The State Board of Education met at 9:06 a.m. on Friday, November 16, 2016, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. All members of the board were present, as follows:

Presiding: Donna Bahorich, Chair; Lawrence A. Allen, Jr.; Erika Beltran; David Bradley; Barbara Cargill; Ruben Cortez, Jr., Secretary; Martha M. Dominguez; Pat Hardy; Tom Maynard; Sue Melton-Malone; Ken Mercer; Geraldine “Tincy” Miller; Marisa B. Perez; Thomas Ratliff, Vice-Chair; Marty Rowley

Student Performance

The student presentation was provided by the Weatherford High School A Cappella Mixed Choir, Weatherford Independent School District.

Invocation

Pledge of Allegiance

Approval of Minutes

State Board of Education, September 16, 2016

MOTION AND VOTE: The State Board of Education unanimously approved the Minutes of the September 16, 2016 meeting of the State Board of Education, as printed.

Public Testimony - Individual testimony will be taken to address items other than those on the board agenda. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at http://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_4-17-15/ or in the information section (yellow pages) of the agenda.

The State Board of Education received one presentation of public testimony, as follows:

NAME: Sandra West
AFFILIATION: Science Teachers Association of Texas
TOPIC: Use of Calculators by Students on 8th Grade Science STARR
1. Resolutions and Presentations

Resolution Honoring Winners of the 2016 National History Day Contest


(ATTACHMENT 1, page 13)

Resolution Honoring Departing State Board of Education Member Thomas Ratliff

The State Board of Education unanimously adopted the resolution honoring departing State Board of Education member Thomas Ratliff.

(ATTACHMENT 2, page 15)

Resolution Honoring Departing State Board of Education Member Martha M. Dominguez

The State Board of Education unanimously adopted the resolution honoring departing State Board of Education member Martha M. Dominguez.

(ATTACHMENT 3, page 17)

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.

Mrs. Miller reported that she was recusing herself from any discussion, and would not cast a vote, on consent agenda item number (4)—Decision on Real Estate Investments and consent agenda item number (5)—Overview of the Permanent School Fund Real Estate Policy.

By unanimous consent, the State Board of Education approved the following items on the consent agenda.

(1) Selection Process for the Long-Range Plan Steering Committee and Authorization to Explore Funding Options and Craft a Request for Qualifications

(Board agenda page I-5)

(COMMITTEE OF THE FULL BOARD)

The State Board of Education:

• approved a long-range plan steering committee selection process that allows 10 board members to nominate three people each and grants the five board members serving on the steering committee the authority to select committee members from those nominees;
• authorized board member Marty Rowley to work with staff to develop a Request for Qualifications for a project facilitator;
• granted board members the authority to explore funding options for the project; and
• delegated contract execution authority to the commissioner of education or his designee, as recommended by the Committee of the Full Board.

(2) Approval of Costs to Administer the 2016-2017 State-Developed Assessments to Private School Students
(Board agenda page III-1)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved the per-student costs for administering the state assessments to private school students in 2016-2017, as recommended by the Committee on School Finance/Permanent School Fund.

(ATTACHMENT 4, page 19)

(3) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of August and September 2016
(Board agenda page III-7)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education ratified the purchases and sales for the months of August and September 2016, in the amount of $841,579,353 and $726,730,498 respectively, as recommended by the Committee on School Finance/Permanent School Fund.

(ATTACHMENT 5, page 20)

(4) Decision on Real Estate Investments
(Board agenda page III-9)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved the recommendation of the Committee on School Finance/Permanent School Fund to execute agreement(s) with Manageco, IX, L.L.C., as General Partner., necessary to make an investment commitment of up to $75 million in DRA Growth and Income Fund IX, L.L.C., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education.

(5) Overview of the Permanent School Fund Real Estate Policy
(Board agenda page III-11)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved the recommendation of the Committee on School Finance/Permanent School Fund to adopt the amendments to the Real Estate Policy Statement.
(6) **Recommendation for Appointments to the Randolph Field Independent School District Board of Trustees**  
(Board agenda page IV-1)  
(COMMITTEE ON SCHOOL INITIATIVES)

The State Board of Education approved the reappointment of Mr. Patrick Luna and the appointment of Maj. Kenitra Fewell to serve a two-year term of office, from November 18, 2016, through November 17, 2018, on the Randolph Field Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(7) **Recommendation for Appointment to the Boys Ranch Independent School District Board of Trustees**  
(Board agenda page IV-37)  
(COMMITTEE ON SCHOOL INITIATIVES)

The State Board of Education approved the reappointment of Mr. Robert Marshall to serve a two-year term of office, from November 18, 2016, through November 17, 2018, on the Boys Ranch Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(8) **Recommendation for Appointments to the Lackland Independent School District Board of Trustees**  
(Board agenda page IV-45)  
(COMMITTEE ON SCHOOL INITIATIVES)

The State Board of Education approved the reappointment of Dr. Kevin Odom and Dr. Laura Munro to serve a two-year term of office, from November 18, 2016, through November 17, 2018, on the Lackland Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(9) **Approval of 2017-2021 Rule Review Plan for State Board of Education Rules**  
(Board agenda page IV-307)  
(COMMITTEE ON SCHOOL INITIATIVES)

The State Board of Education approved the proposed 2017-2019 Rule Review Plan for State Board of Education Rules, as recommended by the Committee on School Initiatives.

**COMMITTEE OF THE FULL BOARD**

3. **Decision on the Percentage Distribution of the Permanent School Fund**  
(Board agenda page I-1)

**MOTION AND VOTE:**  It was moved by Mr. Ratliff and carried unanimously that the State Board of Education approve the percentage distribution rate to the Available School Fund from the Permanent School Fund for the 2018-2019 fiscal biennium of 3.70%, as recommended by the Committee of the Full Board.
4. Legislative Recommendations for the 85th Texas Legislature  
(Board agenda page I-9)

**MOTION:** It was moved by Mr. Ratliff that the State Board of Education approve the following seven legislative recommendations to the 85th Texas Legislature, as recommended by the Committee of the Full Board.

- Expand the State Board of Education’s authority to review and approve IMs beyond 50% of TEKS coverage, factual errors and applicable physical specifications.
- Allocate funds to the State Board of Education to support the creation and implementation of a long-range plan as required by Texas Education Code (TEC), §7.102(c)(1).
- Protect the public education funds/services to adequately identify and serve the needs of all special education students by identifying and not limiting the number of students served or funding.
- Remove the limitation on the agency to undertake on-site monitoring of school districts and charters and provide funding for on-site monitoring.
- Ensure sufficient legislative appropriations to increase staffing at the Texas Education Agency, particularly in the curriculum division, to provide adequate personnel to oversee and support the Texas Essential Knowledge and Skills review and implementation process and the textbook adoption process.
- Conserve public free schools and prohibit public dollars from going to private schools or parents/guardians.
- Improve student data privacy by: 1) providing resources to the agency to ensure the agency data systems maintain and improve student data privacy, 2) passing requirements for publishers and third party suppliers to ensure student data privacy and 3) enacting student data privacy guidelines for local districts that include a requirement for local district to adopt a plan to protect student data privacy.

**MOTION:** It was moved by Ms. Hardy and seconded by Mrs. Melton-Malone to add a recommendation, as follows:

Support the Commissioner’s request for E-Rate support funding for high-speed internet infrastructure for classroom connectivity to improve student access to online resources for all Texas students.

Mr. Ratliff recused himself.

**VOTE:** A vote was taken on the motion to Support the Commissioner’s request for E-Rate support funding for high-speed internet infrastructure for classroom connectivity to improve student access to online resources for all Texas students. The motion carried.
MOTION: It was moved by Mr. Bradley, and seconded by Mrs. Cargill, to delete the recommendation, “Conserve public free schools and prohibit public dollars from going to private schools or parents/guardians.”

Mr. Bradley withdrew his motion without objection from the board.

VOTE: A vote was taken on the motion that the State Board of Education approve the legislative recommendations to the 85th Texas Legislature, as amended. The motion carried.

The board requested that staff reorder the list giving priority to recommendations directly related to the State Board of Education.

(ATTACHMENT 6, page 22)

5. Proclamation 2018 of the State Board of Education Advertising for Bids for Instructional Materials
   (Board agenda page I-11)

   MOTION AND VOTE: It was moved by Mr. Ratliff and carried unanimously that the State Board of Education approve Proclamation 2018 of the State Board of Education Advertising for Bids on Instructional Materials for ethnic studies (such as, but not limited to, African American studies, Mexican American studies, Asian American studies, and Native American studies) to be used in Special Topics in Social Studies.

   (ATTACHMENT 7, page 24)

6. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Proclamation 2017
   (Board agenda page I-15)

   MOTION AND VOTE: It was moved by Mr. Ratliff and carried unanimously that the State Board of Education:

   Require that all publishers of adopted materials make corrections listed in the Report of Required Corrections of Factual Errors;

   Require that all adopted instructional materials meet established manufacturing standards and specifications as applicable;

   Approve changes and corrections to adopted materials submitted in response to written comments and public testimony; and

   Place instructional materials submitted for adoption on the adopted list as indicated on the Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Proclamation 2017, excluding those products submitted by the publisher Red and Black, LLC, and the publisher Momentum Instruction, LLC, as recommended by the Committee of the Full Board.
7. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements
(First Reading and Filing Authorization)
(Board agenda page I-19)

**MOTION AND VOTE:** It was moved by Mr. Ratliff and carried unanimously that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12 and §74.13, as recommended by the Committee of the Full Board.

8. Texas Certificate of High School Equivalency
(Board agenda page I-41)

The State Board of Education took no action on this item.

**COMMITTEE ON INSTRUCTION**

(Second Reading and Final Adoption)
(Board agenda page II-1)

**MOTION AND VOTE:** It was moved by Mrs. Melton-Malone and carried by an affirmative vote of two-thirds of the members of the board to approve for second reading and final adoption proposed amendment to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency, §89.42, Official Testing Centers, with an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on Instruction. (Mr. Cortez was absent for the vote.)

(ATTACHMENT 8, page 52)

10. Consideration of Petition for Adoption of Rule Concerning 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.283, Cosmetology I (Two Credits), Adopted 2015, and §130.284, Cosmetology II (Two Credits), Adopted 2015
(Board agenda page II-7)

**MOTION AND VOTE:** It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education initiate rulemaking to adopt additional one-credit lab-based courses to be taught concurrently with §130.283, Cosmetology I (Two Credits), Adopted 2015, and §130.284, Cosmetology II (Two Credits), Adopted 2015, for implementation in the 2018-2019 school year, as recommended by the Committee on Instruction. (Mr. Cortez was absent for the vote.)
11. Proposed Approval of Innovative Courses
   (Board agenda page II-25)

   **MOTION AND VOTE:** It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve the renewal of the following innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum for a period of five years: College Transitions and Peers, Accepting, Learning, and Sharing (PALS) I and II, as recommended by the Committee on Instruction. (Mr. Cortez and Mr. Rowley were absent for the vote.)

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

   (Board agenda page III-13)

   **MOTION AND VOTE:** It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education suspend its operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization. (Mr. Cortez was absent for the vote.)

   **MOTION AND VOTE:** The State Board approved for first reading and filing authorization proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.65, Bond Guarantee Program for School Districts, as amended and recommended by the Committee on School Finance/Permanent School Fund, to read as follows:

   (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 [one-fourth] times the cost value of the PSF effective March 1, 2017, and a multiplier of three and three-fourths times the cost value of the PSF effective September 1, 2017. 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.

   (Mr. Cortez was absent for the vote.)
(Board agenda page III-27)

The State Board of Education took no action on this item.

COMMITTEE ON SCHOOL INITIATIVES

14. Review of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States
(Board agenda page IV-83)

The State Board of Education took no action on the proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States.

15. Review of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs
(Board agenda page IV-135)

MOTION AND VOTE: It was moved by Mr. Bradley and seconded by Dr. Dominguez that the State Board of Education reject the Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs. The motion failed.

The State Board of Education took no action on the proposed revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs.

16. Review of Proposed Revisions to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs
(Board agenda page IV-195)

The State Board of Education took no action on the proposed revisions to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.
17. **Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments**  
(Board agenda page IV-253)

The State Board of Education took no action on the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments.

18. **Review of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates**  
(Board agenda page IV-263)

The State Board of Education took no action on the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates.

19. **Review of Proposed Amendments to 19 TAC Chapter 247, Educators' Code of Ethics**  
(Board agenda page IV-275)

The State Board of Education took no action on Proposed Amendments to 19 TAC Chapter 247, Educators' Code of Ethics.

(Board agenda page IV-285)

The State Board of Education took no action on the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition; and §249.17, Decision-Making Guidelines.

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

**Committee on Instruction**

Mrs. Melton-Malone did not report on Committee on Instruction discussion items.

**Committee on School Finance/Permanent School Fund**

Ms. Hardy did not report on Committee on School Finance/Permanent School Fund discussion items.
Committee on School Initiatives

Mr. Rowley did not report on Committee on School Initiatives discussion items.

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

Mrs. Bahorich gave board members an opportunity to provide information regarding agenda items or other relevant information about public education.

The meeting adjourned at 11:51 a.m.

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Ruben Cortez, Jr., Secretary
RESOLUTION

WHEREAS the State Board of Education considers high academic standards as the foundation of public education in Texas; and

WHEREAS the National History Day program fosters academic achievement and intellectual growth, requires student participants to conduct extensive primary and secondary source research on a topic of historical significance, and promotes pride in each student participant’s heritage and in our nation’s history and place in the world; and

WHEREAS the annual National History Day contest with the theme of Exploration, Encounter, Exchange in History was held in College Park, Maryland, on June 12-16, 2016; and

WHEREAS Benjamin Warford-Johnston of Gentry Junior High School in Baytown, Texas, won First Place in the Junior Division Individual Paper category with his paper titled American Colonial Committees of Correspondence: Encountering Oppression, Exploring Unity, and Exchanging Visions of the Future; and

WHEREAS Harper Hoover of Atlas Academy in Waco, Texas, won First Place in the Junior Division Individual Performance category with her performance titled Dare to Explore: How the Founding of the National Geographic Society Changed the Scientific Community Forever; and

WHEREAS John Leeds and Evan Weldon of Austin area homeschoolers in Austin, Texas, won Second Place in the Junior Division Group Website category with their website titled The March on Polio; and

WHEREAS Priscila Garcia and Danielle Garcia of Ross S. Sterling High School in Baytown, Texas, won Second Place in the Senior Division Group Exhibit category with their exhibit titled WWII Women Airforce Service Pilots: Exchanging Traditional Roles, Exploring Military Aviation and Encountering Discrimination; and

WHEREAS Denisse Cordova of MacArthur Senior High School in Houston, Texas, won Second Place in the Senior Division Individual Website category with her website titled Ada Lovelace, The Enchantress of Computing: Exploring the Beginnings of the Information Evolution; and

WHEREAS Tomas de la Rosa of Ross S. Sterling High School in Baytown, Texas, won Third Place in the Senior Division Individual Paper category with his paper titled An Alien Race That Should Be Segregated Socially: Mendez v. Westminster; now, therefore, be it

RESOLVED, That the State Board of Education does hereby congratulate these 2016 National History Day winners from the Goose Creek Consolidated Independent School District, Waco Independent School District, Austin area homeschoolers, and Aldine Independent School District; and be it further

RESOLVED, That this resolution be presented to the aforementioned students for their winning projects at the 2016 National History Day contest and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this eighteenth day of November, two thousand and sixteen, in Austin, Texas.

____________________________________
Donna Bahorich, Chair

____________________________________
Ruben Cortez, Jr., Secretary
RESOLUTION

WHEREAS Dr. Martha M. Dominguez has dedicated her life to Texas schoolchildren and educators; serving as an instructional aide, teacher, instructional supervisor, assistant principal, central office administrator, and State Board of Education member; and

WHEREAS Dr. Dominguez began her service on the state board on January 1, 2013; and

WHEREAS she has served on the board’s Committee on Instruction, Ad Hoc Committee for the Long-Range Plan for Public Education; and currently serves as vice chair of the Committee on School Initiatives; and

WHEREAS her background as director of support personnel in the Ysleta Independent School District allowed her to bring great insight and expertise to policy discussions involving certification rules during meetings of the Committee on School Initiatives; and

WHEREAS Dr. Dominguez’s quiet diplomacy and decency provided valuable input during board discussions; and

WHEREAS she provided unwavering dedication as she served as a voice of the underdogs; and

WHEREAS she made sure that the people of far West Texas were well represented; now, therefore, be it

RESOLVED. That the State Board of Education expresses its heartfelt thanks and gratitude to Martha Dominguez for her service to the schoolchildren of Texas and the people of State Board District 1; and be it further

RESOLVED. That this resolution be presented to Martha Dominguez in appreciation of her service on the Board and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this eighteenth day of November, two thousand sixteen, in Austin, Texas.

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Donna Bahorich, Chair

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Ruben Cortez, Jr., Secretary
RESOLUTION

WHEREAS Thomas Ratliff has been an active public school volunteer; and

WHEREAS in 2010, he took that activism to the next level by running for the State Board of Education; and

WHEREAS the citizens of District 9 elected him to this office in both 2010 and 2012; and

WHEREAS Mr. Ratliff served on the Committee on School Finance/Permanent School Fund and helped the fund grow into the largest educational endowment in the country; and

WHEREAS he developed an uncanny ability to persuade his fellow board members and education association advocates to find common ground on contentious issues; and

WHEREAS Mr. Ratliff was always mindful of the impact that new education policies would have on small and rural districts like the ones that populate his board district; and

WHEREAS his work on the board continued his family’s legacy of public service; and

WHEREAS Mr. Ratliff has become so well-known for his good deeds in the field of public education that he received this fall the prestigious Golden Deeds Award; now, therefore, be it

RESOLVED, That the State Board of Education express its heartfelt thanks and gratitude to Thomas Ratliff for his service to the schoolchildren of Texas and the people of State Board of Education District 9; and be it further

RESOLVED, That this resolution be presented to Thomas Ratliff in appreciation of his service on the board and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this eighteenth day of November, two thousand sixteen, in Austin, Texas.

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Donna Bahorich, Chair  Ruben Cortez Jr., Secretary