISCUSSION ITEM

1. Commissioner's Comments
(Board agenda page I-25)

Commissioner Mike Morath announced that the STAAR Student Portal has gone live. He provided an overview of the statutory changes made by House Bill (HB) 3906 related to the state assessment program. He also provided an overview of HB 3 and explained that it includes provisions that will provide support for the neediest students; support the teaching profession; improve reading outcomes; improve special education; improve college, career, and military readiness; increase blended learning opportunities; revise funding formulas; reduce property taxes; and change tax policy.

ACTION ITEMS

2. Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language
(Second Reading and Final Adoption)

(Board agenda page I-26)
[Official agenda item #3]

Public testimony was provided by the following individuals:

NAME: Tracy Kriese
AFFILIATION: Texas Council of Teachers of English Language Arts

NAME: Beth Egmon
AFFILIATION: Coalition of Reading and English Supervisors of Texas

NAME: Jennifer Wilkerson
AFFILIATION: Individual

MOTION: *It was moved by Mr. Rowley and seconded by Ms. Hardy to recommend that the State Board of Education approve for second reading and final adoption proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language; and make an affirmative finding that immediate adoption of proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend Chapter 110 and Chapter 128 as follows:*

Strike “the main idea and” from §§110.4(b)(6)(G), 110.5(b)(6)(G), 110.6(b)(6)(G), 110.7(b)(6)(G), 110.22(b)(5)(G), 110.23(b)(5)(G), 110.24(b)(5)(G), 110.36(c)(4)(G), 110.37(c)(4)(G), 110.38(c)(4)(G), 110.39(c)(4)(G) and §§128.4(b)(6)(G), 128.5(b)(6)(G), 128.6(b)(6)(G), 128.7(b)(6)(G), 128.21(b)(6)(G), 128.22(c)(6)(G), 128.23(c)(6)(G), 128.34(c)(6)(G), and 128.35(c)(6)(G).

Reinsert “foreshadowing” in §§110.24(b)(7)(C), §110.36(c)(6)(C), 128.23(c)(8)(C), and 128.34(c)(8)(C).

Reinsert “character tags” in §§110.6(b)(9)(C), 110.7(b)(9)(C), 128.6(b)(9)(C), and 128.7(b)(9)(C).

Strike “central or” from §§110.22(b)(8)(D)(i), 110.22(b)(11)(B), 110.23(b)(8)(D)(i), 110.23(b)(11)(B), 110.24(b)(8)(D)(i), 110.24(b)(11)(B) and §§128.21(b)(9)(D)(i), 128.21(b)(12)(B), 128.22(c)(9)(D)(i), 128.22(c)(12)(B), 128.23(c)(9)(E)(i), and 128.23(c)(12)(B).

Strike proposed §§110.2(b)(8)(G), 110.3(b)(9)(G), 110.4(b)(9)(G), 110.5(b)(9)(G), 110.6(b)(9)(G), 110.7(b)(9)(G), 110.22(b)(8)(G), 110.23(b)(8)(G), 110.24(b)(8)(G), 110.36(c)(7)(G), 110.37(c)(7)(G), 110.38(c)(7)(G), 110.39(c)(7)(G) and §§128.2(b)(8)(G), 128.3(b)(9)(G), 128.4(b)(9)(G), 128.5(b)(9)(G), 128.6(b)(9)(G), 128.7(b)(9)(G), 128.21(b)(9)(G), 128.22(c)(9)(G), 128.23(c)(9)(H), 128.34(c)(9)(G), and 128.35(c)(9)(G).

Strike proposed §§110.36(c)(5)(K), 110.36(c)(8)(H), 110.37(c)(5)(K), 110.37(c)(8)(H), 110.38(c)(5)(K), 110.38(c)(8)(H), 110.39(c)(5)(K), 110.39(c)(8)(H) and §§128.34(c)(7)(L), 128.34(c)(10)(I), 128.35(c)(7)(L), and 128.35(c)(10)(H).

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §110.7(b)(11)(D)(x) and §128.7(b)(11)(D)(x) to read as follows:*

§110.7(b)(11)(D)(x) “italics and underlining for titles and emphasis and punctuation marks, including quotation marks in dialogue and commas in compound and complex sentences, quotation marks in dialogue, and italics and underlining for titles and emphasis; and”

§128.7(b)(11)(D)(x) “italics and underlining for titles and emphasis and punctuation marks, including commas in compound and complex sentences, em dash for dialogue, ~~italics and underlining for titles and emphasis~~, and quotation marks for titles.”

MOTION AND VOTE: *It was moved by Ms. Pérez, seconded by Mrs. Cargill, and carried unanimously to recommend that the State Board of Education amend Chapter 128 as follows:*

Reinsert “such as /bla/, /bra/, and /gla/” in §128.3(b)(2)(B)(ii).

Amend §128.5(b)(2)(B)(vi) and §128.6(b)(2)(B)(viii) to read as follows:

“marking accents appropriately when conjugating verbs such as in simple and imperfect past, past participle, perfect, conditional, and future tenses.”

Strike proposed §§128.5(b)(2)(B)(xiii) and (xiv), 128.6(b)(iv)-(vii) and (ix)-(xiii), and 128.7(b)(2)(B)(v) and (vi).

Amend §128.5(b)(11)(D)(x) to read as follows:

“punctuation marks, including commas in a series and dates that include the day of the week and correct mechanics, including indentations.”

Amend §128.5(b)(11)(D)(ii) and §128.6(b)(11)(D)(ii) to read as follows:

§128.5(b)(11)(D)(ii) “verb tense such as simple past, present, and future ~~verb tense~~ and imperfect past, past participle, perfect, and conditional ~~verb tense~~, including the difference between ser and estar.”

§128.6(b)(11)(D)(ii) “verb tense such as simple past, present, and future ~~verb tense~~ and imperfect past, past participle, and conditional ~~verb tense~~.”

Strike §128.7(b)(11)(D)(ii) and reinsert §128.7(b)(11)(D)(ii) to read “irregular verbs.”

The committee requested that staff make all necessary technical edits.

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education approve for second reading and final adoption proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, as amended, and*

Make an affirmative finding that immediate adoption of proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, as amended, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register (Attachment A and B).

The motion carried unanimously.

(Mr. Cortez and Dr. Ellis were absent for the vote.)

3. **Proposed Repeal and New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One Credit), Beginning with School Year 2019-2020**
(Second Reading and Final Adoption)

(Board agenda page I-77)
[Official agenda item #4]

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption proposed repeal and new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One Credit), Beginning with School Year 2019-2020; and*

Make an affirmative finding that immediate adoption of proposed repeal and new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One Credit), Beginning with School Year 2019-2020, is necessary and shall have an effective date of August 1, 2019.

(Mr. Cortez was absent for the vote.)

4. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements**

(Second Reading and Final Adoption)

(Board agenda page I-87)
[Official agenda item #5]

Public testimony was provided by the following individuals:

NAME: Margaret Davis
AFFILIATION: Texas International Baccalaureate (IB) Schools

NAME: Karen Phillips
AFFILIATION: Texas IB Schools

Ms. Ramos explained that this item was postponed from the April meeting. She further explained that the proposal included IB mathematics and science courses as options to satisfy the additional mathematics or science graduation requirement.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements; and*

Make an affirmative finding that immediate adoption of proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, is necessary and shall have an effective date of August 1, 2019.

(Mr. Cortez was absent for the vote.)

The board approved technical edits to strike “or IB” from §74.12(b)(2)(B)(viii) and §74.12(b)(3)(B)(vii) and to move proposed new §74.12(b)(3)(D) to new §74.12(b)(3)(B)(xxiii).

5. Amendments to Proclamation 2020 of the State Board of Education Advertising for Bids on Instructional Materials

(Board agenda page I-105)
[Official agenda item #6]

The committee did not take action on this item.

6. Proclamation 2021 of the State Board of Education Advertising for Bids on Instructional Materials

(Board agenda page I-107)
[Official agenda item #7]

Kelly Callaway, senior director, instructional materials division, explained the differences between the Texas Prekindergarten Guidelines and the Texas Essential Knowledge and Skills (TEKS) and how those differences changed the language that normally appears in the proclamation.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education approve Proclamation 2021 of the State Board of Education Advertising for Bids for Instructional Materials, as amended.*

(Mr. Cortez was absent for the vote.)

CONSENT ITEMS

7. Approval of Nominees to Recommend to the Governor for Appointment on the Board of Trustees of the Teacher Retirement System of Texas

(Board agenda page I-108)
[Consent agenda item #(1)]

Debbie Ratcliffe, executive director, State Board of Education Support, explained that the board is periodically required to send the governor a list of nominees to be considered for appointment to the Teacher Retirement System of Texas (TRS) Board of Trustees. The term of one TRS trustee expires August 31, 2019.

MOTION: *It was moved by Dr. Ellis, seconded by Mr. Mercer, and carried to recommend that the State Board of Education submit the names of David Corpus and Ysrael Valencia to the governor for consideration for appointment to the board of trustees of the Teacher Retirement System of Texas for a term expiring on August 31, 2025.*

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Allen, and carried without objection to add Nellie Ingram to the list of names to be submitted to the governor.*

VOTE: *A vote was taken on the amended motion to recommend that the State Board of Education submit the names of David Corpus, Ysrael Valencia, and Nellie Ingram to the governor for consideration for appointment to the board of trustees of the Teacher Retirement System of Texas for a term expiring on August 31, 2025. The motion carried.*

(Mr. Cortez was absent for the vote.)

8. One-Time Procedural Action to Correct the Effective Date of the Proposed Repeal of 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with an Emphasis on the Free Enterprise System and Its Benefits

(Board agenda page I-110)
[Consent agenda item #(2)]

Ms. Ramos explained that this procedural action would amend the motion made at the November 16, 2018 meeting to specify an August 1, 2019 effective date for the proposed repeal of 19 TAC Chapter 118, Subchapters A and B, in order for the repeal to take effect at the same time as the upcoming revisions to 19 TAC Chapter 113, Subchapters B, C, and D.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Melton-Malone, and carried unanimously to recommend that the State Board of Education amend the motion from the November 16, 2018 minutes of the State Board of Education that established an August 1, 2019 effective date for the proposed revisions to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter B, Middle School, Subchapter C, High School, and Subchapter D, Other Social Studies Courses, to include an August 1, 2019 effective date for the proposed repeal of 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits, Subchapter A, High School, and Subchapter B, Other Economics Courses.*

(Mr. Cortez was absent for the vote.)

DISCUSSION ITEMS

9. Legislative Update

(Board agenda page I-112)

Hunter Thompson, director, governmental relations, provided an overview of outcomes from the 86th Legislative Session related to SBOE legislative priorities and recommendations included in the SBOE Long-Range Plan for Education.

10. Update on Texas Essential Knowledge and Skills (TEKS) Review

(Board agenda page I-113)

Ms. Ramos explained upcoming due dates for the approval of applications for English Language Proficiency Standards (ELPS) and health education and physical education TEKS work groups. Ms. Martinez provided an update regarding the ongoing review of the ELPS. Ms. Martinez also explained the expected next steps regarding the upcoming review and revision of the health education and physical education TEKS. Ms. Martinez explained that different procedures concerning travel would be in place for the health education and physical education content advisors.

11. Discussion of Pending Litigation

(Board agenda page I-116)

The committee did not discuss pending litigation; therefore, no executive session was held.

Mrs. Bahorich adjourned the meeting at 3:10 p.m.

Text of Proposed Revisions to 19 TAC

Chapter 110. Texas Essential Knowledge and Skills for English Language Arts and Reading

Subchapter A. Elementary

§110.1. Implementation of Texas Essential Knowledge and Skills for English Language Arts and Reading, Elementary, Adopted 2017.

- (a) The provisions of this section and §§110.2-110.7 of this title shall be implemented by school districts.
- (b) No later than August 31, 2018, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for English language arts and reading as adopted in §§110.2-110.7 of this title.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§110.2-110.7 of this title shall be implemented beginning with the 2019-2020 school year and apply to the 2019-2020 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§110.2-110.7 of this title shall be implemented for the following school year.

~~[(e) Sections 110.11-110.16 of this title shall be superseded by the implementation of this section and §§110.2-110.7 of this title.]~~

§110.2. English Language Arts and Reading, Kindergarten, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(7) (No change.)
 - (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
 - (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, and nursery rhymes;
 - (B) discuss rhyme and rhythm in nursery rhymes and a variety of poems;
 - (C) discuss main characters in drama;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) titles and simple graphics to gain information; and
 - (iii) the steps in a sequence with adult assistance;
 - (E) recognize characteristics of persuasive text with adult assistance and state what the author is trying to persuade the reader to think or do; ~~and~~ and
 - (F) recognize characteristics of multimodal and digital texts ~~and~~ and

~~[(G) discuss with adult assistance the characteristics of literary nonfiction.]~~

(9)-(12) (No change.)

§110.3. English Language Arts and Reading, Grade 1, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts with adult assistance;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information with adult assistance;
- (C) make and [∓] correct [∓] or confirm predictions using text features, characteristics of genre, and structures with adult assistance;
- (D) create mental images to deepen understanding with adult assistance;
- (E) make connections to personal experiences, ideas in other texts, and society with adult assistance;
- (F) make inferences and use evidence to support understanding with adult assistance;
- (G) evaluate details to determine what is most important with adult assistance;
- (H) synthesize information to create new understanding with adult assistance; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, checking for visual cues, and asking questions when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, and nursery rhymes;
- (B) discuss rhyme, rhythm, repetition, and alliteration in a variety of poems;
- (C) discuss elements of drama such as characters and setting;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) features and simple graphics to locate or gain information; and
 - (iii) organizational patterns such as chronological order and description with adult assistance;
- (E) recognize characteristics of persuasive text with adult assistance and state what the author is trying to persuade the reader to think or do; and [and]
- (F) recognize characteristics of multimodal and digital texts ∓ [and] [∓]
- ~~[(G) discuss with adult assistance the characteristics of literary nonfiction.]~~

(10)-(13) (No change.)

§110.4. English Language Arts and Reading, Grade 2, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
- (1)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine [~~the main idea and~~] key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, checking for visual cues, and asking questions when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, and fairy tales;
 - (B) explain visual patterns and structures in a variety of poems;
 - (C) discuss elements of drama such as characters, dialogue, and setting;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) features and graphics to locate and gain information; and
 - (iii) organizational patterns such as chronological order and cause and effect stated explicitly;
 - (E) recognize characteristics of persuasive text, including:
 - (i) stating what the author is trying to persuade the reader to think or do; and
 - (ii) distinguishing facts from opinion; and [~~and~~]
 - (F) recognize characteristics of multimodal and digital texts [] [~~and~~] []
 - ~~[(G) recognize the distinguishing characteristics of literary nonfiction such as biographies and autobiographies.]~~
- (10)-(13) (No change.)

§110.5. English Language Arts and Reading, Grade 3, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(5) (No change.)
 - (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine [~~the main idea and~~] key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
 - (7)-(8) (No change.)
 - (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
 - (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, legends, and myths;
 - (B) explain rhyme scheme, sound devices, and structural elements such as stanzas in a variety of poems;
 - (C) discuss elements of drama such as characters, dialogue, setting, and acts;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as sections, tables, graphs, timelines, bullets, numbers, and bold and italicized font to support understanding; and
 - (iii) organizational patterns such as cause and effect and problem and solution;
 - (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) distinguishing facts from opinion; and
 - (iii) identifying the intended audience or reader; and [~~and~~]
 - (F) recognize characteristics of multimodal and digital texts [~~and~~] []
 - ~~[(G) explain the distinguishing characteristics of literary nonfiction such as personal narratives, biographies, and autobiographies.]~~

(10)-(13) (No change.)

§110.6. English Language Arts and Reading, Grade 4, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine [~~the main idea and~~] key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, legends, myths, and tall tales;
- (B) explain figurative language such as simile, metaphor, and personification that the poet uses to create images;
- (C) explain structure in drama such as character tags, [~~character tags~~], acts, scenes, and stage directions;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as pronunciation guides and diagrams to support understanding; and
 - (iii) organizational patterns such as compare and contrast;
- (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author has used facts for an argument; and
 - (iii) identifying the intended audience or reader; and [~~and~~]
- (F) recognize characteristics of multimodal and digital texts _ [~~and~~] []

~~[(G) — explain the distinguishing characteristics of literary nonfiction such as personal narratives, biographies, and autobiographies.]~~

(10)-(13) (No change.)

§110.7. English Language Arts and Reading, Grade 5, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine ~~[the main idea and]~~ key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, legends, myths, and tall tales;
- (B) explain the use of sound devices and figurative language and distinguish between the poet and the speaker in poems across a variety of poetic forms;
- (C) explain structure in drama such as character tags, ~~[character tags,]~~ acts, scenes, and stage directions;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as insets, timelines, and sidebars to support understanding; and
 - (iii) organizational patterns such as logical order and order of importance;
- (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author has used facts for or against an argument; and
 - (iii) identifying the intended audience or reader; and ~~[and]~~

- (F) recognize characteristics of multimodal and digital texts ~~and~~ []
- ~~[(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.]~~
- (10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:
- (A) plan a first draft by selecting a genre for a particular topic, purpose, and audience using a range of strategies such as brainstorming, freewriting, and mapping;
- (B) develop drafts into a focused, structured, and coherent piece of writing by:
- (i) organizing with purposeful structure, including an introduction, transitions, and a conclusion; and
- (ii) developing an engaging idea reflecting depth of thought with specific facts and details;
- (C) revise drafts to improve sentence structure and word choice by adding, deleting, combining, and rearranging ideas for coherence and clarity;
- (D) edit drafts using standard English conventions, including:
- (i) complete simple and compound sentences with subject-verb agreement and avoidance of splices, run-ons, and fragments;
- (ii) past tense of irregular verbs;
- (iii) collective nouns;
- (iv) adjectives, including their comparative and superlative forms;
- (v) conjunctive adverbs;
- (vi) prepositions and prepositional phrases and their influence on subject-verb agreement;
- (vii) pronouns, including indefinite;
- (viii) subordinating conjunctions to form complex sentences;
- (ix) capitalization of abbreviations, initials, acronyms, and organizations;
- (x) italics and underlining for titles and emphasis and punctuation marks, including quotation marks in dialogue and punctuation marks, including commas in compound and complex sentences ~~[, quotation marks in dialogue , and italics and underlining for titles and emphasis]~~ ; and
- (xi) correct spelling of words with grade-appropriate orthographic patterns and rules and high-frequency words; and
- (E) publish written work for appropriate audiences.
- (12)-(13) (No change.)

§110.10. Implementation of Texas Essential Knowledge and Skills for English Language Arts and Reading, Elementary, Beginning with School Year 2009-2010.

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

§110.11. English Language Arts and Reading, Kindergarten, Beginning with School Year 2009-2010.

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

[§110.12. English Language Arts and Reading, Grade 1, Beginning with School Year 2009-2010.]

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

[§110.13. English Language Arts and Reading, Grade 2, Beginning with School Year 2009-2010.]

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

[§110.14. English Language Arts and Reading, Grade 3, Beginning with School Year 2009-2010.]

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

[§110.15. English Language Arts and Reading, Grade 4, Beginning with School Year 2009-2010.]

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

[§110.16. English Language Arts and Reading, Grade 5, Beginning with School Year 2009-2010.]

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

Subchapter B. Middle School

~~§110.17. Implementation of Texas Essential Knowledge and Skills for English Language Arts and Reading, Middle School, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

~~§110.18. English Language Arts and Reading, Grade 6, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

~~§110.19. English Language Arts and Reading, Grade 7, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

~~§110.20. English Language Arts and Reading, Grade 8, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

§110.21. Implementation of Texas Essential Knowledge and Skills for English Language Arts and Reading, Middle School, Adopted 2017.

- (a) The provisions of this section and §§110.22-110.24 of this title shall be implemented by school districts.
- (b) No later than August 31, 2018, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for English language arts and reading as adopted in §§110.22-110.24 of this title.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§110.22-110.24 of this title shall be implemented beginning with the 2019-2020 school year and apply to the 2019-2020 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§110.22-110.24 of this title shall be implemented for the following school year.

~~(e) Sections 110.18-110.20 of this title shall be superseded by the implementation of this section and §§110.22-110.24 of this title.~~

§110.22. English Language Arts and Reading, Grade 6, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(4) (No change.)
 - (5) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
 - (A) establish purpose for reading assigned and self-selected text;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;

- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine ~~[the main idea and]~~ key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(6)-(7) (No change.)

(8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, and myths;
- (B) analyze the effect of meter and structural elements such as line breaks in poems across a variety of poetic forms;
- (C) analyze how playwrights develop characters through dialogue and staging;
- (D) analyze characteristics and structural elements of informational text, including:
 - (i) the ~~[central or]~~ controlling idea or thesis with supporting evidence;
 - (ii) features such as introduction, foreword, preface, references, or acknowledgements to gain background information; and
 - (iii) organizational patterns such as definition, classification, advantage, and disadvantage;
- (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author uses various types of evidence to support the argument; and
 - (iii) identifying the intended audience or reader; and ~~[and]~~
- (F) analyze characteristics of multimodal and digital texts ; ~~[; and]~~ ;

~~[(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.]~~

(9)-(10) (No change.)

(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:

- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
- (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear ~~[central or]~~ controlling idea or thesis statement and genre characteristics and craft;
- (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
- (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.

(12) (No change.)

§110.23. English Language Arts and Reading, Grade 7, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(4) (No change.)

(5) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(6)-(7) (No change.)

(8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, myths, fantasy, and science fiction;
- (B) analyze the effect of rhyme scheme, meter, and graphical elements such as punctuation and capitalization in poems across a variety of poetic forms;
- (C) analyze how playwrights develop characters through dialogue and staging;
- (D) analyze characteristics and structural elements of informational text, including:
 - (i) the central or controlling idea or thesis with supporting evidence;
 - (ii) features such as references or acknowledgements; and
 - (iii) organizational patterns that support multiple topics, categories, and subcategories;
- (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author uses various types of evidence and consideration of alternatives to support the argument; and
 - (iii) identifying the intended audience or reader; and and
- (F) analyze characteristics of multimodal and digital texts ; and []

~~[(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and memoirs.]~~

(9)-(10) (No change.)

(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:

- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
- (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear ~~[central or]~~ controlling idea or thesis statement and genre characteristics and craft;
- (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
- (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.

(12) (No change.)

§110.24. English Language Arts and Reading, Grade 8, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(4) (No change.)

(5) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and ~~[]~~ correct ~~[]~~ or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine ~~[the main idea and]~~ key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(6) (No change.)

(7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--literary elements. The student recognizes and analyzes literary elements within and across increasingly complex traditional, contemporary, classical, and diverse literary texts. The student is expected to:

- (A) analyze how themes are developed through the interaction of characters and events;
- (B) analyze how characters' motivations and behaviors influence events and resolution of the conflict;

- (C) analyze non-linear plot development such as flashbacks, foreshadowing, ~~[foreshadowing,]~~ subplots, and parallel plot structures and compare it to linear plot development; and
- (D) explain how the setting influences the values and beliefs of characters.
- (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, fantasy, science fiction, and short stories;
- (B) analyze the effect of graphical elements such as punctuation and line length in poems across a variety of poetic forms such as epic, lyric, and humorous poetry;
- (C) analyze how playwrights develop dramatic action through the use of acts and scenes;
- (D) analyze characteristics and structural elements of informational text, including:
- (i) the ~~[central or]~~ controlling idea or thesis with supporting evidence;
- (ii) features such as footnotes, endnotes, and citations; and
- (iii) multiple organizational patterns within a text to develop the thesis;
- (E) analyze characteristics and structures of argumentative text by:
- (i) identifying the claim and analyzing the argument;
- (ii) identifying and explaining the counter argument; and
- (iii) identifying the intended audience or reader; and ~~[and]~~
- (F) analyze characteristics of multimodal and digital texts and ~~[and]~~ ~~[and]~~
- ~~[(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and memoirs.]~~
- (9)-(10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:
- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
- (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear ~~[central or]~~ controlling idea or thesis statement and genre characteristics and craft;
- (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
- (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.
- (12) (No change.)

Subchapter C. High School

§110.36. English Language Arts and Reading, English I (One Credit), Adopted 2017.

- (a)-(b) (No change.)
- (c) Knowledge and skills.
 - (1)-(3) (No change.)
 - (4) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine ~~[the main idea and]~~ key ideas;
 - (H) synthesize information from two texts to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
 - (5) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:
 - (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate understanding of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support a comprehensive response;
 - (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit or implicit meanings of text;
 - (H) respond orally or in writing with appropriate register, vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants; ~~and [and]~~
 - (J) defend or challenge the authors' claims using relevant text evidence ~~;~~ ~~[; and]~~ ~~;~~
 - ~~[(K) explain the ways in which diverse texts generate understanding of varied perspectives.]~~
- (6) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--literary elements. The student recognizes and analyzes literary elements within and across increasingly complex traditional, contemporary, classical, and diverse literary texts. The student is expected to:
 - (A) analyze how themes are developed through characterization and plot in a variety of literary texts;

- (B) analyze how authors develop complex yet believable characters in works of fiction through a range of literary devices, including character foils;
- (C) analyze non-linear plot development such as flashbacks, foreshadowing, ~~[foreshadowing]~~ subplots, and parallel plot structures and compare it to linear plot development; and
- (D) analyze how the setting influences the theme.
- (7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) read and respond to American, British, and world literature;
- (B) analyze the structure, prosody, and graphic elements such as line length and word position in poems across a variety of poetic forms;
- (C) analyze the function of dramatic conventions such as asides, soliloquies, dramatic irony, and satire;
- (D) analyze characteristics and structural elements of informational texts such as:
- (i) clear thesis, relevant supporting evidence, pertinent examples, and conclusion; and
- (ii) multiple organizational patterns within a text to develop the thesis;
- (E) analyze characteristics and structural elements of argumentative texts such as:
- (i) clear arguable claim, appeals, and convincing conclusion;
- (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
- (iii) identifiable audience or reader; and [and]
- (F) analyze characteristics of multimodal and digital texts [; and] [;]
- ~~[(G) analyze the characteristics and purpose of literary nonfiction such as speeches and literary essays.]~~
- (8) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. The student is expected to:
- (A) analyze the author's purpose, audience, and message within a text;
- (B) analyze use of text structure to achieve the author's purpose;
- (C) evaluate the author's use of print and graphic features to achieve specific purposes;
- (D) analyze how the author's use of language achieves specific purposes;
- (E) analyze the use of literary devices such as irony and oxymoron to achieve specific purposes;
- (F) analyze how the author's diction and syntax contribute to the mood, voice, and tone of a text; [and]
- (G) explain the purpose of rhetorical devices such as understatement and overstatement and the effect of logical fallacies such as straw man and red herring arguments [; and] [;]
- ~~[(H) discuss the artistic qualities of diverse texts.]~~

(9)-(11) (No change.)

§110.37. English Language Arts and Reading, English II (One Credit), Adopted 2017.

(a)-(b) (No change.)

(c) Knowledge and skills.

(1)-(3) (No change.)

(4) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine ~~the main idea and~~ key ideas;
- (H) synthesize information from multiple texts to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(5) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:

- (A) describe personal connections to a variety of sources, including self-selected texts;
- (B) write responses that demonstrate understanding of texts, including comparing texts within and across genres;
- (C) use text evidence and original commentary to support an interpretive response;
- (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
- (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
- (F) respond using acquired content and academic vocabulary as appropriate;
- (G) discuss and write about the explicit or implicit meanings of text;
- (H) respond orally or in writing with appropriate register, vocabulary, tone, and voice;
- (I) reflect on and adjust responses when valid evidence warrants; ~~and~~ ~~and~~
- (J) defend or challenge the authors' claims using relevant text evidence ~~and~~ ~~and~~
- ~~(K) explain the ways in which diverse texts generate understanding of varied perspectives.~~

(6) (No change.)

(7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) read and analyze world literature across literary periods;
- (B) analyze the effects of metrics; rhyme schemes; types of rhymes such as end, internal, slant, and eye; and other conventions in poems across a variety of poetic forms;
- (C) analyze the function of dramatic conventions such as asides, soliloquies, dramatic irony, and satire;
- (D) analyze characteristics and structural elements of informational texts such as:
 - (i) clear thesis, relevant supporting evidence, pertinent examples, and conclusion; and
 - (ii) the relationship between organizational design and thesis;
- (E) analyze characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable claim, appeals, and convincing conclusion;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; and ~~and~~
- (F) analyze characteristics of multimodal and digital texts and ~~and~~
- ~~(G) analyze the characteristics and purpose of literary nonfiction such as speeches and literary essays.~~
- (8) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. The student is expected to:
 - (A) analyze the author's purpose, audience, and message within a text;
 - (B) analyze use of text structure to achieve the author's purpose;
 - (C) evaluate the author's use of print and graphic features to achieve specific purposes;
 - (D) analyze how the author's use of language informs and shapes the perception of readers;
 - (E) analyze the use of literary devices such as irony, sarcasm, and motif to achieve specific purposes;
 - (F) analyze how the author's diction and syntax contribute to the mood, voice, and tone of a text; and ~~and~~
 - (G) analyze the purpose of rhetorical devices such as appeals, antithesis, parallelism, and shifts and the effects of logical fallacies and ~~and~~
 - ~~(H) discuss the artistic qualities of diverse texts.~~
- (9)-(11) (No change.)

§110.38. English Language Arts and Reading, English III (One Credit), Adopted 2017.

- (a)-(b) (No change.)
- (c) Knowledge and skills.
 - (1)-(3) (No change.)
 - (4) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to understand [the main idea and] key ideas;
 - (H) synthesize information from a variety of text types to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, annotating, and using outside sources when understanding breaks down.
- (5) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:
- (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate analysis of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support an analytic response;
 - (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit and implicit meanings of text;
 - (H) respond orally or in writing with appropriate register and effective vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants; and [and]
 - (J) defend or challenge the authors' claims using relevant text evidence ; [; and] [:]
 - ~~[(K) explain the ways in which diverse texts generate understanding of varied perspectives.]~~
- (6) (No change.)
- (7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) read and analyze American literature across literary periods;
 - (B) analyze relationships among characteristics of poetry, including stanzas, line breaks, speaker, and sound devices in poems across a variety of poetic forms;
 - (C) analyze how the relationships among dramatic elements advance the plot;
 - (D) analyze characteristics and structural elements of informational texts such as:
 - (i) clear thesis, strong supporting evidence, pertinent examples, commentary, summary, and conclusion; and

- (ii) the relationship between organizational design and author's purpose;
- (E) analyze characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable thesis, appeals, structure of the argument, convincing conclusion, and call to action;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; and ~~[and]~~
- (F) analyze the effectiveness of characteristics of multimodal and digital texts ~~;~~ and ~~[and]~~ ~~;~~
- ~~[(G) analyze and critique literary nonfiction such as speeches and literary essays.]~~
- (8) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. The student is expected to:
 - (A) analyze the author's purpose, audience, and message within a text;
 - (B) evaluate use of text structure to achieve the author's purpose;
 - (C) evaluate the author's use of print and graphic features to achieve specific purposes;
 - (D) evaluate how the author's use of language informs and shapes the perception of readers;
 - (E) evaluate the use of literary devices such as paradox, satire, and allegory to achieve specific purposes;
 - (F) evaluate how the author's diction and syntax contribute to the mood, voice, and tone of a text; and ~~[and]~~
 - (G) analyze the effects of rhetorical devices and logical fallacies on the way the text is read and understood ~~;~~ and ~~[and]~~ ~~;~~
 - ~~[(H) evaluate the artistic qualities of diverse texts.]~~
- (9)-(11) (No change.)

§110.39. English Language Arts and Reading, English IV (One Credit), Adopted 2017.

- (a)-(b) (No change.)
- (c) Knowledge and skills.
 - (1)-(3) (No change.)
 - (4) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;

- (G) evaluate details read to analyze ~~[the main idea and]~~ key ideas;
 - (H) synthesize information from a variety of text types to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, annotating, and using outside sources when understanding breaks down.
- (5) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:
- (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate analysis of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support an evaluative response;
 - (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit and implicit meanings of text;
 - (H) respond orally or in writing with appropriate register and purposeful vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants; and [and]
 - (J) defend or challenge the authors' claims using relevant text evidence ; ~~[; and]~~ ;
 - ~~[(K) — explain the ways in which diverse texts generate understanding of varied perspectives.]~~
- (6) (No change.)
- (7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) read and analyze British literature across literary periods;
 - (B) analyze the effects of sound, form, figurative language, graphics, and dramatic structure in poetry across literary time periods and cultures;
 - (C) analyze and evaluate how the relationships among the dramatic elements advance the plot;
 - (D) critique and evaluate characteristics and structural elements of informational texts such as:
 - (i) clear thesis, effective supporting evidence, pertinent examples, commentary, summary, and conclusion; and
 - (ii) the relationship between organizational design and author's purpose;
 - (E) critique and evaluate characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable thesis, appeals, structure of the argument, convincing conclusion, and call to action;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and

(iii) identifiable audience or reader; and ~~[and]~~

(F) critique and evaluate the effectiveness of characteristics of multimodal and digital texts ; ~~[;and]~~ ~~[;]~~

~~[(G) analyze and critique literary nonfiction such as speeches and literary essays.]~~

(8) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. The student is expected to:

(A) evaluate the author's purpose, audience, and message within a text;

(B) evaluate use of text structure to achieve the author's purpose;

(C) evaluate the author's use of print and graphic features to achieve specific purposes;

(D) critique and evaluate how the author's use of language informs and shapes the perception of readers;

(E) evaluate the use of literary devices such as paradox, satire, and allegory to achieve specific purposes;

(F) evaluate how the author's diction and syntax contribute to the effectiveness of a text; and ~~[and]~~

(G) analyze the effects of rhetorical devices and logical fallacies on the way the text is read and understood ; ~~[;and]~~ ~~[;]~~

~~[(H) evaluate the artistic qualities of diverse texts.]~~

(9)-(11) (No change.)

Text of Proposed Revisions to 19 TAC

Chapter 128. Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language

Subchapter A. Elementary

§128.1. Implementation of Texas Essential Knowledge and Skills for Spanish Language Arts and Reading, Elementary, Adopted 2017.

- (a) The provisions of this section and §§128.2-128.7 of this title shall be implemented by school districts.
- (b) No later than August 31, 2018, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for Spanish language arts and reading as adopted in §§128.2-128.7 of this title.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§128.2-128.7 of this title shall be implemented beginning with the 2019-2020 school year and apply to the 2019-2020 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§128.2-128.7 of this title shall be implemented for the following school year.

~~[(e) Sections 128.11-128.16 of this title shall be superseded by the implementation of this section and §§128.2-128.7 of this title.]~~

§128.2. Spanish Language Arts and Reading, Kindergarten, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(7) (No change.)
 - (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
 - (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, and nursery rhymes;
 - (B) discuss rhyme and rhythm in nursery rhymes and a variety of poems;
 - (C) discuss main characters in drama;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) titles and simple graphics to gain information; and
 - (iii) the steps in a sequence with adult assistance;
 - (E) recognize characteristics of persuasive text with adult assistance and state what the author is trying to persuade the reader to think or do; ~~and~~ and
 - (F) recognize characteristics of multimodal and digital texts ; ~~and~~ ;

~~[(G) discuss with adult assistance the characteristics of literary nonfiction.]~~

(9)-(12) (No change.)

§128.3. Spanish Language Arts and Reading, Grade 1, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1) (No change.)
 - (2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:
 - (A) demonstrate phonological awareness by:
 - (i) producing a series of rhyming words;
 - (ii) recognizing spoken alliteration or groups of words that begin with the same simple syllable or initial sound;
 - (iii) recognizing the change in spoken word when a specified syllable is added, changed, or removed;
 - (iv) segmenting spoken words into individual syllables;
 - (v) blending spoken complex syllables, including sílabas trabadas, to form multisyllabic words;
 - (vi) segmenting spoken words into syllables, including words with sílabas trabadas; and
 - (vii) manipulating syllables within words;
 - (B) demonstrate and apply phonetic knowledge by:
 - (i) identifying and matching sounds to individual letters;
 - (ii) decoding words with sílabas trabadas such as /bla/, /bra/, and /gla/ [~~such as /bla/, /bra/, and /gla/~~]; digraphs; and words with multiple sound spelling patterns such as c, k, and q and s, z, soft c, and x;
 - (iii) decoding words with silent h and words that use the syllables que-, qui-, gue-, gui-, güe-, and güi-;
 - (iv) decoding words with diphthongs such as /ai/, /au/, and /ei/;
 - (v) decoding contractions such as al and del;
 - (vi) decoding three- to four-syllable words;
 - (vii) using knowledge of base words to decode common compound words; and
 - (viii) decoding words with common prefixes and suffixes;
 - (C) demonstrate and apply spelling knowledge by:
 - (i) spelling common letter and sound correlations;
 - (ii) spelling words with common patterns such as CV, VC, CCV, CVC, VCV, CVCV, CCVCV, and CVCCV;
 - (iii) spelling words with silent h; consonant digraphs such as /ch/, /rr/, and /ll/; and sílabas trabadas such as /bla/, /bra/, /gla/, and /gra/;
 - (iv) spelling multisyllabic words, including words with que-, qui-, gue-, gui-, güe-, and güi-;

- (v) spelling contractions such as al and del;
 - (vi) spelling words with diphthongs such as /ai/, /au/, and /ie/ as in quie-ro, na-die, and ra-dio and hiatus such as le-er and rí-o; and
 - (vii) spelling words with common prefixes and suffixes;
- (D) demonstrate print awareness by identifying the information that different parts of a book provide;
- (E) alphabetize a series of words to the first or second letter and use a dictionary to find words; and
- (F) develop handwriting by printing words, sentences, and answers legibly leaving appropriate spaces between words.
- (3)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts with adult assistance;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information with adult assistance;
 - (C) make and [¿] correct [¿] or confirm predictions using text features, characteristics of genre, and structures with adult assistance;
 - (D) create mental images to deepen understanding with adult assistance;
 - (E) make connections to personal experiences, ideas in other texts, and society with adult assistance;
 - (F) make inferences and use evidence to support understanding with adult assistance;
 - (G) evaluate details to determine what is most important with adult assistance;
 - (H) synthesize information to create new understanding with adult assistance; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, checking for visual cues, and asking questions when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, and nursery rhymes;
 - (B) discuss rhyme, rhythm, repetition, and alliteration in a variety of poems;
 - (C) discuss elements of drama such as characters and setting;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) features and simple graphics to locate or gain information; and
 - (iii) organizational patterns such as chronological order and description with adult assistance;

- (E) recognize characteristics of persuasive text with adult assistance and state what the author is trying to persuade the reader to think or do; and ~~[and]~~
- (F) recognize characteristics of multimodal and digital texts ~~;~~ [and] ~~[;]~~
- ~~[(G) discuss with adult assistance the characteristics of literary nonfiction.]~~

(10)-(13) (No change.)

§128.4. Spanish Language Arts and Reading, Grade 2, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and ~~[;]~~ correct ~~[;]~~ or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine ~~[the main idea and]~~ key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, checking for visual cues, and asking questions when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, and fairy tales;
- (B) explain visual patterns and structures in a variety of poems;
- (C) discuss elements of drama such as characters, dialogue, and setting;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) features and graphics to locate and gain information; and
 - (iii) organizational patterns such as chronological order and cause and effect stated explicitly;
- (E) recognize characteristics of persuasive text, including:
 - (i) stating what the author is trying to persuade the reader to think or do; and

(ii) distinguishing facts from opinion; and [~~and~~]

(F) recognize characteristics of multimodal and digital texts and [~~and~~] []

~~[(G) recognize the distinguishing characteristics of literary nonfiction such as biographies and autobiographies.]~~

(10)-(13) (No change.)

§128.5. Spanish Language Arts and Reading, Grade 3, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1) (No change.)

(2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:

(A) demonstrate and apply phonetic knowledge by:

- (i) decoding words with a prosodic or orthographic accent;
- (ii) decoding words with multiple sound spelling patterns such as c, k, and q and s, z, soft c, and x;
- (iii) decoding words with silent h and words that use the syllables que-, qui-, gue-, gui-, güe-, and güi-;
- (iv) becoming very familiar with the concept of hiatus and diphthongs and the implications for orthographic accents;
- (v) decoding and differentiating meaning of a word based on a diacritical accent; and
- (vi) decoding words with prefixes and suffixes;

(B) demonstrate and apply spelling knowledge by:

- (i) spelling palabras agudas and graves (words with an accent on the last and penultimate syllable);
- (ii) spelling palabras esdrújulas (words with the stress on the antepenultimate syllable) that have an orthographic accent;
- (iii) spelling words with the concept of diphthongs and hiatus and their implications for orthographic accents;
- (iv) using accents on words commonly used in questions and exclamations;
- (v) spelling words based on the diacritical accent such as se/sé, el/él, and mas/más;
- (vi) marking accents appropriately when conjugating verbs such as in simple and imperfect past, past participle, perfect [~~perfect~~], conditional, and future tenses;
- (vii) spelling words with silent h and words that use the syllables que-, qui-, gue-, gui-, güe-, and güi-;
- (viii) spelling words that have the same sounds represented by different letters, including ll and y; c, k, and q; soft c, soft x, s, and z; and soft g, j, and x;
- (ix) spelling words with hard and soft r;
- (x) spelling words using n before v; m before b; and m before p;

- (xi) spelling words with sílabas trabadas; and [~~and~~]
 - (xii) spelling the plural form of words ending in z by replacing the z with c before adding -es;
 - ~~[(xiii) spelling common abbreviations; and]~~
 - ~~[(xiv) spelling words with prefixes and suffixes;]~~
 - (C) alphabetize a series of words to the third letter; and
 - (D) write complete words, thoughts, and answers legibly in cursive leaving appropriate spaces between words.
- (3) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--vocabulary. The student uses newly acquired vocabulary expressively. The student is expected to:
- (A) use print or digital resources to determine meaning, syllabication, and pronunciation;
 - (B) use context within and beyond a sentence to determine the meaning of unfamiliar words and multiple-meaning words;
 - (C) identify the meaning of and use words with affixes such as [~~including~~] in-, des-, ex-, -mente, -dad, -oso, -eza, and -ura, and know how the affix changes the meaning of the word;
 - (D) identify, use, and explain the meaning of antonyms, synonyms, idioms, homophones, and homographs in a text; and
 - (E) differentiate between and use homographs, homophones, and commonly confused terms such as porque/porqué/por qué/por que, sino/si no, and también/tan bien.
- (4)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [~~z~~] correct [~~z~~] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine [~~the main idea and~~] key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

Attachment B

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, legends, and myths;
 - (B) explain rhyme scheme, sound devices, and structural elements such as stanzas in a variety of poems;
 - (C) discuss ~~the~~ elements of drama such as characters, dialogue, setting, and acts;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as sections, tables, graphs, timelines, bullets, numbers, and bold and italicized font to support understanding; and
 - (iii) organizational patterns such as cause and effect and problem and solution;
 - (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) distinguishing facts from opinion; and
 - (iii) identifying the intended audience or reader; and ~~and~~
 - (F) recognize characteristics of multimodal and digital texts ; and ~~;~~
 - ~~[(G) explain the distinguishing characteristics of literary nonfiction such as personal narratives, biographies, and autobiographies.]~~
- (10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:
- (A) plan a first draft by selecting a genre for a particular topic, purpose, and audience using a range of strategies such as brainstorming, freewriting, and mapping;
 - (B) develop drafts into a focused, structured, and coherent piece of writing by:
 - (i) organizing with purposeful structure, including an introduction and a conclusion; and
 - (ii) developing an engaging idea with relevant details;
 - (C) revise drafts to improve sentence structure and word choice by adding, deleting, combining, and rearranging ideas for coherence and clarity;
 - (D) edit drafts using standard Spanish conventions, including:
 - (i) complete simple and compound sentences with subject-verb agreement;
 - (ii) verb tense such as simple past, present, and future [~~verb tense~~] and imperfect past, past participle perfect [~~perfect~~] , and conditional [~~verb tenses~~], including the difference between ser and estar;
 - (iii) singular, plural, common, and proper nouns, including gender-specific articles;
 - (iv) adjectives, including their comparative and superlative forms;
 - (v) adverbs that convey time and adverbs that convey manner;
 - (vi) prepositions and prepositional phrases;
 - (vii) pronouns, including personal, possessive, objective, and reflexive pronouns;
 - (viii) coordinating conjunctions to form compound subjects, predicates, and sentences;

- (ix) capitalization of proper nouns, geographical names and places, historical periods, and official titles of people;
 - (x) punctuation marks, including commas in a series and dates that include the day of the week [~~and dates~~] [] and correct mechanics, including indentations; and
 - (xi) correct spelling of words with grade-appropriate orthographic patterns and rules; and
- (E) publish written work for appropriate audiences.
- (12)-(13) (No change.)

§128.6. Spanish Language Arts and Reading, Grade 4, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1) (No change.)
 - (2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:
 - (A) demonstrate and apply phonetic knowledge by:
 - (i) decoding palabras agudas, graves, esdrújulas, and sobresdrújulas [~~sobreesdrújulas~~] (words with the stress on the last, penultimate, and antepenultimate syllable and words with the stress on the syllable before the antepenultimate);
 - (ii) using orthographic rules to segment and combine syllables, including diphthongs and formal and accented hiatus;
 - (iii) decoding and differentiating the meaning of a word based on the diacritical accent; and
 - (iv) decoding words with prefixes and suffixes;
 - (B) demonstrate and apply spelling knowledge by:
 - (i) spelling palabras agudas and graves (words with the stress on the last and penultimate syllable) with an orthographic accent;
 - (ii) spelling palabras esdrújulas (words with the stress on the antepenultimate syllable) that have an orthographic accent;
 - (iii) spelling words with diphthongs and hiatus; and [~~and~~]
 - ~~[(iv) — spelling common abbreviations;]~~
 - ~~[(v) — spelling words with prefixes and suffixes;]~~
 - ~~[(vi) — using accents in words commonly used in questions and exclamations;]~~
 - ~~[(vii) — spelling words based on the diacritical accent such as se/sé, el/él, and mas/más;]~~
 - ~~[(iv) [(viii)] [(iv)] marking accents appropriately when conjugating verbs such as in simple and imperfect past, past participle, perfect [perfect], conditional, and future tenses; and [and]~~
 - ~~[(ix) — spelling words with silent h and words that use the syllables que, qui, gue, gui, güe, and güi;]~~
 - ~~[(x) — spelling words that have the same sounds represented by different letters, including ll and y; c, k, and q; soft c, soft x, s, and z; and soft g, j, and x;]~~

~~[(xi) — spelling words with hard and soft r:]~~

~~[(xii) — spelling words using n before v; m before b; and m before p:]~~

~~[(xiii) — spelling the plural form of words ending in z by replacing the z with c before adding -es; and]~~

- (C) write legibly in cursive to complete assignments.
- (3) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--vocabulary. The student uses newly acquired vocabulary expressively. The student is expected to:
- (A) use print or digital resources to determine meaning, syllabication, and pronunciation;
 - (B) use context within and beyond a sentence to determine the relevant meaning of unfamiliar words or multiple-meaning words;
 - (C) identify the meaning of and use base words with affixes such as ~~[-including]~~ mono-, sobre-, sub-, inter-, poli-, -able, -ante, -eza, -ancia, and -ura, and roots, including auto, bio, grafía, metro, fono, and tele;
 - (D) identify, use, and explain the meaning of idioms, homographs, and homophones such as abrasar/abrazar; and
 - (E) differentiate between and use homographs, homophones, and commonly confused terms such as porque/porqué/por qué/por que, sino/si no, and también/tan bien.
- (4)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and ~~[¿]~~ correct ~~[¿]~~ or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine ~~[the main idea and]~~ key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, legends, myths, and tall tales;
 - (B) explain figurative language such as simile, metaphor, and personification that the poet uses to create images;

- (C) explain structure in drama such as character tags, [~~character tags~~] acts, scenes, and stage directions;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as pronunciation guides and diagrams to support understanding; and
 - (iii) organizational patterns such as compare and contrast;
- (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author has used facts for an argument; and
 - (iii) identifying the intended audience or reader; [~~and~~]
- (F) recognize characteristics of multimodal and digital texts ; and []

~~[(G) explain the distinguishing characteristics of literary nonfiction such as personal narratives, biographies, and autobiographies.]~~

- (10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:
 - (A) plan a first draft by selecting a genre for a particular topic, purpose, and audience using a range of strategies such as brainstorming, freewriting, and mapping;
 - (B) develop drafts into a focused, structured, and coherent piece of writing by:
 - (i) organizing with purposeful structure, including an introduction, transitions, and a conclusion; and
 - (ii) developing an engaging idea with relevant details;
 - (C) revise drafts to improve sentence structure and word choice by adding, deleting, combining, and rearranging ideas for coherence and clarity;
 - (D) edit drafts using standard Spanish conventions, including:
 - (i) complete simple and compound sentences with subject-verb agreement and avoidance of splices, run-ons, and fragments;
 - (ii) verb tense such as simple past, present, and future [~~verb tense~~] and imperfect past, past participle, and conditional [~~verb tense~~] ;
 - ~~[(ii) irregular verbs;]~~
 - (iii) singular, plural, common, and proper nouns, including gender-specific articles;
 - (iv) adjectives, including their comparative and superlative forms;
 - (v) adverbs that convey frequency and adverbs that convey degree;
 - (vi) prepositions and prepositional phrases;
 - (vii) pronouns, including personal, possessive, objective, reflexive, and prepositional;
 - (viii) coordinating conjunctions to form compound subjects, predicates, and sentences;
 - (ix) capitalization of historical events and documents, titles of books, stories, and essays;

- (x) punctuation marks, including commas in compound and complex sentences and em dash for dialogue; and
 - (xi) correct spelling of words with grade-appropriate orthographic patterns and rules; and
 - (E) publish written work for appropriate audiences.
- (12)-(13) (No change.)

§128.7. Spanish Language Arts and Reading, Grade 5, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1) (No change.)
 - (2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:
 - (A) demonstrate and apply phonetic knowledge by:
 - (i) decoding palabras agudas, graves, [and] esdrújulas, and sobresdrújulas (words with the stress on the last, penultimate, and antepenultimate ~~[, penultimate, and last]~~ syllable and words with the stress on the syllable before the antepenultimate);
 - (ii) using orthographic rules to segment and combine syllables, including diphthongs and formal and accented hiatus;
 - (iii) decoding and differentiating meaning of word based on the diacritical accent; and
 - (iv) decoding words with prefixes and suffixes;
 - (B) demonstrate and apply spelling knowledge by:
 - (i) spelling words with more advanced orthographic patterns and rules;
 - (ii) spelling palabras agudas, graves, and esdrújulas (words with the stress on the antepenultimate, penultimate, and last syllable) with a prosodic or orthographic accent;
 - (iii) spelling palabras sobresdrújulas (words with the stress on the syllable before the antepenultimate syllable) with a prosodic or orthographic accent;
 - (iv) spelling words with diphthongs and hiatus; and [and]
 - ~~[(v) using accents in words commonly used in questions and exclamations;]~~
 - ~~[(vi) spelling words based on the diacritical accent such as se/sé, el/él, and mas/más; and]~~
 - (v) [(vii)] [(v)] marking accents appropriately when conjugating verbs such as in simple and imperfect past, past participle, perfect [perfect], conditional, and future tenses; and
 - (C) write legibly in cursive.
 - (3) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--vocabulary. The student uses newly acquired vocabulary expressively. The student is expected to:

- (A) use print or digital resources to determine meaning, syllabication, pronunciation, and word origin;
 - (B) use context within and beyond a sentence to determine the relevant meaning of unfamiliar words or multiple-meaning words;
 - (C) identify the meaning of and use [base] words with affixes such as [-including] trans-, super-, anti-, semi-, -logía, -ificar, -ismo, and -ista and roots, including audi, crono, foto, geo, and terr;
 - (D) identify, use, and explain the meaning of idioms, adages, and puns; and
 - (E) differentiate between and use homographs, homophones, and commonly confused terms such as porque/porqué/por qué/por que, sino/si no, and también/tan bien.
- (4)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [¿] correct [¿] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine [the main idea and] key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, legends, myths, and tall tales;
 - (B) explain the use of sound devices and figurative language and distinguish between the poet and the speaker in poems across a variety of poetic forms;
 - (C) explain structure in drama such as character tags, [character tags,] acts, scenes, and stage directions;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as insets, timelines, and sidebars to support understanding; and
 - (iii) organizational patterns such as logical order and order of importance;
 - (E) recognize characteristics and structures of argumentative text by:

- (i) identifying the claim;
 - (ii) explaining how the author has used facts for or against an argument; and
 - (iii) identifying the intended audience or reader; and ~~[and]~~
- (F) recognize characteristics of multimodal and digital texts [~~and~~] [.]
- ~~[(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.]~~
- (10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:
- (A) plan a first draft by selecting a genre for a particular topic, purpose, and audience using a range of strategies such as brainstorming, freewriting, and mapping;
 - (B) develop drafts into a focused, structured, and coherent piece of writing by:
 - (i) organizing with purposeful structure, including an introduction, transitions, and a conclusion; and
 - (ii) developing an engaging idea reflecting depth of thought with specific facts and details;
 - (C) revise drafts to improve sentence structure and word choice by adding, deleting, combining, and rearranging ideas for coherence and clarity;
 - (D) edit drafts using standard Spanish conventions, including:
 - (i) complete simple and compound sentences with subject-verb agreement and avoidance of splices, run-ons, and fragments;
 - (ii) irregular verbs;
 - ~~[(ii) simple past, present, and future verb tense and imperfect past, past participle, and conditional verb tense;]~~
 - ~~[(ii) irregular verbs;]~~
 - (iii) collective nouns;
 - (iv) adjectives, including those indicating origin, and their comparative and superlative forms;
 - (v) conjunctive adverbs;
 - (vi) prepositions and prepositional phrases and their influence on subject-verb agreement;
 - (vii) pronouns, including personal, possessive, objective, reflexive, prepositional, and indefinite;
 - (viii) subordinating conjunctions to form complex sentences;
 - (ix) capitalization of initials, acronyms, and organizations;
 - (x) italics and underlining for titles and emphasis and punctuation marks, including ~~[punctuation marks, including]~~ commas in compound and complex sentences, em dash for dialogue, ~~[italics and underlining for titles and emphasis,]~~ and quotation marks for titles; and
 - (xi) correct spelling of words with grade-appropriate orthographic patterns and rules; and

- (E) publish written work for appropriate audiences.
(12)-(13) (No change.)

~~§128.10. Implementation of Texas Essential Knowledge and Skills for Spanish Language Arts and Reading, Elementary, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.11. Spanish Language Arts and Reading, Kindergarten, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.12. Spanish Language Arts and Reading, Grade 1, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.13. Spanish Language Arts and Reading, Grade 2, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.14. Spanish Language Arts and Reading, Grade 3, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.15. Spanish Language Arts and Reading, Grade 4, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.16. Spanish Language Arts and Reading, Grade 5, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

Subchapter B. Middle School

~~§128.17. Implementation of Texas Essential Knowledge and Skills for Spanish Language Arts and Reading, Middle School, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.18. Spanish Language Arts and Reading, Grade 6, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

§128.20. Implementation of Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Middle School, Adopted 2017.

- (a) The provisions of this section and §§128.21-128.23 of this title shall be implemented by school districts.
- (b) No later than August 31, 2018, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for Spanish language arts and reading and English as a Second Language as adopted in §§128.21-128.23 of this title.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§128.21-128.23 of this title shall be implemented beginning with the 2019-2020 school year and apply to the 2019-2020 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§128.21-128.23 of this title shall be implemented for the following school year.

~~[(e) Section 128.18 of this title shall be superseded by the implementation of this section and §§128.21-128.23 of this title.]~~

§128.21. Spanish Language Arts and Reading, Grade 6, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1) (No change.)
 - (2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:
 - (A) demonstrate and apply phonetic knowledge by:
 - (i) differentiating between commonly confused terms such as porque/porqué/por qué/por que, asimismo (adverbio)/así mismo (de la misma manera), sino/si no, and también/tan bien;
 - (ii) decoding palabras agudas, graves, esdrújulas, and sobresdrújulas (words with the stress on the ~~last, penultimate, and antepenultimate~~ ~~[penultimate, and ultimate/last]~~ syllable and words with the stress on the syllable before the antepenultimate);
 - (iii) decoding words with hiatus and diphthongs; and
 - (iv) using knowledge of syllable division patterns and morphemes to decode multisyllabic words;

- (B) demonstrate and apply spelling knowledge by:
 - (i) spelling palabras agudas, graves, esdrújulas, and sobresdrújulas (words with the stress on the antepenultimate, penultimate, and ultimate/last syllable and words with the stress on the syllable before the antepenultimate);
 - (ii) marking accents appropriately when conjugating verbs in simple and imperfect past, perfect conditional, and future tenses; and
 - (iii) spelling words with diphthongs and hiatus; and
 - (C) write legibly in cursive.
- (3)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected text;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [¿] correct [¿] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine [~~the main idea and~~] key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, and myths;
 - (B) analyze the effect of meter and structural elements such as line breaks in poems across a variety of poetic forms;
 - (C) analyze how playwrights develop characters through dialogue and staging;
 - (D) analyze characteristics and structural elements of informational text, including:
 - (i) the [~~central or~~] controlling idea or thesis with supporting evidence;
 - (ii) features such as introduction, foreword, preface, references, or acknowledgements to gain background information; and
 - (iii) organizational patterns such as definition, classification, advantage, and disadvantage;
 - (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim;

- (ii) explaining how the author uses various types of evidence to support the argument; and
- (iii) identifying the intended audience or reader; ~~and~~ and
- (F) analyze characteristics of multimodal and digital texts ~~;~~ and ~~;~~
- ~~[(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.]~~
- (10)-(11) (No change.)
- (12) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:
 - (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
 - (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear ~~central~~ or controlling idea or thesis statement and genre characteristics and craft;
 - (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
 - (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.
- (13) (No change.)

§128.22. English Learners Language Arts (ELLA), Grade 7, Adopted 2017.

- (a)-(b) (No change.)
- (c) Knowledge and skills.
 - (1)-(5) (No change.)
 - (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. Based on the student's language proficiency level, the student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make ~~and~~ ; correct ~~;~~ or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine ~~the main idea and~~ ; key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
 - (7)-(8) (No change.)
 - (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within

and across increasingly complex traditional, contemporary, classical, and diverse texts. Based on the student's language proficiency level, the student is expected to:

- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, myths, fantasy, and science fiction;
- (B) analyze the effect of rhyme scheme, meter, and graphical elements such as punctuation and capitalization in poems across a variety of poetic forms;
- (C) analyze how playwrights develop characters through dialogue and staging;
- (D) analyze characteristics and structural elements of informational text, including:
 - (i) the ~~central~~ or controlling idea or thesis with supporting evidence;
 - (ii) features such as references or acknowledgements, chapters, sections, subsections, bibliography, tables, graphs, captions, bullets, and numbers; and
 - (iii) organizational patterns that support multiple topics, categories, and subcategories;
- (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author uses various types of evidence and consideration of alternatives to support the argument; and
 - (iii) identifying the intended audience or reader; and ~~and~~
- (F) analyze characteristics of multimodal and digital texts ; ~~and~~ ;
- ~~(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.~~

(10)-(11) (No change.)

(12) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. Based on the student's language proficiency level, the student is expected to:

- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
- (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear ~~central~~ or controlling idea or thesis statement and genre characteristics and craft;
- (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
- (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.

(13) (No change.)

§128.23. English Learners Language Arts (ELLA), Grade 8, Adopted 2017.

(a)-(b) (No change.)

(c) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. Based on the student's language proficiency level, the student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;

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- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine [~~the main idea and~~] key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7) (No change.)
- (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--literary elements. The student recognizes and analyzes literary elements within and across increasingly complex traditional, contemporary, classical, and diverse literary texts. Based on the student's language proficiency level, the student is expected to:
- (A) analyze how themes are developed through the interaction of characters and events;
 - (B) analyze how characters' motivations and behaviors influence events and resolution of the conflict;
 - (C) analyze non-linear plot development such as flashbacks, foreshadowing, [~~foreshadowing,~~] subplots, and parallel plot structures and compare it to linear plot development; and
 - (D) explain how the setting influences the values and beliefs of characters.
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. Based on the student's language proficiency level, the student is expected to:
- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, fantasy, science fiction, and short stories;
 - (B) identify structural elements such as rhyme, repetition, and alliteration and analyze how language contributes to the meaning of a poem;
 - (C) analyze the effect of graphical elements such as punctuation and line length in poems across a variety of poetic forms such as epic, lyric, and humorous poetry;
 - (D) analyze how playwrights develop dramatic action through the use of acts and scenes;
 - (E) analyze characteristics and structural elements of informational text, including:
 - (i) the [~~central or~~] controlling idea or thesis with supporting evidence;
 - (ii) features such as footnotes, endnotes, and citations; and
 - (iii) multiple organizational patterns within a text to develop the thesis;
 - (F) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim and analyzing the argument;
 - (ii) identifying and explaining the counter argument; and
 - (iii) identifying the intended audience or reader; and [~~and~~]

(G) analyze characteristics of multimodal and digital texts ~~and~~

~~analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and memoirs.]~~

(10)-(11) (No change.)

(12) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. Based on the student's language proficiency level, the student is expected to:

(A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;

(B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear ~~central or~~ controlling idea or thesis statement and genre characteristics and craft;

(C) compose multi-paragraph argumentative texts using genre characteristics and craft; and

(D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.

(13) (No change.)

Subchapter C. High School

§128.34. English I for Speakers of Other Languages (One Credit), Adopted 2017.

- (a)-(b) (No change.)
- (c) Knowledge and skills.
- (1)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and comprehend increasingly complex texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) answer and generate questions about text before, during, and after reading to acquire and deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) actively participate in discussions to identify, understand, and evaluate details read to determine ~~[the main idea and]~~ key ideas;
 - (H) synthesize information from two texts to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate understanding of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support a comprehensive response;
 - (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as labeling, notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit or implicit meanings of text;
 - (H) respond orally or in writing with appropriate register, vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants;
 - (J) defend or challenge the authors' claims using relevant text evidence; and ~~[and]~~
 - (K) express opinions, ideas, and feelings ranging from communicating single words and short phrases to participating in extended discussions and ~~[and]~~ and ~~[and]~~
 - ~~[(L) discuss the ways in which diverse texts generate understanding of varied perspectives.]~~

- (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--literary elements. The student recognizes and analyzes literary elements within and across increasingly complex traditional, contemporary, classical, and diverse literary texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) identify and analyze how themes are developed through characterization and plot in a variety of literary texts;
 - (B) identify and analyze how authors develop complex yet believable characters in works of fiction through a range of literary devices, including character foils;
 - (C) identify and analyze non-linear plot development such as flashbacks, foreshadowing, ~~[foreshadowing,]~~ subplots, and parallel plot structures and compare it to linear plot development; and
 - (D) identify and analyze how the setting influences the theme.
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) read and respond to American, British, and world literature;
 - (B) identify and analyze the structure, prosody, and graphic elements such as line length and word position in poems across a variety of poetic forms;
 - (C) identify and analyze the function of dramatic conventions such as asides, soliloquies, dramatic irony, and satire;
 - (D) identify and analyze characteristics and structural elements of informational texts such as:
 - (i) controlling idea and clear thesis, relevant supporting evidence, pertinent examples, and conclusion;
 - (ii) chapters, sections, subsections, bibliography, tables, graphs, captions, bullets, and numbers; and
 - (iii) multiple organizational patterns within a text to develop the thesis;
 - (E) identify and analyze characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable claim, appeals, and convincing conclusion;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; and [and]
 - (F) identify and analyze characteristics of multimodal and digital texts [and] ~~[and]~~
 - ~~[(G) — read and respond to literary nonfiction such as speeches and literary essays.]~~
- (10) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) identify and analyze the author's purpose, audience, and message within a text;
 - (B) identify and analyze use of text structure to achieve the author's purpose;

- (C) identify and evaluate the author's use of print and graphic features to achieve specific purposes;
- (D) identify and analyze how the author's use of language achieves specific purposes;
- (E) identify and analyze the use of literary devices such as irony and oxymoron to achieve specific purposes;
- (F) identify and analyze how the author's diction and syntax contribute to the mood, voice, and tone of a text;
- (G) identify and analyze the use of rhetorical devices, including allusion, repetition, appeals, and rhetorical questions; and ~~[and]~~
- (H) identify and explain the purpose of rhetorical devices such as understatement and overstatement and the effect of logical fallacies such as straw man and red herring arguments; ~~[and]~~ ~~[:]~~.

~~[(I) — discuss the artistic qualities of diverse texts.]~~

(11)-(13) (No change.)

§128.35. English II for Speakers of Other Languages (One Credit), Adopted 2017.

(a)-(b) (No change.)

(c) Knowledge and skills.

(1)-(5) (No change.)

- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to acquire and deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine ~~[the main idea and]~~ key ideas;
 - (H) synthesize information from multiple texts to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
 - (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate understanding of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support an interpretive response;

- (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
- (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
- (F) respond using acquired content and academic vocabulary as appropriate;
- (G) discuss and write about the explicit or implicit meanings of text;
- (H) respond orally or in writing with appropriate register, vocabulary, tone, and voice;
- (I) reflect on and adjust responses when valid evidence warrants;
- (J) defend or challenge the authors' claims using relevant text evidence; and [~~and~~]
- (K) express opinions, ideas, and feelings ranging from communicating in single words and short phrases to participating in extended discussions. [~~and~~]

~~[(L) discuss the ways in which diverse texts generate understanding of varied perspectives.]~~

- (8) (No change.)
 - (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
 - (A) read and analyze world literature across literary periods;
 - (B) analyze the effects of metrics; rhyme schemes; types of rhymes such as end, internal, slant, and eye; and other conventions in poems across a variety of poetic forms;
 - (C) analyze the function of dramatic conventions such as asides, soliloquies, dramatic irony, and satire;
 - (D) analyze characteristics and structural elements of informational texts such as:
 - (i) clear thesis, relevant supporting evidence, pertinent examples, and conclusion;
 - (ii) chapters, sections, subsections, bibliography, tables, graphs, captions, bullets, and numbers to locate, explain, or use information and gain understanding of text;
 - (iii) organizational patterns such as description, temporal sequence, cause and effect, compare and contrast, and problem and solution; and
 - (iv) the relationship between organizational design and thesis;
 - (E) analyze characteristics and structural elements of argumentative texts such as:
 - (i) controlling idea and clear arguable claim, appeals, and convincing conclusion;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; and [~~and~~]
 - (F) analyze characteristics of multimodal and digital texts. [~~and~~]
- ~~[(G) read and respond to literary nonfiction such as speeches and literary essays.]~~
- (10) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:

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- (A) analyze the author's purpose, audience, and message within a text;
- (B) analyze use of text structure to achieve the author's purpose;
- (C) evaluate the author's use of print and graphic features to achieve specific purposes;
- (D) analyze how the author's use of language informs and shapes the perception of readers;
- (E) analyze the use of literary devices such as irony, sarcasm, and motif to achieve specific purposes;
- (F) analyze how the author's diction and syntax contribute to the mood, voice, and tone of a text; and ~~and~~
- (G) analyze the purpose of rhetorical devices such as appeals, antithesis, parallelism, and shifts and the effects of logical fallacies ~~and~~ and
- ~~(H) discuss the artistic qualities of diverse texts.~~

(11)-(13) (No change.)

**Report of the State Board of Education
Committee on Instruction
June 13, 2019**

The State Board of Education Committee on Instruction met at 9:05 a.m. on Thursday, June 13, 2019, in Room #1-100 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Sue Melton-Malone, chair; Pam Little, vice chair; Aicha Davis; Georgina C. Pérez; Marty Rowley

Public Testimony

The Committee on Instruction heard public testimony on agenda items #3, #6, and #9. Information regarding the individuals who presented public testimony is included in the discussion of that item.

ACTION ITEMS

- 1. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment (Second Reading and Final Adoption)**
(Board agenda page II-1)
[Official agenda item #8]

Monica Martinez, associate commissioner, standards and support services, explained that the board may wish to amend the alignment chart to reflect additional information related to the English and Spanish reading and language arts Texas Essential Knowledge and Skills (TEKS). Shelly Ramos, senior director, curriculum standards and student support, provided an overview of public comments received related to this item.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

2. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements**
(Second Reading and Final Adoption)

(Board agenda page II-33)

[Official agenda item #9]

Ms. Ramos explained that this amendment will align board rules with current statute that allows a student who completes the core curriculum of a Texas institution of higher education while in high school to earn an endorsement, the distinguished level of achievement, and a high school diploma.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements, is necessary and shall have an effective date of August 26, 2019.

3. **Proposed Revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses**
(Second Reading and Final Adoption)

(Board agenda page II-40)

[Official agenda item #10]

Public testimony was provided by the following individuals:

NAME: Margaret Davis
AFFILIATION: Texas International Baccalaureate (IB) Schools

NAME: Karen Phillips
AFFILIATION: Texas IB Schools

MOTION AND VOTE: *It was moved by Ms. Davis, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption proposed revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses; and*

Make an affirmative finding that immediate adoption of proposed revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, is necessary and shall have an effective date of August 1, 2019.

4. **Proposed Amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit)**
(Second Reading and Final Adoption)
(Board agenda page II-45)
[Official agenda item #11]

Ms. Ramos explained that the proposed amendment would eliminate language from the general requirements of the Advanced Language for Career Applications Texas Essential Knowledge and Skills that is outdated and no longer necessary.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit); and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit), is necessary and shall have an effective date of August 26, 2019.

CONSENT ITEM

5. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses**
(First Reading and Filing Authorization)
(Board agenda page II-50)
[Consent agenda item #(3)]

Ms. Ramos explained that the proposed amendment would update the list of languages other than English (LOTE) courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses.*

ACTION ITEMS

6. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders (First Reading and Filing Authorization)

(Board agenda page II-54)

[Official agenda item #12]

Public testimony was provided by the following individual:

NAME: Katie Meegan
AFFILIATION: Disability Rights Texas

Ms. Martinez provided a brief overview of dyslexia-related legislation from the 86th Texas Legislature, 2019. Ms. Ramos shared that the proposed rule would require districts and charter schools to report the results of the required dyslexia screening of kindergarten and first-grade students. The rule would allow TEA to collect the dyslexia screening data each year and report this information to the Legislative Budget Board.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization, and approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders.*

7. Proposed Approval of Innovative Courses

(Board agenda page II-58)

[Official agenda item #13]

Ms. Ramos explained that this item recommends approval of three innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum. Ms. Ramos stated that staff recommends approval of one new course, Community Transportation, and two renewal courses, Peer Assistance for Students with Disabilities I and II.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education approve the following innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum: Community Transportation to be approved for a period of two years and Peer Assistance for Students with Disabilities I and II to be approved for a renewal period of three years.*

8. Approval of Update of Instructional Materials

(Board agenda page II-61)

[Official agenda item #14]

Ms. Martinez explained that this item was postponed from the April SBOE meeting. Amie Williams, director of review and adoption, explained that ThinkCERCA, in response to concerns from board members, replaced passages and made changes to make content more accessible. Ms. Williams explained that the updated content has been reviewed by curriculum staff and was determined to address the pertinent student expectations.

MOTION AND VOTE: *It was moved by Mr. Rowley and carried to recommend that the State Board*

of Education approve the request from ThinkCERCA to update ThinkCERCA, Texas Edition, Grade 6, ThinkCERCA, Texas Edition, Grade 7, and ThinkCERCA, Texas Edition, Grade 8 adopted in November 2018 under Proclamation 2019 provided that members of the committee on instruction are provided access to the online materials and that the matter be placed on the September agenda to allow the committee to confirm that changes were made.

9. Approval of Proposed Updates to the *Texas State Plan for the Education of Gifted/Talented Students*

(Board agenda page II-142)

[Official agenda item #15]

Public testimony was provided by the following individuals:

NAME: Margaret Davis
AFFILIATION: Texas IB Schools

NAME: Karen Phillips
AFFILIATION: Texas IB Schools

Monica Brewer, statewide coordinator, gifted/talented education, explained that the proposed plan reflects changes proposed by the Commissioner's Advisory Council on the Education of Gifted/Talented Students and feedback from different state focus groups. She further stated that the plan includes accountability measures and best practices for communication to parents.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve the updates to the Texas State Plan for the Education of Gifted/Talented Students.*

DISCUSSION ITEM

10. Discussion of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs

Ms. Martinez provided an overview of recommended amendments to the rules regarding innovative courses. The committee discussed the recommendations and requested that at the September 2019 meeting staff present for first reading and filing authorization proposed amendments that reflect the committee's feedback.

Ms. Ramos provided an update on the current application for an African American studies innovative course. Ms. Ramos stated that staff expects to present an item related to this course at the September 2019 SBOE meeting.

The meeting of the Committee on Instruction adjourned at 10:50 a.m.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
June 13, 2019**

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:07 a.m. on Thursday, June 13, 2019, in Room #1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Tom Maynard, chair; Lawrence Allen, Jr., vice chair; Donna Bahorich; Patricia Hardy; Ken Mercer

Non-Committee Members Present: Aicha Davis

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

DISCUSSION ITEM

- 1. Discussion of Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes**
(Board agenda page III-1)

The committee discussed a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes. The proposed amendment would update the rule to allow school districts and charter schools flexibility when selecting an official attendance-taking time during a campus's instructional day.

ACTION ITEM

- 2. Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide**
(Second Reading and Final Adoption)
(Board agenda page III-4)
[Official agenda item #16]

Yolanda Walker, manager, financial compliance, explained the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would update the *Financial Accountability System Resource Guide* (FASRG) and remove language relating to the commissioner's role in amending the FASRG. No changes are recommended since approved for first reading.

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Mrs. Bahorich, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

CONSENT ITEM

3. Per Capita Apportionment Rate for the 2018-2019 School Year

(Board agenda page III-11)

[Consent agenda item #(4)]

Al McKenzie, director, state funding, advised the committee that funding was available to set the recommended per capita apportionment rate at \$486.231 for the 2018–2019 school year, an increase over the preliminary rate of \$459.764.

MOTION AND VOTE: *It was moved by Mr. Allen, seconded by Mr. Maynard, and carried unanimously to recommend that the State Board of Education approve a per capita rate of \$486.231 for the 2018-2019 school year.*

DISCUSSION ITEM

4. Review of Permanent School Fund Securities Transactions and the Investment Portfolio

(Board agenda page III-14)

Catherine Civiletto, deputy executive administrator, provided a summary of the status of the Permanent School Fund portfolio. Reports presented to the committee were for the reporting period February 2019 through April 30, 2019 unless otherwise noted. Ms. Civiletto’s report included the current fair market value of the Fund, the asset allocation mix as of April 30, 2019, Permanent School Fund (PSF) transactions occurring in the reporting period, revenues and expenditures for the fiscal period September 1, 2018, through April 30, 2019, the activity in the securities lending program for the fiscal period September 1 through April 30, 2019, the status of transfers from the General Land Office per the agreed upon resolution for the current fiscal year, current status of the Bond Guarantee Program and the available capacity in the program, broker commissions on both the internal and external equity portfolios for the period January 1, 2018, through April 30, 2019, fixed income rating changes for the fiscal period September 1, 2018, through April 30, 2019, and short-term cash investments.

CONSENT ITEM

5. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of February, March and April 2019

(Board agenda page III-15)

[Consent agenda item #(5)]

MOTION AND VOTE: *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee recommended by unanimous consent to recommend that the State Board of Education ratify the purchases and sales for the months of February through April 2019, in the amount of \$1,426,554,579 and \$1,822,308,700, respectively (Attachment A).*

DISCUSSION ITEM

6. First Quarter 2019 Permanent School Fund Performance Report (Board agenda page III-16)

Ms. Lori Roeller of BNY Mellon Global and Risk Solutions, presented the first quarter of 2019 PSF performance report. Ms. Roeller began with an overview of the U.S and foreign capital markets. Ms. Roeller then reviewed the performance of the Fund for the first quarter of 2019. She stated that the PSF returned 6.33% for the first quarter, outperforming the target benchmark by one basis point. Ms. Roeller attributed most of the outperformance to Emerging Market Equities, Risk Parity and Fixed Income.

Ms. Roeller reviewed first quarter 2019 performance of the Permanent School Fund by asset class, stating that the total domestic large cap equity composite outperformed its benchmark for the quarter by five basis points. Ms. Roeller added that Small/Midcap Equity portfolio outperformed its benchmark by four basis points. She added that international equities returned 10.35% for the quarter, outperforming its benchmark by 11 basis points during the period. The fixed income portfolio returned 3.18% for the quarter, outperforming its benchmark by 24 basis points. Ms. Roeller stated that the Absolute Return composite returned 2.9% for the quarter, underperforming its benchmark, the HFRI Fund of Funds Composite Index, by 178 basis points. Ms. Roeller added that the Real Estate composite returned 1.65% for the quarter, outperforming its benchmark by 17 basis points. Ms. Roeller added that Total Risk Parity Strategies returned 9.57% in the first quarter of 2019, outperforming its benchmark by 26 basis points. She further stated that the Real Return Asset class returned 5.0% for the quarter, outperforming its benchmark by 23 basis points. She added that Emerging Market Debt returned 3.4% for the quarter, outperforming its benchmark by 22 basis points. Ms. Roeller stated that private equity returned 0.06% for the quarter, lagging its benchmark by nine basis points. Finally, she stated that the total emerging market equity composite returned 10.21% for the first quarter 2019, beating its benchmark by 30 basis points.

CONSENT ITEMS

7. Permanent School Fund Pending Contract Renewals (Board agenda page III-17) [Consent agenda item #(6)]

Holland Timmins, executive administrator and chief investment officer, stated the purpose of the item was for the committee and board to review and consider extensions of contracts for StepStone Group Real Estate LP (formerly known as Courtland Partners, Ltd.), Navarro 1 Fund, LLC (Blackrock Investment Management, LLC), and Raven 8 Fund, LLC (Grosvenor Capital Management).

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve execution of agreements necessary to renew the standard contracts with StepStone Group Real Estate LP for real estate investment services through August 31, 2023; Navarro 1 Fund LLC for investment management services through August 31, 2024; and Raven 8 Fund, LLC for hedge*

fund investment services through August 31, 2021, as presented, and authorization for contract execution by the Commissioner of Education.

8. Review of the Bond Guarantee Program Charter Capacity

(Board agenda page III-18)

[Consent agenda item #(7)]

Mr. Timmins briefly discussed the most recent reports on the PSF credit rating and reviewed the schedule for increasing the bond guarantee program capacity for charter district bonds by 20%. He indicated that if the board took no action, the charter capacity would automatically increase.

No action was taken on this item.

9. Review of the Permanent School Fund Emerging Market Equities Asset Class

(Board agenda page III-19)

[Consent agenda item #(8)]

Mr. Timmins introduced Jared Stout, portfolio manager, to provide a review of the emerging market equities asset class. Keith Stronkowsky, Senior Consultant at NEPC, also provided an overview of the emerging market equities asset class. Both staff and NEPC recommended that QMA be terminated and the net assets be reinvested with BlackRock Navarro 1.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education terminate QMA and allocate funds to BlackRock Navarro 1 Fund, LLC.*

10. Permanent School Fund Related Legislation, 86th Legislature, Regular Session

(Board agenda page III-20)

[Consent agenda item #(9)]

Mr. Timmins summarized the main provision of Senate Bill 608 which increases the School Land Board (SLB) membership from three to five, with the four members other than the land commissioner appointed by the governor. Two of the gubernatorial appointees must be selected from lists of six nominees submitted by the SBOE. The bill also requires the SLB and SBOE to have a joint annual meeting to discuss PSF investments and asset allocation.

Mr. Timmins summarized House Bill 4388 which creates the Permanent School Fund Liquid Account, requires the SBOE and SLB to send each other quarterly reports containing certain information on the PSF, and requires the Texas Education Agency to conduct a study on the distributions from the PSF to the Available School Fund.

MOTION AND VOTE: *In recognition of the passage of House Bill 4388 by the 86th Texas Legislature, Regular Session, which established the Permanent School Fund Liquid Asset Account in the Permanent School Fund to be managed by the State Board of Education in the same manner that the Permanent School Fund is managed by the board, it was moved to recommend that the State Board of Education apply the provisions of 19 TAC, Chapter 33, related to the investment and management of liquid assets of the Permanent School Fund to the management of the Permanent School Fund Liquid Account until such rules can be updated to reflect the addition of the Permanent School Fund Liquid Account.*

Furthermore, the committee recommended that, upon receipt from the School Land Board, the State

Board of Education authorize the staff of the PSF division of the Texas Education Agency to invest and manage the assets in the Permanent School Fund Liquid Account using the Bloomberg Barclays U.S. Aggregate 1-3 Year Total Return Index as the benchmark.

DISCUSSION ITEM

11. Discussion of Emerging and Diverse Investment Management in Alternative Asset Classes

(Board agenda page III-21)

Mr. Timmins introduced Sam Austin, Partner, and Mr. Stronkowsky, senior consultant at NEPC who provided the committee with an overview of their Emerging and Diverse Investment Manager program framework.

Steven Brewster, managing director, and Derek Jones, managing director from Grosvenor Capital Management provided a companion presentation related to best practices and opportunities in alternative asset classes.

CONSENT ITEM

12. Review of the Permanent School Fund Asset Allocation

(Board agenda page III-22)

[Consent agenda item #(10)]

Mr. Timmins called on Mr. Stronkowsky to present a review of the Permanent School Fund asset allocation. Both staff and NEPC recommended that no changes be made at this time. The committee directed staff and NEPC to bring back a recommendation for long-term strategic asset allocation for consideration at the June 2020 board meeting.

No action was taken on this item.

DISCUSSION ITEM

13. Report of the Permanent School Fund Executive Administrator and Chief Executive Officer

(Board agenda page III-23)

No report was provided.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 1:43 p.m.

**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For February 1, 2019 through April 30, 2019**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 658,174,359
Public Market Equities	161,695,161
Alternative Investments	<u>606,685,059</u>
 TOTAL	 <u>\$ 1,426,554,579</u>

Sales/Distributions:

Long Term Fixed Income	\$ 825,308,822
Public Market Equities	511,918,427
Alternative Investments	<u>485,081,451</u>
 TOTAL	 <u>\$ 1,822,308,700</u>

General Land Office Contributions:

FY 2018 Cumulative April 2018	FY 2019 Cumulative April 2019
\$117,500,000	\$127,500,000

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$127,500,000 through April 2019 for fiscal year 2019 versus \$117,500,000 through April 2018 for fiscal year 2018, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of February 2019, March 2019, and April 2019 Permanent School Fund portfolio purchases of \$1,426,554,579 and sales of \$1,822,308,700.

**Report of the State Board of Education
Committee on School Initiatives
June 13, 2019**

The State Board of Education Committee on School Initiatives met at 9:02 a.m. on Thursday, June 13, 2019, in Room #1-111 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Barbara Cargill, chair; Marisa B. Perez-Diaz, vice chair; Ruben Cortez, Jr.; Keven Ellis; Matt Robinson

Non-Committee Members Present: Aicha Davis; Pam Little, Sue Melton-Malone; Georgina Pérez; Marty Rowley

Public Testimony

The Committee on School Initiatives heard public testimony on agenda item #7. Information regarding the individuals who presented public testimony is included in the discussion of that item.

The Committee on School Initiatives considered items in the following order: Item number 6, 1, 2, 3, 4, 5, and 7.

CONSENT ITEMS

1. Recommendation for Appointment to the Fort Sam Houston Independent School District Board of Trustees

(Board agenda page IV-1)
[Consent agenda item #(11)]

Jeff Cottrill, deputy commissioner, governance and accountability, explained that there is one vacancy on the board of trustees of the Fort Sam Houston Independent School District due to an expiration of a term of office. He explained that Colonel, United States Air Force, Samuel E. Fiol provided three nominees for the vacancy and has recommended the appointment of Ms. Lisa M. Brown to fill the expiring term. She would be a new member on that board.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education approve the appointment of Ms. Lisa M. Brown to serve a term of office from June 13, 2019 through June 13, 2021, on the Fort Sam Houston Independent School District Board of Trustees.*

2. Recommendation for Appointment to the Lackland Independent School District Board of Trustees

(Board agenda page IV-18)
[Consent agenda item #(12)]

Dr. Cottrill explained that Colonel, United States Air Force, Scott J. Thompson, Commander of the 502d Installation Support Group, notified the commissioner of four vacancies on the Lackland Independent School District board of trustees resulting from the expiration of terms of office.

Col. Thompson provided three nominees for each vacancy and has recommended the re-appointment of Mr. Clifford Dietert and Dr. Laura Munro and the appointment of MSgt. Brian Case and Ms. Jere Pace.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education approve the re-appointment of Mr. Clifford Dietert and Dr. Laura Munro and the appointment of MSgt. Brian Case and Ms. Jere Pace to serve a term of office from June 13, 2019 through June 13, 2021, on the Lackland Independent School District Board of Trustees.*

3. Recommendation for Appointment to the Randolph Field Independent School District Board of Trustees

(Board agenda page IV-35)
[Consent agenda item #(13)]

Dr. Cottrill explained that there is one appointment needed for the board of trustees of the Randolph Field Independent School District resulting from the expiration of the term of office for one board member. Colonel, United States Air Force, Jeffrey F. Carter, Commander of the 502d Security Forces Group, provided three nominees for the vacancy and has recommended the reappointment of Mr. Patrick Luna to fill the expiring term.

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education approve the reappointment of Mr. Patrick Luna to serve a term of office from June 13, 2019 through June 13, 2021, on the Randolph Field Independent School District Board of Trustees.*

ACTION ITEMS

4. Review of Proposed New 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter F, Supplemental Certificate Standards

(Board agenda page IV-51)
[Official agenda item #17]

Grace Wu, director, educator standards, testing, and preparation, explained that the proposed amendment to 19 TAC Chapter 235 would specify the certification standards for the English as a Second Language (ESL) Supplemental Certificate.

MOTION AND VOTE: *It was moved by Dr. Ellis and carried unanimously to recommend that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter F, Supplemental Certificate Standards.*

5. Review of Proposed Amendment to 19 TAC Chapter 241, Certification as Principal, Subchapter B, Principal Certificate, §241.41, General Provisions

(Board agenda page IV-59)
[Official agenda item #18]

Tam Jones, director, educator preparation, explained that the proposed amendment to 19 TAC §241.41 would provide a deadline for candidates to qualify and apply for the current principal certification and to take the corresponding certification examination, after which time the Principal as Instructional Leader certificate will become the only principal certification available to candidates.

MOTION AND VOTE: *It was moved by Dr. Ellis and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 241, Certification as Principal, Subchapter B, Principal Certificate, §241.41, General Provisions.*

6. Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners

(First Reading and Filing Authorization)

(Board agenda page IV-64)

[Official agenda item #19]

Christopher Maska, director, hearing and appeals, explained that a clean-up amendment to Subchapter D was suggested to make the rule match the statute.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Dr. Robinson, and carried to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners.*

(Mr. Cortez was absent for the vote.)

7. Consideration of the Commissioner of Education’s Generation 24 Open-Enrollment Charter School Proposals

(Board agenda page IV-70)

[Official agenda item #20]

Public testimony was provided by the following individuals:

NAME: Mark Hall
AFFILIATION: Individual

NAME: Peyton Walcott
AFFILIATION: Individual

NAME: MerryLynn Gerstenschlager
AFFILIATION: Individual

NAME: Mary Olison
AFFILIATION: Individual

NAME: Darryl Henson
AFFILIATION: Individual

NAME: Nicole Conley
AFFILIATION: Austin ISD

NAME: Alice Linahan
AFFILIATION: Individual

NAME: Amy Gallardo-Garcia
AFFILIATION: Individual

NAME: Peter Price
AFFILIATION: Austin ISD

NAME: Marvelia De La Rosa
AFFILIATION: Burnet Middle School

NAME: Veronica Sharp
AFFILIATION: Brown Elementary

NAME: Ty Davidson
AFFILIATION: Dobie Middle School

NAME: Summer Beech
AFFILIATION: Individual

NAME: Ranya Warrick
AFFILIATION: Individual

NAME: Charles Woods
AFFILIATION: Alief ISD

NAME: Patty Quinzi
AFFILIATION: Texas American Federation of Teachers

NAME: Milton Fields
AFFILIATION: Judson ISD

NAME: Suzanne Kenoyer
AFFILIATION: Individual

NAME: Mary Dubart-Toppen
AFFILIATION: Individual

NAME: Ceci Davis
AFFILIATION: Judson ISD

NAME: William Atkins
AFFILIATION: Individual

NAME: Linda Cruz
AFFILIATION: Individual

NAME: Rebecca Robinson
AFFILIATION: Individual

NAME: Nellie Cantu
AFFILIATION: Individual

NAME: Marco Garcia
AFFILIATION: Individual

NAME: Veronica Sopher
AFFILIATION: Fort Bend ISD

NAME: Steven Bassett
AFFILIATION: Fort Bend ISD

NAME: Gregory Harrington
AFFILIATION: Individual

NAME: Jimmy Vinnerlid
AFFILIATION: Individual

NAME: Darlene Mass
AFFILIATION: Individual

Heather Mauzé, director, charter school administration, presented the commissioner’s list of proposed Generation 24, Subchapter D Open-Enrollment Charter Schools scheduled to open in school year 2020-2021 and answered questions.

Dr. Robinson requested that each charter application on the commissioner’s proposed list be considered separately by the committee.

MOTION: *It was moved by Dr. Ellis and seconded by Mrs. Cargill to recommend that the State Board of Education take no action on Elevate Collegiate Charter School (Houston) scheduled to open in the 2020-2021 school year.*

MOTION AND VOTE: *It was moved by Mr. Cortez and seconded by Dr. Robinson to amend the motion by striking “take no action on” and inserting “veto.” The motion carried with 3 members voting Aye and 2 members voting No, as follows:*

Aye: Mr. Cortez
Ms. Perez-Diaz
Dr. Robinson

No: Mrs. Cargill
Dr. Ellis

VOTE: *A vote was taken on the motion to recommend that the State Board of Education veto Elevate Collegiate Charter School (Houston) scheduled to open in the 2020-2021 school year. The motion carried with 3 members voting Aye and 2 members voting No, as follows:*

Aye: Mr. Cortez
Ms. Perez-Diaz
Dr. Robinson

No: Mrs. Cargill
Dr. Ellis

MOTION: *It was moved by Dr. Ellis and seconded by Mrs. Cargill to recommend that the State Board of Education take no action on Houston Classical Charter School (Houston) scheduled to open in the 2020-2021 school year.*

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Mr. Cortez, and carried to amend the motion by striking “take no action on” and inserting “veto.” The motion carried with 3 members voting Aye and 2 members voting No, as follows:*

Aye: Mr. Cortez
Ms. Perez-Diaz
Dr. Robinson

No: Mrs. Cargill
Dr. Ellis

VOTE: *A vote was taken on the motion to recommend that the State Board of Education veto Houston Classical Charter School (Houston) scheduled to open in the 2020-2021 school year. The motion carried with 3 members voting Aye and 2 members voting No, as follows:*

Aye: Mr. Cortez
Ms. Perez-Diaz
Dr. Robinson

No: Mrs. Cargill
Dr. Ellis

MOTION: *It was moved by Dr. Ellis and seconded by Mrs. Cargill to recommend that the State Board of Education take no action on Royal Public Schools (Austin, Houston) scheduled to open in the 2020-2021 school year.*

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Ms. Perez-Diaz, and carried to amend the motion by striking “take no action on” and inserting “veto.” The motion carried with 3 members voting Aye and 2 members voting No, as follows:*

Aye: Mr. Cortez
Ms. Perez-Diaz
Dr. Robinson

No: Mrs. Cargill
Dr. Ellis

VOTE: *A vote was taken on the motion to recommend that the State Board of Education veto Royal Public Schools (Austin, Houston) scheduled to open in the 2020-2021 school year. The motion carried. The motion carried with 3 members voting Aye and 2 members voting No, as follows:*

Aye: Mr. Cortez
Ms. Perez-Diaz
Dr. Robinson

No: Mrs. Cargill
Dr. Ellis

MOTION: *It was moved by Dr. Ellis and seconded by Mrs. Cargill to recommend that the State Board of Education take no action on San Antonio Preparatory Charter School (San Antonio) scheduled to open in the 2020-2021 school year.*

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Mr. Cortez, and carried to amend the motion by striking “take no action on” and inserting “veto.” The motion carried with 3 members voting Aye and 2 members voting No, as follows:*

Aye: Mr. Cortez
Ms. Perez-Diaz
Dr. Robinson

No: Mrs. Cargill
Dr. Ellis

VOTE: *A vote was taken on the motion to recommend that the State Board of Education veto San Antonio Preparatory Charter School (San Antonio) scheduled to open in the 2020-2021 school year. The motion carried. The motion carried with 3 members voting Aye and 2 members voting No, as follows:*

Aye: Mr. Cortez
Ms. Perez-Diaz
Dr. Robinson

No: Mrs. Cargill
Dr. Ellis

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Dr. Robinson, and carried to recommend that the State Board of Education take no action on The Gathering Place (San Antonio) scheduled to open in the 2020-2021 school year. The motion carried with 4 members voting Aye and 1 members voting No, as follows:*

Aye: Mrs. Cargill
Dr. Ellis
Ms. Perez-Diaz
Dr. Robinson

No: Mr. Cortez

The meeting of the Committee on School Initiatives adjourned at 1:16 p.m.