

AGENDA

State Board of Education

September 1, 2023

STATE BOARD OF EDUCATION

(updated February 2023)

(State Board for Career and Technology Education)

KEVEN ELLIS, Lufkin
Chair of the State Board of Education
District 9

PAM LITTLE, Fairview
Vice Chair of the State Board of Education
District 12

PAT HARDY, Fort Worth
Secretary of the State Board of Education
District 11

Board Members

MELISSA ORTEGA, El Paso
District 1

JULIE PICKREN, Pearland
District 7

LJ FRANCIS, Corpus Christi
District 2

AUDREY YOUNG, Trinity
District 8

MARISA PEREZ-DIAZ, San Antonio
District 3

TOM MAYNARD, Florence
District 10

STACI CHILDS, Houston
District 4

AICHA DAVIS, Dallas
District 13

REBECCA BELL-METTEREAU
San Marcos, District 5

EVELYN BROOKS, Frisco
District 14

WILL HICKMAN, Houston
District 6

AARON KINSEY, Midland
District 15

Committees of the State Board of Education
(Updated February 2023)

INSTRUCTION

Audrey Young- Chair
Evelyn Brooks-Vice Chair
Aicha Davis
Pam Little
Melissa N. Ortega

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard-Chair
Marisa Perez-Diaz-Vice Chair
Keven Ellis
Patricia Hardy
Aaron Kinsey

SCHOOL INITIATIVES

Will Hickman-Chair
LJ Francis-Vice Chair
Rebecca Bell-Metereau
Staci Childs
Julie Pickren

September 1, 2023

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on August 29-September 1, 2023. 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 August 29-September 1, 2023	
<u>Tuesday, August 29, 2023</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Wednesday, August 30, 2023</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Thursday, August 31, 2023</u>	
9:00 a.m.	Committee on Instruction (Room 1-100)
	Committee on School Finance/Permanent School Fund (Room 1-104)
	The meeting will start at 10:00 a.m. or upon adjournment of the PSF Corporation Meeting.
9:00 a.m.	Committee on School Initiatives (Room 1-111)
<u>Friday, September 1, 2023</u>	
9:00 a.m.	General Meeting (Room 1-104)

If the Committee of the Full Board does not complete its agenda Tuesday, it will resume its meeting on Wednesday, Thursday, or Friday. If the Committee of the Full Board does not complete its agenda Wednesday, it will resume its meeting on Thursday or Friday. If the Committee on Instruction does not complete its meeting on Thursday, it will resume its meeting on Friday. If the Committee on School Finance/Permanent School Fund does not complete its agenda Thursday, it will resume its meeting on Friday. If the Committee on School Initiatives does not complete its agenda Thursday, it will resume its meeting 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.

The agenda is online at <https://tea.texas.gov/sboe/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.

TUESDAY
August 29, 2023

9:00 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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Public Hearing Regarding Instructional Materials Submitted for Adoption by the State Board of Education Under *Proclamation 2024* ([Board agenda page I-1](#))**

COMMITTEE - DISCUSSION
SBOE - NO ACTION

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, August 29, 2023, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding instructional materials submitted for adoption under *Proclamation 2024*. This proclamation called for instructional materials for instructional materials for science, technology applications, specified career and technical education courses, and Personal Financial Literacy and Economics. Products submitted in response to *Proclamation 2024* were reviewed in the summer of 2023. Statutory authority is the Texas Education Code (TEC), §7.110 and §31.022.

- 2. Ratification of Amendments to *Proclamation 2024* of the State Board of Education Advertising for Bids on Instructional Materials ([Board agenda page I-2](#))**

COMMITTEE - ACTION
SBOE - ACTION

This item provides an opportunity for the State Board of Education (SBOE) to ratify changes to the schedule of adoption procedures in *Proclamation 2024*. *Proclamation 2024* calls for instructional materials for science, technology applications, specified courses in career and technical education, and Personal Financial Literacy and Economics. Statutory authority is the Texas Education Code (TEC), §31.022.

COMMITTEE OF THE FULL BOARD (continued)

- 3. Update on the Review of Proclamation 2024 Instructional Materials**
(Board agenda page I-3)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

The State Board of Education issued *Proclamation 2024* in April 2022, calling for instructional materials for science, technology applications, specified career and technical education courses, and Personal Financial Literacy and Economics. All materials submitted in response to *Proclamation 2024* were reviewed for standards alignment in summer 2023. Additionally, reviews through the Texas Resource Review began in May 2023 for materials submitted for science. Instructional materials are scheduled for adoption by the SBOE in November 2023. This item provides an opportunity for staff to update the board on the status of the *Proclamation 2024* instructional materials review. Statutory authority is the Texas Education Code (TEC), §31.022.

- 4. Discussion of House Bill 1605, 88th Texas Legislature, Regular Session**
(Board agenda page I-4)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

House Bill (HB), 1605, 88th Texas Legislature, Regular Session, addresses instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials. This item provides the opportunity for the committee to hear updates on the Instructional Materials Review and Approval (IMRA) process and discuss the approach to developing the quality rubric criteria and process. Statutory authority is the Texas Education Code (TEC), §§26.0061(f) as added by HB 1605, 88th Texas Legislature, Regular Session, 31.003, 31.022, 31.023, 28.002(c-4), and 31.154, as added by HB 1605, 88th Texas Legislature, Regular Session.

- 5. Discussion of Required Vocabulary and Literary Works Recommendations**
(Board agenda page I-6)

COMMITTEE - ACTION
SBOE - ACTION

This item provides the opportunity for the board to request recommendations from the agency regarding the list of required vocabulary and at least one literary work to be taught in each grade level as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session. Statutory authority is the Texas Education Code (TEC) §28.002(c-4) and (c-5) as added by HB 1605, 88th Texas Legislature, Regular Session.

**WEDNESDAY
August 30, 2023**

9:00 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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

**1. Commissioner's Comments
([Board agenda page I-7](#))**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

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

2. Public Hearing on Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance ([Board agenda page I-8](#))

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Wednesday, August 30, 2023. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

COMMITTEE OF THE FULL BOARD (continued)

3. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance**
(First Reading and Filing Authorization)
(Board agenda page I-10)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. The proposal would update the Texas Essential Knowledge and Skills (TEKS) to ensure the content of the courses remains current and would add TEKS for two new courses in entrepreneurship to support relevant and meaningful programs of study. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

4. **Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process**
(Second Reading and Final Adoption)
(Board agenda page I-14)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process. The proposed amendment would modify the no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§12.101.

COMMITTEE OF THE FULL BOARD (continued)

5. **Introduction of the Texas Permanent School Fund Corporation Acting Chief Executive Officer**
(Board agenda page I-18)

COMMITTEE - DISCUSSION
SBOE – NO ACTION

This item provides an opportunity for the Texas Permanent School Fund Corporation to introduce Acting Chief Executive Officer, Britt Harris, to members of the State Board of Education. Statutory authority is the Texas Constitution, Article VII, §2 and §5.

6. **Update on Texas Essential Knowledge and Skills (TEKS) Review**
(Board agenda page I-19)

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) and for the board to provide additional guidance to TEKS review and ELPS work groups. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), 28.025(a), and 29.051.

7. **Discussion of Pending Litigation**
(Board agenda page I-22)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

The State Board of Education (SBOE) 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 and any litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

**THURSDAY
August 31, 2023**

9:00 a.m.

COMMITTEE ON INSTRUCTION – Room 1-100

Members: Audrey Young, chair; Evelyn Brooks, vice chair; Aicha Davis; Pam Little; and Melissa Ortega. 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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. 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-1)**

**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 innovative course application and approval requirements. Statutory authority is the Texas Education Code (TEC), §28.002(f).

- 2. Update on Ethnic Studies Innovative Courses (Board agenda page II-6)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

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

COMMITTEE ON INSTRUCTION (continued)

- 3. Discussion of Adjustments to the Dyslexia Handbook to Align with Requirements of House Bill 3928**
(Board agenda page II-8)

House Bill (HB) 3928, passed by the 88th Texas Legislature, Regular Session, requires the State Board of Education not later than June 30, 2024, to revise the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook), to conform with requirements of HB 3928. This item provides the opportunity for the committee to discuss updates to the Dyslexia Handbook necessary to address requirements of HB 3928. Statutory authority is the Texas Education Code (TEC), §7.102(c)(28) and §38.003, as amended by HB 3928.

COMMITTEE - DISCUSSION
SBOE – NO ACTION

- 4. Discussion of Library Collection Development Standards in Compliance with House Bill 900**
(Board agenda page II-10)

House Bill (HB) 900, passed by the 88th Texas Legislature, Regular Session, requires the Texas State Library and Archives Commission (TSLAC), with approval by majority vote of the State Board of Education, to adopt standards for school library collection development that a school district is required to adhere to in developing or implementing the district's library collection development policies. This item provides the opportunity for the committee to discuss a draft of the proposed collection development standards and provide feedback to TSLAC. Statutory authority is the Texas Education Code (TEC), §33.021, as amended by HB 900.

COMMITTEE - DISCUSSION
SBOE – NO ACTION

THURSDAY
August 31, 2023
10:00 a.m. or upon adjournment of the PSF Corporation Meeting

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

Members: Tom Maynard, chair; Marisa Perez-Diaz, vice chair; Keven Ellis; Patricia Hardy; Aaron Kinsey. 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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Per Capita Apportionment Rate for the 2023-2024 School Year**
([Board agenda page III-1](#))

COMMITTEE - DISCUSSION
SBOE – NO ACTION

A per capita apportionment rate for each school year is set by the commissioner of education based on an estimate of the amount available for expenditure from the Available School Fund (ASF). This item provides an opportunity for agency staff members to present the preliminary rate for the 2023-2024 school year. Statutory authority is the Texas Education Code (TEC), §§48.004, 48.251(c), and 43.001(b).

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

2. **Rule 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, and Subchapter B, Texas Permanent School Fund Corporation Rules**
(Board agenda page III-2)

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

Texas Government Code (TGC), §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 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, and Subchapter B, Texas Permanent School Fund Corporation Rules. Subchapter A establishes distributions to the Available School Fund, SBOE duties related to the Texas Permanent School Fund (PSF) Corporation, ethical standards for SBOE members, the Bond Guarantee Program (BGP), and compliance with Securities and Exchange Commission (SEC) Rule 15c2-12 related to BGP disclosure as required by the Texas Constitution, Article VII, §5(a) and (f), and the Texas Education Code (TEC), Chapter 43. Subchapter B addresses the term length of SBOE members on the board of directors of the Texas PSF Corporation as required by TEC, §43.053. The statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 33, Subchapter A, is Texas Constitution, Article VII, §5(a) and §5(f); TEC, §43.001 and §43.0031; and Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. The statutory authority for 19 TAC Chapter 33, Subchapter B, is Texas Constitution, Article VII, §5(a) and §5(f); and TEC, §43.001 and §43.053.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

3. **Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide (Board agenda page III-32)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG). Statutory authority is the Texas Education Code (TEC), §§7.102(c)(32), 44.007(a)-(d), and 44.008(b).

4. **Determination Regarding Whether Transfers May be Made from the Permanent School Fund to the Available School Fund** (Board agenda page III-36)

**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 states, the total amount distributed over ten years cannot exceed the total return on all investment assets of the Permanent School Fund (PSF) over the same ten-year period. The board will determine whether transfers may be made from the PSF to the Available School Fund (ASF) in fiscal year 2024. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

**THURSDAY
August 31, 2023**

9:00 a.m.

COMMITTEE ON SCHOOL INITIATIVES – Room 1-111

Members: Will Hickman, chair; LJ Francis, vice chair; Rebecca Bell-Metereau; Staci Childs; Julie Pickren. 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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Discussion of Ongoing State Board for Educator Certification Activities**
(Board agenda page IV-1)

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to receive updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments. Statutory authority is the Texas Education Code (TEC), §§21.031, 21.035, 21.041, and 21.042.

- 2. Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6–8 Assignments, and Subchapter E, Grades 9–12 Assignments**
(Board agenda page IV-3)

**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, and Subchapter E, Grades 9–12 Assignments. The proposed revisions would incorporate courses approved by the SBOE, would add certificate areas to the list of credentials appropriate for placement into an assignment, and would incorporate technical edits where needed to improve readability and align citations. The statutory authority for 19 TAC Chapter 231 is the Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

COMMITTEE ON SCHOOL INITIATIVES (continued)

- 3. Open-Enrollment Charter School Generation 29 Application Updates**
(Board agenda page IV-16)

COMMITTEE - DISCUSSION
SBOE – NO ACTION

This item provides an opportunity for the committee to receive updates regarding the Generation 29 Open-Enrollment Charter Application cycle. Statutory authority is the Texas Education Code (TEC), §12.101.

- 4. Recommendation for One Appointment to the Fort Sam Houston Independent School District Board of Trustees**
(Board agenda page IV-17)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the board to consider one appointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The appointment is necessary due to the retirement of one board member. Statutory authority is the Texas Education Code (TEC), §11.352.

- 5. Recommendation for Three Reappointments to the Lackland Independent School District Board of Trustees**
(Board agenda page IV-22)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the board to consider three reappointments to the board of trustees of Lackland Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office of three board members. Statutory authority is the Texas Education Code (TEC), §11.352.

- 6. Recommendation for Two Reappointments to the Randolph Field Independent School District Board of Trustees**
(Board agenda page IV-38)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office of two board members. Statutory authority is the Texas Education Code (TEC), §11.352.

COMMITTEE ON SCHOOL INITIATIVES (continued)

7. **Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees**
(Board agenda page IV-46)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352.

Information Materials

1. **State Board of Education Operating Rules (amended February 2, 2023)**
Public testimony information begins on page V-8.
(Board agenda page V-1)

2. **2021-2025 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-27)

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

3. **State Board of Education Meeting Schedule for 2024**
(Board agenda page V-35)

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 the SBOE meeting dates in 2024.

**CONSENT AGENDA
STATE BOARD OF EDUCATION
September 1, 2023**

(1) Determination Regarding 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 states, the total amount distributed over ten years cannot exceed the total return on all investment assets of the Permanent School Fund (PSF) over the same ten-year period. The board will determine whether transfers may be made from the PSF to the Available School Fund (ASF) in fiscal year 2024. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

[\(Agenda Exhibit\)](#) III-36

(2) Recommendation for One Appointment to the Fort Sam Houston Independent School District Board of Trustees

This item provides an opportunity for the board to consider one appointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The appointment is necessary due to the retirement of one board member. Statutory authority is the Texas Education Code (TEC), §11.352.

[\(Agenda Exhibit\)](#) IV-17

(3) Recommendation for Three Reappointments to the Lackland Independent School District Board of Trustees

This item provides an opportunity for the board to consider three reappointments to the board of trustees of Lackland Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office of three board members. Statutory authority is the Texas Education Code (TEC), §11.352.

[\(Agenda Exhibit\)](#) IV-22

(4) Recommendation for Two Reappointments to the Randolph Field Independent School District Board of Trustees

This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office of two board members. Statutory authority is the Texas Education Code (TEC), §11.352.

[\(Agenda Exhibit\)](#) IV-38

(5) Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352.

[\(Agenda Exhibit\)](#) IV-46

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

**September 1, 2023
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 23, 2023

1. Resolutions

Resolution honoring the 2023 Heroes for Children Award Recipients

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) 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.

[\(Agenda Exhibit\)](#) 16

COMMITTEE OF THE FULL BOARD

3. Ratification of Amendments to *Proclamation 2024* of the State Board of Education Advertising for Bids on Instructional Materials

This item provides an opportunity for the State Board of Education (SBOE) to ratify changes to the schedule of adoption procedures in *Proclamation 2024*. *Proclamation 2024* calls for instructional materials for science, technology applications, specified courses in career and technical education, and Personal Financial Literacy and Economics. Statutory authority is the Texas Education Code (TEC), §31.022.

(Agenda Exhibit) I-2

4. Discussion of Required Vocabulary and Literary Works Recommendations

This item provides the opportunity for the board to request recommendations from the agency regarding the list of required vocabulary and at least one literary work to be taught in each grade level as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session. Statutory authority is the Texas Education Code (TEC) §28.002(c-4) and (c-5) as added by HB 1605, 88th Texas Legislature, Regular Session.

(Agenda Exhibit) I-6

5. Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance (First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. The proposal would update the Texas Essential Knowledge and Skills (TEKS) to ensure the content of the courses remains current and would add TEKS for two new courses in entrepreneurship to support relevant and meaningful programs of study. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

(Agenda Exhibit) I-10

6. Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process (Second Reading and Final Adoption)

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process. The proposed amendment would modify the no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§12.101.

(Agenda Exhibit) I-14

7. 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) and for the board to provide additional guidance to TEKS review and ELPS work groups. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), 28.025(a), and 29.051.

(Agenda Exhibit) I-19

COMMITTEE ON INSTRUCTION

8. 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 innovative course application and approval requirements. Statutory authority is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) II-1

COMMITTEE ON SCHOOL INITIATIVES

9. Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6–8 Assignments, and Subchapter E, Grades 9–12 Assignments

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, and Subchapter E, Grades 9–12 Assignments. The proposed revisions would incorporate courses approved by the SBOE, would add certificate areas to the list of credentials appropriate for placement into an assignment, and would incorporate technical edits where needed to improve readability and align citations. The statutory authority for 19 TAC Chapter 231 is the Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

(Agenda Exhibit) IV-13

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 February 2, 2023)**
Public testimony information begins on page V-10.
(Board agenda page V-1)

- 2. 2021-2025 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-27)

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

- 3. State Board of Education Meeting Schedule for 2024**
(Board agenda page V-35)

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 the SBOE meeting dates in 2024.

COMMITTEE OF THE FULL BOARD

Public Hearing Regarding Instructional Materials Submitted for Adoption by the State Board of Education Under *Proclamation 2024*

August 29, 2023

**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 Tuesday, August 29, 2023, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding instructional materials submitted for adoption under *Proclamation 2024*. This proclamation called for instructional materials for science, technology applications, specified career and technical education courses, and Personal Financial Literacy and Economics. Products submitted in response to *Proclamation 2024* were reviewed in the summer of 2023.

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.

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

BACKGROUND INFORMATION AND JUSTIFICATION: *Proclamation 2024* was issued by the SBOE in April 2022. Amendments to *Proclamation 2024* were approved at the September 2022 SBOE meeting. The board amended the deadline for submitting preliminary and final correlations, pre-adoption samples, and related deliverables to allow publishers more time to create new materials.

The review of *Proclamation 2024* instructional materials concluded in the summer 2023.

Update on the Review of *Proclamation 2024* Instructional Materials and Ratification of Amendments to *Proclamation 2024* of the State Board of Education Advertising for Bids on Instructional Materials are presented as separate items in this agenda.

Staff Member Responsible:

Amie Phillips, Director, Instructional Materials Review

**Ratification of Amendments to *Proclamation 2024* of the State Board of Education
Advertising for Bids on Instructional Materials**

September 1, 2023

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

SUMMARY: This item provides an opportunity for the State Board of Education (SBOE) to ratify changes to the schedule of adoption procedures in *Proclamation 2024*. *Proclamation 2024* calls for instructional materials for science, technology applications, specified courses in career and technical education, and Personal Financial Literacy and Economics.

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: *Proclamation 2024* was issued by the SBOE in April 2022. The SBOE amended *Proclamation 2024* in September 2022.

BACKGROUND INFORMATION AND JUSTIFICATION: Publishers have requested additional time to develop Spanish translations of science materials. Additionally, due to the time needed to finalize the science rubric for the Texas Resource Review, amending the schedule of adoption procedures allows publishers more time to create new materials. The board chair gave tentative approval to amend the schedule of adoption procedures. This item gives the board the opportunity to ratify the amendments.

A public hearing regarding instructional materials submitted for adoption by the State Board of Education under *Proclamation 2024* and Update on the Review of *Proclamation 2024* Instructional Materials and are presented as separate items in this agenda.

MOTION TO BE CONSIDERED: The State Board of Education:

Ratify the amendments to the schedule of adoption procedures in *Proclamation 2024* of the State Board of Education Advertising for Bids for Instructional Materials.

Staff Member Responsible:

Amie Phillips, Director, Instructional Materials Review

Separate Exhibit:

Proposed Amendments to *Proclamation 2024*
(to be provided at the August-September 2023 SBOE meeting)

Update on the Review of *Proclamation 2024* Instructional Materials

August 29, 2023

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

SUMMARY: The State Board of Education issued *Proclamation 2024* in April 2022, calling for instructional materials for science, technology applications, specified career and technical education courses, and Personal Financial Literacy and Economics. All materials submitted in response to *Proclamation 2024* were reviewed for standards alignment in summer 2023. Additionally, reviews through the Texas Resource Review began in May 2023 for materials submitted for science. Instructional materials are scheduled for adoption by the SBOE in November 2023. This item provides an opportunity for staff to update the board on the status of the *Proclamation 2024* instructional materials review.

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.

BACKGROUND INFORMATION AND JUSTIFICATION: *Proclamation 2024* was issued by the SBOE in April 2022. Amendments to *Proclamation 2024* schedule of adoption procedures were approved at the September 2022 SBOE meeting. The board amended the deadline for submitting preliminary and final correlations, pre-adoption samples, and related deliverables to allow publishers more time to create new materials.

The review of *Proclamation 2024* instructional materials concluded in the summer 2023.

A public hearing regarding instructional materials submitted for adoption by the State Board of Education under *Proclamation 2024* and Ratification of Amendments to *Proclamation 2024* of the State Board of Education Advertising for Bids on Instructional Materials are presented as separate items in this agenda.

Staff Member Responsible:

Amie Phillips, Director, Instructional Materials Review

Discussion of House Bill 1605, 88th Texas Legislature, Regular Session

August 29, 2023

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

SUMMARY: House Bill (HB), 1605, 88th Texas Legislature, Regular Session, addresses instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials. This item provides the opportunity for the committee to hear updates on the Instructional Materials Review and Approval (IMRA) process and discuss the approach to developing the quality rubric criteria and process.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§26.0061(f) as added by HB 1605, 88th Texas Legislature, Regular Session, 31.003, 31.022, 31.023, 28.002(c-4), and 31.154, as added by HB 1605, 88th Texas Legislature, Regular Session.

TEC, §26.0061(f) as added by HB 1605, 88th Texas Legislature, Regular Session, permits the State Board of Education (SBOE) to adopt rules to implement new §26.0061, Rights to Request Instructional Material Review, a process by which a parent of a student may request an instructional material review under TEC §31.0252 for a subject area in the grade level in which the student is enrolled.

TEC, §28.002(c-4) as added by HB 1605, 88th Texas Legislature, Regular Session, requires the SBOE to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

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

TEC, §31.023 requires the commissioner to establish, in consultation with and with the approval of the State Board of Education, a process for the annual review of instructional materials by TEA. In conducting a review under this section, TEA must use a rubric developed by TEA in consultation with and approved by the State Board of Education.

TEC, §31.154 as added by HB 1605, 88th Texas Legislature, Regular Session, requires the SBOE to adopt standards for entities that supply instructional materials reviewed by TEA to make instructional materials supplied by the entity available on a parent portal hosted by the entity.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code, Chapter 31, addresses instructional materials in public education and permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials. HB 1605, passed by the 88th Texas Legislature, Regular Session, significantly revises Chapter 31 including several provisions under SBOE authority. HB 1605 also adds a new provision to TEC, Chapter 48, to provide additional funding to school districts and charter schools that adopt and implement SBOE approved materials. The bill adds requirements related to adoption of essential knowledge and skills in TEC, Chapter 28. The SBOE will need to amend rules and take related action to align with the requirements of this legislation. At the June 2023 meeting, the committee of the full board held a work session to receive an overview presentation on HB 1605 from Commissioner of Education, Mike Morath and to begin discussion of preliminary decisions and next steps. The [June 2023 SBOE HB 1605 Work Session Presentation](#) shared during the work session are available on the TEA website.

Staff Member Responsible:

Todd Davis, Interim Associate Commissioner of Instructional Strategy

Nicholas Keith, Executive Director of High-Quality Instructional Materials Supports

Separate Exhibit:

Instructional Material Review Criteria Overview

(to be provided at the August-September 2023 SBOE meeting)

Discussion of Required Vocabulary and Literary Works Recommendations

September 1, 2023

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

SUMMARY: This item provides the opportunity for the board to request recommendations from the agency regarding the list of required vocabulary and at least one literary work to be taught in each grade level as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session.

STATUTORY AUTHORITY: Texas Education Code (TEC) §28.002(c-4) and (c-5) as added by [HB 1605](#), 88th Texas Legislature, Regular Session.

TEC, §28.002(c-4) as added by HB 1605, 88th Texas Legislature, Regular Session requires the State Board of Education (SBOE), in adopting essential knowledge and skills for English language arts, to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

TEC, §28.002(c-5) as added by HB 1605, 88th Texas Legislature, Regular Session requires the SBOE to initiate the process of specifying an initial list of vocabulary and literary works not later than February 1, 2024. The SBOE is also required to request from the Texas Education Agency recommendations regarding the list. The request for recommendations may be considered an initiation of the process.

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

BACKGROUND INFORMATION AND JUSTIFICATION: HB 1605, 88th Texas Legislature, Regular Session, requires the SBOE to specify a list of required vocabulary and at least one literary work to be taught in each grade level. The SBOE is required to initiate the process of specifying an initial list of vocabulary and literary works no later than February 1, 2024, by requesting recommendations from the agency.

MOTION TO BE CONSIDERED: The State Board of Education:

Request that the agency provide recommendations regarding the list of required vocabulary and at least one literary work to be taught in each grade level as required by HB 1605, 88th Texas Legislature, Regular Session.

Staff Member Responsible:

Todd Davis, Interim Associate Commissioner, Instructional Strategy

Commissioner's Comments

August 30, 2023

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

SUMMARY: This item provides an opportunity for the board to be briefed on current agenda items, agency operations, policy implementation, 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.

Staff Member Responsible:

Yolanda Walker, Executive Director, State Board of Education Support Division

Public Hearing on Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance

August 30, 2023

**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 Wednesday, August 30, 2023. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

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

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

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule 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(a), requires the SBOE to determine by rule 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.

BACKGROUND INFORMATION AND JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

During the November 2022 meeting, the SBOE approved a timeline for the review of career and technical education (CTE) courses for 2022-2025. The first review in the approved cycle, the winter 2023 CTE Texas Essential Knowledge and Skills (TEKS) review, includes a small group of courses in career preparation and entrepreneurship. Applications to serve on the winter 2023 CTE TEKS review work groups were collected by the Texas Education Agency (TEA) from November 2022 through January 2023. TEA staff provided SBOE members with batches of applications for approval to serve on a CTE TEKS review work group in November 2022 and in January 2023. Work groups were convened to develop recommendations for the career preparation and entrepreneurship courses in February, March,

April, July, and August 2023. The SBOE held a public hearing and discussed the proposed revisions to the TEKS for career preparation and entrepreneurship at the June 2023 meeting. The proposed new CTE TEKS would ensure the standards for the career preparation and entrepreneurship courses are up to date.

Proposed new 19 TAC §§127.19-127.22 and §§127.275-127.278 is presented for first reading and filing authorization as a separate item in this agenda.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance
(First Reading and Filing Authorization)

September 1, 2023

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

SUMMARY: This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. The proposal would update the Texas Essential Knowledge and Skills (TEKS) to ensure the content of the courses remains current and would add TEKS for two new courses in entrepreneurship to support relevant and meaningful programs of study.

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

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

TEC, §28.002(a), identifies the subjects of the required curriculum.

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

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 new section 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 2024-2025 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised career preparation and entrepreneurship TEKS.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for career development in 2015 for implementation in the 2017-2018 school year. At the June 2023 SBOE meeting, the board conducted a public hearing on proposed changes to the career preparation and entrepreneurship TEKS. Also at the June 2023 meeting, the board discussed proposed new 19 TAC §§127.19-127.22 and 127.275-127.278 and provided feedback to work group members.

BACKGROUND INFORMATION AND JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the November 2022 meeting, the SBOE approved a timeline for the review of career and technical education (CTE) courses for 2022-2025. Also at the meeting, the SBOE approved a specific process to be used in the review and revision of the CTE TEKS. The CTE-specific process largely follows the process for TEKS review for other subject areas but was adjusted to account for differences specific to CTE. The 2022-2025 CTE cycle identifies two reviews, beginning with the winter 2023 review of a small group of courses in career preparation and entrepreneurship. An abbreviated version of the new CTE TEKS review process was used for the winter 2023 review. The second review in the 2022-2025 CTE TEKS review cycle is scheduled to begin in summer 2023. The complete CTE TEKS review process will be used for the summer 2023 CTE TEKS review.

Applications to serve on the winter 2023 CTE TEKS review work groups were collected by the Texas Education Agency (TEA) from November 2022 through January 2023. TEA staff provided SBOE members with batches of applications for approval to serve on a CTE work group in November 2022 and in January 2023. Work groups were convened to develop recommendations for the CTE courses in February, March, April, and July 2023. The proposed new CTE TEKS would ensure the standards for the career preparation and entrepreneurship courses included in the winter 2023 CTE TEKS review are up to date.

A public hearing on proposed new 19 TAC §§127.19-127.22 and 127.275-127.278 is presented as a separate item in this agenda.

FISCAL IMPACT: TEA has determined that for the first five years the proposal is in effect (2023-2027), there are fiscal implications to the state. For fiscal year 2023, the estimated cost to TEA to reimburse committee members for travel to review and revise the CTE TEKS is \$100,000. There will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS.

There may be fiscal implications for school districts and charter schools to implement the proposed new TEKS, which may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

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. During the first five years the proposed rulemaking would be in effect, it would create new regulations by proposing new CTE TEKS required to be taught by school districts and charter schools offering the courses.

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: The proposal would better align the TEKS and add additional course options to students to support relevant and meaningful programs of study. 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 or reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: 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 6, 2023, and ends at 5:00 p.m. on November 10, 2023. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2023 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 6, 2023.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023.

Staff Members Responsible:

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

Separate Exhibit:

Text of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation

(One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023
(to be provided in advance of the August-September 2023 SBOE meeting)

**Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process
(Second Reading and Final Adoption)**

September 1, 2023

**COMMITTEE OF THE FULL BOARD: 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 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process. The proposed amendment would modify the no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §12.101.

TEC, §12.101, requires the commissioner of education to notify the State Board of Education (SBOE) of each charter the commissioner proposes to grant. It also establishes that unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant each charter takes effect.

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 2024-2025 school year. The earlier effective date will allow the modified no-contact period to begin as soon as possible.

The item presented at first reading and filing authorization proposed an effective date of August 26, 2024. An earlier effective date would allow for the Generation 29 applicants to follow the updated no-contact rule. Therefore, this item presents an earlier effective date for consideration by the SBOE.

PREVIOUS BOARD ACTION: At its January-February 2023 meeting, the SBOE directed Texas Education Agency (TEA) staff to present an amendment to §100.1 that would end the no-contact period for charter school applicants on the date the applicant passes the external review with a passing score. A discussion item on the proposed amendment to §100.1 was presented to the Committee of the Full Board at the April 2023 SBOE meeting. At the June 2023 SBOE meeting, the board approved the proposed amendment for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 100.1 establishes the process for approval of an open-enrollment charter, including a no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf with the commissioner of education, the commissioner's designee, a member of the SBOE, or a member of an external application review panel.

A petition was received from the Texas Public Charter Schools Association requesting that the no-contact period established in §100.1(d) be eliminated. The SBOE considered the petition at its January-February 2023 meeting and directed TEA staff to present an amendment to §100.1 that would end the no-contact

period for charter school applicants on the date the applicant passes the external review with a passing score.

The proposed amendment to §100.1(d) would remove the no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf with the commissioner, the commissioner's designee, or a member of an external application review panel. The no-contact period with a member of the SBOE would be modified to end on the date the applicant passes through an external review with a qualifying score.

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

TEA has determined there are no additional costs to state or local government, including school districts and open-enrollment charter schools, 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. During the first five years the proposed rulemaking would be in effect, it would limit an existing regulation by moving the end of the no-contact period from 90 days after the commissioner's proposal to the date a charter applicant passes through an external review with a qualifying score.

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 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 provide applicants for open-enrollment charter schools with a less restrictive timeline for when they can contact SBOE members. 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 data or 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 2023 SBOE meeting, notice of the proposed amendment to §100.1 was filed with the Texas Register, initiating the public comment period. The public comment period began July 21, 2023, and ended at 5:00 p.m. on August 25, 2023. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE during the August-September 2023 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in August-September 2023 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 the proposed amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process; and

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process, is necessary and shall have an effective date of 20 days after filing 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:

Kelvey Oeser, Deputy Commissioner, Educator and System Support
Marian Schutte, Executive Director, Authorizing

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 100. Charters

Subchapter A. Open-Enrollment Charter Schools

§100.1. Selection Process.

- (a) In accordance with ~~[the]~~ Texas Education Code (TEC), §12.101, a State Board of Education (SBOE) member shall be designated by the SBOE chair to work in coordination with the commissioner of education on the review of TEC, Chapter 12, Subchapter D, open-enrollment charter school applicants.
- (b) Following the commissioner's notification to the SBOE of the charters the commissioner proposes to grant, a majority of the SBOE members present and voting may vote to veto the commissioner's proposed charter(s) or may vote to take no action. The SBOE's consideration of the proposed charters will occur no later than 90 days following the commissioner's notification.
- (c) The SBOE may not vote or deliberate on any charter application that has not been proposed by the commissioner. For purposes of this section, deliberation is defined in Texas Government Code, §551.001.
- (d) An applicant for an open-enrollment charter, or any person or entity acting on behalf of an applicant for an open-enrollment charter, shall not communicate with ~~[the commissioner or the commissioner's designee,]~~ a member of the SBOE ~~[or a member of an external application review panel]~~ concerning a charter school application beginning on the date the application is submitted and ending on the date the applicant passes through an external review with a qualifying score ~~[90 days after the commissioner's proposal]~~ . The SBOE may veto a proposed application for violation of this subsection.

**Introduction of the Texas Permanent School Fund Corporation
Acting Chief Executive Officer**

August 30, 2023

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

SUMMARY: This item provides an opportunity for the Texas Permanent School Fund Corporation to introduce Acting Chief Executive Officer, Britt Harris, to members of the State Board of Education.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#).

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 the permanent school fund.

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

BACKGROUND INFORMATION AND JUSTIFICATION: On June 27, 2023, the Texas Permanent School Fund Corporation Board of Directors appointed Britt Harris as the new acting Chief Executive Officer until such time as the Board selects and hires a new permanent Chief Executive Officer.

Staff Member Responsible:

Britt Harris, Acting Chief Executive Officer, Texas Permanent School Fund Corporation

Update on Texas Essential Knowledge and Skills (TEKS) Review

September 1, 2023

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) and for the board to provide additional guidance to TEKS review and ELPS work groups.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§§7.102\(c\)\(4\); 28.002\(a\) and \(c\); 28.025\(a\); and 29.051](#).

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

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), 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(a), 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.

TEC, §29.051, establishes state bilingual education and special language programs to meet the needs of emergent bilingual students.

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. The English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 were amended effective September 25, 2017, and the English language arts and reading and English as a second language (ESL) TEKS for high school were amended effective November 12, 2017. The K-12 TEKS for English and Spanish language arts and reading were again amended effective August 1, 2019, to make technical adjustments to the standards. 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 and were amended again to streamline the science TEKS effective August 27, 2018. The social studies TEKS were amended effective August 23, 2010 and were amended again to streamline the social studies TEKS in 2018. The career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017. 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. The technology applications TEKS were amended effective September 26, 2011. The health education TEKS and the physical education TEKS were amended to be effective August 1, 2022. The science TEKS were once again amended effective April 28, 2021, November 30, 2021, and April 26, 2022. The revised science TEKS are scheduled to be implemented in the 2024-2025 school year. The

technology applications TEKS were amended effective August 7, 2022, and are also scheduled to be implemented in the 2024-2025 school year. At the November 2022 meeting, the SBOE approved proposed revisions to the social studies TEKS to align with requirements of Senate Bill 3, 87th Texas Legislature, Second Called Session, for implementation beginning in the 2024-2025 school year.

At the June 2019 SBOE meeting, the board held a work session to discuss updating the TEKS and instructional materials review and adoption schedule. At the September 2019 meeting, the board approved the schedule through the 2030-2031 school year. The board held another work session to discuss updates to the TEKS and instructional materials review and adoption schedule at the January 2021 meeting. The board approved updates to the TEKS and instructional materials review and adoption schedule at the April 2021 meeting. At the April 2023 SBOE meeting, the board approved changes to the TEKS review process, including the addition of a process for selecting work group members. At the June 2023 meeting, the SBOE discussed a preliminary draft of proposed changes to the ELPS.

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.

In 2017, the SBOE significantly revised the process for the review and revision of the TEKS. The 2017 TEKS review process was used for the streamlining of the social studies TEKS. At the November 2018 meeting, the SBOE approved updates to the 2017 TEKS review and revision process to better clarify the process. The updated process was used for the review of the physical education, health education, and science TEKS.

At the January 2021 meeting, the board held a work session to discuss the timeline for the TEKS review and revision process and associated activities, including updates to State Board for Educator Certification teacher assignment rules and certification exams, adoption of instructional materials, and the completion of the Texas Resource Review. TEA provided an overview of CTE programs of study and a skills gap analysis to inform the review and revision of the CTE TEKS. The board discussed potential adjustments to the TEKS and Instructional Materials Review and Adoption Schedule. At the April 2021 meeting, the SBOE approved revisions to the TEKS and Instructional Materials Review and Adoption Schedule.

In early 2019, the SBOE began the review of the ELPS 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 Texas Education Agency (TEA) website in December 2018. Work groups were convened in March, May, August, September, and October 2019. In September 2019, the U.S. Department of Education (USDE) indicated that Texas only partially met the requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act. In response to feedback from the work group members and feedback from the USDE, TEA staff convened a panel of experts in second language acquisition from Texas institutions of higher education to complete an analysis of the work group recommendations and current research on English language acquisition. Based on the panel's findings and direction from the SBOE, TEA executed personal services contracts with the panel members and a representative of an education service center to prepare a draft of revisions to the ELPS. Text of the draft ELPS completed by the expert panel was presented to the SBOE at the June 2023 meeting.

At the November 2022 SBOE meeting, the board approved a CTE TEKS review process that mirrors the process for other subjects, but accounts for factors unique to CTE. Staff provided SBOE members with applications received for work group members to review and revise the CTE TEKS for entrepreneurship and career preparation in November 2022 and January 2023. The approvals were due to TEA staff on

December 1, 2022, and January 2023, respectively. TEA convened work groups for entrepreneurship and career preparation CTE TEKS in February, March, and April 2023. A public hearing and a separate action item in this agenda have been prepared for the board to discuss and approve for first reading and filing authorization the proposed revisions to the entrepreneurship and career preparation CTE TEKS.

In February 2023, TEA posted a work group application to develop recommendations for revisions to the TEKS for certain courses in the Agriculture, Food, and Natural Resources career cluster; two CTE science courses that may satisfy a science graduation requirement, Principles of Technology and Scientific Research and Design; and the courses in the Aviation Maintenance program of study. TEA provided SBOE members with applications received in February, March, and April 2023. The approvals were due to TEA staff on March 3, March 24, April 14, and May 5. At the April 2023 SBOE meeting, the board took no action to approve advisory group members to review and comment on the proposed draft recommendations for selected courses in Agriculture, Food, and Natural Resources career cluster.

Additionally at the April 2023 SBOE meeting, the board discussed and approved changes to the TEKS review process, including approving a process for selecting work group members. The changes are scheduled to begin with the next subject to be reviewed and revised.

This item provides the opportunity for staff to update the board on progress related to the ongoing CTE and ELPS review processes and for the board to provide additional direction to TEKS review and ELPS work groups.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Discussion of Pending Litigation

August 30, 2023

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

SUMMARY: The State Board of Education (SBOE) 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:

Book People, INC. VBK, INC d/b/a Blue Willow Bookshop, American Booksellers Association, Association of American Publishers, Authors Guild, INC., Comic Book Legal Defense Fund v. Martha Wong in her official capacity as chair of the Texas State Library and Archives Commission, Keven Ellis in his official capacity as chair of the Texas Board of Education, Mike Morath in his official capacity as Commissioner of Education; in the United States District Court for the Western District of Texas, Austin Division, Case No. 1:23-cv-858; and

any 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.

BACKGROUND INFORMATION AND JUSTIFICATION: At every regularly scheduled meeting, the SBOE has the opportunity to be apprised of pending litigation as the need arises. The SBOE may also receive continued briefing on procedural developments.

Staff Member Responsible:

Von Byer, General Counsel, Legal Services

COMMITTEE ON INSTRUCTION

**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 1, 2023

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 innovative course application and approval requirements.

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 2024-2025 school year. The earlier effective date would update the requirements for the submission of innovative course applications for the 2023-2024 application cycle.

PREVIOUS BOARD ACTION: The SBOE adopted §74.27 effective September 1, 1996, with amendments effective September 1, 1998, September 1, 2001, December 25, 2007, and December 25, 2019. The SBOE last adopted amendments in November 2022 effective February 26, 2023. A discussion item on §74.27 was presented to the Committee on Instruction at the June 2023 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the previously approved experimental courses were phased out as of August 31, 1998. Following the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts now submit requests for innovative course approval for courses that do not have TEKS. The process currently 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 board last amended §74.27 in November 2022 to require that an applicant for an innovative course pilot the proposed course in a Texas school prior to seeking approval from the SBOE. At the April 2023 SBOE meeting, TEA staff provided an overview of the innovative course approval process, including key data related to historical implementation of innovative courses. At the June 2023 meeting, the Committee on Instruction discussed possible amendments to §74.27.

The attachment to this item reflects the text of the proposed amendment to §74.27 for consideration by the SBOE. The proposed amendment would shift from the commissioner of education to the SBOE the authority to approve innovative courses that fall under the foundation or enrichment curriculum, specify the number of years for initial approval and renewal of innovative courses, and exempt career and technical education courses that support an approved program of study from the pilot requirement. It would also require TEA to conduct a periodic review of all approved innovative courses and identify courses for possible sunset in accordance with specific criteria.

FISCAL IMPACT: TEA has determined that there are no additional costs to state or local government, including school districts and open-enrollment charter schools, 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. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by modifying the requirements for state approval of innovative courses and shifting from the commissioner of education to the SBOE the authority to approve innovative courses that fall under the foundation or enrichment curriculum.

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 expectations for innovative courses. 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 or reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: 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 6, 2023, and ends at 5:00 p.m. on November 10, 2023. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2023 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 6, 2023.

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 Programs

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.]~~
- (2) ~~(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.
- (3) ~~(4)~~ To request approval from the SBOE or the commissioner, 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 piloting of the course in Texas;
- (D) a description of activities, major resources, and materials to be used;
- (E) the methods of evaluating student outcomes;
- (F) the qualifications of the teacher;
- (G) any training required in order to teach the course and any associated costs; and
- (H) the amount of credit requested.
- (4) ~~(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.
- (5) ~~(6)~~ To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.
- ~~(6) The requirements of paragraphs (3)(C) and (5) of this subsection do not apply to the consideration of a course developed to support a program of study in career and technical education.~~
- ~~(7) Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of five years.~~
- (8) ~~(7)~~ With the approval of the local board of trustees, a school district may offer, without changes or deletions to content ~~[modifications]~~, any state-approved innovative course.
- ~~(9) Texas Education Agency shall review all approved innovative courses once every two years and provide for consideration for sunset a list of innovative courses that meet the following criteria:~~

- (A) approved as an innovative course for at least three years;
- (B) two consecutive years of zero enrollment;
- (C) average enrollment of less than 100 students statewide;
- (D) available at an average of fewer than 20 districts or charter schools statewide;
- (E) duplicative of another innovative or TEKS-based course; or
- (F) approved for implementation as a TEKS-based course.

(b) An ethnic studies course that has been approved by the SBOE [commissioner] as an innovative course shall be considered by [presented to] the SBOE at a subsequent meeting [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 considered by [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 SBOE [commissioner] approval of the innovative course.

Update on Ethnic Studies Innovative Courses

August 31, 2023

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, American Indian/Native Studies, and consider recommending the addition of Texas Essential Knowledge and Skills (TEKS) for a course in American Indian/Native 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 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 American Indian/Native studies course could begin at a future date.

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 the legislation. In 2014, 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.

An innovative course in Mexican American Studies was approved by the commissioner of education in 2015 and was available to school districts and charter schools beginning with the 2015-2016 school year. In September 2018, the SBOE adopted TEKS for a new Ethnic Studies: Mexican American Studies course effective July 1, 2019.

In November 2019, the SBOE adopted amendments to its rules on innovative courses to require comprehensive ethnic studies innovative courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies be presented to the SBOE for discussion and consideration for inclusion in the TEKS.

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. The SBOE gave

final approval to TEKS for a new Ethnic Studies: African American Studies course in April 2020 effective August 1, 2020.

In July 2023, the commissioner of education approved a new innovative course in Ethnic Studies: American Indian/Native Studies. This item provides the opportunity for the SBOE to consider the addition of TEKS for American Indian/Native studies in the social studies elective courses.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Discussion of Adjustments to the Dyslexia Handbook to Align with Requirements of House Bill 3928

August 31, 2023

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

SUMMARY: House Bill (HB) 3928, passed by the 88th Texas Legislature, Regular Session, requires the State Board of Education not later than June 30, 2024, to revise the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook), to conform with requirements of HB 3928. This item provides the opportunity for the committee to discuss updates to the Dyslexia Handbook necessary to address requirements of HB 3928.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(28) and §38.003, as amended by HB 3928.

TEC, §7.102(c)(28) requires the State Board of Education to approve a program for testing students for dyslexia and related disorders and prohibits the program from including a distinction between standard protocol dyslexia instruction and other types of direct dyslexia instruction, including specially designed instruction.

TEC, §38.003, requires students enrolling in public schools in Texas to 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. This section also requires the board of trustees of each school district, in accordance with the program approved by the State Board of Education, to provide for the treatment of any student determined to have dyslexia or a related disorder; and adopt and implement a policy requiring the district to comply with all rules and standards adopted by the State Board of Education to implement the program.

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

FUTURE ACTION EXPECTED: Proposed amendments to §74.28 including updates to the Dyslexia Handbook will be presented for action at a future SBOE 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 §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.

Section 74.28 was amended effective March 13, 2019, to adopt the *Dyslexia Handbook* in rule as Figure: 19 TAC §74.28(c).

The section was amended again effective December 25, 2019, to require school districts and open-enrollment charter schools to report to the Texas Education Agency (TEA) through the Texas Student Data System Public Education Information Management System (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 section was also amended effective February 10, 2022, to update the *Dyslexia Handbook* to clarify requirements related to student evaluation and dyslexia screening for students in Kindergarten and Grade 1.

House Bill (HB) 3928 requires the State Board of Education not later than June 30, 2024, to revise the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*, to conform with requirements of HB 3928 including ensuring there is not a distinction between standard protocol dyslexia instruction and other types of direct dyslexia instruction, including specially designed instruction.

This item provides the committee with the opportunity to discuss potential updates to the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* to address requirements of HB 3928.

Staff Members Responsible:

Kristen McGuire, Senior Director, Special Populations Programs and Policy
Monica Martinez, Associate Commissioner, Standards and Programs

Discussion of Library Collection Development Standards in Compliance with House Bill 900

August 31, 2023

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

SUMMARY: House Bill (HB) 900, passed by the 88th Texas Legislature, Regular Session, requires the Texas State Library and Archives Commission (TSLAC), with approval by majority vote of the State Board of Education, to adopt standards for school library collection development that a school district is required to adhere to in developing or implementing the district's library collection development policies. This item provides the opportunity for the committee to discuss a draft of the proposed collection development standards and provide feedback to TSLAC.

STATUTORY AUTHORITY: Texas Education Code (TEC), §33.021, as amended by HB 900.

TEC, §33.021(b), requires the Texas State Library and Archives Commission (TSLAC), in consultation with the State Board of Education, to adopt voluntary standards for school library services, other than collection development, that a school district must consider in developing, implementing, or expanding library services.

TEC, §33.021(c), requires the TSLAC, with approval by majority vote of the State Board of Education, to adopt standards for school library collection development that a school district must adhere to in developing or implementing the district's library collection development policies.

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

FUTURE ACTION EXPECTED: Library collection development standards will be presented to the SBOE for approval at the November 2023 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Prior to passage of HB 900, TEC, §33.021 required the TSLAC, in consultation with the SBOE, to adopt standards for school library services. A school district was required to consider the standards in developing, implementing, or expanding library services.

The 88th Texas Legislature, Regular Session, 2023, passed HB 900, amending TEC §33.021 to require the TSLAC, in consultation with the SBOE, to adopt voluntary standards for school library services, other than collection development, that a school district must consider in developing, implementing, or expanding library services. HB 900 also requires the TSLAC, with approval by majority vote of the State Board of Education, to adopt standards for school library collection development that a school district is required to adhere to in developing or implementing the district's library collection development policies. The TSLAC must adopt the standards for school library collection development not later than January 1, 2024. The school library collection development standards must be reviewed and updated at least once every five years, and include a collection development policy that does the following:

- Prohibits the possession, acquisition, and purchase of harmful material, as defined by Texas Penal Code §43.24; library material rated sexually explicit material by the selling library material vendor, or library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982)

- Recognizes that obscene content is not protected by the First Amendment to the United States Constitution
- Is required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs
- Recognizes that parents are the primary decision makers regarding a student's access to library material
- Encourages schools to provide library catalog transparency
- Recommends schools communicate effectively with parents regarding collection development
- Prohibits the removal of material based solely on the ideas contained in the material or personal background of the author of the material or characters in the material

This item provides the committee with the opportunity to discuss draft school library collection development standards and provide preliminary feedback to the TSLAC.

Staff Member Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Separate Exhibit:

Draft Collection Development Standards

(to be provided in advance of the August-September 2023 SBOE meeting)

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

Per Capita Apportionment Rate for the 2023-2024 School Year

August 31, 2023

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

SUMMARY: A per capita apportionment rate for each school year is set by the commissioner of education based on an estimate of the amount available for expenditure from the Available School Fund (ASF). This item provides an opportunity for agency staff members to present the preliminary rate for the 2023-2024 school year.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§48.004, 48.251(c), and 43.001(b).

TEC, §48.004, requires the commissioner of education to implement and administer the Foundation School Program (FSP).

TEC, §48.251(c), requires the FSP to be financed with state available school funds distributed in accordance with the law.

TEC, §43.001(b), describes the appropriations that make up the ASF.

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

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: House Bill 1, the General Appropriations Act enacted by the 88th Texas Legislature, 2023, Regular Session, contains an estimate of the amount that will be available for expenditures from the ASF for the 2023-2024 school year. The per capita apportionment will include distributions from the Permanent School Fund and funds from state occupation taxes and the Motor Fuels Tax. The preliminary per capita apportionment rate set by the commissioner of education is based on an estimate of the funds available for expenditure. A final rate is established later in the school year by the commissioner of education based on actual funds available for expenditure.

The per capita apportionment rate finances part of the cost of the FSP. State aid comes from the ASF and the Foundation School Fund (FSF). The per capita apportionment rate determines how much of each school district's total state aid is paid from the ASF. The part that is not financed by the ASF must be paid from the FSF.

Staff Members Responsible:

Mike Meyer, Deputy Commissioner for Finance
Amy Copeland, State Funding Director

Separate Exhibit:

Preliminary Per Capita Apportionment Rate for School Year 2023-2024
(to be provided at the August-September 2023 SBOE meeting)

Rule 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, and Subchapter B, Texas Permanent School Fund Corporation Rules

August 31, 2023

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

SUMMARY: Texas Government Code (TGC), §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 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, and Subchapter B, Texas Permanent School Fund Corporation Rules. Subchapter A establishes distributions to the Available School Fund, SBOE duties related to the Texas Permanent School Fund (PSF) Corporation, ethical standards for SBOE members, the Bond Guarantee Program (BGP), and compliance with Securities and Exchange Commission (SEC) Rule 15c2-12 related to BGP disclosure as required by the Texas Constitution, Article VII, §5(a) and (f), and the Texas Education Code (TEC), Chapter 43. Subchapter B addresses the term length of SBOE members on the board of directors of the Texas PSF Corporation as required by TEC, §43.053.

STATUTORY AUTHORITY: The statutory authority for the rule review is [TGC, §2001.039](#). The statutory authority for 19 TAC Chapter 33, Subchapter A, is Texas Constitution, [Article VII, §5\(a\)](#) and [§5\(f\)](#); [TEC, §43.001](#) and [§43.0031](#); and Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. The statutory authority for 19 TAC Chapter 33, Subchapter B, is Texas Constitution, [Article VII, §5\(a\)](#) and [§5\(f\)](#); and [TEC, §43.001](#) and [§43.053](#).

TGC, §2001.039, requires all state agencies to review their rules at least once every four years.

Texas Constitution, Article VII, §5(a), authorizes the SBOE to make distributions from the PSF to the Available School Fund with certain limits.

Texas Constitution, Article VII, §5(f), authorizes the SBOE to manage and invest the PSF according to the prudent investor standard and make investments it deems appropriate.

TEC, §43.001, describes the PSF as a perpetual endowment.

TEC, §43.0031, requires the SBOE to adopt an ethics policy.

TEC, §43.053, establishes the composition of the board of directors of the Texas PSF Corporation and requires the SBOE to establish by rule the terms of SBOE members of the board of directors.

SB 1232, 87th Texas Legislature, Regular Session, 2021, allowed the SBOE to create the Texas PSF Corporation and delegate its authority to manage the PSF to the Texas PSF Corporation.

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, Subchapter A and Subchapter B, will be presented to the SBOE for adoption at the November 2023 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 33, Subchapter A, establishes the distributions to the Available School Fund, SBOE duties related to the Texas PSF Corporation, ethical standards for SBOE members, the BGP, and compliance with SEC Rule 15c2-12 related to BGP disclosure. Subchapter B addresses the term length of SBOE members on the board of directors of the Texas PSF Corporation as required by TEC, §43.053.

The SBOE approved revisions to 19 TAC Chapter 33, Subchapter A, for second reading and final adoption at its February 3, 2023 meeting. The revisions:

- removed the 5% floor on the reserve requirement, aligning the reserve capacities for both districts and charters;
- adopted a lower reserve, which allowed more funding for the bond guarantee program as the program was at capacity; and
- modified the ethical standards for SBOE members, the commissioner of education, Texas Education Agency (TEA) staff, and persons who provide services to the SBOE relating to the PSF as a result of SB 1232, 87th Texas Legislature, Regular Session, 2021.

The SBOE also approved new §33.21 for second reading and final adoption at its January 2022 meeting. The revisions organized the rules in Chapter 33 by creating new Subchapter B, Texas Permanent School Fund Corporation Rules, which contains §33.21.

ANTICIPATED REVISIONS TO RULES: The following changes to the rules in 19 TAC Chapter 33, Subchapter A, may be presented to the SBOE for future consideration:

- allowing refunding bonds to be eligible for guarantee if they were denied beginning in November 2022 due to compliance with federal regulation;
- adding a process for how to allocate available capacity among school district and charter applicants when the total amount applied for in a month is greater than the available capacity; and
- adding back language on the distribution that was mistakenly repealed in the recodification related to SB 1232, 87th Texas Legislature, Regular Session, 2021, and the transfer to the Texas PSF Corporation.

PUBLIC COMMENTS: TEA plans to file the review of 19 TAC Chapter 33, Subchapter A and Subchapter B, with the Texas Register following the August-September 2023 SBOE meeting. TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 33, Subchapter A and Subchapter B, continue to exist. The public comment period on the proposed rule review begins October 6, 2023, and ends at 5:00 p.m. on November 10, 2023. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in November 2023 in accordance with the SBOE operating policies and procedures.

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:

Mike Meyer, Deputy Commissioner, Finance

Amy Copeland, Director, State Funding

Jim Moore, Foundation School Program Manager, State Funding

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, and Subchapter B, Texas Permanent School Fund Corporation 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

§33.2. 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).

Statutory Authority: The provisions of this §33.2 issued under the Texas Constitution, Article VII, §5(a)(2) and (f).

Source: The provisions of this §33.2 adopted to be effective April 21, 2010, 35 TexReg 3027.

§33.3. Duties and Responsibilities of the State Board of Education Related to the Texas Permanent School Fund Corporation.

- (a) The Texas Constitution, Article VII, §§1-8, establish the Available School Fund, the Texas Permanent School Fund (PSF), and the State Board of Education (SBOE) and specify 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. The members of the SBOE serve as fiduciaries of the PSF.
- (b) Pursuant to Texas Education Code, Chapter 43, Subchapter B, the SBOE delegated the authority to manage and invest the PSF to the Texas PSF Corporation, a special-purpose governmental corporation that is an instrumentality of the state of Texas with all necessary and implied powers to accomplish its purpose. The SBOE has the following duties and responsibilities with respect to the Texas PSF Corporation:
 - (1) establish by rule the terms of the five members of the SBOE appointed to the Texas PSF Corporation Board of Directors;
 - (2) adopt the certificate of formation for the Texas PSF Corporation;
 - (3) approve the adoption and amendment of the Texas PSF Corporation bylaws; and
 - (4) act as the sole member of the Texas PSF Corporation.

Statutory Authority: The provisions of this §33.3 issued under the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code, §43.001; and Senate Bill 1232, 87th Texas Legislature, Regular Session, 2021.

Source: The provisions of this §33.3 adopted to be effective March 1, 2023, 48 TexReg 1043.

§33.4. Ethical Standards for Members of the State Board of Education.

- (a) Definitions. For purposes of this section, the following definitions have the following meanings.
 - (1) Commissioner--the commissioner of education. As the commissioner is an employee of the Texas Education Agency (TEA), any provisions that apply to TEA employees apply to the commissioner.

- (2) Official act or official action--a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.
 - (3) Permanent School Fund (PSF) service provider--any person who provides services to the PSF or relating to the management or investment of the PSF, including, but not limited to, external investment managers and consultants, banks, custodians, and professional services (attorneys, accountants, etc.). Notwithstanding the foregoing, for all purposes under this section, the term PSF service provider excludes State Board of Education (SBOE) members, TEA employees, and private fund managers. PSF service providers who provide services to the Texas PSF Corporation are covered by the Texas PSF Corporation's ethics policy.
 - (4) Personal securities transactions--
 - (A) transactions for a member's or employee's own account, including an individual retirement account; or
 - (B) transactions for an account, other than an account over which the member or employee has no direct or indirect influence or control, in which the member or employee (or the member's or employee's spouse, minor child, or other dependent relative):
 - (i) is an income or principal beneficiary or other equity owner of the account; or
 - (ii) receives compensation for managing the account for the benefit of persons other than the member or employee or his or her family.
 - (5) Private fund manager--a person who controls a non-publicly traded investment fund or other investment vehicle (including, but not limited to, a partnership, limited liability company, trust, association, or other entity) in which the PSF is invested. A private fund manager may include the vehicle's sponsor, general partner, managing member, manager, advisor, or other agent thereof. For purposes of this section, private fund managers are not considered to be PSF service providers.
 - (6) Publicly traded securities--securities of a class that is listed on a national securities exchange or quoted on the NASDAQ national market system in the United States or that is publicly traded on any foreign stock exchange or other foreign market.
 - (7) Relative--an individual related within the third degree by consanguinity (blood relative) or the second degree by affinity (marriage) determined in accordance with Texas Government Code, §§573.021-573.025. For purposes of this definition:
 - (A) examples of a relative within the third degree by consanguinity are a child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, uncle, aunt, niece, or nephew;
 - (B) examples of a relative within the second degree by affinity are a spouse, an individual related to a spouse within the second degree by consanguinity, or a spouse of such an individual;
 - (C) an individual adopted into a family is considered a relative on the same basis as a natural born family member; and
 - (D) an individual is considered a spouse even if the marriage has been dissolved by death or divorce if there are surviving children of that marriage.
 - (8) Texas Education Agency (TEA) employee--a person employed by TEA who provides advice to the SBOE, commissioner, or TEA concerning the PSF.
- (b) General principles. Under Texas Education Code (TEC), §43.0031, members of the SBOE, the commissioner, TEA employees, and persons providing services to the SBOE relating to the PSF are subject to general ethical standards relating to the PSF. The PSF is held in public trust for the benefit of the schoolchildren of Texas. The members of the SBOE serve as fiduciaries of the PSF in accordance with the Texas Constitution, Article VII, §5(f). SBOE members or anyone acting on their behalf shall aspire to the highest standards of ethical conduct and 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) General ethical standards.

- (1) SBOE members must comply with all laws applicable to them, which may include one or more of the following statutes: Texas Government Code, §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), Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), and Chapter 305 (Registration of Lobbyists); Texas Penal Code, Chapter 36 (Bribery and Corrupt Influence) and Chapter 39 (Abuse of Office); and TEC, §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.
- (2) SBOE members must be honest in the exercise of their duties and must not take actions that will discredit the PSF.
- (3) SBOE members shall be loyal to the interests of the PSF to the extent that such loyalty is not in conflict with other duties that legally have priority.
- (4) SBOE members 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) This section is adopted to satisfy the requirements of TEC, §43.0031.

(d) Conflicts of interest.

- (1) A conflict of interest exists whenever SBOE members, the commissioner, or TEA employees 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. Conflicts include, but are not limited to, beneficial interests in securities, corporate memberships, trustee positions, familial relationships, or other special relationships that could reasonably be considered a conflict of interest with the fiduciary duties to the PSF. Further, TEC, §43.0032, requires disclosure and no participation in a matter affected by the possible conflict of interest, unless a waiver is granted, when an SBOE member, the commissioner, a TEA employee, or a person who provides services to the SBOE that relate to management or investment of the PSF 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 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 person who has a possible conflict of interest as defined in paragraph (1) of this subsection shall, upon discovery, promptly disclose the possible conflict to the commissioner and the chair and vice chair of the SBOE on a disclosure form prescribed by the commissioner.

(e) Prohibited transactions and interests. SBOE members, the commissioner, and TEA employees may not:

- (1) engage in any personal securities transaction when the person has actual knowledge that the Texas PSF Corporation is trading such securities or has acquired information through his or her position that is not otherwise available to the public. An SBOE member, the commissioner, or a TEA employee may otherwise buy or sell a publicly traded security of an issuer that is held by the Texas PSF Corporation;

- (2) accept or solicit any gifts, favors, services, or benefits that might reasonably tend to influence the person in the discharge of his or her duties for the PSF or that the person knows, or should know, is being offered with the intent to influence the person's conduct on behalf of the PSF;
 - (3) accept employment or engage in a business or professional activity while serving as an SBOE member or a TEA employee that the member or employee might reasonably expect would require or induce the member or employee to disclose confidential information acquired by reason of his or her position concerning the PSF;
 - (4) accept employment or compensation while serving as a member or employee that could reasonably be expected to impair the member's or employee's independence of judgment in the performance of his or her duties;
 - (5) make personal investments that could reasonably be expected to create a substantial conflict of interest between the member's or employee's private interest and the interests of the PSF;
 - (6) intentionally or knowingly solicit, accept, or agree to accept any gifts, favors, services, or benefits for the exercise of the member's or employee's authority or performance of the member's or employee's duties;
 - (7) purchase, sell, exchange, or lease property to or from the Texas PSF Corporation if such person holds an interest in the property (whether direct or indirect);
 - (8) purchase, sell, or exchange any interest in an entity with the Texas PSF Corporation if such person holds an interest in the entity (whether direct or indirect);
 - (9) accept offers, under any circumstances, by reason of their official position to trade in any security or other investment on terms more favorable than those available to the general investing public or, in the case of private market investments, a similarly situated investor;
 - (10) lend to or borrow from the Texas PSF Corporation, PSF service providers, private fund managers, or other third parties with which the Texas PSF Corporation has a business relationship, unless such entities are normally engaged in such lending in the usual course of their business, and then only on customary terms offered to others under similar circumstances to finance proper and usual activities; or
 - (11) act as a representative or agent of a third party, including a PSF service provider or private fund manager, in connection with the acquisition of services or an investment for the Texas PSF Corporation.
- (f) Gifts and entertainment. An SBOE member, the commissioner, or a TEA employee (or the spouse, minor child, or dependent relative thereof) may not:
- (1) accept any gift or benefit, unless such gift is a permissible gift as defined in subsection (g) of this section;
 - (2) solicit, offer, or accept a gift or benefit (for the personal benefit of the member or employee or for the benefit of a third party), regardless of whether it is a permissible gift, that the member or employee knows, or should know, is being offered or given because of the member's or employee's official position, in exchange for an official act, or with the intent to influence the member's or employee's conduct on behalf of the PSF;
 - (3) solicit, accept, or agree to accept an honorarium in consideration for services that the member or employee would not have been requested to provide but for his or her official position or duties;
 - (4) accept any gift or benefit from a lobbyist, or a person who is required to be registered as a lobbyist, that is not expressly permitted by Texas Government Code, Chapter 305; or
 - (5) accept a gift or benefit if the source of the gift or benefit is not identified or if the member or employee knows, or has reason to know, that a prohibited gift is being offered through an intermediary.
- (g) Definition of permissible gift. The term "permissible gift" means a gift or benefit that is offered or accepted in compliance with all applicable statutes and rules and is one of the following:

- (1) an occasional gift that is not cash or money, including checks, gift cards, or negotiable instruments, and does not exceed \$50 in value;
 - (2) food, lodging, entertainment, and transportation, if accepted as a guest (i.e., the donor is present) and, if required, the member or employee reports the gift as required by law;
 - (3) an item is given in the context of a personal relationship, such as kinship, or a professional or business relationship that is independent of the member's or employee's official capacity; or
 - (4) transportation, lodging, and meals in connection with attendance at a conference or similar event in which the member or employee renders services, such as speaking, if the services are more than perfunctory.
- (h) Receipt of prohibited gift. A member or employee who receives a gift that is not a permissible gift should return the gift to its source or, if that is not possible or feasible, donate the gift to a recognized tax-exempt charitable organization or governmental entity.
- (i) Contributions and solicitation of support.
- (1) All SBOE members, the commissioner, and TEA employees (and their respective agents) shall follow all applicable laws governing campaign contributions, including, without limitation, the rules promulgated by the Securities and Exchange Commission relating to political contributions by certain investment advisors.
 - (2) An SBOE member shall not request that a PSF service provider or private fund manager make any gift or donation to a school or other charitable interest on behalf of or at the request of a member.
- (j) Compliance and enforcement.
- (1) The SBOE will enforce this section through its chair or vice chair or the commissioner.
 - (2) Any violation of this section will be reported to the chair and vice chair of the SBOE and the commissioner, and a recommended action will be presented to the SBOE by the chair of the SBOE or the commissioner.
 - (3) The ethics advisor of TEA shall respond to inquiries from SBOE members, the commissioner, and TEA employees concerning the provisions of this section. The ethics advisor may confer with the general counsel.
- (k) Ethics training. The SBOE shall receive annual training regarding state ethics laws through the Texas Ethics Commission or TEA's ethics advisor. TEA employees shall complete all ethics training required by TEA.

Statutory Authority: The provisions of this §33.4 issued under Texas Education Code, §43.0031.

Source: The provisions of this §33.4 adopted to be effective March 1, 2023, 48 TexReg 1043.

§33.6. 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 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 TEC, §42.005.
 - (4) Bond--a debt security issuance approved by the attorney general, issued under 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 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 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 TEC, Chapter 45, Subchapter E; or
 - (B) any other type of loan or warrant that is not supported by bond taxes as defined by 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 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 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 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 increase or decrease the multiplier to prudently manage fund capacity and preserve 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 may establish an amount of capacity to be held in reserve of up to 5.0% of the fund's capacity. The amount to be held in reserve may be increased or decreased by a majority vote of the SBOE based on changes in the cost value, asset allocation, and risk in the portfolio, or may be increased or decreased by the commissioner as necessary to prudently manage fund capacity and preserve the AAA credit rating of the PSF. 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 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 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. Applications may also be prioritized for districts that experience unforeseen catastrophes or emergencies that require the renovation or replacement of school facilities as described in TEC, §44.031(h). 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 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-Warned 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 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 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 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 TEA that the capacity continues to be available before proceeding with the public or private offer to sell bonds.
 - (ii) 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 TEA in accordance with subparagraph (A) of this paragraph must provide written notice to 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 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 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) 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) 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 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 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 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 TEC, §45.062.

Statutory Authority: The provisions of this §33.6 issued under the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code, §43.001; and Senate Bill 1232, 87th Texas Legislature, Regular Session, 2021.

Source: The provisions of this §33.6 adopted to be effective March 1, 2023, 48 TexReg 1043.

§33.7. 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 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 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 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 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 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 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 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 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 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 §33.6 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 the percentage established by the State Board of Education (SBOE) under §33.6(e)(2) of this title of the charter school available capacity in reserve each month.
 - (2) 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 charter holder 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 charter holder 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 charter holder'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 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 charter holder may not submit an application for a guarantee before the governing body of the charter holder 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 §33.6 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 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 charter holder and agree that all such entities will be liable for the obligation if the open-enrollment charter holder 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 charter holder;
 - (iv) not have an unresolved corrective action that is more than one year old, unless the open-enrollment charter holder 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 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 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 charter holder 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 §33.6 of this title, the commissioner determines that the available capacity of the PSF as described in §33.6 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 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-Warned 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 TEC, §53.40;
 - (iv) whether 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 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 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 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 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) 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 TEA in accordance with subparagraph (A) of this paragraph must provide written notice to 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 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 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) 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) 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 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 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 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 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 Texas PSF Corporation of the notice of default and instruct the comptroller to transfer from the Charter District Bond Guarantee Reserve Fund established under 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 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 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 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 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.

Statutory Authority: The provisions of this §33.7 issued under the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code, §43.001; and Senate Bill 1232, 87th Texas Legislature, Regular Session, 2021.

Source: The provisions of this §33.7 adopted to be effective March 1, 2023, 48 TexReg 1043.

§33.8. Compliance with Securities and Exchange Commission (SEC) Rule 15c2-12 Pertaining to Disclosure of Information Relating to the Bond Guarantee Program.

- (a) Definitions. As used in this section, the following terms have the meanings ascribed to such terms below.
 - (1) Agency means the Texas Education Agency and any successors or assigns thereto with respect to the management and administration of the Program or the investment of the Permanent School Fund.
 - (2) Financial Obligation means, with respect to the Program, a:
 - (A) debt obligation;
 - (B) derivative instrument entered into in connection with, or pledged as security or a source of a payment for, an existing or planned debt obligation; or
 - (C) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.
 - (3) Guaranteed Bonds means obligations for which application is made and granted for a guarantee under the Program.
 - (4) Issuing District means a school district or charter district which issues Guaranteed Bonds.
 - (5) MSRB means the Municipal Securities Rulemaking Board or any successor to its functions under the Rule.
 - (6) Official Statement means each offering document of an Issuing District used in the offering and/or sale of Guaranteed Bonds.
 - (7) Order means the resolution, order, ordinance or other instrument or instruments of an Issuing District pursuant to which Guaranteed Bonds are issued and the rights of the holders and beneficial owners thereof are established.
 - (8) Permanent School Fund means the perpetual school fund established by Article VII, Section 2 of the Texas Constitution.
 - (9) Program means the program of bond guarantee by the Permanent School Fund, which program has been established by Article VII, Sections 2 and 5 of the Texas Constitution, and is administered in accordance with Subchapter C, Chapter 45, Texas Education Code, as amended, and the rules and regulations of the Agency. The term Program shall also include the rules, regulations and policies of the Agency with respect to the administration of such program of guarantee of school district bonds, as well as the rules, regulations, policies of the Agency with respect to the administration, and the operational and financial results, of the Permanent School Fund.
 - (10) Program Regulation means this rule of the Agency which is promulgated for the purpose of establishing and undertaking with respect to the Program which satisfies the requirements of the Rule.

- (11) PSF Corporation means the Permanent School Fund Corporation created by the State Board of Education pursuant to, and having the powers set forth in, Subchapter B of Chapter 43, Texas Education Code, as amended.
 - (12) Rule means SEC Rule 15c2-12, as amended from time to time.
 - (13) SEC means the United States Securities and Exchange Commission.
- (b) Annual Reports.
- (1) The Agency shall provide annually to the MSRB, within six months after the end of each fiscal year, financial information and operating data with respect to Program of the general type which describes the Program and which is included in an Official Statement for Guaranteed Bonds, which is prepared by the PSF Corporation. Any financial statements to be provided need not be audited. Such information shall be transmitted electronically to the MSRB, in such format and accompanied by such identifying information as prescribed by the MSRB.
 - (2) If the Agency changes its fiscal year from the year ending August 31, it will file notice with the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Agency otherwise would be required to provide financial information and data pursuant to this section.
 - (3) The financial information and operating data to be provided pursuant to this section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to either the MSRB or filed with the SEC.
- (c) Event Notices.
- (1) The Agency shall notify the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event), of any of the following events with respect to the Program:
 - (A) Principal and interest payment delinquencies;
 - (B) Non-payment related defaults if such event is material within the meaning of the federal securities laws;
 - (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
 - (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
 - (E) Substitution of credit or liquidity providers, or their failure to perform;
 - (F) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Program, or other material events affecting the tax status of the Program;
 - (G) Modifications to rights of holders of the Bonds, if such event is material within the meaning of the federal securities laws;
 - (H) Bond calls, if such event is material within the meaning of the federal securities laws, and tender offers;
 - (I) Defeasances;
 - (J) Release, substitution, or sale of property securing repayment of Guaranteed Bonds, if such event is material within the meaning of the federal securities laws;
 - (K) Rating changes of the Program;
 - (L) Bankruptcy, insolvency, receivership, or similar event of the Program, which shall occur as described below;
 - (M) The consummation of a merger, consolidation, or acquisition involving the Program or the sale of all or substantially all of its assets, other than in the ordinary course of

business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if such event is material within the meaning of the federal securities laws;

- (N) Appointment of a successor or additional trustee with respect to the Program or the change of name of a trustee, if such event is material within the meaning of the federal securities laws;
 - (O) The incurrence of a financial obligation of the Program, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Program, any of which affect security holders, if material; and
 - (P) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Program, any of which reflect financial difficulties.
- (2) For these purposes, any event described in the immediately preceding paragraph (L) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the Program in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Program, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Program.
 - (3) The Agency shall notify the MSRB, in a timely manner, of any failure by the Agency to provide financial information or operating data in accordance with Section 1 of this Program Regulation by the time required by such Section.
 - (4) Nothing in this Program Regulation shall obligate the Agency to make any filings or disclosures with respect to Guaranteed Bonds, as the obligations of the Agency hereunder pertain solely to the Program.
- (d) Limitations, Disclaimers, and Amendments.
- (1) With respect to a series of Guaranteed Bonds, the Agency shall be obligated to observe and perform the covenants specified in this Program Regulation for so long as, but only for so long as, the Agency remains an "obligated person" with respect to the Guaranteed Bonds within the meaning of the Rule.
 - (2) The provisions of this Program Regulation are for the sole benefit of each Issuing District, as well as holders and beneficial owners of the Guaranteed Bonds; nothing in this Program Regulation, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Agency undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Program Regulation and does not hereby undertake to provide any other information, even if such information may be relevant or material to a complete presentation of the Program's financial results, condition, or prospects. The Agency does not undertake to update any information provided in accordance with this Program Regulation or otherwise, except as expressly provided herein. The Agency does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Guaranteed Bonds at any time.
 - (3) Under no circumstances shall the Agency or the Program be liable to the holder or beneficial owner of any Guaranteed Bond, the Issuing District or any other person or entity, in contract or tort, for damages resulting in whole or in part from any breach by the Agency, whether negligent or without fault on its part, of any covenant specified in this Program Regulation, but every right and remedy of any such person, in contract or tort, for or on account of any such breach shall be limited to an action for mandamus or specific performance.

- (4) No default by the Agency in observing or performing its obligations under this Program Regulation shall comprise a breach of or default under the Order for purposes of any other provision of the Order. Nothing in this Program Regulation is intended or shall act to disclaim, waive, or otherwise limit the duties of the Agency under federal and state securities laws.
- (5) The provisions of this Program Regulation may be amended by the Agency from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Agency, but only if:
 - (A) the provisions of this Program Regulation, as so amended, would have permitted an underwriter to purchase or sell Guaranteed Bonds in the primary offering of the Guaranteed Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances; and
 - (B) either:
 - (i) the holders of a majority in aggregate principal amount of the outstanding Guaranteed Bonds consent to such amendment, or
 - (ii) a person that is unaffiliated with the Agency (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Guaranteed Bonds.
- (6) If the Agency so amends the provisions of this Program Regulation, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this section (relating to Compliance with SEC Rule 15c2-12 Pertaining to Disclosure of Information Relating to the Bond Guarantee Program) an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The Agency may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Guaranteed Bonds in the primary offering of the Guaranteed Bonds.

Statutory Authority: The provisions of this §33.8 issued under the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code, §43.001; and Senate Bill 1232, 87th Texas Legislature, Regular Session, 2021.

Source: The provisions of this §33.8 adopted to be effective March 1, 2023, 48 TexReg 1043.

Subchapter B. Texas Permanent School Fund Corporation Rules

§33.21. Texas Permanent School Fund Corporation.

Terms of directors. Any State Board of Education (SBOE) member who is appointed to the Texas Permanent School Fund (PSF) Corporation board of directors pursuant to SBOE policy under Texas Education Code, §43.053(a)(1), shall cease to be a Texas PSF Corporation director upon the expiration of his or her term of service on or upon other separation from the SBOE Committee on School Finance/Permanent School Fund in accordance with the SBOE's rules and policies.

Statutory Authority: The provisions of this §33.21 issued under Texas Constitution, Article VII, §5(a) and (f), and Texas Education Code, §43.001 and §43.053.

Source: The provisions of this §33.21 adopted to be effective March 22, 2022, 47 TexReg 1453.

Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide

August 31, 2023

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

SUMMARY: This item provides an opportunity for the committee to discuss a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG).

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(32), 44.007(a)-(d), and 44.008(b).

TEC, §7.102(c)(32), requires the State Board of Education (SBOE) to adopt rules concerning school district budgets and audits of school district fiscal accounts as required under TEC, Chapter 44, Subchapter A.

TEC, §44.007(a), requires the board of trustees of each school district to adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. TEC, §44.007(b), requires the accounting system to meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor. TEC, §44.007(c), requires a record to be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year is required to be filed with the agency on or before the date set by the SBOE. TEC, §44.007(d), requires each district, as part of the report required by TEC, §44.007, to include management, cost accounting, and financial information in a format prescribed by the SBOE in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.

TEC, §44.008(b), requires the independent audit to meet at least the minimum requirements and be in the format prescribed by the SBOE, subject to review and comment by the state auditor. The audit must include an audit of the accuracy of the fiscal information provided by the district through the Texas Student Data System Public Education Information Management System (TSDS PEIMS).

FUTURE ACTION EXPECTED: The proposed amendment to §109.41 will be presented for first reading and filing authorization at the November 2023 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The FASRG describes the rules of financial accounting for school districts, charter schools, and education service centers and is adopted by reference under §109.41. In addition, revisions to the FASRG would align the content with current governmental accounting and auditing standards, remove obsolete requirements, and remove descriptions and discussions of best practices and other non-mandatory elements.

Requirements for financial accounting and reporting are derived from generally accepted accounting principles (GAAP). School districts and charter schools are required to adhere to GAAP. Legal and contractual considerations typical of the government environment are reflected in the fund structure basis of accounting.

An important function of governmental accounting systems is to enable administrators to assure and report on compliance with finance-related legal provisions. This assurance and reporting means that the accounting system and its terminology, fund structure, and procedures must be adapted to satisfy finance-related legal requirements. However, the basic financial statements of school districts and charter schools should be prepared in conformity with GAAP.

School district and charter school accounting systems shall use the accounting code structure presented in the Account Code section of the FASRG (Module 1). Funds shall be classified and identified on required financial statements by the same code number and terminology provided in the Account Code section of the FASRG (Module 1).

The following changes would be made to FASRG Modules 1-6.

Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices

Module 1 aligns with current governmental accounting standards. Proposed Module 1 would include the following changes. Updates would be made to accounting codes and accounting guidance, and previous guidance would be clarified. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. In addition, school districts would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the Governmental Accounting Standards Board (GASB).

Module 2, Special Supplement - Charter Schools

Module 2 aligns with current financial accounting reporting standards. Proposed Module 2 would include the following significant changes. Updates would be made to accounting codes and accounting guidance, and previous guidance would be clarified. The proposed module would establish financial and accounting requirements for Texas public charter schools to ensure uniformity in accounting in conformity with GAAP. The proposed module would also include current guidance that complements the American Institute of Certified Public Accountants (AICPA) *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States Government Accountability Office (GAO). These requirements would facilitate preparation of financial statements that conform to GAAP established by the Financial Accounting Standards Board (FASB).

Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts

Module 3 aligns with current financial accounting standards. Proposed Module 3 would include the following changes. Updates would be made to accounting codes and accounting guidance, and previous guidance would be clarified. Charter schools would be required to maintain proper budgeting and financial accounting and reporting systems that are in conformity with Texas Education Data Standards (TEDS) in the TSDS PEIMS. In addition, charter schools would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the FASB. The proposed module would also include current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements would facilitate preparation of financial statements that conform to GAAP established by the FASB.

Module 4, Auditing

Module 4 aligns with current auditing standards. Proposed Module 4 would include the following changes. Updates would be made to accounting codes and accounting guidance, and previous guidance would be clarified. The proposed module would establish auditing requirements for Texas public school districts and charter schools and include current requirements from TEC, §44.008, as well as Code of Federal Regulations, Title 2, Part 200, Subpart F, Audit Requirements, that implement the federal Single Audit Act. The proposed module would also include current auditing guidance that complements the *AICPA Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements would facilitate preparation of financial statements that conform to GAAP established by the GASB.

Module 5, Purchasing

Module 5 aligns with current purchasing laws and standards. Proposed Module 5 would include the following changes. Updates would be made to purchasing guidance that has changed from previous legislation. Purchasing rules that needed additional explanation would be clarified. School districts and charter schools would be required to establish procurement policies and procedures that align with their unique operating environment and ensure compliance with relevant statutes and policies.

Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System

Proposed Module 6 would include the following changes. Updates would be made to clarify language that needed additional explanation, and other changes would be made due to changes in law. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. The module would provide information to assist local school officials' understanding of the numerous options for use of the state compensatory education allotment and provide current guidance for compliance.

Staff Members Responsible:

Mike Meyer, Deputy Commissioner, Office of Finance
David Marx, Senior Director, Financial Compliance

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 109. Budgeting, Accounting, and Auditing

Subchapter C. Adoptions By Reference

§109.41. Financial Accountability System Resource Guide.

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication Financial Accountability System Resource Guide, Version 19 [~~18.0~~], which is adopted by this reference as the agency's official rule. A copy is available on the TEA website with information related to financial compliance.

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

September 1, 2023

**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 states, the total amount distributed over ten years cannot exceed the total return on all investment assets of the Permanent School Fund (PSF) over the same ten-year period. The board will determine whether transfers may be made from the PSF to the Available School Fund (ASF) in fiscal year 2024.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); 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.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas PSF and Bond Guarantee Program (BGP) 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 September 2022 meeting, the board determined that a distribution for fiscal year 2023 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 (AG) regarding the implementation of Texas Constitution, Article VII, §5(a)(2) in limiting transfers from the PSF to the ASF. A supplementary request was made on January 14, 2009. On April 13, 2009, the AG 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.

Staff Members Responsible:

Britt Harris, Chief Executive Officer, Texas Permanent School Fund Corporation

Mark Shewmaker, Senior Investment Officer, Fixed Income and Director of Special Projects

COMMITTEE ON SCHOOL INITIATIVES

Discussion of Ongoing State Board for Educator Certification Activities

August 31, 2023

COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the committee to receive updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§21.031, 21.035, 21.041, and 21.042.

TEC, §21.031, charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct of public school educators and ensuring that all candidates for certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of the state.

TEC, §21.035, requires Texas Education Agency (TEA) staff to provide administrative functions and services to the SBEC.

TEC, §21.041(a), authorizes the SBEC to adopt rules necessary to implement its own procedures.

TEC, §21.041(b)(1)–(4), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(c) and (d), authorizes the SBEC to adopt fees for the issuance and maintenance of an educator certificate and for the approval or renewal of an educator preparation program.

TEC, §21.042, requires the SBEC to submit a written copy of each rule it proposes to adopt to the State Board of Education (SBOE) for review.

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

BACKGROUND INFORMATION AND JUSTIFICATION: On May 30, 1995, the 74th Texas Legislature enacted Senate Bill 1, a revision of the TEC. The TEC, §21.031 and §21.041, establish and authorize the SBEC to adopt rules to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators. In addition, the 79th Texas Legislature enacted House Bill 1116, continuing the SBEC following sunset review. This legislation amended TEC, §21.035 to require the TEA to provide all administrative services and functions required by the SBEC. Most of these functions have been assigned to TEA's Department of Educator Preparation, Certification, and Enforcement.

Under 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 proposal by a vote of at least two-thirds of the members of the

SBOE present and voting. If the SBOE fails to reject the rules contained in the proposal before the 90th day after the date on which it receives the rules, the rules take effect as rules of the SBEC as provided by Chapter 2001, Government Code. The SBOE may not modify a rule proposed by the SBEC. Since 1996, the SBEC has submitted a number of rules it proposed to the SBOE for review.

Staff Member Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement

Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6–8 Assignments, and Subchapter E, Grades 9–12 Assignments

September 1, 2023

**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, and Subchapter E, Grades 9–12 Assignments. The proposed revisions would incorporate courses approved by the SBOE, would add certificate areas to the list of credentials appropriate for placement into an assignment, and would incorporate technical edits where needed to improve readability and align citations.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 231 is the Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

TEC, §21.003(a), states that 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 the TEC, Chapter 21, Subchapter B.

TEC, §21.031(a), states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.064, requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued and to recognize these certificates until they expire.

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 231 establish the personnel assignments that correlate with appropriate certifications and are organized as follows:

- Subchapter A, Criteria for Assignment of Public School Personnel;
- Subchapter B, Prekindergarten–Grade 6 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,
- Subchapter F, Special Education–Related Services Personnel Assignments, and
- Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

These subchapters offer guidance to school districts and educators by providing the list of courses by grade level and subject area and identifying the corresponding certificates and other requirements for placement of individuals into classroom and/or campus assignments.

Proposed revisions to 19 TAC Chapter 231, Subchapter C and Subchapter E, shown in the attachment, are described below.

Subchapter C. Grades 6–8 Assignments

Titles, Assignments, and Technical Changes

§231.77. Technology Applications, Grades 6–8

The proposed amendment would add Mathematics/Physical Science/Engineering: Grades 6–12 and Mathematics/Physical Science/Engineering: Grades 8–12 to the list of certificates appropriate to teach Technology Applications, Grades 6–8.

§231.79. Career Development, Grades 6–8

The proposed amendment would add the new SBOE-approved course, Career and College Exploration, Grades 6–8, and delete the two courses repealed by the SBOE: College and Career Readiness, Grades 6-8, and Investigating Careers, Grades 6–8. The proposed amendment would also add Mathematics/Physical Science/Engineering: Grades 6–12 and Mathematics/Physical Science/Engineering: Grades 8–12 to the list of certificates appropriate to teach middle school courses for Career Development, Grades 6–8.

Subchapter E. Grades 9–12 Assignments

Titles, Assignments, and Technical Changes

Division 3. Social Studies, Grades 9–12 Assignments

The proposed amendment to §231.173, Economics with Emphasis on the Free Enterprise System and Its Benefits, Grades 9–12, would update the title to "Economics and Personal Financial Literacy, Grades 9–12" to incorporate additional course listings from §231.175, Personal Financial Literacy, Grades 9–12, and add the SBOE-approved course, Economics and Personal Financial Literacy, into rule. The list of certificates approved as appropriate to teach these courses and already presented in rule would remain unchanged.

The proposal would repeal §231.175, Personal Financial Literacy, Grades 9–12, as the information from the section has been incorporated in the proposed changes to §231.173, referenced above.

Division 5. Science, Grades 9–12 Assignments.

Proposed new §231.221, Specialized Topics in Science, Grades 9–12, would add this new SBOE-approved course into rule and identify the list of certificates appropriate to teach the course.

Division 9. Career Development, Grades 9–12 Assignments.

The proposed amendment to §231.271, Career Development, Grades 9–12, subsection (a), would add Mathematics/Physical Science/Engineering: Grades 6–12 and Mathematics/Physical Science/Engineering: Grades 8–12 to the list of certificates appropriate for the specified assignments.

Division 11. Architecture and Construction, Grades 9–12 Assignments.

The proposed amendment to §231.301, Principles of Architecture; Principles of Construction, Grades 9–12, would add "any vocational agriculture certificate" to the list of certificates appropriate for the specified assignments.

Division 14. Education and Training, Grades 9–12 Assignments.

The proposed amendment to §231.381, Education and Training, Grades 9–12, would add the new SBOE-approved course, Communication and Technology in Education, Grades 9–12, into rule. All remaining information would remain the same as the certificates listed in rule are appropriate to teach the new course being added.

Proposed new §231.385, Child Development, Child Guidance, or Child Development Associates Foundation, Grades 9–12, would add three new SBOE-approved courses, Child Development, Grades 9–12; Child Guidance, Grades 9–12; and Child Development Associates Foundation, Grades 9–12, into rule and specify the certificates appropriate to serve in these assignments.

Division 17. Health Science, Grades 9–12 Assignments.

The proposed amendment to §231.421, Health Science, Grades 9–12, would update subsection (a) to add the new SBOE-approved course, Pharmacy I, Grades 9–12, and the Medical Assistant, Grades 9–12, course already established in rule. The proposal would delete the Medical Assistant, Grades 9–12, course reference in subsection (b) and would add the new SBOE-approved course, Practicum in Nursing, Grades 9–12, to subsection (c). All remaining information would remain the same as the certificates listed in rule are appropriate to teach the new courses being added.

The proposed amendment to §231.423, Anatomy and Physiology, Medical Microbiology, Pathophysiology, and Respiratory Therapy I, Grades 9–12, would update the title to include the Respiratory II course. All remaining information would remain the same as the certificates listed in rule are appropriate to teach the new course being added.

Division 19. Human Services, Grades 9–12 Assignments.

The proposed amendment to §231.463, Lifetime Nutrition and Wellness, Grades 9–12, would add Health: Early Childhood–Grade 12 to the list of certificates appropriate for the specified assignment. All remaining information would be renumbered to reflect this update.

Division 20. Information Technology, Grades 9–12 Assignments.

The proposed amendment to §231.483, Digital Media, Grades 9–12, would add "any marketing certificate" to the list of certificates appropriate for the specified assignments. All remaining information would be renumbered to reflect this update.

Division 24. Science, Technology, Engineering, and Mathematics, Grades 9–12 Assignments.

The proposed amendment to §231.563, Principles of Biosciences, Grades 9–12, would add Life Science: Grades 7–12 and Life Science: Grades 8–12, Legacy Master Science Teacher (Grades 8–12), Science: Grades 7–12 and Science: Grades 8–12, Secondary Biology (Grades 6–12), Secondary Science (Grades 6–12), and Secondary Science, Composite (Grades 6–12), to the list of certificates appropriate to teach this course.

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 and local governments and there are no additional costs to persons or 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), §2001.022.

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 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 and repeal a regulation. The proposal would add proposed new 19 TAC §231.385, Child Development, Child Guidance, or Child Development Associates Foundation, Grades 9–12, and proposed new 19 TAC §231.221, Specialized Topics in Science, Grades 9–12, to add newly approved courses. The proposal would repeal §231.175, Personal Financial Literacy, Grades 9–12, which would be consolidated as part of 19 TAC §231.173. The proposal 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 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 clear guidance for districts on appropriate credentials for placement of individuals into classroom, administrative, and support personnel assignments. The TEA staff has determined that 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 new data and reporting impact.

ENVIRONMENTAL IMPACT STATEMENT: No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

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, Subchapter C, Grades 6–8 Assignments, and Subchapter E, Grades 9–12 Assignments

Staff Members Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement
Marilyn Cook, Senior Director, Educator Preparation and Certification

Attachment:

Text of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6–8 Assignments, and Subchapter E, Grades 9–12 Assignments

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 231. Requirements for Public School Personnel Assignments

Subchapter C. Grades 6-8 Assignments

§231.77. Technology Applications, Grades 6-8.

An assignment in a departmentalized classroom for Technology Applications, Grades 6-8, is allowed with one of the following certificates.

- (1) Elementary teacher certificate plus verification of competency to teach computer literacy.
- (2) Grades 6-12 or Grades 6-8--Computer Information Systems.
- (3) Information Processing Technologies Endorsement (Level I or II).
- (4) Junior High School or High School--Computer Information Systems.
- (5) Secondary Computer Information Systems (Grades 6-12).
- (6) Secondary teacher certificate plus verification of competency to teach computer literacy.
- (7) Technology Applications: Early Childhood-Grade 12.
- (8) Technology Applications: Grades 8-12 (Grade 8 only).
- (9) Mathematics/Physical Science/Engineering: Grades 6-12.
- (10) Mathematics/Physical Science/Engineering: Grades 8-12.

§231.79. Career Development, Grades 6-8.

An assignment in a departmentalized classroom for Career and College Exploration, Grades 6-8, [Career Development, College and Career Readiness, or Investigating Careers, Grades 6-8,] for a holder of a valid secondary or all-level certificate is allowed with a Technology Applications: Early Childhood-Grade 12 certificate, a Technology Applications: Grades 8-12 certificate, a Mathematics/Physical Science/Engineering: Grades 6-12 certificate, a Mathematics/Physical Science/Engineering: Grades 8-12 certificate, and 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)).

Subchapter E. Grades 9-12 Assignments

Division 3. Social Studies, Grades 9-12 Assignments

§231.173. Economics and Personal Financial Literacy, Grades 9-12 [~~with Emphasis on the Free Enterprise System and Its Benefits, Grades 9-12~~].

An assignment for Economics with Emphasis on the Free Enterprise System and Its Benefits ~~], [or]~~ Economics Advanced Studies, Personal Financial Literacy, or Personal Financial Literacy and Economics, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business certificate.
- (2) Grades 6-12 or Grades 9-12--Economics.
- (3) Grades 6-12 or Grades 9-12--Social Studies.
- (4) Grades 6-12 or Grades 9-12--Social Studies, Composite.

- (5) Junior High School (Grades 9-10 only) or High School--Economics.
- (6) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.
- (7) Secondary Economics (Grades 6-12).
- (8) Secondary Social Studies (Grades 6-12).
- (9) Secondary Social Studies, Composite (Grades 6-12).
- (10) Social Studies: Grades 7-12.
- (11) Social Studies: Grades 8-12.

§231.175. Personal Financial Literacy, Grades 9-12.

An assignment for Personal Financial Literacy, Grades 9-12, is allowed with one of the following certificates.

- ~~(1) Any business certificate.~~
- ~~(2) Grades 6-12 or Grades 9-12 Economics.~~
- ~~(3) Grades 6-12 or Grades 9-12 Social Studies.~~
- ~~(4) Grades 6-12 or Grades 9-12 Social Studies, Composite.~~
- ~~(5) Junior High School (Grades 9-10 only) or High School Economics.~~
- ~~(6) Junior High School (Grades 9-10 only) or High School Social Science, Composite.~~
- ~~(7) Secondary Economics (Grades 6-12).~~
- ~~(8) Secondary Social Studies (Grades 6-12).~~
- ~~(9) Secondary Social Studies, Composite (Grades 6-12).~~
- ~~(10) Social Studies: Grades 7-12.~~
- ~~(11) Social Studies: Grades 8-12.~~

Division 5. Science, Grades 9-12 Assignments

§231.221. Specialized Topics in Science, Grades 9-12.

An assignment for Specialized Topics in Science, Grades 9-12, is allowed with one of the following certificates.

- (1) Any science certificate valid for Grades 6-12, Grades 7-12, or Grades 8-12.
- (2) Any secondary science teaching field.
- (3) Legacy Master Science Teacher (Grades 8-12).

Division 9. Career Development, Grades 9-12 Assignments

§231.271. Career Development, Grades 9-12.

- (a) Subject to the requirements in subsection (e) of this section, an assignment for Career Preparation I, Career Preparation II, or Extended Career Preparation, Grades 9-12, is allowed with one of the following certificates.
 - (1) Any vocational or career and technical education (CTE) 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)).

- (2) Any special education certificate so long as, beginning with the 2020-2021 school year, the special education-certified teacher assigned to teach this course shall complete Texas Education Agency-approved training found at tea.texas.gov/cte prior to teaching this course.
 - (3) Technology Applications: Early Childhood-Grade 12.
 - (4) Technology Applications: Grades 8-12.
 - (5) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (6) Mathematics/Physical Science/Engineering: Grades 8-12.
- (b) An assignment for Project-Based Research, Grades 9-12, is allowed with one of the following certificates.
- (1) Any vocational or CTE classroom teaching certificate specified in §233.13 of this title or §233.14 of this title.
 - (2) Technology Applications: Early Childhood-Grade 12.
 - (3) Technology Applications: Grades 8-12.
- (c) An assignment for Applied Mathematics for Technical Professionals, Grades 9-12, is allowed with one of the following certificates.
- (1) Any vocational or CTE classroom teaching certificate specified in §233.13 of this title or §233.14 of this title. This assignment requires a bachelor's degree.
 - (2) Grades 6-12 or Grades 9-12 Mathematics.
 - (3) Legacy Master Mathematics Teacher (Grades 8-12).
 - (4) Mathematics: Grades 7-12.
 - (5) Mathematics: Grades 8-12.
 - (6) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (7) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (8) Physics/Mathematics: Grades 7-12.
 - (9) Physics/Mathematics: Grades 8-12.
 - (10) Secondary Mathematics (Grades 6-12).
 - (11) Computer Science: Grades 8-12.
 - (12) Grades 6-12 or Grades 9-12--Computer Information Systems.
 - (13) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
 - (14) Secondary Computer Information Systems (Grades 6-12).
 - (15) Technology Applications: Early Childhood-Grade 12.
 - (16) Technology Applications: Grades 8-12.
- (d) All teachers assigned to Applied Mathematics for Technical Professionals 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.
- (e) The school district is responsible for ensuring that each teacher assigned to Career Preparation I, Career Preparation II, or Extended Career Preparation, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

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) Any vocational agriculture certificate.
- (4) [~~3~~] Any home economics or homemaking certificate.
- (5) [~~4~~] Family and Consumer Sciences, Composite: Grades 6-12.
- (6) [~~5~~] Mathematics/Physical Science/Engineering: Grades 6-12.
- (7) [~~6~~] Mathematics/Physical Science/Engineering: Grades 8-12.
- (8) [~~7~~] Secondary Industrial Arts (Grades 6-12).
- (9) [~~8~~] Secondary Industrial Technology (Grades 6-12).
- (10) [~~9~~] Technology Education: Grades 6-12.
- (11) [~~10~~] Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (12) [~~11~~] Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (13) [~~12~~] Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (14) [~~13~~] Vocational Trades and Industry. This assignment requires appropriate work approval.

Division 14. Education and Training, Grades 9-12 Assignments

§231.381. Education and Training, Grades 9-12.

- (a) An assignment for Instructional Practices, ~~or~~ Principles of Education and Training, or Communication and Technology in Education, Grades 9-12, is allowed with any valid classroom teacher or administrator certificate.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Education and Training, Extended Practicum in Education and Training, Practicum in Early Learning, or Extended Practicum in Early Learning, Grades 9-12, is allowed with any valid classroom teacher or administrator certificate.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Education and Training, Extended Practicum in Education and Training, Practicum in Early Learning, or Extended Practicum in Early Learning, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.385. Child Development, Child Guidance, or Child Development Associates Foundation, Grades 9-12.

An assignment for Child Development, Child Guidance, or Child Development Associates Foundation, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- (2) Family and Consumer Sciences, Composite: Grades 6-12.
- (3) Health Science: Grades 6-12.

- (4) Health Science Technology.
- (5) Health Science Technology Education: Grades 8-12.
- (6) Human Development and Family Studies: Grades 8-12.
- (7) Vocational Health Occupations.
- (8) Vocational Health Science Technology.

Division 17. Health Science, Grades 9-12 Assignments

§231.421. Health Science, Grades 9-12.

- (a) An assignment for Health Science Theory, Health Science Clinical, Pharmacology, Pharmacy I, Pharmacy II, Principles of Health Science, ~~[or]~~ World Health Research, or Medical Assistant, Grades 9-12, is allowed with one of the following certificates.
 - (1) Health Science: Grades 6-12.
 - (2) Health Science Technology Education: Grades 8-12.
 - (3) Vocational Health Occupations.
 - (4) Vocational Health Science Technology.
- (b) An assignment for Medical Terminology ~~[or Medical Assistant]~~, Grades 9-12, is allowed with one of the following certificates.
 - (1) Secondary Biology (Grades 6-12).
 - (2) Secondary Science (Grades 6-12).
 - (3) Secondary Science, Composite (Grades 6-12).
 - (4) Health Science: Grades 6-12.
 - (5) Health Science Technology Education: Grades 8-12.
 - (6) Life Science: Grades 7-12.
 - (7) Life Science: Grades 8-12.
 - (8) Legacy Master Science Teacher (Grades 8-12).
 - (9) Science: Grades 7-12.
 - (10) Science: Grades 8-12.
 - (11) Vocational Health Occupations.
 - (12) Vocational Health Science Technology.
- (c) Subject to the requirements in subsection (d) of this section, an assignment for Practicum in Health Science, ~~[or]~~ Extended Practicum in Health Science, and Practicum in Nursing, Grades 9-12, is allowed with one of the following certificates.
 - (1) Health Science: Grades 6-12.
 - (2) Health Science Technology Education: Grades 8-12.
 - (3) Vocational Health Occupations.
 - (4) Vocational Health Science Technology.
- (d) The school district is responsible for ensuring that each teacher assigned to Practicum in Health Science or Extended Practicum in Health Science, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.423. Anatomy and Physiology, Medical Microbiology, Pathophysiology, ~~and~~ Respiratory Therapy I, and Respiratory Therapy II, Grades 9-12.

- (a) An assignment for Anatomy and Physiology, Medical Microbiology, Pathophysiology, ~~or~~ Respiratory Therapy I, or Respiratory Therapy II, Grades 9-12, is allowed with one of the following certificates.
- (1) Secondary Biology (Grades 6-12).
 - (2) Secondary Science (Grades 6-12).
 - (3) Secondary Science, Composite (Grades 6-12).
 - (4) Health Science: Grades 6-12. This assignment requires a bachelor's degree.
 - (5) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.
 - (6) Life Science: Grades 7-12.
 - (7) Life Science: Grades 8-12.
 - (8) Legacy Master Science Teacher (Grades 8-12).
 - (9) Science: Grades 7-12.
 - (10) Science: Grades 8-12.
 - (11) Vocational Health Occupations. This assignment requires a bachelor's degree.
 - (12) Vocational Health Science Technology. This assignment requires a bachelor's degree.
- (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 19. Human Services, Grades 9-12 Assignments

§231.463. Lifetime Nutrition and Wellness, Grades 9-12.

An assignment for Lifetime Nutrition and Wellness, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- (2) Family and Consumer Sciences, Composite: Grades 6-12.
- (3) Health: Early Childhood-Grade 12.
- (4) ~~(3)~~ Health Science: Grades 6-12.
- (5) ~~(4)~~ Health Science Technology Education: Grades 8-12.
- (6) ~~(5)~~ Hospitality, Nutrition, and Food Sciences: Grades 8-12.
- (7) ~~(6)~~ Human Development and Family Studies: Grades 8-12.
- (8) ~~(7)~~ Vocational Health Occupations.
- (9) ~~(8)~~ Vocational Health Science Technology.

Division 20. Information Technology, Grades 9-12 Assignments

§231.483. Digital Media, Grades 9-12.

An assignment for Digital Media, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any marketing certificate.

- (3) ~~(2)~~ Business and Finance: Grades 6-12.
- (4) ~~(3)~~ Business Education: Grades 6-12.
- (5) ~~(4)~~ Secondary Industrial Arts (Grades 6-12).
- (6) ~~(5)~~ Secondary Industrial Technology (Grades 6-12).
- (7) ~~(6)~~ Technology Education: Grades 6-12.
- (8) ~~(7)~~ Technology Applications: Early Childhood-Grade 12.
- (9) ~~(8)~~ Technology Applications: Grades 8-12.
- (10) ~~(9)~~ Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (11) ~~(10)~~ Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (12) ~~(11)~~ Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (13) ~~(12)~~ Vocational Trades and Industry. This assignment requires appropriate work approval.

Division 24. Science, Technology, Engineering, and Mathematics, Grades 9-12 Assignments

§231.563. Principles of Biosciences, Grades 9-12.

An assignment for Principles of Biosciences, 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) Health Science: Grades 6-12.
- (5) Health Science Technology Education: Grades 8-12.
- (6) Mathematics/Physical Science/Engineering: Grades 6-12.
- (7) Mathematics/Physical Science/Engineering: Grades 8-12.
- (8) Secondary Industrial Technology (Grades 6-12).
- (9) Secondary Industrial Arts (Grades 6-12).
- (10) Technology Education: Grades 6-12.
- (11) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (12) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (13) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (14) Vocational Health Occupations.
- (15) Vocational Health Science Technology.
- (16) Life Science: Grades 7-12.
- (17) Life Science: Grades 8-12.
- (18) Legacy Master Science Teacher (Grades 8-12).
- (19) Science: Grades 7-12.

- (20) Science: Grades 8-12.
- (21) Secondary Biology (Grades 6-12).
- (22) Secondary Science (Grades 6-12).
- (23) Secondary Science, Composite (Grades 6-12).

Open-Enrollment Charter School Generation 29 Application Updates

August 31, 2023

COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the committee to receive updates regarding the Generation 29 Open-Enrollment Charter Application cycle.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§12.101](#).

TEC, §12.101 requires the commissioner to notify the State Board of Education (SBOE) of each charter the commissioner proposes to grant. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting, vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect.

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

FUTURE ACTION EXPECTED: Following the conclusion of the application cycle, the board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation 29 Subchapter D Open-Enrollment Charter Schools.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE 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 29 application.

Public information concerning open-enrollment charter schools is available at the division of Charter Schools – Subchapter D Charters page found on the Texas Education Agency's website (<https://tea.texas.gov/charterapp.aspx>). The Generation 29 applications and required attachments are also linked from that page.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and System Support
Marian Schutte, Executive Director, Authorizing

**Recommendation for One Appointment to the
Fort Sam Houston Independent School District Board of Trustees**

September 1, 2023

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item provides an opportunity for the board to consider one appointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The appointment is necessary due to the retirement of one board member.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) 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.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed shall hold office for two years and until their successors are appointed and qualified. Enlisted military personnel may be appointed to the board; however, a majority must be civilians, and all may be civilians. When a vacancy occurs, the base commander notifies the commissioner of education of such vacancy in compliance with TEC, §11.352.

Brigadier General, United States Air Force, Russell D. Driggers has notified the commissioner of education of a vacancy on the board of trustees of the Fort Sam Houston ISD due to the retirement of one board member. Brigadier General Driggers recommends the appointment of Colonel Aaron J. Braxton to the Fort Sam Houston ISD Board of Trustees.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Brigadier General Driggers's recommendation, approve the appointment of Colonel Aaron J. Braxton to serve a term of office from September 1, 2023, to August 31, 2025, on the Fort Sam Houston ISD Board of Trustees.

Staff Members Responsible:

Steve Lecholop, Deputy Commissioner, Office of Governance

Christopher Lucas, Director, Policy, Planning, and Operations, Office of Governance

Attachment:

Correspondence from Brigadier General Driggers that includes biographical information and supporting materials for the nominee



**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



MEMORANDUM FOR MR. MIKE MORATH, COMMISSIONER, TEXAS EDUCATION AGENCY

FROM: 502 ABW/CC
2080 Wilson Way Bldg. 247
JBSA Ft Sam Houston TX 78234-2362

SUBJECT: Appointment of COL Aaron J. Braxton to the Fort Sam Houston Independent School District (FSHISD) Board of Trustees

1. Please consider this my formal request to appoint COL Aaron J. Braxton to the FSHISD Board of Trustees. Enclosed is COL Braxton's 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 nominee is eligible for appointment under the general school laws of Texas and lives or works on Joint Base San Antonio-Fort Sam Houston. The nominee is highly qualified and 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 with five candidates submitting packages. The membership composition of the board of trustees is in compliance with the provisions of Texas Education Code 11.352.
3. I recognize the power of the Board of Trustees to govern and manage the operations of FSHISD and recognize that my role as the commanding officer of the 502d Air Base Wing, in the process for appointing the Board of Trustees, is limited to the duty defined by statute.
4. Thank you for your support of our school district. If you have any questions please contact, Ms. Nita Ford-Hightower at (210) 221-8782 or nita.fordhightower.1@us.af.mil.

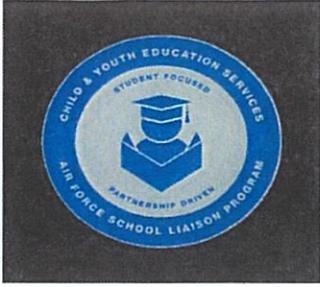
DRIGGERS.RUSS¹ Digitally signed by
DRIGGERS.RUSSELL.D.102400
ELL.D.1024001233¹²³³
Date: 2023.05.10 11:30:39 -05'00'

RUSSELL D. DRIGGERS
Brigadier General, USAF
Commander

Attachment:

1. COL Aaron J. Braxton Resume/Statement

1



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: COL Aaron J. Braxton II

Residential Address: 2847 N. New Braunfels Ave
JBSA Fort Sam Houston, TX 78234

Physical Address of Employer: 2450 Connell Rd, Bldg 2264
3rd Floor, Office 17
JBSA Fort Sam Houston, TX 78234

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

8 Feb 2023
Date

Aaron J. Braxton II
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.

COL Aaron J. Braxton II, LCDC, MSWAC, CPC

2847 N. New Braunfels
Fort Sam Houston, TX 78234
202.486.1515

E-mail: aaron.braxtonii@gmail.com

Integrity-driven and highly organized change agent offering extensive experience in leading teams that emphasizes choice, independence, and dignity for each other. Extensive background in conceptualization and qualitative modeling with a wealth of practical experience in the fields of healthcare and education via process development and improvements.

EDUCATION:

Austin Peay State University - Clarksville, Tennessee
Bachelor of Science Degree, 12/1997 - **Major:** Healthcare Administration

Alcorn State University - Lorman, Mississippi
Master of Science Degree, 06/2000 - **Major:** School Counseling

Mississippi State University - Starkville, Mississippi
Educational Specialist Degree 06/2002 - **Major:** School Counseling (CACREP Accredited)
-Aberdeen School System and Region III Mental Health Internships, Tupelo, MS

University of Pittsburgh - Pittsburgh, Pennsylvania
Master of Science Degree, 07/2010 - **Major:** Health Information Systems
-US Army Long-Term Health Education and Training Program

U.S. Army War College, Senior Service College - Carlisle, Pennsylvania
Master of Science Degree, 07/2022 - **Major:** Strategic Studies (Army Strategist)

WORK EXPERIENCE:

Office of the Army Surgeon General; 2450 Connell Road, Bldg 2264; Fort Sam Houston, TX
07/2021 – Present

Chief, Patient Administration Division (PAD) and Adviser

Duties, Accomplishments and Related Skills:

-Experience in managing personnel and special projects, to include staff synchronization for the Army's largest Direct Reporting Unit, a complex, integrated Army wide health service system dispersed across five continents with over 65,000 employees, serving over 1.5 million beneficiaries in 23 hospitals and medical centers, and numerous primary/dental care clinics.

McAfee U.S. Army Health Clinic; 1363 Aberdeen Ave; White Sands Missile Range, NM
06/2019 – 07/2021

Chief Executive Officer / Battalion Commander

Duties, Accomplishments and Related Skills:

-Provided, trained, and maintained the only Nuclear Accident and Incident Response and Assistance emergency medical team supporting the Departments of Defense only Nuclear Surety Program and Fast- Burst Reactor. Served as Director of Health Services to the Senior Mission Commander for medical operations at White Sands Missile Range, as well as liaison to local medical and support agencies.

U.S. Army Medical Command; 2748 Worth Road, Bldg. 21; Fort Sam Houston, TX
06/2018 – 07/2019

Executive Officer to the Deputy Commanding General (Operations)

Duties, Accomplishments and Related Skills:

- Executive Officer and Principal Advisor to the Deputy Commanding General for Operations (DCG-O) for US Army Medical Command on unit readiness, healthcare delivery and business operations (Quadruple Aim).
- Directly support the management and oversight to the Medical Readiness Commands for the delivery of healthcare across five continents to 3.8M beneficiaries in over 450 facilities.

U.S. Army Medical Command; 2748 Worth Road, Bldg. 21, JBSA; Fort Sam Houston, TX
06/2016 – 07/2018

Director, Patient Administration Systems and Biostatistics Activity

Duties, Accomplishments and Related Skills:

- Served as the principle advisor to senior executive leaders and command teams of a Multi-billion dollar corporation within Army Medicine, US Army Medical Command (MEDCOM) and Department of Defense Health Affairs (DOD-HA). Responsible for providing actionable analytics, statistical reports and audit services to enable data driven decisions and optimize clinical outcomes, data quality and business operations.

Brooke Army Medical Center; 3551 Roger Brooke Drive; Fort Sam Houston, TX
06/2015 – 06/2016

Executive Officer

Duties, Accomplishments and Related Skills:

- Served as Executive Officer to the Commanding General, Deputy Commanding Officer and Command Sergeant Major at Brooke Army Medical Center (BAMC) for the DoD's largest medical center consisting of a 425 bed tertiary referral center, the Army's only Level 1 Trauma Center and the DoD's only burn center. BAMC consist of 35 Graduate Medical Education programs and 32 Allied Health training programs that expands to seven outlying clinics.
- Managed an annual operating budget in excess of \$680 million and served an eligible beneficiary population of over 240,000.

BOARD CERTIFICATION AND CLEARANCE:

National Association of Forensic Counselors (active)

-Certified Chemical Dependency Counselor; # 23916

-Certified Master Social Work Addictions Counselor; # 23916

American Academy of Professional Coders

-Medical Coder Certified

Top Secret / Sensitive Compartmented Information Clearance (TS/SCI)

LICENSE:

Texas Department of State Health Services

-Licensed Chemical Dependency Counselor (LCDC); # 14075

Louisiana Department of Education

-School Counseling; AN 509856 (Expired)

NCAA Division 1 Athlete (Tennis) - Southwestern Athletic Conference

Alcorn State University from 1992-1995

Earned athletic scholarship each year

Held a starting position in singles and doubles each year

1993-1994 All Conference 2nd Team Doubles

**Recommendation for Three Reappointments to the
Lackland Independent School District Board of Trustees**

September 1, 2023

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item provides an opportunity for the board to consider three reappointments to the board of trustees of Lackland Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office of three board members.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) 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.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed shall hold office for two years and until their successors are appointed and qualified. Enlisted military personnel may be appointed to the board; however, a majority must be civilians, and all may be civilians. When a vacancy occurs, the base commander notifies the commissioner of education of such vacancy in compliance with TEC, §11.352.

Brigadier General, United States Air Force, Russell D. Driggers, has notified the commissioner of education of three vacancies on the board of trustees of the Lackland ISD due to the expiration of the board members' terms of office. Brigadier General Driggers recommends the reappointments of Mr. John Sheehan Jr., Mr. John Jackson, and Ms. Jere Pace to the Lackland ISD Board of Trustees.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Brigadier General Driggers' recommendation, approve the reappointments of Mr. John Sheehan Jr., Mr. John Jackson, and Ms. Jere Pace to serve terms of office from September 1, 2023, to August 31, 2025, on the Lackland ISD Board of Trustees.

Staff Members Responsible:

Steve Lecholop, Deputy Commissioner, Office of Governance
Christopher Lucas, Director, Policy, Planning, and Operations, Office of Governance

Attachment:

Correspondence from Brigadier General Driggers that includes biographical information and supporting materials for each nominee.



**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



MEMORANDUM FOR MR. MIKE MORATH, COMMISSIONER, TEXAS EDUCATION AGENCY

FROM: 502 ABW/CC
2080 Wilson Way Bldg 247
JBSA Ft Sam Houston TX 78234-2362

SUBJECT: Appointment of Mr. John Sheehan Jr., Mr. John Jackson, and Ms. Jere Pace to the Lackland Independent School District (LISD) Board of Trustees

1. Please consider this my formal request to appointment Mr. John Sheehan Jr., Mr. John Jackson, and Ms. Jere Pace to the LISD Board of Trustees. Enclosed are their resumes, as required by Texas Administrative Code Section 61.2a (1), along with signed statements expressing their willingness to accept the appointments and serve in full adherence to the established state standards for school board members.
2. The nominees are eligible for appointment under the general school laws of Texas and live or work on Joint Base San Antonio-Lackland. The nominees are highly qualified and 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 with five candidates submitting packages. The membership composition of the board of trustees is in compliance with the provisions of Texas Education Code 11.352.
3. I recognize the power of the Board of Trustees to govern and manage the operations of LISD and recognize that my role as the commanding officer of the 502d Air Base Wing, in the process for appointing the Board of Trustees, is limited to the duty defined by statute.
4. Thank you for your support of our school district. If you have any questions please contact, Ms. Dianna Fryer at (210) 671-8388 or dianna.fryer@us.af.mil.

DRIGGERS.RUSS¹²³³ Digitally signed by
DRIGGERS.RUSSELL.D.102400
ELL.D.1024001233
Date: 2023.05.16 10:18:33 -05'00'

RUSSELL D. DRIGGERS
Brigadier General, USAF
Commander

Attachments:

1. Mr. John Sheehan Jr.'s Resume
2. Mr. John Jackson's Resume
3. Ms. Jere Pace's Resume



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: John K. Jackson

Residential Address: 9511 Tioga Cove
San Antonio, Texas 78251

Physical Address of Employer: 616 Operations Center
JBSA Lackland
3515 South General McMullen Drive
San Antonio, Texas 78226

Board of Trustees Location Applying For: Lackland Independent School District

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.

A handwritten signature in black ink, appearing to read "John K. Jackson", written over a horizontal line.

Signature of Applicant

24 Mar, 2023

Date

John K. Jackson

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.

JOHN K. JACKSON

9511 Tioga Cove, San Antonio, TX 78251
Email: grambling1980@yahoo.com

Day: 210-395-0074
Evening: 719-339-1963

SUMMARY OF QUALIFICATIONS

- 30-plus years in intelligence and cyberspace leadership and managerial positions
- United States Air Force (USAF) senior civilian; retired USAF Officer
- Postgraduate Degrees
- Top Secret security clearance, with current access to sensitive compartmented information (SCI)

SUMMARY OF SKILLS AND ABILITIES

- Expert background in intelligence, surveillance, and reconnaissance (ISR) planning/operations
- Broad experience integrating Cyberspace and ISR into enterprise strategic planning processes
- Extensive background managing sensitive/compartmented USAF programs
- Accomplished administration of enterprise-level programs, projects, and budgets
- Demonstrated experience guiding matrixed and multi-functional organizations

EXPERIENCE

Deputy Director

June 2020 to Present—616th Operations Center (OC) / 16th Air Force, San Antonio, TX

- Integrates and synchronizes daily Information Warfare Operations
- Exercises command and control of Air Force Cyber Forces on behalf of the 16th AF Commander
- Plans, optimizes, and executes convergence effects of ISR, Cyber, and Information Operations (IO)

Chief, Strategy Division

January 2020 to June 2020—616th Operations Center / 16th Air Force, San Antonio, TX

- Managed and directed both long-range and near-term planning activities
- Assessed Cyber, ISR, Electronic Warfare (EW), and Information Operations effectiveness
- Directed Special Technical Operations (STO), special-access, and support to Special Operations

Chief, Special Missions Division

January 2014 to January 2020—625th Operations Center / AF ISR Agency, San Antonio, TX

- Defined missions, objectives, requirements, expenditures, and priorities for the organization
- Led creation of a new Operations Center—operational control of 70k+ personnel, worldwide
- Directed Special Technical Operations, special-access, and support to Special Operations

Chief, Readiness Division and National-Technical Means Branch

January 2008 to January 2014—AF Intelligence, Surveillance, and Reconnaissance Agency, San Antonio, TX

- Managed force readiness, exercise planning/support, risk management, and force integration
- Directed a multi-million dollar program integrating airborne and space operations
- Provided oversight and direction of national intelligence activities—DoD and Air Force programs

Chief, Combat Support/Special Information Operations Division and Special Management Office

November 2005 to January 2008—Air Intelligence Agency, San Antonio, TX

- Directed programming and budgeting activities to ensure delivery of services across the enterprise
- Conceived, initiated, and monitored national, service, and agency policy, programs, and projects
- Directed staff activities for all special information operations, to include Special Technical Operations and other limited-access programs

EDUCATION AND TRAINING

Formal Education

- Master of Arts Degree in Information Systems Management—Webster University
- Master of Arts Degree in Public Administration—Webster University
- Bachelor of Arts Degree in Political Science—Grambling State University

Professional Military Education

- Air War College
- Air Command and Staff College
- Squadron Officer School

Leadership

- Masters Leadership Program of Greater San Antonio
- Municipal Leadership Institute of San Antonio
- Seminar for Executives on Legislative Operations
- Congress and the Intelligence Community Workshop
- Driving Performance through Dialogue Workshop

Functional

- Civilian Personnel Management Course
- Contingency Wartime Planning Course
- Joint Information Operations Orientation Course
- Worldwide Joint Planning Orientation Course
- Imagery Intelligence Officer Course

Certifications

- Director of National Intelligence (DNI) *Intelligence Community Officer (ICO)*
- Intelligence Community Assignment Program (ICAP)—Joint Duty

CIVIC AND COMMUNITY

- Director—Project QUEST, Inc. Board of Directors
- Trustee—Lackland Independent School District Board of Trustees
- Former Commissioner—City of San Antonio Planning Commission
- Member—Development and Marketing Committee, Project QUEST, Inc.

MAJOR AWARDS AND HONORS

- Headquarters, USAF Intelligence Officer of the Year
- Meritorious Service Medal, with three oak leaf clusters
- Joint Service Commendation Medal, with two oak leaf clusters
- Air Force Commendation Medal
- National Defense Service Medal, with oak leaf cluster
- Armed Forces Expeditionary Medal
- Armed Forces Service Medal
- NATO Medal



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Jere M. Pace

Residential Address: 7914 Milton Favor, San Antonio, TX 78254

Physical Address of Employer: 102 Hall Blvd, Ste 119, JBSA-Lackland AFB, TX 78243

Board of Trustees Location Applying For: JBSA-Lackland

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.

PACEJERE.MADELINE.124138 0269 Digitally signed by
PACEJERE.MADELINE.1241380269
Date: 2023.03.27 13:28:51 -05'00'

Signature of Applicant

27 Mar 23

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

7914 Milton Favor
San Antonio, TX 78254

Office: COMM (210) 977-6092, DSN 969-6092; Home: (210) 589-3566
Work E-mail: jere.pace.1@us.af.mil; Home E-mail: jerelazard@yahoo.com

OBJECTIVE: To ensure my organization is efficiently and effectively utilizing resources (personnel and funding) to fulfill mission and support requirements.

EMPLOYMENT HISTORY:

Chief, Manpower and Reserve Affairs Division, GG-0343-14 September 2021 to Present

Employer: 16th Air Force (Air Forces Cyber)

102 Hall Blvd, Suite 119, San Antonio, TX 78243

Supervisor: Lt Col Richelle Hill, COMM (210) 977-3511 or DSN 969-3511, may be contacted

Serves as the Air Force Service Cryptologic Element (AF/SCE), Intelligence Community (IC) and Air Forces Cyber (AFCYBER) expert in Reserve affairs and manpower requirements management to include requirements development, measurement, validation, and utilization. Represents 16 AF in meetings and negotiations with senior decisions makers and planners from other MAJCOMs, Air Staff, DoD, National Security Agency (NSA), Defense Intelligence Agency (DIA), National Reconnaissance Office (NRO), National Geospatial Intelligence Agency (NGA), other national agencies, and congressional staff members. Oversees 16 AF's Servicing Manpower Office (i.e., organization, resources, and requirements capability) responsible for supporting the NAF's global staff and enterprise comprised of >49K Total Force billets (e.g., Regular Air Force (RegAF), Reserve, Guard, civilian, and contractor). Leverages technical expertise to formulate recommendations for 16 AF Senior military (General Officers) and civilian (Senior Executive Service) leadership's consideration and execution. Ensures the proper utilization of manpower resources funded by Air Force POM, Military Intelligence Program (MIP), Consolidated Cryptologic Program (CCP), General Defense Intelligence Program (GDIP), and the National Geospatial Program (NGP). Functional and central manager for 16 AF's Individual Mobilization Augmentee (IMA) program and manages all IMA manpower actions, assignment actions, and tracks the status of IMAs assigned across the enterprise to ensure effective active force support in peacetime and mobilization readiness in wartime. Manages the NAF staff's Military Personnel Appropriations (MPA) program and assists with POM requests for man-days. Supervises a division comprised of multiple lower graded Management Analysts (GG-13 and GG-12), one Reserve Affairs Specialist (GG-12), and one Personnelist (MSgt, IMA). Promotes a productive environment centered on clear and timely communication.

***Notable: Served as Acting 16 AF/A1 Deputy Director from February to July 2022**

Individual Mobilization Augmentee (IMA) to 16th Air Force Section/CC May 2020 to Present

Employers: 16th Air Force (Air Forces Cyber) and Air Force Reserves

Rank & AFSC: 1LT, 038F4 (Force Support Officer)

Supervisor: Maj Jaleesa T. Tachie, DSN: 969-6889/COMM: (210) 977-6889, may be contacted

Serves as IMA to Numbered Air Force (NAF) Section Commander. Strategic advisor to the NAF Commander on any personnel-related tasks, policies, and/or procedure in accordance with Air Force Instruction 1-2, and assist the NAF Commander in improve the unit and complete the mission responsibilities. Provides oversight to CSS personnel and ensures the execution of daily operations to include unit personnel and other commander directed programs.

Senior Manpower Analyst, GG-0343-13 December 2013 to September 2021

Employer: 16th Air Force (Air Forces Cyber)

102 Hall Blvd, Suite 249, San Antonio, TX 78243

Supervisor: Ms. Richelle Hill, COMM 210-977-3511, may be contacted

Served as the Air Force Service Cryptologic Component (AF/SCC) senior advisor regarding manpower requirements and organization management. When required, served as 16 AF Manpower and Reserve Affairs Division Chief, and oversaw the Division's functions and staff. The lead manpower expert on requirements management to include requirements development, measurement, validation, and utilization. Utilizes Air Force and commercial qualitative and quantitative techniques to apply principles, concepts, methodologies, and procedures of managing manpower resources, requirements, and organizational constructs. Conducted commander-directed manpower assessments to ensure the most efficient and effective utilization of scarce manpower resources. Formulated recommendations on manpower requirements processes, manpower utilization, and manpower programmatic for the IC, ACC, other MAJCOMs, and 16 AF Staff and subordinate units. Represented 16 AF/A1 while attending high-level planning and decision meetings held locally, at designated locations, or via secure video teleconferences. Tracked changes to >49K Total Force enterprise comprised of military (e.g., RegAF, Reserve, and Guard), civilian, and contractor billets. Resolved a full range of complex manpower initiatives using knowledge of manpower policies and directives. Ensured all assigned Authorization Change Requests (ACRs) and Organization Change Requests (OCRs) are completed in accordance with AF instructions and policies. 16 AF Reserve Affairs duties included IMA manpower change requests, Colonel and Chief billet and grade management, and MPA manpower requirements validations. Provided 16 AF with short term, skilled manpower when RegAF components were not available or insufficient. To complete queries, thoroughly researched and coordinated assigned special projects and taskers to meet designated commitments and suspenses. Delivered findings and recommendations to taskers by formulating reports, position papers, and briefings. Organized, built, and leveraged organizationally appropriate collaborative networks of coworkers, peers, customers, stakeholders, and teams within organizations across the Air Force and Defense Intelligence Components. Trained and advised functional area managers and program managers on UMD management, manpower policies, and functions. Maintained a working knowledge of personnel management, EEO, safety, and security regulations, practices, and procedures. Coordinated on resolution of AFPOM, MIP, and NIP manpower issues and initiatives. Enabled 16 AF/A1's mission to deliver Manpower and Personnel services to organize, train, and equip global 16 AF Airmen across nine wings and two centers.

Lead Consolidated Cryptologic Program (CCP) Manpower Analyst, GG-343-12 June 2011 to December 2013

Employer: AF Intelligence, Surveillance, and Reconnaissance Agency (AFISRA)
248 Kirknewton, Suite 317, San Antonio, TX 78243
Supervisor: Mr. Renato Queza (Retired)

Served as the Command and Air Force Service Cryptologic (AF/SCE) technical advisor to the AIM Division Chief and the A1 Director regarding National CCP manpower requirements management. The lead expert on National Security Agency/Central Security Service (NSA/CSS) and AF CCP manpower requirements management to include requirements development, measurement, validation, and utilization. Provided technical guidance and formulates recommendations on manpower requirements processes, manpower utilization, and AF/NSA manpower programmatic for NSA/CSS, SAF/AAR, HAF/A2, other MAJCOMs and AFISRA Staff and subordinate units. Served as AFISRA/A1 subject matter expert for NSA-directed worldwide site reviews. In turn, translated findings into adjustments on the UMD and in NSA/CSS's Human Resource Management System (HRMS). Lead Manpower Analyst for all OCRs and ACRs impacting CCP-funded resources across the command. Oversaw manpower requirements validations in accordance with Air Force and NSA directives while identifying requirements and initiating requests for additional manpower. Primary AF/SCE advisor to NSA Manpower Management office (BF12) who chairs the Manpower Working Group (MWG). Represented AFISRA while attending high-level NSA-hosted planning and decision meetings held in the National Capital Region and via secure video teleconferences. Worked directly with NSA Investment Portfolio (IP) Managers to define and present AF policy and guidance for AF manpower resources. Briefed and advised senior military and civilian leadership on AF and NSA manpower issues. Participated in the development of unique manpower standards in support of AFISRA's and NSA's specialized, complex mission requirements by leading associated workload studies. Functioned as the AFISRA and AF/SCE Lead while participating in AF and NSA/CSS manpower requirements evaluations at worldwide locations within national, multi-service and coalition environments to ensure AFISRA assets were effectively and equitably utilized. Managed

AFISRA's 70+ joint duty authorizations sponsored by NSA/CSS. Advocated AFISRA requirements in the NSA/CSS and AFISRA corporate and staffing process. Possessed an extensive knowledge of the IC mission, roles, functions, organizational structures, management, and business practices. Has an extensive knowledge of NSA and AF manpower and personnel databases. Planned, organized, and developed studies or projects to negotiate effectively with management to accept and implement recommendations. Those proposals involved substantial resources and required extensive changes in established concepts and procedures. Trained and advised Functional Area Managers (FAM) on UMD management, manpower policies, and functions. Provided coordination between NSA, AFISRA, and 24 AF on resolution of CCP, AFPOM, and GDIP-related manpower issues.

NCOIC, Requirements Branch March 2008 to June 2011

Employer: AF Intelligence, Surveillance, and Reconnaissance Agency (AFISRA)

248 Kirknewton, Suite 317, San Antonio, TX 78243

Rank & AFSC: MSgt/E-7, 3F371

Supervisor: Mr. Renato Queza (Retired)

Lead Manpower Analyst for HQ AFISRA Staff, Wings/Centers, and subordinate units. Oversaw manpower requirements validations in accordance with Air Force, DIA, NGA, and NSA directives. Staffed Special Operations Forces (SOF), NASIC, and NSA issues to corresponding HHQs, AFISRA Staff Functions and subordinates, and 24 AF. Served as AFISRA/A1 subject matter expert for NSA-directed worldwide MMRTs and translated findings into authorizations on the UMD and in HRMS. Represented AFISRA while attending high-level NSA-hosted planning and decision meetings in the National Capital Region. Tracked AFISRA and 67 NWW changes to CCP assets to include military and civilians. Lead manpower representative during the activation of four ISR Groups, six squadrons, and 12 detachments/operating locations. Identified requirements and initiated requests for additional manpower. AFISRA/A1 representative for SOF working group. Briefed and advised senior management on AF and NSA manpower issues and developed COAs. Trained and advised FAMs on UMD management, manpower policies, and functions. Provided coordination between NSA, AFISRA, and 24 AF on resolution of CCP, AFPOM, and GDIP-related manning issues.

SECURITY CLEARANCE: TS/SCI with current Counterintelligence (CI) Polygraph

EDUCATION:

Webster University, June 2017

M.A. Degree, Management and Leadership

Park University, October 2012

B.S. Degree, Human Resource Management

Community College of the Air Force, April 2008

Associate Degree, Human Resource Management

PROFESSIONAL MILITARY EDUCATION/TRAINING:

- **Initial Force Support Officer Course (IFSOC)**, 335th Training Squadron, 8 weeks, Feb 2021
- **Total Force Officer Training (Commissioning Program)**, 12 weeks, Commissioned 22 May 2020
- **Air Command and Staff College (ACSC) Distance Learning (DL) 6.0.**, 249 hrs, May 2019

TRAINING:

- **Congressional Justification**, Government Affair Institute at Georgetown University, 16 hrs, Jul 2019
- **Planning, Programming, Budgeting and Execution Basic Course**, HAF/A8PE, 16 hrs, May 2019
- **Enhancing Human Capital 301 Facilitation**, Profession of Arms Ctr of Excellence, 32 hrs, Nov 2018
- **Creating Culture of Performance/Accountability in Government Work Environment**, 16 hrs, Oct 2017
- **Leadership Strategies for Effective Communication in the Workplace**, 16 hrs, Aug 2017

- **AF Smart Operations 21 (AFSO21) Level 1**, 40 hrs, May 2017

PROFESSIONAL MEMBERSHIPS:

Rotary Club of San Antonio Mission Trail, 2010 to Present

- Leverages professional expertise to oversee Club and District level operations and projects
- Rotary Foundation Chair
- Served as Mission Trail Rotary Club Board Secretary
- Served as Assistant Governor; oversaw five Rotary 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"

Board Secretary, Lackland ISD (LISD) Board of Trustees, 14 Jun 2019 to Present

- Governs and oversees the management of Lackland ISD
- Establishes performance goals for the District and monitor progress toward those goals
- Adopts and files a budget for the succeeding fiscal year
- Ensures that the Superintendent of Schools implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of District operations
- Seeks to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community

Charter President, LISD Education Foundation, June 2020 to Present

- Serves as the Chief Executive Officer for the foundation
- Maintains general charge of the business affairs of the foundation
- Presides at meeting of the Board of Directors



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: John A. Sheehan Jr.

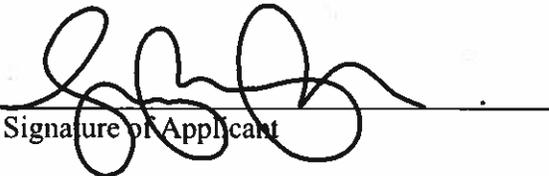
Residential Address: 15131 Sirius Circle
San Antonio, TX 78245

Physical Address of Employer: Air Force Installation Mission Support Center
3515 S. General McMullen Dr., Bldg 1.
JBSA-Lackland, TX 78226

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

John A. Sheehan Jr.
Printed Name of Applicant

March 31, 2023

Date

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.

JOHN A. SHEEHAN JR.

San Antonio, TX

johnjr2513@yahoo.com

(302) 222-7309

OBJECTIVE: Seeking a term on the Lackland Independent School District Board of Trustees.

PROFESSIONAL SUMMARY

Energetic leader with 24 years of experience in diverse environments applying a unique mix of strategic analysis, program and operational management, personnel development and training skills. Able to analyze data and detect inefficient and ineffective processes, as well as identify and evaluate innovative counter-measures. Adept at distilling data and information into clear and concise messages to senior leader. Skills include:

Program Development and Management – Policy Development – Data Mining and Analysis
Oral and Written Communication – Problem Solving – Training and Mentoring – Team Building

PROFESSIONAL HIGHLIGHTS

DEPARTMENT of the AIR FORCE, April 2021 – Current

Protection Service Integration Program Manager, Jan 2023 – Current

- Manages the integration of SF equities, such as, Land Mobile Radio Refresh, Command & Control systems, Utility Small Un-Manned Aircraft Systems, Integrated Base Defense Security Systems, and emerging technologies, where cross-functional impacts occur with Communications, Civil Engineer, Emergency Management, Explosive Ordnance Disposal, and Fire & Emergency Services.
- Develops risk-based analysis and Courses of Action (COAs) for SF equities across the AF enterprise that inform Planning, Programming, and Budgeting decisions in support of the FY2025-2029 FYDP, ~\$1.7B per year.
- Integrates and analyzes data from multi-functional program management sources to provide COA recommendations with indirect or direct impacts to installation Integrated Defense decision spaces informing Small Arms Working Group, I-WEPTAC Mission Assurance Working Groups, and SF Integrated Leadership Team.

Security Forces (SF) AFIS Program Manager, April 2021 – December 2022

- Managed the SF Air Force Inspection System program and supported the continual evaluation process of Antiterrorism (AT) Program Implementation, Integrated Defense, Integrated Defense Planning, Physical Security of Sensitive Conventional AA&E, Installation Perimeter Access Control, Law & Order Operations, DAF Corrections Systems, Arming Use of Force by AF personnel, Security Forces Standards and Procedures, Military

JOHN A. SHEEHAN JR.

San Antonio, TX

johnjr2513@yahoo.com

(302) 222-7309

Working Dog Program, USAF SA/LW Handling Procedures, SF Training & Standardization Evaluation, Combat Arms Program, and USAF SA/LW Qualification Program.

- Teamed with AFIMSC Fire & Emergency Services, Explosive Ordnance Disposal, and Emergency management to evaluate AFIS program management in order to identify similarities and implement best practices for continual evaluation of SF programs, as well as analyze data with commonalities impacting Integrated Defense.
- Performed risk analysis of all SF programs for 125 SF units semi-annually and provided monthly reports/feedback to SF commanders and MAJCOM/FIELDCOM SF staff of the findings, strengths, and overall performance. Advised SF Commanders and Senior Enlisted Leaders across 1 FIELDCOM, 8 MAJCOMs, and 2 DRUs of 23 SF enterprise-wide findings and course of actions to mitigate deficiencies, a 50% reduction from previous year.
- Developed a report for 125 units of 14 SF programs resulting in the management of 41.5K data points. Analyzed data points to produce metrics identifying trends of leading and lagging performance indicators for the SF enterprise to inform senior leaders planning, programming, and budgeting decisions and the health of the SF enterprise; as well as areas to improve/streamline policy development, and recommended COA to AFIMSC leaders and program managers.
- Authored and disseminated UEI Trends Analysis Bulletin identifying new trends with analysis, and reconciliation actions to 1 FIELDCOM, 8 MAJCOMs, and 2 DRUs. Teamed with HAF/A4SP and AFSFC/S3 for analysis to consider costs, available resources, regulatory requirements, policy waivers, and mitigation/reconciliation efforts for SF enterprise.

U.S. GOVERNMENT CONTRACTOR, October 2019 – February 2021

Defense Consulting Services: Force Protection Business Consultant, June 2020 – February 2021

- Provided higher headquarter strategy, governance, and future planning synchronization and integration within AFSFC lines of effort, objectives and processes. Supported the continual development and planning of the AFSFC Campaign Plan and execution of metrics development and analytics that informed AFSFC leadership planning, programming, and budgeting decisions.
- Utilized knowledge of Security Forces programs to analyze, articulate and advise capability improvements across the Integrated Defense portfolio to include: Operational Risk Management pertaining to security of installation PL resources, planning security operations, deviation program, conducting training and exercises, installation and internal control

JOHN A. SHEEHAN JR.

San Antonio, TX

johnjr2513@yahoo.com

(302) 222-7309

procedures, Security Forces supporting equipment requirements, installation security program facilities, intrusion detection systems, and standards for various ID programs such as Arms, Ammunition and Explosive storage facilities, airfield and mission support aircraft criteria, and other resources.

- Provided Security Forces (unit, HQ AFIMSC, AF/A4S, MAJCOM A4S) innovation integration through representation and advocacy by engagement in AF-level innovation efforts supporting HAF/A4S, AFMC, and AFIMSC initiatives.
- Consulted as an Integrated Defense SME, analyzed Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) activities for opportunities to implement enterprise-wide solutions for Integrated Base Defense Security Systems, Installation Perimeter Access Control, Military Working Dog, and Counter-small Unmanned Aircraft Systems.

Cherokee Federal: Action Officer, Combat Arms and Munitions, October 2019 – June 2020

- Managed USAF Small Arms Range Program, monitored 217 small arms ranges across the Installation and Mission Support (I&MS) enterprise. Utilized metric/statistical analysis to prepare data and briefings for the Small Arms Working Group/Board informing HAF, AF Installation and Mission Support Center (AFIMSC), AF Civil Engineer Center (AFCEC) and AF Security Forces Center (AFSFC) senior leaders to make key decision on investing, divesting and community partnering small arms ranges.
- Consulted as a Combat Arms SME, reviewed six SF Small Arms/Light Weapon discharge incidents in support of SF Lesson Learned. Analyzed trends and employed interpersonal work relationships to recommend policy and training changes to improve mission effectiveness and close performance gaps.

UNITED STATES AIR FORCE, September 1999 – October 2019

Training Program Manager, October 2017 – October 2019

- Managed 11K training seats and \$19.25M training budget; analyzed and distributed seats to over 120 local/global departments supporting 70K employees across 24 career fields ensuring 103% utilization rate.

Career Field Deployment Program Analyst, April 2017 – October 2017

- Analyzed FY19 Agile Combat Support review; identified 533 unsourced requirements for 3K employees verifying 100% accuracy for 77 departments to support global operations and special mission taskings.

JOHN A. SHEEHAN JR.

San Antonio, TX

johnjr2513@yahoo.com

(302) 222-7309

Publication Program Manager, August 2015 – April 2017

- Managed the initial genesis of Security Forces installation health metrics development; identified five critical areas to analyze affording senior leaders an accurate assessment of 77 departments to make risk-based decisions shaping \$96M in base operating support requirements.

Policy Senior Analyst, August 2014 – August 2015

- Oversaw three publications' revisions directing Air Force weapons qualifications and maintenance policies for fourteen weapon systems serving 500K employees annually. Analyzed and identified 2,800 compliance statements and reduced redundancies by 81%.

Front-Line Supervisor and Weapons Instructor, July 2013 – August 2014

- Led a seven employee shop providing weapons training/qualification on six weapons systems for 1K personnel annually, and managed an ammo and weapon \$1.7M account. Managed 23 programs in coordination with Civil Engineer, Ground Safety, and Bio-Environmental; oversaw inspections of 130K weapons, identifying 297 deficiencies ensuring only operational weapons deployed.

Law Enforcement Team Chief, May 2011 – July 2013

- Led 73 employee team securing \$3.2B in DoD assets; oversaw security and law enforcement operations providing immediate response for over 500 incidents annually. Managed section training program certifying 73 employees with a 92% overall average score.

Threat Analyst, April 2010 – May 2011

- Analyzed security requirements for over 300 missions a week, adjudicated 2K overseas airfield assessments annually, and brief 34 airfield assessments to threat working group principals. Tasked aircraft security teams to support over 1K global mission and 5K sorties with zero security incidents.

Integrated Defense Security System Program Manager, June 2009 – April 2010

- Managed headquarters security equipment database tracking five departments' force protection capabilities; oversaw critical author Vindicator security system documents shaping memorandum of agreement supporting three security enhancement and force protection projects.

JOHN A. SHEEHAN JR.

San Antonio, TX

johnjr2513@yahoo.com

(302) 222-7309

EDUCATION and TRAINING

Masters of Science, Organizational Development and Leadership, University of Incarnate Word, San Antonio, TX. Projected graduation September 2020

Professional Manager Certification, Community College of the Air Force-Air University, Montgomery, AL. August 2017

Bachelor of Arts, Education Studies, Ashford University, San Diego, CA. August 2016 (Cum Laude)

Associates Applied Science, Criminal Justice Community College of the Air Force-Air University, Montgomery, AL. April 2004

LACKLAND INDEPENDNT SCHOOL DISTRICT INVOLVEMENT

Board of Trustees Member, July 2021 – Current

Student Health Advisory Committee Co-Chair, August 2020 – May 2021

Student Health Advisory Committee Member, August 2019 – August 2020

District Education Improvement Committee Member, August 2018 – May 2019

Parent, Teacher, Student Organization Member, August 2016 – August 2017

**Recommendation for Two Reappointments to the Randolph Field
Independent School District Board of Trustees**

September 1, 2023

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office for two board members.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) 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.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed hold office for two years and until their successors are appointed and qualified. Enlisted military personnel may be appointed to the board; however, a majority must be civilians, and all may be civilians. When a vacancy occurs, the base commander notifies the commissioner of education of such vacancy in compliance with TEC, §11.352.

Brigadier General, United States Air Force, Russell D. Driggers, has notified the commissioner of vacancies on the board of trustees of the Randolph Field ISD due to the expiration of the terms of office of two board members. Brigadier General Driggers recommends the reappointments of Mr. Patrick Luna and Mr. Peter Duffy to the Randolph Field ISD Board of Trustees.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Brigadier General Driggers's recommendation, approve the reappointments of Mr. Patrick Luna and Mr. Peter Duffy to serve terms of office from September 1, 2023, to August 31, 2025, on the Randolph Field ISD Board of Trustees.

Staff Members Responsible:

Steve Lecholop, Deputy Commissioner, Office of Governance

Christopher Lucas, Director, Policy, Planning, and Operations, Office of Governance

Attachment:

Correspondence from Brigadier General Russell D. Driggers that includes biographical information and supporting materials for each nominee.



**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



MEMORANDUM FOR MR. MIKE MORATH, COMMISSIONER, TEXAS EDUCATION AGENCY

FROM: 502 ABW/CC
2080 Wilson Way Bldg 247
JBSA Ft Sam Houston TX 78234-2362

SUBJECT: Reappointment of Mr. Patrick Luna and Mr. Peter Duffy to the Randolph Field Independent School District (RFISD) Board of Trustees

1. Please consider this my formal request to reappointment Mr. Patrick Luna and Mr. Peter Duffy to the RFISD Board of Trustees. Enclosed are their resumes, as required by Texas Administrative Code Section 61.2a (1), along with signed statements expressing their willingness to accept the reappointments and serve in full adherence to the established state standards for school board members.
2. The nominees are eligible for reappointment under the general school laws of Texas and live or work on Joint Base San Antonio-Randolph. The nominees are highly qualified and 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 with only the incumbents submitting packages. The membership composition of the board of trustees is in compliance with the provisions of Texas Education Code 11.352.
3. I recognize the power of the Board of Trustees to govern and manage the operations of RFISD and recognize that my role as the commanding officer of the 502d Air Base Wing, in the process for appointing the Board of Trustees, is limited to the duty defined by statute.
4. Thank you for your support of our school district. If you have any questions please contact, Ms. Angela Green at (210) 652-3081 or angela.green.8@us.af.mil.

DRIGGERS.RUSS¹ Digitally signed by
ELL.D.1024001233¹²³³ DRIGGERS.RUSSELL.D.102400
Date: 2023.05.16 10:17:40 -05'00'

RUSSELL D. DRIGGERS
Brigadier General, USAF
Commander

Attachments:

1. Mr. Patrick Luna's Resume
2. Mr. Peter Duffy's Resume



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Peter John Duffy

Residential Address: ~~1150 5th Street East~~ 11904 Trail Hollow
Schertz, TX 78154
~~Joint Base San Antonio~~ TX ~~78150~~

Physical Address of Employer:

1150 5th Street East
Joint Base San Antonio TX 78150

Board of Trustees Location Applying For: Randolph 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.

DUFFY.PETER.J.1139 Digitally signed by
526879 DUFFY.PETER.J.1139526879
Date: 2023.02.06 13:42:06 -06'00'

Signature of Applicant

Peter John Duffv

6 Feb 2023

Date

PETER J. DUFFY

11904 Trail Hollow, Schertz, TX 78154 • Cell: (662) 352-4328 • Qbduff@hotmail.com

Retired military officer & experienced aviator with extensive background in leadership & flying instruction seeking first officer position with United.

QUALIFICATIONS: Airline Transport Pilot: AMEL
Top Secret Security Clearance
USAF Instructor/Evaluator Pilot
Certified Flight Instructor: AMEL; Instrument
FAA First Class Medical (No Restrictions)
Current Unrestricted US Passport
FCC Radiotelephone Permit

FLIGHT TIME: (no conversion) Total.....2,021 Instructor/Evaluator.....1,065 Primary Instrument...319
PIC.....1,760 ME Turbine PIC.....1,748 Combat.....140.4

EXPERIENCE:

Mar 2021 – Present **T-38C Intro to Fighter Fundamentals Instructor Pilot - Air Force Civil Servant, Randolph AFB**
Leads/Instructs U.S. & international students in formation skills & basic fighter maneuvers

May 2019 – Jan 2021 **T-38C Evaluator Pilot & Commander 12th Training Sq, Randolph AFB**
Led 650+ graduate & undergraduate aviation students per year spanning from West to East Coast

Jan 2018 – May 2019 **T-38C Evaluator Pilot & Wing Director of Staff, 12th Flying Training Wing, Randolph AFB**
Ranked #1/139 non-cmd Lt Col; secured T-7 funding; primed AF's newest platform for future

Mar 2016 – Jan 2018 **T-38C Evaluator Pilot & Director of Operations, 435th Fighter Training Sq, Randolph AFB**
Named #1/13 peers; overcame T-38 fleet-wide anomalies; oversaw \$19M flying hour program

Mar 2015 – Mar 2016 **Kuwait Senior Duty Officer, Office of Military Cooperation, US Embassy Kuwait**
Coordinated 48K+ Operation Inherent Resolve sorties; 6K strikes/19K ISIS enemy killed

Jun 2013 – Mar 2015 **Chief Programmer, Air Superiority Core Function, Air Combat Command, Langley AFB**
Managed \$8.5B air superiority portfolio including F-22/F-15

Aug 2012 – Jun 2013 **Intermediate Developmental Edu Student, Air Command & Staff College, Maxwell AFB**
Competitively selected and Acquired Leadership, Critical Thinking, and Problem Solving skillsets

Mar 2009 – Aug 2012 **T-38C Flight Examiner & Chief of Standards/Evaluation, 88th Fighter Training Sq, Sheppard AFB**
Strat #1/15 peers & #1/11 Flight Examiners; also served as Flight Commander & Chief Scheduler

Dec 2006 – Mar 2009 **F-15C 4-Ship Lead & Flight Commander, Chief of Safety, 58th Fighter Sq, Eglin AFB**
Designated #1/4 Flight Commanders & 58 FS Top Gun: Class A mishap investigating officer

Jul 2000 – Dec 2006 **Continuous Aviation-Related Military Service as Student Pilot, and F-15E Weapon Systems Officer**

EDUCATION: 2013: Master of Military Art & Science, 3.7 GPA, Air Command and Staff College
2008: Master of Political Science/International Relations, 4.0 GPA, University of Oklahoma
2000: Bachelor of Science, Geography, GPA 3.3, Arizona State University

FORMAL

TRAINING: 2016: United States Air Force Air War College
2013: Air Command & Staff College



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: **Patrick T. Luna**

Residential Address: **3303 Ashleys Way
Marion, TX 78124**

Physical Address of Employer: **AFSAT/DO2
10583 H Street West
JBSA - Randolph, TX 78150**

Board of Trustees Location Applying For: **Randolph 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.

LUNA.PATRICK.T.112
6064566

Digitally signed by
LUNA.PATRICK T.1126064566
Date: 2023.02.02 15:29:58 -06'00'

Signature of Applicant

Patrick Luna

02 Feb 23

Date

PATRICK T. LUNA
3303 Ashley Way, Marion TX 78124
210.652.7040 (Work) • (210) 268-2036 (Cell) • patricktluna@gmail.com

Executive Agent

40 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
- Team Building & Performance Improvement
- Finance, Budgeting & Cost Management
- Policy & Procedure Development
- Government Regulations & Relations
- Sales & Marketing Leadership

PROFESSIONAL EXPERIENCE

Executive Agent, Foreign Military Sales (FMS) **2011 – Present**
Headquarters Air Education and Training Command (HQ AETC)/International Affairs
(IA)/Air Force Security Assistance & Training (AFSAT)
JBSA Randolph TX

- Manage international agreements by interfacing with/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.
- Manage multiple FMS programs developing/implementing over \$3B in programs to support the acquisition of complex major weapon systems executed under the auspice of the US Department of State; delivered education/training to over 5K international students.
- Advisory to Unit's 50+ F-16 Program/Country Managers; review/comment on Letter of Offer and Acceptance (LOA) verbiage, identified key components for definitization/clarification enabling effective training programs; mentor personnel through Management Reviews with Secretary of Air Force International Affairs (SAF/IA) and Foreign Partners focusing on training capabilities and responsibilities in relation to Security Assistance activities.
- Country Management team of "first" within Department of Defense (DoD); Coronavirus (COVID-19) halted international training; first to identify "hold status codes" for Department of Security Cooperation Agency (DSGA), first to resume training following coordination with

- practices, and procedures; within 2-hrs had full control of info flow, within 4-hrs 100% physical accountability of 250+ students, and within 72-hrs a 30 to 180 day rolling training impact forecast; appraisal of team efforts netted SAF/IA visit and Quarterly Team Award
- Directed a financial “full stop”; annual FMS case reconciliation faulty; analyzed, planned and held meeting with organizational segments and contracting officers to identify financial pitfalls and implement hard fixes to meet program requirements/objectives; developed and implemented consolidated strategic plan with DSCA, Defense Finance Accounting Services, trained Unit financial/case managers, and contracting officers briefed; result, unearth FMS Contractor Administration Surcharge error recovering \$24M, deobligated \$100M in unobligated funds sitting on “completed” contracts awaiting closeout, and resolved a \$12M medical funding gap all within available resources.

RELATIVE EXPERIENCE

Board of Trustees

2012 – Present

Randolph Field Independent School District, JBSA Randolph TX

- 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, \$20M+ construction/upgraded new schools, increased teacher and staff to meet increased enrollment; result, District ranked #1 in San Antonio/Top 25 in Texas!
- Increase student patriotism/moral; key supporter/initiator of such new programs as the JROTC, middle school athletics, middle school pep squad and other extracurricular programs; enrollment up by 13%; waiting list for every grade to making Randolph a school of choice!
- Obtained over 115 hours of Trustee continued education and training and selected from over 2,500 applicants for Texas Association School Board Leadership Development Program; put to good use by establishing recruiting practices to attract best teachers and administrators (100+ apps received per vacancy) and provides/promotes a positive teaching/learning environment.
- Encouraged and worked with Board and Superintendent to develop, long range strategic plans; specifically focused on facility management; new high school, renovated middle school, and new construction of elementary campus; school of choice for parents, enrollment up 30%.
- Led institutional change by passing a policy requiring officer positions to rotate every two years, provide RFISD employees the same child placement priority as active duty, and establishing a new hire sponsor program; recruit, retain, and the best people for RFISD.
- Responsive/responsible leadership; Coronavirus (COVID-19) halted in-person learning; filled immediate need of electronic devices to ensure 100% at home learning, established district employee time-off guidelines with pay, and approved online learning technique all before State/Federal funding available; Board efforts key to staff/student moral - one family approach.

- 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 foreign nationals to US carnival theme, base wide fund raising event.

Substitute Teacher **1994**

Hallettsville Independent School District, Hallettsville TX

- Instructed math and sciences at middle and high school utilizing traditional course materials

Teaching Assistant/Student Teacher **1993**

University of Nevada, Las Vegas NV

- Undergraduate Teaching Assistant for Political Science; mentored/instructed/evaluated by Professor; conducted administrative functions, administered exams, and lectured as needed.
- Student teacher for Algebra and electronics at Las Vegas Vocational High School providing students with hard skills for immediate employment upon graduation.

EDUCATION

1994 Secondary Education, B.S., University of Nevada, Las Vegas, NV

1999 Public Administration, M.A., Webster University, San Antonio, TX

1999 Officer Training School, Maxwell AFB, AL

2000 Aerospace Basic Course, Maxwell AFB, AL

2004 Squadron Officer School, Maxwell AFB, AL (Correspondence)

2005 Squadron Officer School, Maxwell AFB, AL

2006 Alamo Federal Executive Board, San Antonio, TX

2009 Air Command Staff College, Maxwell AFB, AL (Correspondence)

2022 Master of Military Operational Art and Science, M.S., Air University, Maxwell AFB, AL

2022 Leader Development Course for Squadron Command, Air University, Maxwell AFB, AL

**Recommendation for One Reappointment to the
Boys Ranch Independent School District Board of Trustees**

September 1, 2023

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) 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.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for ISDs created under its authority to establish certain special purpose school districts. Trustees so appointed hold office for two years and until their successors are appointed and qualified. When a vacancy occurs, the chief executive officer (CEO) of Cal Farley’s Boys Ranch notifies the commissioner of education of the vacancy in compliance with TEC, §11.352. The CEO submits resumes and other documents verifying that individuals are qualified to hold the position as well as a statement that the individual would accept the position if appointed. The CEO is required by 19 TAC §61.2 to provide one nomination to the SBOE. The nominee must be qualified under the general school laws of Texas.

Mr. Richard Nedelkoff, president and CEO of Cal Farley’s Boys Ranch, has notified the commissioner that the term of one board member has expired. Mr. Nedelkoff has requested that Mr. James Taylor be reappointed for a two-year term. Supporting documentation for the recommended candidate is attached.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Mr. Richard Nedelkoff’s recommendation, approve the reappointment of Mr. James Taylor to serve a two-year term of office from September 1, 2023, to August 31, 2025, on the Boys Ranch ISD Board of Trustees.

Staff Member Responsible:

Steve Lecholop, Deputy Commissioner, Office of Governance
Christopher Lucas, Director, Policy, Planning, and Operations, Office of Governance

Attachment:

Correspondence from Mr. Richard Nedelkoff, president and CEO of Cal Farley’s Boys Ranch ISD that includes supporting material for the nominee.



June 30, 2023

Mr. Mike Morath
Commissioner
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Commissioner Morath,

In my capacity as President and Chief Executive Officer of Cal Farley's Boys Ranch, I request that the State Board of Education, at its August-September meeting, reappoint **James Taylor** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Mr. Taylor is qualified under Texas Law and meets all requirements.

The following documents are provided: resume, signed statement expressing willingness to accept 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, and background check information.

I understand that the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power as President and Chief Executive Officer of Cal Farley's Boys Ranch 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 email at richardnedelkoff@calfarley.org.

I appreciate your consideration and look forward to confirmation of this appointment.

Sincerely,

Richard Nedelkoff
President and Chief Executive Officer

RN:ss

James Taylor

5714 Andover,
Amarillo, TX 79109

Ph. 806-681-6189(M)
E-mail: taylor.jim01@gmail.com

Experience:

Compliance Coordinator and Training Assistant

6/01/2018-3/2/2023 – 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
- Team Leader for CASA Legislative Action Team (LAT)

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

Military

USMC – December 1969 – December 1972, Honorable Discharge E-5

Personal information: A wonderful marriage resulting in 2 wonderful, successful daughters.

Interests and hobbies: Reading, Photography, Music, Hiking, Racquetball, Tennis
Boys Ranch Independent School Board Member

References:

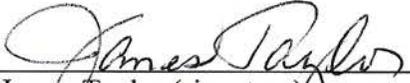
Mel Droegemeier
Friend
806-352-9520

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)

5/16/2023
Date

Clear

DPS Computerized Criminal History (CCH) Verification (AGENCY COPY)

I, Jim Taylor, acknowledge that a Computerized Criminal
APPLICANT or EMPLOYEE NAME (Please print)

History (CCH) check may be performed by accessing the Texas Department of Public Safety Secure Website and may be based on name and DOB identifiers. (This is not a consent form, but serves as information for the applicant.) Authority for this agency to access an individual's criminal history data may be found in Texas Government Code 411; Subchapter F.

Name-based information is not an exact search and only fingerprint record searches represent true identification to criminal history record information (CHRI), therefore the organization conducting the criminal history check is not allowed to discuss with me any CHRI obtained using the name and DOB method. The agency may request that I also have a fingerprint search performed to clear any misidentification based on the result of the name and DOB search.

In order to complete the fingerprint process I must make an appointment with the Fingerprint Applicant Services of Texas (FAST) as instructed online at [www.txdps.state.tx.us /Crime Records/Review of Personal Criminal History](http://www.txdps.state.tx.us/CrimeRecords/ReviewofPersonalCriminalHistory) or by calling the DPS Program Vendor at 1-888-467-2080, submit a full and complete set of fingerprints, request a copy be sent to the agency listed below, and pay a fee of \$25.00 to the fingerprinting services company.

Once this process is completed the information on my fingerprint criminal history record may be discussed with me.

(This copy must remain on file by this agency. Required for future DPS Audits)

✓ James S. Taylor
Signature of Applicant or Employee (optional)

5-16-23
Date

Boys Ranch ISD
Agency Name (Please print)

Laquitta Doak
Agency Representative Name (Please print)

Laquitta Doak
Signature of Agency Representative

June 16, 2023
Date

Please: Check and Initial each Applicable Space		
CCH Report Printed:	<u>N/A</u>	
YES _____ NO <u>X</u>	<u>LD</u>	initial
Purpose of CCH:	<u>School Board</u>	
Empl _____ Vol/Contractor _____	<u>LD</u>	initial
Date Printed:	<u>N/A</u>	<u>LD</u> initial
Destroyed Date:	<u>N/A</u>	<u>LD</u> initial
Retain in your files		

Rev. 09/2015

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INFORMATION MATERIALS

STATE BOARD OF EDUCATION OPERATING RULES
(amended February 2, 2023)

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 by a majority vote in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
- (2) Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
- (3) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect by a majority vote a board member to fill the vacancy for the unexpired term of that officer at the next board meeting.

(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. Establishment of essential knowledge and skills (TEKS)
2. Instructional materials proclamations and adoption of instructional materials
3. Consideration of the Commissioner of Education's open-enrollment charter school proposals

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including credit by examination, Texas Advanced Placement Incentive Program, and procedures concerning dyslexia and related disorders)
3. Student assessment program implementation
4. General education
5. Education of individuals with disabilities
6. Gifted and talented education
7. Adult education
8. Library standards
9. Texas School for the Blind and Visually Impaired/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. Community education funding
6. Oversight of the Bond Guarantee Program including coordination with the TEA and the Texas Permanent School Fund Corporation (Texas PSF)
7. Oversight of the Texas PSF, including receipt of required reports
8. Review of nominations for gubernatorial appointments: Teacher Retirement System, School Land Board

Committee on School Initiatives

1. Long-range plans required by statute
2. Educational technology and telecommunications
3. Updates regarding open-enrollment application cycles and processes
4. School safety and items pertaining to the Texas school safety center and recommendations from the chief of school safety and security
5. State Board for Educator Certification rules review
6. School board member training policy
7. Hearing examiners
8. Military reservation and special purpose school districts
9. Extracurricular activities
10. 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 consider relevant qualifications specific to a committee assignment in making committee assignments.
- (f) 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. Should the committee chair be unable or unwilling to continue to serve as chair, the chairman of the board shall declare a vacancy and a new election shall be held by the committee.
- (g) 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.
- (h) Occasionally, 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 State Board of Education Support staff and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request that the Attorney General issue an opinion under Texas Government Code §402.042.
- (i) The members appointed to the Committee on School Finance/Permanent School Fund will serve as the members of the board of directors of the Texas PSF that are appointed by the SBOE as provided under Texas Education Code §43.053(a)(1) and will cease to serve as a director upon the expiration of his or her term of service or other separation from such committee in accordance with these rules as provided under 19 TAC Chapter 33, Texas Permanent School Fund Corporation, §33.21.

§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, at least 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. The chair may limit in-person attendance at a meeting to ensure health and safety of board members and members of the public. In such instances, governor's orders shall be followed, and members of the public shall be given access to view all portions of the meetings virtually.

§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 chair has the primary responsibility for creating the SBOE meeting agendas. This includes the SBOE agenda, the Committee of the Full Board agenda, and all committee agendas. Other than as provided in this subsection and subsections (b) and (c) of this section, all agenda items are subject to the approval of the chair. If a member wishes an item to be placed on the agenda of the Committee of the Full Board, the member should request in writing that the chair place the item on the agenda. The chair will respond in writing whether or not the item will be placed on the agenda. If the chair declines in writing to place the item on the agenda, the member may make a motion during a board meeting to include the item on the agenda. If the board approves the request, it is placed on the agenda of the Committee of the Full Board for the next 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 place an item on the agenda of that chair's committee, other than the Committee of the Full Board, 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 regarding 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.
- (e) 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. Materials supplementing the agenda may be included as attachments.
- (f) Official agendas and agenda attachments will be available one week before the board meeting. Any items submitted after this deadline may be considered at the next board 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 remote video or web conference. 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 conference locations in the interest of decorum and capacity.
- (c) The chair may modify procedures for conducting meetings of the board if emergency protocols are enacted by the governor related to a pandemic or similar event. In such instances, governor's orders and emergency rules shall be followed.
- (d) A board member who wishes to participate in a meeting virtually shall notify the board chair and the State Board of Education Support office at least five business days prior to the start of the full board meeting during which the member will need to participate virtually. In the event of an emergency, every effort will be made to accommodate the board member. If a board member participates in a meeting virtually, the board member

must be visible by video and must have capabilities to be heard by other board members and members of the public. A member who is not present on camera during a vote of the board will be noted as absent for the vote.

- (e) No posters, props, or other visual displays are allowed by board members within the meeting rooms or at remote locations without permission from the presiding chair.
- (f) The presiding chair shall designate the area inside the velvet ropes as the bar of the meeting (the only place where discussion and votes may take place). Members of the public shall not enter areas of the bar of the meeting space designated for SBOE members only and shall not impede or interfere with the movement of SBOE members to or from designated areas. At the start of each meeting, the presiding chair shall inform members of the public that the bar has been established, that they are not permitted inside the bar, and that they may not limit members' movements to or from the bar.
- (g) For the sake of expediency, each board member shall be limited to 10 minutes of questions and discussion on each agenda item.

§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 by informing all individuals in attendance of the rules of decorum and providing notice that written rules are posted at the entrance to the room and in the room. The presiding chair shall also provide notice that an individual who does not comply with the rules of decorum may be removed from the meeting. 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) Members in the audience shall not distract or disrupt SBOE members or others in the audience during a meeting. Anyone needing to engage in a conversation should quietly exit the meeting room to a public space. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.
- (d) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (e) No applause, outburst, other demonstration, or disruption by any spectator shall be permitted during any 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. If, after at least one warning from the presiding officer, any individual continues to disrupt a meeting by his or her words or actions, the presiding officer may direct that the individual be removed as necessary to preserve decorum during meetings.
- (f) 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 State Board of Education Support staff 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 a 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(b).
 - (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. Materials should focus on scientific processes and recognize the ongoing process of scientific discovery and change over time in the natural world.
 - (B) Instructional materials should promote citizenship, patriotism, democracy, 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 Texas and its heritage and abundant natural resources.
 - (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 lifestyles deviating from generally accepted standards of Texas 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.
 - (vii) Instructional materials shall present factual information, avoid bias, and encourage discussion.

- (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) In accordance with Texas Education Code, §7.110, 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.
- (7) At the start of public testimony or a public hearing, the presiding chair shall announce that testimony will be heard for a maximum of two consecutive hours at which time a recess of at least 15 minutes will be observed. Testimony will continue in this manner until such time as all registered testifiers have been permitted to speak. The presiding chair shall also announce that reasonable lunch and dinner breaks will be observed.

(b) Registration Procedures.

- (1) Individuals may register between the hours of 8 a.m. (Central Time) on the Monday preceding the board meeting and 5 p.m. on the Friday preceding the board meeting on the agency website at [Operating Rules](#) 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) Those registering online will receive an email confirming the registration during the next business day.
- (4) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
- (5) 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.
- (6) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
- (7) All speakers may provide an electronic copy of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide an electronic copy 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) In order to maximize the total number of testifiers who are able to provide oral testimony, two-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
- (4) 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.
- (5) 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. Two-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, an electronic copy may be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who are unable to attend or to testify at a committee or board meeting due to time constraints may provide an electronic copy 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 adoption of Texas Essential Knowledge and Skills (TEKS) and 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. Public hearings regarding revision of the TEKS are governed by the SBOE-approved TEKS Review and Revision Process.

- (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 two 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 may bring an electronic copy of their testimony for distribution to board members and agency executive staff.
- (e) Persons who are unable to testify at a public hearing due to time constraints may provide an electronic copy 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 will be noted in the *Texas Register* posting for each item. A minimum of 30 days will be allotted for public comment on a rule item. 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, ride share services 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 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 charter schools 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 private or personal interest including 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 (See Texas Government Code §572.058 for further information.).
- (b) The ethical standards that govern the conduct of State Board of Education members with respect to their duties as to the Permanent School Fund are as provided under 19 TAC Chapter 33, §33.4 *Ethical Standards for Members of the State Board of Education*.

§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 and distributed to board members 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 direct contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation 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.

§4.4. Instructional Materials Submitted to the Texas Resource Review.

- (a) An SBOE member shall not nominate instructional materials for submittal to the Texas Resource Review without a majority vote of the board endorsing said nomination.

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 at least one week before the board meeting.
- (c) The board may 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 may 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 may 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 may 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 may 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 may 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 may 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. The commissioner will provide a mark-up of any such corrections to the board.

§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.

Content advisors and work group members will be selected in accordance with the TEKS Review and Revision Process.

CHAPTER 7. NOMINATIONS FOR GUBERNATORIAL APPOINTMENTS

The statutory citations for this chapter are the Texas Government Code, §651.009(a) and §825.003, and Texas Natural Resources Code, §32.012.

§7.1. Gubernatorial Appointments.

Pursuant to statute, the State Board of Education shall submit to the Governor lists of citizens from which appointments are to be made for the boards described in this section: Teacher Retirement System Board of Trustees and School Land Board.

§7.2. Timelines.

The Chair and/or his or her designee shall work collaboratively with staff and the Governor's Appointments Office to establish appropriate timelines for the placement on the agenda to meet appointment timelines and ensure that proper criteria are applied by the State Board of Education.

§7.3. Nominee Selection.

The board shall select nominees in such a manner as to facilitate adherence to diversity of appointments: "In each case in which the governing body of a state board, commission, or other state agency that has statewide jurisdiction is appointed by the governor or another appointing authority, the governor or appointing authority shall ensure that, to the extent possible, the membership of the governing body reflects the racial, ethnic, and geographic diversity of this state." (§651.009(a), Government Code)

§7.4. Teacher Retirement System.

The Governor shall appoint two members of the TRS board of trustees, subject to confirmation by two-thirds of the senate, from lists of nominees submitted by the State Board of Education. These persons must be persons who have demonstrated financial expertise, have worked in private business or industry, and have broad investment experience preferably in investment of pension funds (Government Code §825.003). The board selection process shall be as follows:

- (a) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (b) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (c) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

§7.5. School Land Board.

The Governor shall appoint two members of the School Land Board, subject to confirmation by the senate, from lists of candidates submitted by the State Board of Education. One of the

members appointed by the governor must be a resident of a county with a population of less than 200,000.

- (a) The School Land Board duties as described in the Texas Natural Resources Code (§§32.061, 51.011, 51.413) are to:
 - (1) manage and control any land, mineral or royalty interest, real estate investment, or other interest, including revenue received from those sources, that is set apart to the permanent school fund together with the mineral estate in riverbeds, channels, and the tidelands, including islands;
 - (2) acquire, sell, lease, trade, improve, maintain, protect, or otherwise manage, control, or use land, mineral and royalty interests, real estate investments, or other interests, including revenue received from those sources, that are set apart to the permanent school fund in any manner, at such prices, and under such terms and conditions as the board finds to be in the best interest of the fund;
 - (3) consult with the president, chairman, or other head of the department, board, or agency, as applicable, or with the representative of the head, on each matter before the board that affects land owned or held in trust for the use and benefit of a department, board, or agency of the state; and,
 - (4) make determinations as to the release of any funds to the available school fund or to the State Board of Education for investment in the permanent school fund.
- (b) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (c) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (d) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

§7.6. Rules and Procedures.

The board may adopt additional rules and procedures related to these selection processes.

2021-2025 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 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2021-2025 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2017-2021 SBOE rule review period with the addition of new rules that took effect subsequent to the adoption of that plan and the removal of rules that were repealed. The 2021-2025 plan, approved by the SBOE in June 2021, is the seventh rule review cycle of SBOE rules. In accordance with Texas Education Code, §28.002(m), and as was the case with previous rule review plans, the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2021-2025 rule review plan. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the curriculum content on a schedule determined by the SBOE.

The 2021-2025 rule review plan for SBOE rules will appear on an ongoing basis in the information pages of the SBOE agenda. Any necessary modifications to the plan will also appear in the information pages of the SBOE agenda. The rule review plan will also be posted on the agency's website and updated if necessary.

Rule Review Procedures. Secretary of State rules specify the following two-step review process to implement the rule review requirement in TGC, §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 that 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
Lynette Smith, Program Specialist, Rulemaking

Attachment I:

2021-2025 Rule Review Plan for State Board of Education Rules

Attachment II:

Sample Notices of Proposed Review and Adopted Review

ATTACHMENT I

2021-2025 Rule Review Plan for State Board of Education Rules
(Approved June 25, 2021)

Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) 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.

Review Period: September 2021–August 2022			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 74. Curriculum Requirements	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2021
	<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 89. Adaptations for Special Populations	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2022
	<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 2022
	<i>Subchapter B. Special Purpose School Districts</i>		

Review Period: September 2022–August 2023			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 129. Student Attendance	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2023
	<i>Subchapter B. Student Attendance Accounting</i>		
Chapter 157. Hearings and Appeals	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	January 2023
	<i>Subchapter D. Independent Hearing Examiners</i>		

Review Period: September 2023–August 2024			
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 2023
Chapter 66. State Adoption and Distribution of Instructional Materials	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2023
	<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 2024
	<i>Subchapter B. Home-Rule School District Charters</i>		

Review Period: September 2024–August 2025			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 30. Administration	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2024
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
Chapter 101. Assessment	<i>Subchapter A. General Provisions</i>	Assessment	January 2025
	<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 2025
	<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 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts.

As required by TGC, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist.

The public comment period on the review begins December 18, 2020, and ends at 5:00 p.m. on January 22, 2021. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/State_Board_of_Education_Rule_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in January 2021 in accordance with the SBOE board operating policies and procedures.

Notice of Adopted Review (with no changes to rule) (Readoption)

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code, §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

The SBOE finds that the reasons for adopting 19 TAC Chapter 30, 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 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

Relating to the review of 19 TAC Chapter 30, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rule. The SBOE received no comments related to the review of Subchapter A. As a result of the review, the SBOE approved a proposed amendment to 19 TAC §30.1, which can be found in the Proposed Rules section of this issue. The proposed amendment would update the SBOE petition procedures to allow for electronic submission of a petition authorized under TGC, §2001.021.

Relating to the review of 19 TAC Chapter 30, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. No changes are necessary as a result of the review.

State Board of Education Meeting Schedule for 2024

September 1, 2023

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 2024.

BACKGROUND INFORMATION AND JUSTIFICATION: 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 2024 have been scheduled by the SBOE chair:

January 30-February 2, 2024

April 9-12, 2024

June 25-28, 2024

September 10-13, 2024

November 19-22, 2024

Staff Member Responsible:

Yolanda M. Walker, Executive Director, State Board of Education Support Division

STATUTORY AUTHORITY REFERENCE SECTION:

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)

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:

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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.

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Sec. 5. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND: COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION.

- (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 State Board of Education, the General Land Office, or another entity that has responsibility for the management of revenues derived from permanent school fund land or other properties may, in its sole discretion and in addition to other distributions authorized under this constitution or a statute, distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$600 million by each entity each year.

(Amended Aug. 11, 1891, and Nov. 3, 1964; Subsec. (a) amended and (b) and (c) added Nov. 8, 1983; Subsec. (d) added Nov. 8, 1988; Subsec. (b) amended Nov. 7, 1989; Subsec. (a) amended, a new (b) added, a portion of (a) redesignated as (c), former (b) and (c) amended, former (b)-(d) redesignated as (d)-(f), and (g) and (h) added Sept. 13, 2003; former Subsec. (g) and Subsec. (h) expired Dec. 1, 2006; Subsec. (a) amended and current Subsec. (g) added Nov. 8, 2011; Subsec. (g) amended Nov. 5, 2019.)

AN ACT

relating to the regulation of library materials sold to or included in public school libraries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Restricting Explicit and Adult-Designated Educational Resources (READER) Act.

SECTION 2. Section 33.021, Education Code, is amended to read as follows:

Sec. 33.021. LIBRARY STANDARDS. (a) In this section, "sexually explicit material" means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Section 28.002 (a), that describes, depicts, or portrays sexual conduct, as defined by Section 43.25, Penal Code, in a way that is patently offensive, as defined by Section 43.21, Penal Code.

(b) The Texas State Library and Archives Commission, in consultation with the State Board of Education, shall adopt voluntary standards for school library services, other than collection development, that a~~[—A]~~ school district shall consider ~~[the standards]~~ in developing, implementing, or expanding library services.

(c) The Texas State Library and Archives Commission, with approval by majority vote of the State Board of Education, shall

1 adopt standards for school library collection development that a
2 school district shall adhere to in developing or implementing the
3 district 's library collection development policies.

4 (d) The standards adopted under Subsection (c) must:

5 (1) be reviewed and updated at least once every five
6 years; and

7 (2) include a collection development policy that:

8 (A) prohibits the possession, acquisition, and
9 purchase of:

10 (i) harmful material, as defined by Section
11 43.24 , Penal Code;

12 (ii) library material rated sexually
13 explicit material by the selling library material vendor; or

14 (iii) library material that is pervasively
15 vulgar or educationally unsuitable as referenced in *Pico v. Board*
16 *of Education* , 457 U.S. 853 (1982);

17 (B) recognizes that obscene content is not
18 protected by the First Amendment to the United States Constitution;

19 (C) is required for all library materials
20 available for use or display, including material contained in
21 school libraries, classroom libraries, and online catalogs;

22 (D) recognizes that parents are the primary
23 decision makers regarding a student 's access to library material;

24 (E) encourages schools to provide library
25 catalog transparency;

26 (F) recommends schools communicate effectively
27 with parents regarding collection development; and

1 (G) prohibits the removal of material based
2 solely on the:

3 (i) ideas contained in the material; or

4 (ii) personal background of:

5 (a) the author of the material; or

6 (b) characters in the material.

7 SECTION 3. Subtitle F, Title 2, Education Code, is amended
8 by adding Chapter 35 to read as follows:

9 CHAPTER 35. REGULATION OF CERTAIN LIBRARY MATERIAL

10 Sec. 35.001. DEFINITIONS. In this chapter:

11 (1) "Library material vendor" includes any entity that
12 sells library material to a public primary or secondary school in
13 this state.

14 (2) "Sexually explicit material" has the meaning
15 assigned by Section 33.021 .

16 (3) "Sexually relevant material" means any
17 communication, language, or material, including a written
18 description, illustration, photographic image, video image, or
19 audio file, other than library material directly related to the
20 curriculum required under Section 28.002 (a), that describes,
21 depicts, or portrays sexual conduct, as defined by Section 43.25 ,
22 Penal Code.

23 Sec. 35.002. RATINGS REQUIRED. (a) A library material
24 vendor may not sell library materials to a school district or
25 open-enrollment charter school unless the vendor has issued
26 appropriate ratings regarding sexually explicit material and
27 sexually relevant material previously sold to a district or school.

1 (b) A library material vendor may not sell library material
2 rated sexually explicit material and shall issue a recall for all
3 copies of library material sold to a district or school that is:

4 (1) rated sexually explicit material; and

5 (2) in active use by the district or school.

6 (c) Not later than April 1, 2024, each library material
7 vendor shall develop and submit to the agency a list of library
8 material rated as sexually explicit material or sexually relevant
9 material sold by the vendor to a school district or open-enrollment
10 charter school before that date and still in active use by the
11 district or school.

12 (d) Not later than September 1 of each year, each library
13 material vendor shall submit to the agency an updated list of
14 library material rated as sexually explicit material or sexually
15 relevant material sold by the vendor to a school district or
16 open-enrollment charter school during the preceding year and still
17 in active use by the district or school.

18 (e) The agency shall post each list submitted under
19 Subsection (c) or (d) in a conspicuous place on the agency 's
20 Internet website as soon as practicable.

21 Sec. 35.0021. RATING GUIDELINES. (a) For purposes of
22 determining whether a library material is sexually explicit as
23 required by Section 35.002, a library material vendor must perform
24 a contextual analysis of the material to determine whether the
25 material describes, depicts, or portrays sexual conduct in a way
26 that is patently offensive.

27 (b) In performing the contextual analysis of a library

1 material, a library material vendor must consider the following
2 three principal factors with respect to the material:

3 (1) the explicitness or graphic nature of a
4 description or depiction of sexual conduct contained in the
5 material;

6 (2) whether the material consists predominantly of or
7 contains multiple repetitions of depictions of sexual or excretory
8 organs or activities; and

9 (3) whether a reasonable person would find that the
10 material intentionally panders to, titillates, or shocks the
11 reader.

12 (c) In examining the three factors listed under Subsection
13 (b), a vendor must weigh and balance each factor and conclude
14 whether the library material is patently offensive, recognizing
15 that because each instance of a description, depiction, or
16 portrayal of sexual conduct contained in a material may present a
17 unique mix of factors.

18 (d) To determine whether a description, depiction, or
19 portrayal of sexual conduct contained in a material is patently
20 offensive, a library material vendor must consider the full context
21 in which the description, depiction, or portrayal of sexual conduct
22 appears, to the extent possible, recognizing that contextual
23 determinations are necessarily highly fact-specific and require
24 the consideration of contextual characteristics that may
25 exacerbate or mitigate the offensiveness of the material.

26 Sec. 35.003. AGENCY REVIEW. (a) The agency may review
27 library material sold by a library material vendor that is not rated

1 or incorrectly rated by the vendor as sexually explicit material,
2 sexually relevant material, or no rating in accordance with Section
3 35.002(a). If the agency determines that the library material is
4 required to be rated as sexually explicit material or sexually
5 relevant material or to receive no rating at all under that
6 subsection, the agency shall provide written notice to the vendor.
7 The notice must include information regarding the vendor 's duty
8 under this section and provide the corrected rating required for
9 the library material.

10 (b) Not later than the 60th day after the date on which a
11 library material vendor receives notice regarding library material
12 under Subsection (a), the vendor shall:

13 (1) rate the library material according to the
14 agency 's corrected rating; and

15 (2) notify the agency of the action taken under
16 Subdivision (1).

17 (c) The agency shall post and maintain in a conspicuous
18 place on the agency 's Internet website a list of library material
19 vendors who fail to comply with Subsection (b).

20 (d) A school district or open-enrollment charter school may
21 not purchase library material from a library material vendor on the
22 list described by Subsection (c).

23 (e) A library material vendor placed on the list described
24 by Subsection (c) may petition the agency for removal from the list.
25 The agency may remove a vendor from the list only if the agency is
26 satisfied that the vendor has taken appropriate action under
27 Subsection (b).

1 Sec. 35.004. LIABILITY. A school district or
2 open-enrollment charter school or a teacher, librarian, or other
3 staff member employed by a district or school is not liable for any
4 claim or damage resulting from a library material vendor 's
5 violation of this chapter.

6 Sec. 35.005. PARENTAL CONSENT REQUIRED FOR USE OF CERTAIN
7 LIBRARY MATERIALS. A school district or open-enrollment charter
8 school may not allow a student enrolled in the district or school to
9 reserve, check out, or otherwise use outside the school library
10 library material the library material vendor has rated as sexually
11 relevant material under Section 35.002(a) unless the district or
12 school first obtains written consent from the student 's parent or
13 person standing in parental relation.

14 Sec. 35.006. REVIEW AND REPORTING OF CERTAIN LIBRARY
15 MATERIALS. (a) Not later than January 1 of every odd-numbered
16 year, each school district and open-enrollment charter school
17 shall:

18 (1) review the content of each library material in the
19 catalog of a district or school library that is rated as sexually
20 relevant material under Section 35.002(a) by the library material
21 vendor;

22 (2) determine in accordance with the district 's or
23 school 's policies regarding the approval, review, and
24 reconsideration of school library materials whether to retain each
25 library material reviewed under Subdivision (1) in the school
26 library catalog; and

27 (3) either:

1 (A) post in a conspicuous place on the Internet
2 website maintained by the district or school a report; or

3 (B) provide physical copies of the report at the
4 central administrative building for the district or school.

5 (b) The report required under Subsection (a)(3) must
6 include:

7 (1) the title of each library material reviewed under
8 Subsection (a)(1);

9 (2) the district 's or school 's decision regarding the
10 library material under Subsection (a)(2); and

11 (3) the school or campus where the library material is
12 currently located.

13 Sec. 35.007. RULES. The commissioner may adopt rules as
14 necessary to administer this chapter.

15 Sec. 35.008. ASSISTANCE OF AGENCY. The agency may provide
16 assistance to school districts and open-enrollment charter schools
17 in complying with this chapter.

18 SECTION 4. Not later than January 1, 2024, the Texas State
19 Library and Archives Commission shall adopt the standards for
20 school library collection development as required under Section
21 33.021 (c), Education Code, as added by this Act.

22 SECTION 5. (a) Not later than April 1, 2024, each library
23 material vendor, as defined by Section 35.001, Education Code, as
24 added by this Act, shall submit the initial list required under
25 Section 35.002(c), Education Code, as added by this Act.

26 (b) Not later than September 1, 2024, each library material
27 vendor, as defined by Section 35.001, Education Code, as added by

1 this Act, shall submit the initial updated list required under
2 Section 35.002(d), Education Code, as added by this Act.

3 (c) Not later than January 1, 2025, each school district and
4 open-enrollment charter school shall conduct the initial content
5 review and submit the initial report required under Section
6 35.006(a), Education Code, as added by this Act.

7 SECTION 6. The changes in law made by this Act to the
8 Education Code apply beginning with the 2023-2024 school year.

9 SECTION 7. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 900 was passed by the House on April 20, 2023, by the following vote: Yeas 95, Nays 52, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 900 was passed by the Senate on May 23, 2023, by the following vote: Yeas 19, Nays 12.

Secretary of the Senate

APPROVED: _____
Date

Governor

AN ACT

relating to instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.164 , Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board of trustees of each school district shall limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. A classroom teacher may not be required to prepare any written information other than:

(1) any report concerning the health, safety, or welfare of a student;

(2) a report of a student 's grade on an assignment or examination;

(3) a report of a student 's academic progress in a class or course;

(4) a report of a student 's grades at the end of each grade reporting period;

(5) a report on instructional materials;

- 1 (6) subject to Subsection (a-1), a unit or weekly
2 lesson plan that outlines, in a brief and general manner, the
3 information to be presented during each period at the secondary
4 level or in each subject or topic at the elementary level;
5 (7) an attendance report;
6 (8) any report required for accreditation review;
7 (9) any information required by a school district that
8 relates to a complaint, grievance, or actual or potential
9 litigation and that requires the classroom teacher 's involvement;
10 or
11 (10) any information specifically required by law,
12 rule, or regulation.

13 (a-1) A unit or weekly lesson plan that is included in
14 instructional material, as defined by Section 31.002 , and adopted
15 by the board of trustees of the school district at which a teacher
16 is employed is sufficient to satisfy a requirement to prepare
17 written information described by Subsection (a)(6).

18 SECTION 2. Section 21.044 , Education Code, is amended by
19 amending Subsection (a-1) and adding Subsection (h) to read as
20 follows:

- 21 (a-1) Any training requirements for a certificate specified
22 under Subsection (a) must require that the person demonstrate:
23 (1) basic knowledge of:
24 (A) each disability category under the
25 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
26 et seq.) and how each category can affect student learning and
27 development; and

1 (B) conditions that may be considered a
2 disability under Section 504, Rehabilitation Act of 1973 (29 U.S.C.
3 Section 794), and how a condition covered by that section can affect
4 student learning and development;

5 (2) competence in the use of proactive instructional
6 planning techniques that:

7 (A) provide flexibility in the ways:

8 (i) information is presented;

9 (ii) students respond or demonstrate
10 knowledge and skills; and

11 (iii) students are engaged;

12 (B) reduce barriers in instruction;

13 (C) provide appropriate accommodations,
14 supports, and challenges; and

15 (D) maintain high achievement expectations for
16 all students, including students with disabilities and students of
17 limited English proficiency; ~~and~~

18 (3) competence in the use of evidence-based inclusive
19 instructional practices, including:

20 (A) general and special education collaborative
21 and co-teaching models and approaches;

22 (B) multitiered systems of support, including
23 response to intervention strategies, classroom and school level
24 data-based collaborative structures, and evidence-based strategies
25 for intervention and progress monitoring systems in academic areas;

26 (C) classroom management techniques using
27 evidence-based behavioral intervention strategies and supports;

1 and

2 (D) appropriate adaptation strategies, including
3 accommodations, modifications, and instruction in the use of
4 assistive technology for instruction; and

5 (4) thorough understanding of and competence in the
6 use of open education resource instructional materials included on
7 the list of approved instructional materials maintained by the
8 State Board of Education under Section 31.022 in each subject area
9 and grade level covered by the person 's certificate.

10 (h) An educator preparation program may not include
11 instruction on the use of instructional materials that incorporate
12 the method of three-cueing, as defined by Section 28.0062 (a-1),
13 into foundational skills reading instruction.

14 SECTION 3. Subchapter I, Chapter 21, Education Code, is
15 amended by adding Section 21.4045 to read as follows:

16 Sec. 21.4045. PLANNING AND NONINSTRUCTIONAL DUTIES OF
17 TEACHERS. (a) A school district may enter into a supplemental
18 agreement with a classroom teacher under which the teacher agrees
19 to perform a duty relating to initial lesson plan design or
20 instructional material selection that is not a duty generally:

21 (1) anticipated to be performed during the
22 instructional day; and

23 (2) assigned to all classroom teachers of the same
24 subject and grade level under those teachers ' employment contracts.

25 (b) A school district may not require a classroom teacher
26 for a foundation curriculum course to spend planning and
27 preparation time to which the teacher is entitled under Section

1 21.404 creating or selecting instructional materials to initially
2 cover the applicable essential knowledge and skills for the course
3 unless the teacher has entered into a supplemental agreement
4 described by Subsection (a). This subsection may not be construed
5 to prohibit a classroom teacher from choosing to spend the
6 teacher 's planning and preparation time creating or selecting
7 instructional materials.

8 (c) A supplemental agreement between a school district and a
9 classroom teacher described by Subsection (a) under which a teacher
10 is assigned responsibility for a greater number of duties unrelated
11 to providing instruction than other full-time teachers of the same
12 grade level in the district must explicitly state each of the
13 teacher 's duties unrelated to providing instruction.

14 SECTION 4. Subchapter B, Chapter 22, Education Code, is
15 amended by adding Section 22.05125 to read as follows:

16 Sec. 22.05125. IMMUNITY FROM DISCIPLINARY PROCEEDINGS FOR
17 CLASSROOM TEACHERS. (a) In this section, "disciplinary
18 proceeding" has the meaning assigned by Section 22.0512 .

19 (b) A classroom teacher employed by a school district may
20 not be subject to disciplinary proceedings for an allegation that
21 the teacher violated Section 28.0022 , the Establishment Clause of
22 the First Amendment of the United States Constitution, or a related
23 state or federal law if:

24 (1) the teacher used only instructional material
25 included on the list of approved instructional material maintained
26 by the State Board of Education under Section 31.022 and adopted by
27 the district; and

1 (2) the allegation does not dispute that the teacher
2 delivered instruction from instructional material described by
3 Subdivision (1) with fidelity.

4 (c) The immunity provided by Subsection (b) is in addition
5 to any other immunity provided by law. This section may not be
6 construed to interfere with any other immunity provided by law.

7 SECTION 5. Section 26.006 , Education Code, is amended by
8 amending Subsection (b) and adding Subsections (b-1) and (f) to
9 read as follows:

10 (b) A school district shall make tests readily available for
11 review by parents in person and teaching materials ~~[and tests]~~
12 readily available for review by parents both in person and, if
13 applicable, through an instructional materials parent portal
14 established under Section 31.154. In providing access to
15 instructional materials to a student 's parent under this section,
16 the district shall:

17 (1) allow access beginning not later than 30 days
18 before the school year begins and concluding not earlier than 30
19 days after the school year ends; and

20 (2) include, for the entire period specified in
21 Subdivision (1), access to all instructional materials that pertain
22 to each subject area in the grade level in which the student is
23 enrolled, except for:

24 (A) tests or exams that have not yet been
25 administered to the student; and

26 (B) the student 's graded assignments.

27 (b-1) The district may specify reasonable hours for

1 in-person review.

2 (f) A school district may not deny a parent access to an
3 instructional materials parent portal hosted under Section 31.154.

4 SECTION 6. Chapter 26, Education Code, is amended by adding
5 Section 26.0061 to read as follows:

6 Sec. 26.0061. RIGHT TO REQUEST INSTRUCTIONAL MATERIAL
7 REVIEW. (a) The board of trustees of each school district shall
8 establish a process by which a parent of a student, as indicated on
9 the student registration form at the student 's campus, may request
10 an instructional material review under Section 31.0252 for a
11 subject area in the grade level in which the student is enrolled.

12 (b) A process established under Subsection (a):

13 (1) may not require more than one parent of a student
14 to make the request;

15 (2) must provide for the board of trustees of the
16 school district to determine if the request will be granted, either
17 originally or through an appeal process; and

18 (3) may permit the requesting parent to review the
19 instructional material directly before the district conducts an
20 instructional material review under Section 31.0252.

21 (c) If the parents of at least 25 percent of the students
22 enrolled at a campus present to the board of trustees of the school
23 district in which the campus is located a petition for the board to
24 conduct an instructional material review under Section 31.0252, the
25 board shall, subject to Subsection (d), conduct the review, unless
26 the petition is presented by the parents of less than 50 percent of
27 the students enrolled at the campus and, by a majority vote, the

1 board denies the request. A review conducted under this subsection
2 shall include a review of instructional materials for each subject
3 area or grade level specified in the petition.

4 (d) The board of trustees of a school district is not
5 required to conduct a review under this section for a specific
6 subject area or grade level at a specific district campus more than
7 once per school year.

8 (e) Parental access to instructional material provided by
9 an instructional material review conducted under this section is in
10 addition to any other right to access instructional material
11 granted by this title or school district policy.

12 (f) The State Board of Education may adopt rules to
13 implement this section.

14 SECTION 7. Section 28.002 , Education Code, is amended by
15 adding Subsections (c-4) and (c-5) to read as follows:

16 (c-4) In adopting essential knowledge and skills for
17 English language arts under Subsection (a)(1)(A), the State Board
18 of Education shall specify a list of required vocabulary and at
19 least one literary work to be taught in each grade level. The
20 vocabulary specified by the board must support the essential
21 knowledge and skills adopted for other courses offered under the
22 foundation curriculum under Subsection (a)(1).

23 (c-5) The State Board of Education shall initiate the
24 process of specifying an initial list of vocabulary and literary
25 works as required by Subsection (c-4) not later than February 1,
26 2024. The State Board of Education shall request from the agency
27 recommendations regarding the list, and that request for

1 recommendations may be considered an initiation of the process.

2 This subsection expires September 1, 2025.

3 SECTION 8. The heading to Section 28.0027 , Education Code,
4 is amended to read as follows:

5 Sec. 28.0027. DISTRICT CURRICULUM SCOPE , ~~[AND]~~ SEQUENCE ,
6 AND INSTRUCTIONAL MATERIAL.

7 SECTION 9. Sections 28.0027 (a) and (b), Education Code, are
8 amended to read as follows:

9 (a) In adopting a recommended or designated scope and
10 sequence or instructional materials for a subject in the required
11 curriculum under Section 28.002 (a) in a particular grade level, a
12 school district shall ensure sufficient time is provided for
13 teachers to teach and students to learn the essential knowledge and
14 skills for that subject and grade level.

15 (b) Except as provided by Subsection (c), a school district
16 may not penalize a teacher who does not follow the pacing of [a]
17 recommended or designated instructional materials or the pacing of
18 the recommended or designated scope and sequence for a subject in
19 the required curriculum under Section 28.002 (a) in a particular
20 grade level based on the teacher 's determination that the teacher 's
21 students need more or less time in a specific area to demonstrate
22 proficiency in the essential knowledge and skills for that subject
23 and grade level.

24 SECTION 10. Section 28.0062 , Education Code, is amended by
25 adding Subsection (a-1) to read as follows:

26 (a-1) In this subsection, "three-cueing" means a method of
27 reading instruction for identification of words by which a student

1 is encouraged to draw on context and sentence structure to read
2 words without sounding the words out or using a phonics-based
3 approach. A school district or open-enrollment charter school may
4 not include any instruction that incorporates three-cueing in the
5 phonics curriculum required under Subsection (a)(1).

6 SECTION 11. The heading to Chapter 31, Education Code, is
7 amended to read as follows:

8 CHAPTER 31. INSTRUCTIONAL MATERIALS AND TECHNOLOGY

9 SECTION 12. Section 31.002, Education Code, is amended by
10 amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b),
11 (1-c), and (3) to read as follows:

12 (1) "Full subject tier one instructional material"
13 means instructional material designed to, if implemented as
14 designed, provide a student with mastery of the essential knowledge
15 and skills adopted by the board for a certain subject and grade
16 level in the required curriculum under Section 28.002 or for
17 prekindergarten without the need for supplementation.

18 (1-a) "Instructional material" means content that
19 conveys the essential knowledge and skills of a subject in the
20 public school curriculum through a medium or a combination of media
21 for conveying information to a student. The term includes: _

22 (A) material used by a teacher, including a
23 lesson plan, answer key, grading rubric, or unit plan;

24 (B) material used by a principal or campus
25 instructional leader to support instruction; and

26 (C) material used by a student, including a book,
27 supplementary materials, a combination of a book, workbook, and

1 supplementary materials, computer software, magnetic media, DVD,
 2 CD-ROM, computer courseware, on-line services, or an electronic
 3 medium, or other means of conveying information to the student or
 4 otherwise contributing to the learning process through electronic
 5 means, including open education resource instructional material.

6 (1-b) [~~(1-a)~~] "Open education resource instructional
 7 material" means teaching, learning, and research resources that
 8 reside in the public domain or have been released under an
 9 intellectual property license that allows for free use, reuse,
 10 modification, and sharing with others, including full courses,
 11 course materials, modules, textbooks, streaming videos, tests,
 12 software, and any other tools, materials, or techniques used to
 13 support access to knowledge. [~~The term includes state developed~~
 14 ~~open education resource instructional material purchased under~~
 15 ~~Subchapter B 1.~~]

16 (1-c) "Partial subject tier one instructional
 17 material" means instructional material designed to, if implemented
 18 as designed, provide a student with mastery in a portion of the
 19 essential knowledge and skills adopted by the State Board of
 20 Education for a certain subject and grade level in the required
 21 curriculum under Section 28.002 or for prekindergarten without the
 22 need for supplementation in the essential knowledge and skills
 23 covered.

24 (3) "Supplemental instructional material" means
 25 instructional material designed to assist in the instruction of one
 26 or more of the essential knowledge and skills adopted by the State
 27 Board of Education for a subject in the required curriculum under

1 Section 28.002 or for prekindergarten.

2 SECTION 13. Section 31.003 , Education Code, is amended to
3 read as follows:

4 Sec. 31.003. RULES. (a) The State Board of Education may
5 adopt rules, consistent with this chapter, for the adoption,
6 requisition, distribution, care, use, and disposal of
7 instructional materials.

8 (b) The commissioner may adopt rules, consistent with this
9 chapter, as necessary to implement a provision of this chapter that
10 the commissioner or agency is responsible for implementing.

11 SECTION 14. Subchapter A, Chapter 31, Education Code, is
12 amended by adding Section 31.006 to read as follows:

13 Sec. 31.006. ADVISORY COMMITTEE. The State Board of
14 Education or the agency may form an advisory committee to comply
15 with the provisions of this chapter. Chapter 2110, Government
16 Code, does not apply to an advisory committee formed under this
17 section.

18 SECTION 15. Chapter 31, Education Code, is amended by
19 adding Subchapter A-1, and a heading is added to that subchapter to
20 read as follows:

21 SUBCHAPTER A-1. STATE FUNDING FOR INSTRUCTIONAL MATERIALS AND
22 TECHNOLOGY

23 SECTION 16. Section 31.005 , Education Code, is transferred
24 to Subchapter A-1, Chapter 31, Education Code, as added by this Act,
25 and redesignated as Section 31.0205 to read as follows:

26 Sec. 31.0205 [~~31.005~~]. FUNDING FOR OPEN-ENROLLMENT CHARTER
27 SCHOOLS. An open-enrollment charter school is entitled to the

1 instructional materials and technology allotment under this
2 chapter and is subject to this chapter as if the school were a
3 school district.

4 SECTION 17. Sections 31.021 , 31.0212 , 31.0214 , and 31.0215 ,
5 Education Code, are transferred to Subchapter A-1 , Chapter 31 ,
6 Education Code, as added by this Act, and amended to read as
7 follows:

8 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS AND TECHNOLOGY
9 FUND. (a) The state instructional materials and technology fund
10 consists of:

11 (1) an amount set aside by the State Board of Education
12 from the available school fund, in accordance with Section
13 43.001 (d); and

14 (2) all amounts lawfully paid into the fund from any
15 other source.

16 (c) Money in the state instructional materials and
17 technology fund shall be used to:

18 (1) fund the instructional materials and technology
19 allotment, as provided by Section 31.0211 ;

20 (2) purchase special instructional materials for the
21 education of blind and visually impaired students in public
22 schools;

23 (3) pay the expenses associated with the instructional
24 materials adoption and review process and Internet website
25 maintained under this chapter;

26 (4) pay the expenses associated with the purchase, __
27 ~~[or]~~ licensing, printing, or other reproduction of open education

1 resource instructional material;

2 (5) pay the expenses associated with the purchase of
3 instructional material, including freight and shipping and the
4 insurance expenses associated with freight and shipping;

5 (6) fund the technology lending grant program
6 established under Section 32.301 ; and

7 (7) provide funding to the Texas School for the Blind
8 and Visually Impaired, the Texas School for the Deaf, and the Texas
9 Juvenile Justice Department[; ~~and~~

10 [~~(8) pay the expenses associated with the~~
11 ~~instructional materials web portal developed under Section~~
12 ~~31.081~~].

13 (d) Money transferred to the state instructional materials
14 and technology fund remains in the fund until spent and does not
15 lapse to the state at the end of the fiscal year.

16 Sec. 31.0212. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
17 ACCOUNT. (a) The commissioner shall maintain an instructional
18 materials and technology account for each school district. In the
19 first year of each biennium, the commissioner shall deposit in the
20 account for each district the amount of the district 's
21 instructional materials and technology allotment under Section
22 31.0211 .

23 (b) The commissioner shall pay the cost of instructional
24 materials requisitioned by a school district under Section 31.103
25 using funds from the district 's instructional materials and
26 technology account.

27 (c) [~~A school district may also use funds in the district 's~~

~~1 account to purchase electronic instructional materials or
 2 technological equipment. The district shall submit to the
 3 commissioner a request for funds for this purpose from the
 4 district 's account. The commissioner shall adopt rules regarding
 5 the documentation a school district must submit to receive funds
 6 under this subsection.~~

7 ~~[(d)]~~ Money deposited in a school district 's instructional
 8 materials and technology account during each state fiscal biennium
 9 remains in the account and available for use by the district for the
 10 entire biennium. At the end of each biennium, a district with
 11 unused money in the district 's account may carry forward any
 12 remaining balance to the next biennium.

13 (d) A ~~[(e) The commissioner shall adopt rules as necessary
 14 to implement this section. The rules must include a requirement
 15 that a]~~ school district shall provide to the agency the title and
 16 publication information for any instructional materials
 17 requisitioned or purchased by the district with the district 's
 18 instructional materials and technology allotment.

19 (e) The agency shall provide for the development and
 20 maintenance of an online requisition and disbursement system for
 21 each school district 's instructional materials and technology
 22 account.

23 Sec. 31.0214. ADJUSTMENT FOR HIGH ENROLLMENT GROWTH
 24 DISTRICTS. ~~[(a)]~~ Each year the commissioner shall adjust the
 25 instructional materials and technology allotment of school
 26 districts experiencing high enrollment growth. The commissioner
 27 shall establish a procedure for determining high enrollment growth

1 districts eligible to receive an adjustment under this section and
2 the amount of the instructional materials and technology allotment
3 those districts will receive.

4 ~~[(b) The commissioner may adopt rules as necessary to~~
5 ~~implement this section.]~~

6 Sec. 31.0215. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
7 ALLOTMENT PURCHASES. (a) The commissioner shall, as early as
8 practicable during each biennium, notify each school district and
9 open-enrollment charter school of the estimated amount to which the
10 district or charter school will be entitled under Section 31.0211
11 during the next fiscal biennium.

12 (b) The commissioner shall ~~may~~ allow a school district or
13 open-enrollment charter school to place an order for instructional
14 materials before the beginning of a fiscal biennium and to receive
15 instructional materials before payment. The commissioner shall
16 limit the cost of an order placed under this section to 80 percent
17 of the estimated amount to which a school district or
18 open-enrollment charter school is estimated to be entitled as
19 provided by Subsection (a) and shall first credit any balance in a
20 district or charter school instructional materials and technology
21 account to pay for an order placed under this section.

22 (c) The commissioner shall make payments for orders placed
23 under this section as funds become available to the instructional
24 materials and technology fund and shall prioritize payment of
25 orders placed under this section over reimbursement of purchases
26 made directly by a school district or open-enrollment charter
27 school.

1 (d) The commissioner shall ensure that publishers of
2 instructional materials are informed of any potential delay in
3 payment and that payment is subject to the availability of
4 appropriated funds. A publisher may decline to accept an order
5 placed under this section.

6 (e) Chapter 2251 , Government Code, does not apply to
7 purchases of instructional materials under this section.

8 ~~[(f) The commissioner may adopt rules to implement this~~
9 ~~section.]~~

10 SECTION 18. Section 31.0211 , Education Code, as amended by
11 Chapters 806 (H.B. 1525) and 1003 (H.B. 3261), Acts of the 87th
12 Legislature, Regular Session, 2021, is transferred to Subchapter
13 A-1 , Chapter 31 , Education Code, as added by this Act, reenacted,
14 and amended to read as follows:

15 Sec. 31.0211. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
16 ALLOTMENT. (a) A school district is entitled to an allotment each
17 biennium from the state instructional materials and technology fund
18 for each student enrolled in the district on a date during the last
19 year of the preceding biennium specified by the commissioner. The
20 commissioner shall determine the amount of the allotment per
21 student each biennium on the basis of the amount of money available
22 in the state instructional materials and technology fund to fund
23 the allotment. An allotment under this section shall be
24 transferred from the state instructional materials and technology
25 fund to the credit of the district 's instructional materials and
26 technology account as provided by Section 31.0212 .

27 (b) A juvenile justice alternative education program under

1 Section 37.011 is entitled to an allotment from the state
2 instructional materials and technology fund in an amount determined
3 by the commissioner. The program shall use the allotment to
4 purchase items listed in Subsection (c) for students enrolled in
5 the program. The commissioner's determination under this
6 subsection is final and may not be appealed.

7 (c) Funds allotted under this section may be used to:

8 (1) purchase:

9 (A) ~~[materials on the list adopted by the~~
10 ~~commissioner, as provided by Section 31.0231 ,~~

11 ~~[(B)]~~ instructional materials, regardless of
12 whether the instructional materials are on the list of approved
13 instructional materials maintained by the State Board of Education
14 under Section 31.022 ~~[adopted under Section 31.024]~~;

15 (B) ~~[(C)]~~ consumable instructional materials,
16 including workbooks;

17 (C) ~~[(D)]~~ instructional materials for use in
18 bilingual education classes, as provided by Section 31.029 ;

19 (D) ~~[(E)]~~ instructional materials for use in
20 college preparatory courses under Section 28.014 , as provided by
21 Section 31.031 ;

22 (E) ~~[(F)]~~ supplemental instructional materials
23 ~~[, as provided by Section 31.035]~~;

24 (F) ~~[(G) state developed]~~ open education
25 resource instructional materials, as provided by Subchapter B-1;

26 (G) ~~[(H)]~~ instructional materials and
27 technological equipment under any continuing contracts of the

1 district in effect on September 1, 2011;

2 (H) [~~(I)~~] technological equipment necessary to
3 support the use of [~~materials included on the list adopted by the~~
4 ~~commissioner under Section 31.0231 or~~] any instructional materials
5 purchased with an allotment under this section;

6 (I) [~~(J)~~] inventory software or systems for
7 storing, managing, and accessing instructional materials and
8 analyzing the usage and effectiveness of the instructional
9 materials; and

10 (J) [~~(K)~~] services, equipment, and technology
11 infrastructure necessary to ensure Internet connectivity and
12 adequate bandwidth; and

13 (2) pay:

14 (A) for training educational personnel directly
15 involved in student learning in the appropriate use of
16 instructional materials and for providing for access to
17 technological equipment for instructional use;

18 (B) for training personnel in the electronic
19 administration of assessment instruments; [~~and~~]

20 (C) the salary and other expenses of an employee
21 who provides technical support for the use of technological
22 equipment directly involved in student learning; and

23 (D) [~~(C)~~] for costs associated with distance
24 learning, including Wi-Fi, Internet access hotspots, wireless
25 network service, broadband service, and other services and
26 technological equipment necessary to facilitate Internet access.

27 (d) [~~Each biennium the commissioner shall assess the~~]

1 ~~technology needs for all school districts and provide an estimate~~
2 ~~of the cost for these resources to the State Board of Education.~~

3 ~~[(d-1)]~~ In purchasing technological equipment, a school
4 district shall:

5 (1) secure technological solutions that meet the
6 varying and unique needs of students and teachers in the district;
7 and

8 (2) consider:

9 (A) the long-term cost of ownership; and

10 (B) flexibility for innovation.

11 (e) Not later than May 31 of each school year, a school
12 district may request that the commissioner adjust the number of
13 students for which the district is entitled to receive an allotment
14 under Subsection (a) on the grounds that the number of students
15 attending school in the district will increase or decrease during
16 the school year for which the allotment is provided. The
17 commissioner may also adjust the number of students for which a
18 district is entitled to receive an allotment, without a request by
19 the district, if the commissioner determines a different number of
20 students is a more accurate reflection of students who will be
21 attending school in the district. The commissioner 's determination
22 under this subsection is final.

23 (f) Funds allotted under this section may not be used to
24 purchase instructional material that contains obscene or harmful
25 content or would otherwise cause the school district to which the
26 funds were allotted to be unable to submit the certification
27 required under Section 31.1011(a) (1) (B) ~~[The commissioner may~~

1 ~~adopt rules as necessary to implement this section].~~

2 SECTION 19. Subchapter A-1, Chapter 31, Education Code, as
3 added by this Act, is amended by adding Section 31.0216 to read as
4 follows:

5 Sec. 31.0216. AGENCY PURCHASE OF INSTRUCTIONAL MATERIALS
6 AND TECHNOLOGY. (a) From funds appropriated for the purpose, the
7 agency may contract directly, including by extending a contract,
8 for the purchase of instructional materials and technology for use
9 by school districts.

10 (b) The provisions of Chapter 2157, Government Code,
11 requiring a state agency to use a contract or contract terms
12 developed or preapproved by the Department of Information Resources
13 do not apply to a contract entered into under this section, but the
14 agency may participate in a program authorized by that chapter.

15 SECTION 20. The heading to Subchapter B, Chapter 31,
16 Education Code, is amended to read as follows:

17 SUBCHAPTER B. STATE REVIEW AND [FUNDING,] ~~ADOPTION~~ ~~[, AND~~
18 ~~PURCHASE]~~

19 SECTION 21. The heading to Section 31.022, Education Code,
20 is amended to read as follows:

21 Sec. 31.022. STATE BOARD OF EDUCATION INSTRUCTIONAL
22 MATERIALS REVIEW AND APPROVAL ~~[ADOPTION]~~.

23 SECTION 22. Section 31.022, Education Code, is amended by
24 amending Subsections (a), (b), (c), and (d) and adding Subsection
25 (c-1) to read as follows:

26 (a) The State Board of Education shall ~~[adopt a]~~ review ~~[and~~
27 ~~adoption cycle for]~~ instructional materials provided to the board

1 by the agency under Section 31.023 . Before approving instructional
2 material, the board may review the material and must determine that
3 the material is free from factual error and suitable for the subject
4 and grade level for which the material is designed, and, if the
5 material is intended to cover the foundational skills reading
6 curriculum in kindergarten through third grade, does not include
7 three-cueing, as defined by Section 28.0062 (a-1). The board shall
8 add each material approved under this section to a list of approved
9 instructional materials and may add a material not approved under
10 this section to a list of rejected instructional materials [~~for~~
11 ~~elementary grade levels, including prekindergarten, and secondary~~
12 ~~grade levels, for each subject in the required curriculum under~~
13 ~~Section 28.002 . In adopting the cycle, the board:~~

14 [~~(1) is not required to review and adopt instructional~~
15 ~~materials for all grade levels in a single year, and~~

16 [~~(2) shall give priority to instructional materials in~~
17 ~~the following subjects:~~

18 [~~(A) foundation curriculum subjects for which~~
19 ~~the essential knowledge and skills have been substantially revised~~
20 ~~and for which assessment instruments are required under Subchapter~~
21 ~~B, Chapter 39, including career and technology courses that satisfy~~
22 ~~foundation curriculum requirements as provided by Section~~
23 ~~28.002 (n);~~

24 [~~(B) foundation curriculum subjects for which~~
25 ~~the essential knowledge and skills have been substantially revised,~~
26 ~~including career and technology courses that satisfy foundation~~
27 ~~curriculum requirements as provided by Section 28.002 (n);~~

1 ~~[(C) foundation curriculum subjects not~~
2 ~~described by Paragraph (A) or (B), including career and technology~~
3 ~~courses that satisfy foundation curriculum requirements as~~
4 ~~provided by Section 28.002 (n); and~~

5 ~~[(D) enrichment curriculum subjects].~~

6 (b) ~~[The board shall organize the cycle for subjects in the~~
7 ~~foundation curriculum so that not more than one fourth of the~~
8 ~~instructional materials for subjects in the foundation curriculum~~
9 ~~are reviewed each biennium.]~~ The State Board of Education may adopt
10 criteria necessary for approval of instructional material under
11 Subsection (a) and may require:

12 (1) all instructional material submitted as full
13 subject tier one instructional material to cover a minimum
14 percentage, as determined by the board, of the essential knowledge
15 and skills adopted for the subject and grade level for which the
16 material is designed;

17 (2) electronic samples of the material;

18 (3) certain physical specifications;

19 (4) the instructional material to not contain obscene
20 or harmful content and otherwise be compatible with certification
21 requirements under Section 31.1011(a)(1)(B); and

22 (5) the instructional material to be made publicly
23 available for review ~~[board shall adopt rules to provide for a full~~
24 ~~and complete investigation of instructional materials for each~~
25 ~~subject in the foundation curriculum every eight years. The~~
26 ~~adoption of instructional materials for a subject in the foundation~~
27 ~~curriculum may be extended beyond the eight year period only if the~~

1 ~~content of instructional materials for a subject is sufficiently~~
2 ~~current].~~

3 (c) The State Board of Education may remove instructional
4 material from the list of approved instructional materials under
5 this section if the essential knowledge and skills intended to be
6 covered by the material are revised or the material is revised
7 without the approval of the board [~~board shall adopt rules to~~
8 ~~provide for a full and complete investigation of instructional~~
9 ~~materials for each subject in the enrichment curriculum on a cycle~~
10 ~~the board considers appropriate].~~

11 (c-1) If the State Board of Education intends to remove an
12 instructional material from the list of approved instructional
13 materials under Subsection (c) because the board plans to revise
14 the essential knowledge and skills intended to be covered by the
15 material, the board shall issue a proclamation requesting the
16 revision of the applicable instructional materials and shall, not
17 later than December 1 of the year preceding the school year for
18 which the revision will take effect, provide to each school
19 district the updated list of approved instructional materials for
20 the relevant subject or grade level.

21 (d) The State Board of Education shall indicate whether each
22 instructional material reviewed under Subsection (a) is capable of
23 being made available through an instructional materials parent
24 portal established under Section 31.154 [~~At least 12 months before~~
25 ~~the beginning of the school year for which instructional materials~~
26 ~~for a particular subject and grade level will be adopted under the~~
27 ~~review and adoption cycle, the board shall publish notice of the~~

1 ~~review and adoption cycle for those instructional materials. A~~
2 ~~request for production must allow submission of open education~~
3 ~~resource instructional materials that are available for use by the~~
4 ~~state without charge on the same basis as instructional materials~~
5 ~~offered for sale].~~

6 SECTION 23. Section 31.023 , Education Code, is amended to
7 read as follows:

8 Sec. 31.023. INSTRUCTIONAL MATERIAL REVIEW [~~LIST~~]. (a)

9 The commissioner shall establish, in consultation with and with the
10 approval of the State Board of Education, a process for the annual
11 review of instructional materials by the agency. The process
12 established under this subsection must:

13 (1) establish a process for the agency to select
14 instructional materials for review that includes:

15 (A) evaluating requests for review of
16 instructional materials submitted to the agency by:

17 (i) a school district;

18 (ii) a majority of the members of the State
19 Board of Education; or

20 (iii) a publisher of instructional
21 material, which may only be submitted for material published by the
22 requesting publisher;

23 (B) requiring the agency to review materials if
24 the State Board of Education requests by a majority vote that the
25 material be reviewed by the agency;

26 (C) reviewing instructional materials
27 requisitioned or purchased under Section 31.0212 ; and

1 (D) reviewing instructional materials using a
2 time frame appropriate for the proclamation requesting the revision
3 of the instructional materials under Section 31.022 (c-1) to address
4 revisions made by the State Board of Education to the essential
5 knowledge and skills for a particular subject or grade level;
6 (2) describe the types of instructional materials the
7 agency may review, including:
8 (A) partial subject tier one instructional
9 material, including those designed for use in the phonics
10 curriculum required under Section 28.0062 (a) (1);
11 (B) open education resource instructional
12 material;
13 (C) instructional materials developed by a
14 school district and submitted to the agency by the district for
15 review; and
16 (D) commercially available full subject tier one
17 instructional material;
18 (3) establish procedures for the agency to conduct
19 reviews of instructional materials, including:
20 (A) the use of a rubric approved under Subsection
21 (b); and
22 (B) consultation with classroom teachers and
23 other curriculum experts for the appropriate subject and grade
24 level; and
25 (4) ensure the procedures for review allow the agency
26 to review at least 200 individual instructional materials each year
27 ~~[For each subject and grade level, the State Board of Education~~

1 ~~shall adopt a list of instructional materials. The list includes~~
2 ~~each instructional material submitted for the subject and grade~~
3 ~~level that meets applicable physical specifications adopted by the~~
4 ~~State Board of Education and contains material covering at least~~
5 ~~half of the elements of the essential knowledge and skills of the~~
6 ~~subject and grade level in the student version of the instructional~~
7 ~~material, as well as in the teacher version of the instructional~~
8 ~~material, as determined by the State Board of Education under~~
9 ~~Section 28.002 and adopted under Section 31.024].~~

10 ~~[(a 1) The State Board of Education shall determine the~~
11 ~~percentage of the elements of the essential knowledge and skills of~~
12 ~~the subject and grade level covered by each instructional material~~
13 ~~submitted. The board's determination under this subsection is~~
14 ~~final.]~~

15 (b) In conducting a review under this section, the agency
16 must use a rubric developed by the agency in consultation with and
17 approved by the State Board of Education that includes, with
18 respect to the instructional material being reviewed, a
19 determination of:

20 (1) whether the material is free from factual error
21 and satisfies the criteria adopted by the board under Section
22 31.022 ;

23 (2) the quality of the material;

24 (3) the essential knowledge and skills for the subject
25 and grade level for which the material was developed that are
26 covered by the material, including identification of:

27 (A) each essential knowledge and skill covered by

1 the material;

2 (B) for a full subject tier one instructional
3 material, the percentage of the essential knowledge and skills
4 adopted for the subject and grade level covered by the material; and

5 (C) for a partial subject tier one instructional
6 material, the percentage of the essential knowledge and skills for
7 the relevant portion of the subject and grade level covered by the
8 material; and

9 (4) whether the material contains obscene or harmful
10 content or is otherwise incompatible with certification
11 requirements under Section 31.1011(a)(1)(B) ~~[Each instructional~~
12 ~~material on the list must be:~~

13 ~~[(1) free from factual errors;~~

14 ~~[(2) suitable for the subject and grade level for~~
15 ~~which the instructional material was submitted; and~~

16 ~~[(3) reviewed by academic experts in the subject and~~
17 ~~grade level for which the instructional material was submitted].~~

18 (c) After completing a review under this section, the agency
19 shall provide the results of the review and any related
20 recommendations to the State Board of Education for approval or
21 rejection of the instructional material and the inclusion of the
22 instructional material on a list maintained by the State Board of
23 Education under Section 31.022 .

24 (d) The agency shall use funds appropriated to the agency
25 for the purposes of reviewing instructional material or available
26 in the state instructional materials and technology fund for
27 purposes of implementing this section.

1 (e) A process established under Subsection (a) or a rubric
2 developed under Subsection (b) is automatically approved by the
3 State Board of Education if not rejected by the board before the
4 91st day after the date the agency submits the item to the board.

5 SECTION 24. Subchapter B, Chapter 31, Education Code, is
6 amended by adding Sections 31.025, 31.0251, and 31.0252 to read as
7 follows:

8 Sec. 31.025. INSTRUCTIONAL MATERIAL INTERNET WEBSITE. (a)
9 The agency shall develop and maintain an instructional material
10 Internet website to assist school districts in locating and
11 selecting instructional material.

12 (b) For each instructional material included, the Internet
13 website developed and maintained under this section shall provide:

14 (1) the price of the material;

15 (2) the technological requirements needed to use the
16 material;

17 (3) the results of an agency review of the material
18 conducted under Section 31.023 ;

19 (4) a statement of whether the material is included on
20 the list of approved instructional materials maintained by the
21 State Board of Education under Section 31.022 or has been rejected
22 by the board; and

23 (5) any other information the agency determines
24 relevant to a school district 's selection of instructional
25 material.

26 (c) The Internet website developed and maintained under
27 this section must include the repository of open education resource

1 instructional material required by Section 31.0722.

2 (d) The agency shall use funds appropriated to the agency
3 for the purposes of reviewing instructional material or available
4 in the state instructional materials and technology fund for
5 purposes of implementing this section.

6 Sec. 31.0251. INSTRUCTIONAL MATERIAL SUPPORT. (a) On
7 request of a school district, the agency shall provide the district
8 assistance in evaluating, adopting, or using instructional
9 materials.

10 (b) Except as otherwise provided, the agency may not require
11 a school district to adopt or otherwise use instructional material
12 reviewed by the agency under Section 31.023 or included on the list
13 of approved instructional materials maintained by the State Board
14 of Education under Section 31.022 .

15 Sec. 31.0252. LOCAL REVIEW OF CLASSROOM INSTRUCTIONAL
16 MATERIAL. (a) The agency shall develop standards in consultation
17 with stakeholders, including educators, by which a school district
18 may conduct a review of instructional materials used by a classroom
19 teacher in a foundation curriculum course under Section
20 28.002 (a)(1) to determine the degree to which the material:

21 (1) corresponds with the instructional materials
22 adopted by the school district or district campus; and

23 (2) meets the level of rigor of the essential
24 knowledge and skills adopted under Section 28.002 for the grade
25 level in which it is being used.

26 (b) The agency shall develop a rubric, approved by the State
27 Board of Education, to determine if reviewed instructional material

1 complies with the rigor requirements described by Subsection
2 (a)(2).

3 (c) The agency, in developing standards under Subsection
4 (a):

5 (1) shall minimize, to the extent possible, the time a
6 classroom teacher is required to spend complying with a review
7 conducted under this section;

8 (2) may not, unless unavoidable, require a teacher to
9 spend more than 30 minutes on a single review conducted under this
10 section; and

11 (3) may not authorize the review of instructional
12 materials used by a classroom teacher for a specific subject or
13 grade level at a specific school district campus more than once per
14 school year.

15 (d) The agency shall permit a regional education service
16 center or a curriculum review service provider approved by the
17 agency to conduct the review for a school district under this
18 section and provide to approved centers and providers training
19 relating to appropriately conducting the review.

20 (e) The agency shall award grants to assist school districts
21 in conducting reviews under this section.

22 SECTION 25. Sections 31.026 (a) and (b), Education Code, are
23 amended to read as follows:

24 (a) The State Board of Education may [~~shall~~] execute a
25 contract for the purchase or licensing of each adopted
26 instructional material.

27 (b) A contract must require the publisher to provide the

1 number of instructional materials required by school districts in
2 this state for the term of the contract[~~, which must coincide with~~
3 ~~the board's adoption cycle~~].

4 SECTION 26. The heading to Subchapter **B-1**, Chapter **31**,
5 Education Code, is amended to read as follows:

6 SUBCHAPTER B-1. [~~STATE-DEVELOPED~~] OPEN EDUCATION RESOURCE
7 INSTRUCTIONAL MATERIALS

8 SECTION 27. Subchapter **B-1**, Chapter **31**, Education Code, is
9 amended by adding Section 31.0701 to read as follows:

10 Sec. 31.0701. REFERENCES TO STATE-DEVELOPED OPEN EDUCATION
11 RESOURCE INSTRUCTIONAL MATERIAL. In this chapter, a reference to a
12 state-developed open education resource instructional material
13 means an open education resource instructional material, as defined
14 by Section **31.002**.

15 SECTION 28. Section **31.071**, Education Code, is amended to
16 read as follows:

17 Sec. 31.071. AVAILABILITY OF OPEN EDUCATION RESOURCE
18 INSTRUCTIONAL MATERIAL [~~PURCHASE AUTHORITY~~]. (a) The commissioner
19 shall ensure that [~~may purchase state developed~~] open education
20 resource instructional materials are available for use by school
21 districts in accordance with this subchapter.

22 (b) To ensure the availability of open education resource
23 instructional materials under Subsection (a), the [~~The~~]
24 commissioner may:

25 (1) purchase a license authorizing the use of [~~shall~~]
26 purchase any state developed] open education resource
27 instructional materials in a manner that complies with all

1 applicable state laws and rules relating to procurement by a state
2 agency [through a competitive process];
3 (2) purchase or otherwise acquire ownership of open
4 education resource instructional materials;
5 (3) develop open education resource instructional
6 materials;
7 (4) adopt open education resource instructional
8 materials; or
9 (5) use any combination of the methods described by
10 Subdivisions (1), (2), (3), and (4) to acquire open education
11 resource instructional materials.

12 (b-1) The commissioner [and
13 [~~(2)~~] may make available [purchase]— more than one
14 [state developed]— open education resource instructional material
15 for a subject or grade level.

16 (b-2) The commissioner shall:
17 (1) to the extent practicable, ensure full subject
18 tier one instructional materials are available as open education
19 resource instructional material for:

20 (A) English language arts and mathematics
21 courses in kindergarten through grade eight;

22 (B) prekindergarten, in subject areas related to
23 English language arts and mathematics; and

24 (C) all foundation curriculum courses in
25 kindergarten through grade five in a manner that permits the
26 instruction of the content to be provided:

27 (i) in an integrated manner; and

1 (ii) for approximately 240 minutes of
2 instructional time per day, including time needed each day for
3 accelerated instruction under Section 28.0211 ; and
4 (2) ensure open education resource instructional
5 materials are available to all students, parents, classroom
6 teachers, and school districts in this state free of charge, except
7 for a fee for the printing or shipping of the material.

8 (c) Except as provided by Section 31.0711 , an [~~a~~
9 ~~state developed~~]— open education resource instructional material
10 must be licensed to this state under an intellectual property
11 license that allows for free use, reuse, modification, or sharing
12 with others as described by Section 31.07101 [~~irrevocably owned by~~
13 ~~the state. The state must have unlimited authority to modify,~~
14 ~~delete, combine, or add content to the instructional material after~~
15 ~~purchase].~~

16 (d) [~~The commissioner may issue a request for proposals for~~
17 ~~state developed open education resource instructional material.~~

18 [~~(1) in accordance with the instructional material~~
19 ~~review and adoption cycle under Section 31.022 ; or~~

20 [~~(2) at any other time the commissioner determines~~
21 ~~that a need exists for additional instructional material options.~~

22 [~~(e)~~] The costs of administering this subchapter and
23 ensuring the availability of [~~purchasing state developed~~]— open
24 education resource instructional materials shall be paid from funds
25 appropriated for the purpose and the state instructional materials
26 and technology fund, as determined by the commissioner.

27 SECTION 29. Subchapter B-1 , Chapter 31 , Education Code, is

1 amended by adding Section 31.07101 to read as follows:

2 Sec. 31.07101. FREE USE, REUSE, MODIFICATION, OR SHARING
3 LICENSE. (a) Instructional material is licensed to this state
4 under an intellectual property license that allows for free use,
5 reuse, modification, or sharing with others if the license:

6 (1) is irrevocable and perpetual;

7 (2) permits the state to sublicense the material;

8 (3) authorizes the use of the material by any person in
9 any location permitted by the terms of the original license, if
10 applicable;

11 (4) authorizes access, use, transmission, adaptation,
12 public display, public performance, public distribution, and
13 copying of the material; and

14 (5) authorizes the creation of derivative works as
15 permitted by the terms of the original license, if applicable.

16 (b) Instructional material licensed to this state under an
17 intellectual property license that is restricted to noncommercial
18 or educational use qualifies under this subchapter as instructional
19 material licensed to this state under a license that allows for free
20 use, reuse, modification, or sharing with others.

21 SECTION 30. Section 31.0711, Education Code, is amended to
22 read as follows:

23 Sec. 31.0711. CONTENT NOT OWNED BY STATE. Open education
24 resource instructional ~~[Instructional]~~ material made available
25 ~~[purchased]~~ under this subchapter may include content not owned by
26 the state and for which preexisting rights may exist if the content:

27 (1) is in the public domain;

1 (2) may be used under a limitation or exception to
2 copyright law, including a limitation under Section 107, Copyright
3 Act of 1976 (17 U.S.C. Section 107); ~~or~~

4 (3) has been made available by the copyright owner
5 under a Creative Commons license or another intellectual property
6 license that allows for free use, reuse, modification, or sharing
7 as described by Section 31.07101; or

8 (4) is licensed to the state under another ~~a~~ license
9 that:

10 (A) grants access to and allows for use of the
11 material by students, teachers, educators, and other education
12 professionals ~~[the state unlimited authority to modify, delete,~~
13 ~~combine, or add content],~~

14 (B) permits access, use, public display, public
15 performance, public distribution, and copying of the material for
16 noncommercial or educational purposes ~~[the free use and repurposing~~
17 ~~of the material by any person or entity], and~~

18 (C) is for a term of use acceptable to the
19 commissioner to ensure a useful life of the material.

20 SECTION 31. Subchapter B-1, Chapter 31, Education Code, is
21 amended by adding Section 31.0712 to read as follows:

22 Sec. 31.0712. OPEN EDUCATION RESOURCE ADVISORY BOARD. The
23 agency shall establish an open education resource advisory board to
24 ensure that open education resource instructional materials made
25 available under this subchapter are:

26 (1) of the highest quality;

27 (2) aligned with the essential knowledge and skills

1 adopted by the State Board of Education under Section 28.002 for the
2 applicable subject and grade level;

3 (3) suitable for the age of students at the grade level
4 for which the materials are developed;

5 (4) free from bias and factual error; and

6 (5) in compliance with Section 28.0022 .

7 SECTION 32. Section 31.072 , Education Code, is amended to
8 read as follows:

9 Sec. 31.072. CONTENT REQUIREMENTS. (a) Before being made
10 available under this subchapter, ~~[State developed]~~ open education
11 resource instructional material must[:-

12 ~~[(1)]~~ be evaluated by:

13 (1) teachers or other experts, as determined by the
14 commissioner[~~, before purchase~~]; and

15 (2) parents of students in this state ~~[meet the~~
16 ~~requirements for inclusion on the instructional material list~~
17 ~~adopted under Section 31.023~~].

18 (b) Based on feedback received by the agency from teachers,
19 parents, and other experts regarding open education resource
20 instructional materials made available under this subchapter, the
21 ~~[Following a curriculum revision by the State Board of Education,~~
22 ~~the commissioner shall require the revision of state developed open~~
23 ~~education resource instructional material relating to that~~
24 ~~curriculum. The~~ commissioner may, at any time, require an
25 additional revision of the ~~[state developed open education~~
26 ~~resource instructional]~~ material ~~[or contract for ongoing~~
27 ~~revisions of state developed open education resource instructional~~

1 ~~material for a period not to exceed the period under Section 31.022~~
2 ~~for which instructional material for that subject and grade level~~
3 ~~may be adopted. The commissioner shall use a competitive process to~~
4 ~~request proposals to revise state developed open education~~
5 ~~resource instructional material under this subsection].~~

6 SECTION 33. Subchapter B-1, Chapter 31, Education Code, is
7 amended by adding Section 31.0721 to read as follows:

8 Sec. 31.0721. REVIEW AND RELEASE OF OPEN EDUCATION RESOURCE
9 INSTRUCTIONAL MATERIAL. (a) Except as provided by Subsection (b),
10 open education resource instructional material may not be made
11 available under this subchapter to students, teachers, educators,
12 or other education professionals before being reviewed by the
13 agency under Section 31.023 and included on the list of approved
14 instructional materials maintained by the State Board of Education
15 under Section 31.022 .

16 (b) The agency may make open education resource
17 instructional material available to a limited number of classroom
18 teachers for a limited time before the material is reviewed by the
19 agency under Section 31.023 and included on the list of approved
20 instructional materials maintained by the State Board of Education
21 under Section 31.022 to assist in developing or testing the quality
22 of the material. A school district may only use unreviewed material
23 made available under this subsection in a grade level in which the
24 material has not been used previously if:

25 (1) the board of trustees of the district approves the
26 use of the unreviewed material; and

27 (2) the district provides evidence to the agency

1 showing that classroom teachers support the use of the material.

2 (c) Except as provided by Subsection (b), open education
3 resource instructional materials made available under this section
4 may not remain available once amended or modified unless the
5 material as amended or modified is reviewed under Section 31.023
6 and included on the list of approved instructional materials
7 maintained by the State Board of Education under Section 31.022 .

8 SECTION 34. Section 31.083 , Education Code, is transferred
9 to Subchapter B-1 , Chapter 31 , Education Code, redesignated as
10 Section 31.0722, Education Code, and amended to read as follows:

11 Sec. 31.0722 [~~31.083~~]. OPEN EDUCATION RESOURCE
12 INSTRUCTIONAL MATERIALS REPOSITORY. (a) The commissioner shall
13 include in the Internet website [~~web portal~~] developed under
14 Section 31.025 [~~31.081~~] a repository of open education resource
15 instructional materials, including open education resource
16 instructional materials made available under Section 31.0721(b),
17 and other electronic instructional materials that school districts
18 and open-enrollment charter schools may access at no cost.

19 (b) The repository under Subsection (a) must:

20 (1) comply with the requirements of Section 31.154;

21 and

22 (2) allow a person to provide comments on open
23 education resource instructional material contained in the
24 repository to assist the agency in improving and updating the
25 material.

26 (c) The agency shall ensure that a person may order a print
27 copy of any open education resource instructional material included

1 in the repository that is reducible to print [~~A publisher may submit~~
2 ~~instructional materials for inclusion in the repository~~].

3 SECTION 35. Sections 31.073 and 31.074 , Education Code, are
4 amended to read as follows:

5 Sec. 31.073. SELECTION BY SCHOOL DISTRICT. (a) Except as
6 otherwise provided by this code, the commissioner may not require a
7 school district or open-enrollment charter school to adopt or use
8 an open education resource instructional material.

9 (c) A [~~Notwithstanding Section 31.022 , a~~] school district
10 or open-enrollment charter school may adopt [~~state developed~~] open
11 education resource instructional material at any time [~~, regardless~~
12 ~~of the instructional material review and adoption cycle under that~~
13 ~~section~~].

14 (d) A school district or open-enrollment charter school may
15 not be charged for a cost associated with the selection of an
16 [~~state developed~~] open education resource instructional material,
17 except for the cost of printing copies of the material [~~in addition~~
18 ~~to instructional material adopted under Subchapter B~~].

19 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall
20 provide for the distribution of [~~state developed~~] open education
21 resource instructional materials in a manner consistent with
22 distribution of instructional materials approved [~~adopted~~] under
23 Subchapter B.

24 (b) The commissioner may use a competitive process to
25 contract for printing, [or] other reproduction, or storage of
26 [~~state developed~~] open education resource instructional material
27 on behalf of a school district or open-enrollment charter school.

1 The commissioner may not require a school district or
2 open-enrollment charter school to contract with a state-approved
3 provider for the printing, ~~or~~ reproduction, or storage of
4 ~~[state developed]~~ open education resource instructional material.

5 (c) The agency is not required to comply with Subchapters C
6 and D, Chapter 2052, Government Code, with regard to the printing or
7 reproduction of an open education resource instructional material
8 made available under this subchapter.

9 SECTION 36. The heading to Section 31.075, Education Code,
10 is amended to read as follows:

11 Sec. 31.075. STATE OWNERSHIP; LICENSING.

12 SECTION 37. Sections 31.075 (a), (b), (c), (d), and (e),
13 Education Code, are amended to read as follows:

14 (a) Except as otherwise provided by this subchapter,
15 ~~[State developed]~~ open education resource instructional material
16 is the property of the state.

17 (b) To encourage the use of instructional material
18 purchased by the state under this subchapter by school districts
19 and open-enrollment charter schools, the commissioner may ~~[shall]~~
20 provide a license for the instructional material that ~~[allows for~~
21 ~~the free use, reuse, modification, or sharing of the material by any~~
22 ~~person or entity.]~~

23 ~~[(c) The terms of a license provided by the commissioner~~
24 ~~under this section]:~~

25 (1) requires ~~[shall require]~~ that a user who
26 reproduces the instructional material in any manner:

27 (A) except as provided by Subdivision (2) (A),

1 must keep all copyright notices for the material intact;

2 (B) except as provided by Subdivision (2)(A),
3 must attribute the authorship of the material to the agency or
4 another person specified by the commissioner;

5 (C) must indicate if the user has modified the
6 material;

7 (D) may not assert or imply any connection with
8 or sponsorship or endorsement by the agency or this state, unless
9 authorized by the commissioner; and

10 (E) to the extent reasonably practicable, must
11 provide in any product or derivative material a uniform resource
12 identifier or hyperlink through which a person may obtain the
13 material free of charge;

14 (2) provides [~~must provide~~] that:

15 (A) the commissioner may request that a user
16 remove a copyright notice or attribution from the material and that
17 a user must comply with the request to the extent reasonably
18 practicable; and

19 (B) the rights granted under the license to a
20 user are automatically terminated if the user fails to comply with
21 the terms of the license; and

22 (3) includes [~~may include~~] any additional terms
23 determined by the commissioner.

24 (d) The commissioner may exempt a license under this section
25 from including one or more of the requirements under Subsection
26 (b) (1) [~~(e) (1)~~].

27 (e) The commissioner shall determine what is considered

1 reasonably practicable for purposes of Subsections (b) (1) (E)
2 ~~[(c) (1) (E)]~~ and (b) (2) (A) ~~[(c) (2) (A)]~~.

3 SECTION 38. Subchapter B-1, Chapter 31, Education Code, is
4 amended by adding Sections 31.0751, 31.0752, and 31.0753 to read as
5 follows:

6 Sec. 31.0751. OPEN EDUCATION RESOURCE INSTRUCTIONAL
7 MATERIAL TRANSITION PLAN. (a) Except as provided by Subsection
8 (c), to qualify for additional state aid under Section 48.308 the
9 board of trustees of a school district must adopt an open education
10 resource instructional material transition plan to assist
11 classroom teachers in the district who will be using an open
12 education resource instructional material in a specific subject or
13 grade level for which the teacher has not previously used an open
14 education resource instructional material.

15 (b) A plan adopted under this section must ensure that open
16 education resource instructional materials are used in a manner
17 that maintains the instructional flexibility of a classroom teacher
18 to address the needs of each student.

19 (c) A school district that participates in the program
20 developed and maintained by the agency under Section 31.0752 is not
21 required to adopt a transition plan under this section.

22 Sec. 31.0752. OPEN EDUCATION RESOURCE INSTRUCTIONAL
23 MATERIAL SUPPORT PROGRAM. The agency shall develop and maintain a
24 program to assist school districts and open-enrollment charter
25 schools in adopting and using open education resource instructional
26 material made available under this subchapter, including by
27 assisting districts and schools to:

1 (1) maintain the instructional flexibility of
2 classroom teachers to address the needs of each student; and

3 (2) schedule instructional periods in a manner that
4 allows classroom teachers sufficient time to effectively prepare
5 and present instructional material within the teacher 's normal work
6 day.

7 Sec. 31.0753. TEACHER CANDIDATE ACCESS AND SUPPORT PROGRAM.

8 The agency shall develop and maintain a program to assist educator
9 preparation programs in implementing Section 21.044 (a-1)(4).

10 SECTION 39. Section 31.076 (b), Education Code, is amended
11 to read as follows:

12 (b) A decision made by the commissioner under this
13 subchapter [~~regarding the purchase, revision, cost, licensing, or~~
14 ~~distribution of state developed open education resource~~
15 ~~instructional material~~] is final and may not be appealed.

16 SECTION 40. Section 31.004 , Education Code, is transferred
17 to Subchapter C, Chapter 31 , Education Code, redesignated as
18 Section 31.1011, Education Code, and amended to read as follows:

19 Sec. 31.1011 [~~31.004~~]. CERTIFICATION OF PROVISION OF
20 INSTRUCTIONAL MATERIALS. (a) Each school district and
21 open-enrollment charter school shall annually certify to the State
22 Board of Education and the commissioner that:

23 (1) [~~1~~] for each subject in the required curriculum
24 under Section 28.002 , other than physical education, and each grade
25 level, the district or school:

26 (A) provides each student with instructional
27 materials that cover all elements of the essential knowledge and

1 skills adopted by the State Board of Education for that subject and
2 grade level; and

3 (B) in the provision of instructional materials,
4 protects students from obscene or harmful content as necessary for
5 compliance with:

6 (i) the Children 's Internet Protection Act
7 (Pub. L. No. 106-554);

8 (ii) Section 28.0022 ;

9 (iii) Section 43.22 , Penal Code; and

10 (iv) any other law or regulation that
11 protects students from obscene or harmful content; and

12 (2) the district or school used money allocated to the
13 district or school under the instructional materials and technology
14 allotment only for purposes allowed under Section 31.0211 .

15 (b) To determine whether each student has instructional
16 materials that cover all elements of the essential knowledge and
17 skills as required by Subsection (a), a school district or
18 open-enrollment charter school may consider:

19 (1) instructional materials adopted by the State Board
20 of Education;

21 (2) ~~[materials adopted or purchased by the~~
22 ~~commissioner under Section 31.0231 or Subchapter B 1;~~

23 ~~[(3) open education resource instructional materials~~
24 ~~submitted by eligible institutions and adopted by the State Board~~
25 ~~of Education under Section 31.0241 ;~~

26 ~~[(4) open education resource instructional materials~~
27 ~~made available by other public schools;~~

1 ~~[(5)]~~ instructional materials developed, ~~or~~
2 purchased, or otherwise acquired by the school district or
3 open-enrollment charter school; and

4 (3) ~~[(6)]~~ open education resource instructional
5 materials and other electronic instructional materials included in
6 the repository under Section 31.0722 ~~[31.083]~~.

7 SECTION 41. Subchapter C, Chapter 31, Education Code, is
8 amended by adding Section 31.1012 to read as follows:

9 Sec. 31.1012. REPORT TO AGENCY. Each school district shall
10 annually report to the agency information regarding the
11 instructional materials used by the district during the previous
12 school year, including the cost of each material, to assist the
13 agency in ensuring compliance with Section 31.151 (a).

14 SECTION 42. The heading to Section 31.102, Education Code,
15 is amended to read as follows:

16 Sec. 31.102. TITLE AND CUSTODY ; SCHOOL DISTRICT PURCHASES .

17 SECTION 43. Section 31.102, Education Code, is amended by
18 adding Subsection (d) to read as follows:

19 (d) A school district is not required to use a method
20 provided by Section 44.031 (a) to purchase instructional materials
21 that have been reviewed by the agency under Section 31.023 and
22 included on the list of approved instructional materials maintained
23 by the State Board of Education under Section 31.022 .

24 SECTION 44. Section 31.103 (c), Education Code, is amended
25 to read as follows:

26 (c) In making a requisition under this section, a school
27 district or open-enrollment charter school may requisition

1 instructional materials [~~on the list adopted under Section 31.023~~]
2 for grades above the grade level in which a student is enrolled.

3 SECTION 45. Section 31.151 , Education Code, is amended by
4 amending Subsection (a) and adding Subsection (a-1) to read as
5 follows:

6 (a) A publisher or manufacturer of instructional materials:

7 (1) shall furnish any instructional material the
8 publisher or manufacturer offers in this state at a price that does
9 not exceed the lowest price at which the publisher offers that
10 instructional material for adoption or sale to any state, public
11 school, or school district in the United States;

12 (2) shall automatically reduce the price of
13 instructional material sold for use in a school district or
14 open-enrollment charter school to the extent that the price is
15 reduced elsewhere in the United States;

16 (3) shall provide any instructional material or
17 ancillary item free of charge in this state to the same extent that
18 the publisher or manufacturer provides the instructional material
19 or ancillary item free of charge to any state, public school, or
20 school district in the United States;

21 (4) shall guarantee that each copy of instructional
22 material sold in this state is at least equal in quality to copies
23 of that instructional material sold elsewhere in the United States
24 and is free from factual error;

25 (5) may not become associated or connected with,
26 directly or indirectly, any combination in restraint of trade in
27 instructional materials or enter into any understanding or

1 combination to control prices or restrict competition in the sale
2 of instructional materials for use in this state;

3 (6) shall deliver instructional materials to a
4 school district or open-enrollment charter school;

5 (7) shall, at the time an order for instructional
6 materials is acknowledged, provide to school districts or
7 open-enrollment charter schools an accurate shipping date for
8 instructional materials that are back-ordered;

9 (8) shall guarantee delivery of instructional
10 materials at least 10 business days before the opening day of school
11 of the year for which the instructional materials are ordered if the
12 instructional materials are ordered by a date specified in the
13 sales contract; ~~and~~

14 (9) shall submit to the State Board of Education an
15 affidavit certifying any instructional material the publisher or
16 manufacturer offers in this state to be free of factual errors at
17 the time the publisher executes the contract required by Section
18 31.026 ; and

19 (10) shall comply with all other standard terms and
20 conditions adopted by the State Board of Education for use in
21 contracts for the procurement of instructional materials under
22 Subsection (a-1).

23 (a-1) The State Board of Education shall adopt standard
24 terms and conditions for use in contracts for the procurement of
25 instructional materials from publishers and manufacturers under
26 this section.

27 SECTION 46. Subchapter D, Chapter 31, Education Code, is

1 amended by adding Section 31.154 to read as follows:

2 Sec. 31.154. INSTRUCTIONAL MATERIALS PARENT PORTAL. (a)

3 The State Board of Education shall adopt standards for entities
4 that supply instructional materials reviewed by the agency under
5 Section 31.023 to make instructional materials supplied by the
6 entity available on a parent portal hosted by the entity.

7 (b) An instructional materials parent portal must:

8 (1) provide to each parent of a student enrolled in a
9 school district or open-enrollment charter school access to
10 instructional materials, other than tests or exams, that are
11 included in the portal and used by the district or school;

12 (2) organize instructional material by unit and in the
13 order in which the material is designed to be used;

14 (3) be capable of being searched by key word; and

15 (4) for instructional material not available in a
16 digital format, contain sufficient information to allow a parent to
17 locate a physical copy of the material.

18 (c) Standards adopted under Subsection (a) may not require:

19 (1) a classroom teacher to submit instructional
20 materials developed by the teacher for inclusion in an
21 instructional materials parent portal; or

22 (2) an entity hosting an instructional materials
23 parent portal to include tests or exams in the portal.

24 (d) To comply with an intellectual property license or other
25 restrictions placed on an instructional material and to maintain
26 security of the information contained in an instructional materials
27 parent portal under this section, a parent may be required, before

1 accessing the portal, to:

2 (1) enter a password;

3 (2) comply with other user access verification
4 procedures; and

5 (3) accept user terms and conditions, which may not
6 limit or exclude access to instructional material based on the uses
7 of the material that would otherwise be permitted under fair use
8 provisions of copyright law.

9 (e) An entity that hosts an instructional materials parent
10 portal must comply with requests regarding parental access to the
11 portal made by a school district in compliance with this section or
12 Section 26.006 .

13 SECTION 47. Section 33.004 (b), Education Code, is amended
14 to read as follows:

15 (b) Each school, before implementing a comprehensive school
16 counseling program under Section 33.005 , shall annually conduct a
17 preview of the program for parents and guardians. All materials,
18 including curriculum to be used during the year that is not
19 available digitally through an instructional materials parent
20 portal under Section 31.154, must be available for a parent or
21 guardian to preview during school hours. Materials or curriculum
22 not included in the materials on an instructional materials parent
23 portal or available on the campus for preview may not be used.

24 SECTION 48. Section 48.277 (b), Education Code, is amended
25 to read as follows:

26 (b) For purposes of calculating maintenance and operations
27 revenue under Subsection (a), the commissioner shall:

1 (1) for purposes of Subsections (a)(1) and (2), use
2 the following applicable school year:

3 (A) in a school year ending in an even-numbered
4 year, the 2019-2020 school year; and

5 (B) in a school year ending in an odd-numbered
6 year, the 2019-2020 or 2020-2021 school year, whichever is greater;

7 (2) include all state and local funding, except for
8 any funding resulting from:

9 (A) reimbursement for disaster remediation costs
10 under former Sections 41.0931 and 42.2524;

11 (B) an adjustment for rapid decline in taxable
12 value of property under former Section 42.2521; ~~and~~

13 (C) an adjustment for property value affected by
14 a state of disaster under former Section 42.2523; and

15 (D) additional state aid under Section 48.307 or
16 48.308;

17 (3) adjust the calculation to reflect a reduction in
18 tax effort by a school district; and

19 (4) if a school district or open-enrollment charter
20 school receives a waiver relating to eligibility requirements for
21 the national free or reduced-price lunch program under 42 U.S.C.
22 Section 1751 et seq., use the numbers of educationally
23 disadvantaged students on which the district 's or school 's
24 entitlement to compensatory education funds was based for the
25 school year before the school year in which the district or school
26 received the waiver, adjusted for estimated enrollment growth.

27 SECTION 49. Subchapter G, Chapter 48, Education Code, is

1 amended by adding Sections 48.307 and 48.308 to read as follows:

2 Sec. 48.307. ADDITIONAL STATE AID FOR STATE-APPROVED
3 INSTRUCTIONAL MATERIALS. (a) For each student enrolled in the
4 district, a school district is entitled to additional state aid for
5 each school year in an amount equal to \$40, or a greater amount
6 provided by appropriation, to procure instructional material that
7 has been:

8 (1) reviewed by the agency under Section 31.023 ;

9 (2) placed on the list of approved instructional
10 materials maintained by the State Board of Education under Section
11 31.022 ;

12 (3) designated by the State Board of Education under
13 Section 31.022 as being included or capable of being included in an
14 instructional materials parent portal under Section 31.154; and

15 (4) acquired from a publisher, manufacturer, or other
16 entity that has not been found to violate Section 31.151 .

17 (b) A school district is entitled to the amount of state aid
18 provided by Subsection (a) each school year, regardless of whether
19 the district uses the amount during the school year for which the
20 amount was provided.

21 (c) Additional state aid provided under this section shall
22 be deposited to the credit of the district 's instructional
23 materials and technology account maintained by the commissioner
24 under Section 31.0212 and may be accessed only for the procurement
25 of instructional materials in accordance with this section.

26 (d) Funds provided to a school district under this section
27 must be spent in compliance with the requirements for the use of

1 funds provided under this section and Section 31.0211 .

2 Sec. 48.308. ADDITIONAL STATE AID FOR OPEN EDUCATION
3 RESOURCE INSTRUCTIONAL MATERIAL. (a) Subject to Section 31.0751,
4 a school district is entitled to additional state aid for each
5 school year in an amount not to exceed \$20 for each student for the
6 costs incurred or for which the district is obligated to pay during
7 the school year in which the aid is provided for the printing and
8 shipping of open education resource instructional material made
9 available under Subchapter B-1 , Chapter 31 .

10 (b) The amount to which a school district is entitled under
11 this section may not exceed actual costs incurred by the district or
12 for which the district is obligated to pay during the school year
13 for which the funds were provided.

14 (c) Additional state aid provided under this section shall
15 be deposited to the credit of the district 's instructional
16 materials and technology account maintained by the commissioner
17 under Section 31.0212 and may be accessed only for the procurement
18 of instructional materials in accordance with this section.

19 (d) Funds provided to a school district under this section
20 must be spent in compliance with the requirements for the use of
21 funds provided under this section and Section 31.0211 .

22 SECTION 50. Chapter 322 , Government Code, is amended by
23 adding Section 322.0082 to read as follows:

24 Sec. 322.0082. INCLUSION OF CERTAIN EDUCATION FUNDS
25 REQUIRED. (a) The director shall include in the budget of
26 estimated appropriations prepared under Section 322.008 (c):

27 (1) the amount set aside under Section 43.001 (d),

1 Education Code, by the State Board of Education from the available
2 school fund for the state instructional materials and technology
3 fund established under Section 31.021, Education Code; and
4 (2) the amount that is remaining in the state
5 instructional materials and technology fund from the previous
6 fiscal biennium that is available for use by school districts and
7 open-enrollment charter schools.

8 (b) If the amount estimated to be appropriated for purposes
9 of the state instructional materials and technology fund for a
10 fiscal biennium is less than the amount set aside by the State Board
11 of Education under Section 43.001 (d), Education Code, the director
12 shall provide with the budget an explanation of the difference,
13 including the amount of the difference and to what the additional
14 funds have been appropriated.

15 (c) An explanation provided under Subsection (b) shall be
16 included with the documents provided on the board's Internet
17 website under Section 322.0081 .

18 SECTION 51. The following provisions of the Education Code
19 are repealed:

- 20 (1) Section 31.0213 ;
- 21 (2) Sections 31.022 (d-1), (e), (f), (g), (h), and (i);
- 22 (3) Section 31.0221 ;
- 23 (4) Section 31.0231 ;
- 24 (5) Section 31.024 ;
- 25 (6) Section 31.0241 ;
- 26 (7) Section 31.0242 ;
- 27 (8) Section 31.0261 ;

- 1 (9) Section 31.035 ;
- 2 (10) the heading to Subchapter B-2 , Chapter 31 ;
- 3 (11) Section 31.081 ;
- 4 (12) Section 31.082 ;
- 5 (13) Section 31.084 ;
- 6 (14) Section 31.101 ; and
- 7 (15) Section 31.151 (e).

8 SECTION 52. To the extent of any conflict, this Act prevails
9 over another Act of the 88th Legislature, Regular Session, 2023,
10 relating to nonsubstantive additions to and corrections in enacted
11 codes.

12 SECTION 53. (a) A contract entered into under Section
13 31.026 or 31.151 , Education Code, as amended by this Act, before the
14 effective date of this Act is governed by the law in effect on the
15 date the contract was entered into, and the former law is continued
16 in effect for that purpose.

17 (b) A contract entered into under Section 31.026 or 31.151 ,
18 Education Code, as amended by this Act, after the effective date of
19 this Act for a program called for by the State Board of Education
20 under Proclamation 2024 is governed by the law in effect on the date
21 the proclamation was issued, and the former law is continued in
22 effect for that purpose.

23 (c) Section 31.026 , Education Code, as amended by this Act,
24 does not apply to the review of or a contract for the purchase or
25 licensing of instructional materials required by the State Board of
26 Education pursuant to Proclamation 2024. The review of and
27 contracts for the purchase or licensing of instructional materials

1 required by the State Board of Education pursuant to Proclamation
2 2024 are governed by the law as it existed immediately before the
3 effective date of this Act, and the former law is continued in
4 effect for that purpose.

5 (d) Section 21.4045(b), Education Code, as added by this
6 Act, applies only to a contract entered into on or after the
7 effective date of this Act. A contract entered into before the
8 effective date of this Act is governed by the law in effect on the
9 date the contract was entered into, and the former law is continued
10 in effect for that purpose.

11 SECTION 54. (a) Except as provided by Subsection (b) of
12 this section, this Act applies beginning with the 2023-2024 school
13 year.

14 (b) Section 21.4045, Education Code, as added by this Act,
15 applies beginning with the 2024-2025 school year.

16 SECTION 55. (a) Except as provided by Subsection (b) of
17 this section, this Act takes effect immediately if it receives a
18 vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2023.

22 (b) Sections 48.307 and 48.308, Education Code, as added by
23 this Act, Section 48.277 (b), Education Code, as amended by this
24 Act, and Section 322.0082, Government Code, as added by this Act,
25 take effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1605 was passed by the House on May 3, 2023, by the following vote: Yeas 139, Nays 6, 1 present, not voting; that the House concurred in Senate amendments to H.B. No. 1605 on May 17, 2023, by the following vote: Yeas 105, Nays 39, 1 present, not voting; and that the House adopted H.C.R. No. 121 authorizing certain corrections in H.B. No. 1605 on May 24, 2023, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1605 was passed by the Senate, with amendments, on May 12, 2023, by the following vote: Yeas 22, Nays 8; and that the Senate adopted H.C.R. No. 121 authorizing certain corrections in H.B. No. 1605 on May 27, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to dyslexia evaluations and services for public school students, the provision of services for students with dyslexia and related disorders, and certain parental notice regarding the rights of parents of public school students with disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Beckley Wilson Act.

SECTION 2. Section 7.102 (c)(28), Education Code, is amended to read as follows:

(28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section 38.003 . The program may not include a distinction between standard protocol dyslexia instruction, as defined by the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as updated in 2021 and adopted by the State Board of Education, and its subsequent amendments, and other types of direct dyslexia instruction, including specially designed instruction.

SECTION 3. Subchapter A, Chapter 29, Education Code, is amended by adding Sections 29.0031 and 29.0032 to read as follows:

Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) Dyslexia is an example of and meets the definition of a specific learning disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1401(30)). If a district suspects or has a reason to suspect that a student may have dyslexia,

1 including after evaluation or use of a reading diagnosis under
2 Section 28.006 or 38.003 , and that the student may be a child with a
3 disability under the Individuals with Disabilities Education Act
4 (20 U.S.C. Section 1401(3)), the district must:

5 (1) provide to the student 's parent or a person
6 standing in parental relation to the student a form developed by the
7 agency explaining the rights available under the Individuals with
8 Disabilities Education Act (20 U.S.C. Section 1400 et seq.) that
9 may be additional to the rights available under Section 504,
10 Rehabilitation Act of 1973 (29 U.S.C. Section 794);

11 (2) comply with all federal and state requirements,
12 including the Dyslexia Handbook: Procedures Concerning Dyslexia
13 and Related Disorders, as adopted by the State Board of Education,
14 and its subsequent amendments, regarding any evaluation of the
15 student; and

16 (3) if the student is evaluated for dyslexia or a
17 related disorder, also evaluate the student in any other areas in
18 which the district suspects the student may have a disability.

19 (b) The multidisciplinary evaluation team and any
20 subsequent team convened to determine a student 's eligibility for
21 special education and related services must include at least one
22 member with specific knowledge regarding the reading process,
23 dyslexia and related disorders, and dyslexia instruction. The
24 member must:

25 (1) hold a licensed dyslexia therapist license under
26 Chapter 403 , Occupations Code;

27 (2) hold the most advanced dyslexia-related

1 certification issued by an association recognized by the State
2 Board of Education, and identified in, or substantially similar to
3 an association identified in, the program and rules adopted under
4 Sections 7.102 and 38.003 ; or

5 (3) if a person qualified under Subdivision (1) or (2)
6 is not available, meet the applicable training requirements adopted
7 by the State Board of Education pursuant to Sections 7.102 and
8 38.003 .

9 (c) A member of a multidisciplinary evaluation team and any
10 subsequent team convened to determine a student 's eligibility for
11 special education and related services as described by Subsection
12 (b) must sign a document describing the member 's participation in
13 the evaluation of a student described by that subsection and any
14 resulting individualized education program developed for the
15 student.

16 (d) At least once each grading period, and more often if
17 provided for in a student 's individualized education program, a
18 school district shall provide the parent of or person standing in
19 parental relation to a student receiving dyslexia instruction with
20 information regarding the student 's progress as a result of the
21 student receiving that instruction.

22 Sec. 29.0032. PROVIDERS OF DYSLEXIA INSTRUCTION. (a) A
23 provider of dyslexia instruction to students with dyslexia and
24 related disorders:

25 (1) must be fully trained in the district 's adopted
26 instructional materials for students with dyslexia; and

27 (2) is not required to hold a certificate or permit in

1 special education issued under Subchapter B, Chapter 21, unless the
2 provider is employed in a special education position that requires
3 the certification.

4 (b) The completion of a literacy achievement academy under
5 Section 21.4552 by an educator who participates in the evaluation
6 or instruction of students with dyslexia and related disorders does
7 not satisfy the requirements of Subsection (a)(1).

8 SECTION 4. Section 37.006, Education Code, is amended by
9 adding Subsection (p) to read as follows:

10 (p) On the placement of a student in a disciplinary
11 alternative education program under this section, the school
12 district shall provide information to the student's parent or
13 person standing in parental relation to the student regarding the
14 process for requesting a full individual and initial evaluation of
15 the student under Section 29.004.

16 SECTION 5. Section 37.023 (d), Education Code, is amended to
17 read as follows:

18 (d) The assistance required by Subsection (c) must include a
19 personalized transition plan for the student developed by the
20 campus administrator. A personalized transition plan:

21 (1) must include: __

22 (A) recommendations for the best educational
23 placement of the student; and

24 (B) the provision of information to the student's
25 parent or a person standing in parental relation to the student
26 regarding the process to request a full individual and initial
27 evaluation of the student for purposes of special education

1 services under Section 29.004 ; and

2 (2) may include:

3 (A) recommendations for counseling, behavioral
4 management, or academic assistance for the student with a
5 concentration on the student 's academic or career goals;

6 (B) recommendations for assistance for obtaining
7 access to mental health services provided by the district or
8 school, a local mental health authority, or another private or
9 public entity; and

10 (C) ~~[the provision of information to the~~
11 ~~student 's parent or a person standing in parental relation to the~~
12 ~~student about the process to request a full individual and initial~~
13 ~~evaluation of the student for purposes of special education~~
14 ~~services under Section 29.004 ; and~~

15 ~~[(D)]~~ a regular review of the student 's progress
16 toward the student 's academic or career goals.

17 SECTION 6. Sections 38.003 (b) and (c-1), Education Code,
18 are amended to read as follows:

19 (b) In accordance with the program approved by the State
20 Board of Education, the board of trustees of each school district
21 shall:

22 (1) provide for the treatment of any student
23 determined to have dyslexia or a related disorder; and

24 (2) adopt and implement a policy requiring the
25 district to comply with all rules and standards adopted by the State
26 Board of Education to implement the program, including:

27 (A) the Dyslexia Handbook: Procedures Concerning

1 Dyslexia and Related Disorders, as adopted by the State Board of
2 Education, and its subsequent amendments; and
3 (B) guidance published by the commissioner to
4 assist the district in implementing the program.

5 (c-1) The agency by rule shall develop procedures designed
6 to allow the agency to:

7 (1) effectively audit and monitor and periodically
8 conduct site visits of all school districts to ensure that
9 districts are complying with this section, including the program
10 approved by the State Board of Education under this section;

11 (2) identify any problems school districts experience
12 in complying with this section, including the program approved by
13 the State Board of Education under this section; ~~and~~

14 (3) develop reasonable and appropriate remedial
15 strategies to address school district noncompliance and ensure the
16 purposes of this section are accomplished; and

17 (4) solicit input from parents of students enrolled in
18 a school district during the auditing and monitoring of the
19 district under Subdivision (1) regarding the district 's
20 implementation of the program approved by the State Board of
21 Education under this section.

22 SECTION 7. Not later than June 30, 2024, the State Board of
23 Education shall revise the Dyslexia Handbook: Procedures
24 Concerning Dyslexia and Related Disorders, as adopted by the State
25 Board of Education, to conform with Section 7.102, Education Code,
26 as amended by this Act.

27 SECTION 8. This Act applies beginning with the 2023-2024

1 school year.

2 SECTION 9. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3928 was passed by the House on May 3, 2023, by the following vote: Yeas 145, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3928 on May 19, 2023, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3928 was passed by the Senate, with amendments, on May 17, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the management and investment of the permanent school fund, including authorizing the creation of the Texas Permanent School Fund Corporation to manage and invest the fund and limiting the authority of the School Land Board to manage and invest the fund if the corporation is created.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. STATE BOARD OF EDUCATION'S MANAGEMENT OF PERMANENT SCHOOL FUND

SECTION 1.01. Sections 43.001 , 43.002 , 43.003 , 43.0031 , 43.0032 , 43.0033 , 43.0034 , 43.004 , 43.005 , 43.0051 , 43.006 , 43.007 , 43.009 , 43.010 , 43.011 , 43.012 , 43.013 , 43.014 , 43.015 , 43.016 , 43.017 , 43.018 , 43.019 , and 43.020 , Education Code, are redesignated as Subchapter A, Chapter 43 , Education Code, and a heading for Subchapter A is added to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 1.02. Section 43.001 (a), Education Code, is amended to read as follows:

(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

1 in this state, including all land recovered by the state by suit or
2 otherwise except pine forest land as described ~~[defined]~~ by Section
3 88.111 and property described by Section 12.128 ;

4 (3) all proceeds from the authorized sale of permanent
5 school fund land;

6 (4) all proceeds from the lawful sale of any other
7 properties belonging to the permanent school fund;

8 (5) all investments authorized by Section 43.003 of
9 assets ~~[properties]~~ belonging to the permanent school fund; and

10 (6) all income from the mineral development of
11 permanent school fund land, including income from mineral
12 development of riverbeds and other submerged land.

13 SECTION 1.03. Section 43.003 , Education Code, is amended to
14 read as follows:

15 Sec. 43.003. INVESTMENT OF PERMANENT SCHOOL FUND. The ~~[In~~
16 ~~compliance with this section, the]~~ State Board of Education may
17 invest the permanent school fund as authorized by Section 5(f),
18 Article VII, Texas Constitution ~~[in the types of securities, which~~
19 ~~must be carefully examined by the State Board of Education and be~~
20 ~~found to be safe and proper investments for the fund as specified~~
21 ~~below:~~

22 [~~(1) securities, bonds, or other obligations issued,~~
23 ~~insured, or guaranteed in any manner by the United States~~
24 ~~Government or any of its agencies and in bonds issued by this state,~~

25 [~~(2) obligations and pledges of The University of~~
26 ~~Texas,~~

27 [~~(3) corporate bonds, debentures, or obligations of~~

1 ~~United States corporations of at least "A" rating,~~

2 ~~[(4) obligations of United States corporations that~~
3 ~~mature in less than one year and are of the highest rating available~~
4 ~~at the time of investment;~~

5 ~~[(5) bonds issued, assumed, or guaranteed by the~~
6 ~~Inter American Development Bank, the International Bank of~~
7 ~~Reconstruction and Development (the World Bank), the African~~
8 ~~Development Bank, the Asian Development Bank, and the International~~
9 ~~Finance Corporation;~~

10 ~~[(6) bonds of counties, school districts,~~
11 ~~municipalities, road precincts, drainage, irrigation, navigation,~~
12 ~~and levee districts in this state, subject to the following~~
13 ~~requirements:~~

14 ~~[(A) the securities, before purchase, must have~~
15 ~~been diligently investigated by the attorney general both as to~~
16 ~~form and as to legal compliance with applicable laws;~~

17 ~~[(B) the attorney general's certificate of~~
18 ~~validity procured by the party offering the bonds, obligations, or~~
19 ~~pledges must accompany the securities when they are submitted for~~
20 ~~registration to the comptroller, who must preserve the~~
21 ~~certificates;~~

22 ~~[(C) the public securities, if purchased, and~~
23 ~~when certified and registered as specified under Paragraph (B), are~~
24 ~~incontestable unless issued fraudulently or in violation of a~~
25 ~~constitutional limitation, and the certificates of the attorney~~
26 ~~general are prima facie evidence of the validity of the bonds and~~
27 ~~bond coupons; and~~

1 ~~[(D) after the issuing political subdivision has~~
2 ~~received the proceeds from the sales of the securities, the issuing~~
3 ~~agency is estopped to deny their validity, and the securities are~~
4 ~~valid and binding obligations;—~~

5 ~~[(7) preferred stocks and common stocks that the State~~
6 ~~Board of Education considers proper investments for the permanent~~
7 ~~school fund, subject to the following requirements:—~~

8 ~~[(A) in making all of those investments, the~~
9 ~~State Board of Education shall exercise the judgment and care under~~
10 ~~the circumstances then prevailing that persons of ordinary~~
11 ~~prudence, discretion, and intelligence exercise in the management~~
12 ~~of their own affairs, not in regard to speculation but in regard to~~
13 ~~the permanent disposition of their funds, considering the probable~~
14 ~~income as well as the probable safety of their capital;—~~

15 ~~[(B) the company issuing the stock must be~~
16 ~~incorporated in the United States, and the stocks must have paid~~
17 ~~dividends for five consecutive years or longer immediately before~~
18 ~~the date of purchase and the stocks, except for bank stocks and~~
19 ~~insurance stocks, must be listed on an exchange registered with the~~
20 ~~Securities and Exchange Commission or its successors;— and~~

21 ~~[(C) not more than one percent of the permanent~~
22 ~~school fund may be invested in stock issued by one corporation and~~
23 ~~not more than five percent of the voting stock of any one~~
24 ~~corporation will be owned;— and~~

25 ~~[(8) notwithstanding any other law or provision of~~
26 ~~this code, first lien real estate mortgage securities insured by~~
27 ~~the Federal Housing Administration under the National Housing Act~~

1 ~~of the United States, or in any other first lien real estate~~
2 ~~mortgage securities guaranteed in whole or in part by the United~~
3 ~~States].~~

4 SECTION 1.04. Section 43.0033 , Education Code, is amended
5 to read as follows:

6 Sec. 43.0033. REPORTS OF EXPENDITURES. A consultant,
7 advisor, broker, or other person providing services to the State
8 Board of Education relating to the management and investment of the
9 permanent school fund shall file with the board regularly, as
10 determined by the board, a report that describes in detail any
11 expenditure of more than \$50 made by the person on behalf of:

- 12 (1) a member of the board;
- 13 (2) the commissioner; or
- 14 (3) an employee of the agency ~~[or of a nonprofit~~
15 ~~corporation created under Section 43.006]~~.

16 SECTION 1.05. Section 43.006 (a), Education Code, is amended
17 to read as follows:

18 (a) The State Board of Education may delegate investment
19 authority for the investment of the permanent school fund to the
20 Texas Permanent School Fund Corporation as provided by Subchapter B
21 ~~[same extent as an institution with respect to an institutional~~
22 ~~fund under Chapter 163 , Property Code].~~

23 SECTION 1.06. Chapter 43 , Education Code, is amended by
24 adding Subchapter B to read as follows:

25 SUBCHAPTER B. TEXAS PERMANENT SCHOOL FUND CORPORATION

26 Sec. 43.051. DEFINITIONS. In this subchapter:

- 27 (1) "Board of directors" means the board of directors

1 of the corporation.

2 (2) "Chief executive officer" means the chief
3 executive officer of the corporation employed under Section 43.054.

4 (3) "Corporation" means the Texas Permanent School
5 Fund Corporation.

6 Sec. 43.052. CREATION OF CORPORATION. (a) The State Board
7 of Education may incorporate the Texas Permanent School Fund
8 Corporation and delegate to the corporation the board 's authority
9 to manage and invest:

10 (1) the permanent school fund under Section 43.003 ;
11 and

12 (2) the charter district bond guarantee reserve fund
13 under Section 45.0571 .

14 (b) The State Board of Education shall adopt the initial
15 articles of incorporation for the corporation.

16 (c) The corporation is a special-purpose governmental
17 corporation and instrumentality of the state with necessary and
18 implied powers to accomplish its purpose. The corporation is
19 subject to regulation and limitation only as provided by this
20 subchapter.

21 Sec. 43.053. BOARD OF DIRECTORS; MEETINGS. (a) The board
22 of directors is composed of the following nine members:

23 (1) five members of the State Board of Education,
24 appointed by the board in accordance with board policy;

25 (2) the commissioner of the General Land Office;

26 (3) one member appointed by the commissioner of the
27 General Land Office who has substantial background and expertise in

1 investments and asset management; and

2 (4) two members appointed by the governor, with the
3 advice and consent of the senate, each of whom must have substantial
4 background and expertise in investments and asset management and
5 may not be members of the State Board of Education or the School
6 Land Board.

7 (b) The State Board of Education by rule shall establish the
8 terms of members of the board of directors appointed under
9 Subsection (a)(1).

10 (c) Members of the board of directors appointed under
11 Subsections (a)(3) and (4) serve staggered six-year terms, with the
12 term of one member expiring on January 1 of each odd-numbered year.

13 (d) The initial members described by Subsection (c) shall
14 determine by lot which one of the initial members will serve a term
15 expiring January 1 of the first odd-numbered year following the
16 establishment of the corporation, which one of the initial members
17 will serve a term expiring January 1 of the second odd-numbered year
18 following the establishment of the corporation, and which one of
19 the initial members will serve a term expiring January 1 of the
20 third odd-numbered year following the establishment of the
21 corporation.

22 (e) Appointments to the board of directors must be made
23 without regard to the race, color, disability, sex, religion, age,
24 or national origin of the appointees.

25 (f) The board of directors shall elect officers of the board
26 in accordance with the corporation 's bylaws.

27 (g) The board of directors shall meet at least three times

1 per year.

2 Sec. 43.054. CHIEF EXECUTIVE OFFICER. (a) The corporation
3 shall employ a chief executive officer to manage and carry out the
4 policies of the corporation. The board of directors shall
5 determine the process for hiring the chief executive officer.

6 (b) The chief executive officer serves at the will of the
7 board of directors.

8 Sec. 43.055. EMPLOYEES. (a) The chief executive officer
9 is responsible for hiring all employees of the corporation.

10 (b) Employees of the corporation serve at the will of the
11 chief executive officer.

12 (c) The chief executive officer or the chief executive
13 officer 's designee shall develop a system of compensation for
14 employees of the corporation as necessary to retain qualified
15 staff.

16 (d) The chief executive officer or the chief executive
17 officer 's designee shall develop a system of annual performance
18 evaluations. Merit pay for corporation employees must be based on
19 the system established under this subsection.

20 (e) The chief executive officer or the chief executive
21 officer 's designee shall prepare and maintain a written policy
22 statement to assure implementation of a program of equal employment
23 opportunity under which all personnel decisions are made without
24 regard to race, color, disability, sex, religion, age, or national
25 origin.

26 (f) The chief executive officer may appoint an internal
27 auditor for the corporation, who may be an employee of the

1 corporation. The appointment of the internal auditor must be
2 approved by the board of directors. The board of directors may
3 require the internal auditor to submit specified reports directly
4 to the board of directors.

5 (g) Except as otherwise provided by this subchapter,
6 employees of the corporation are state employees for all purposes,
7 including:

8 (1) accrual of leave time, insurance benefits, and
9 retirement benefits;

10 (2) Chapter 104, Civil Practice and Remedies Code; and

11 (3) Chapter 501, Labor Code.

12 Sec. 43.056. SOVEREIGN IMMUNITY. (a) The corporation, the
13 board of directors, and the officers and employees of the
14 corporation are entitled to sovereign immunity to the same extent
15 as any other state agency or officer or employee of a state agency.

16 (b) No action taken by the corporation, including the
17 acceptance of benefits under a contract, may be construed to waive
18 the corporation 's sovereign immunity, including immunity from suit
19 or from liability.

20 (c) Subchapter C, Chapter 2260, Government Code, does not
21 apply to the corporation.

22 Sec. 43.057. LIABILITY INSURANCE FOR BOARD MEMBERS AND
23 EMPLOYEES. (a) The corporation may purchase or otherwise acquire
24 insurance to protect members of the board of directors and
25 employees of the corporation, subject to Subsection (c).

26 (b) Insurance purchased or acquired by the corporation
27 under this section may:

1 (1) protect against any type of liability to third
2 persons that might be incurred while conducting corporation
3 business; and

4 (2) provide for all costs of defending a cause of
5 action for such liability, including court costs and attorney 's
6 fees.

7 (c) This section does not authorize the purchase or
8 acquisition of insurance to protect against liability not described
9 in Subsection (b).

10 Sec. 43.058. ETHICS POLICY; CONFLICTS OF INTEREST.

11 (a) The board of directors shall adopt an ethics policy that
12 provides standards of conduct relating to the management and
13 investment of the permanent school fund in accordance with Section
14 43.0031 (a). The ethics policy must include provisions applicable
15 to:

16 (1) members of the board of directors;
17 (2) employees of the corporation; and
18 (3) any person who provides services to the
19 corporation relating to the management or investment of the
20 permanent school fund.

21 (b) A member of the board of directors, an employee of the
22 corporation, and a person who provides services to the corporation
23 relating to the management or investment of the permanent school
24 fund shall disclose in writing to the corporation any business,
25 commercial, or other relationship that could reasonably be expected
26 to diminish the person 's independence of judgment in the
27 performance of the person 's responsibilities relating to the

1 management or investment of the permanent school fund.

2 (c) The board of directors shall define in the ethics policy
3 adopted under Subsection (a) the types of relationships that may
4 create a possible conflict of interest.

5 (d) A person who makes a written disclosure under Subsection
6 (b) stating a possible conflict of interest may not give advice or
7 make decisions about a matter affected by the possible conflict of
8 interest unless the board of directors expressly waives this
9 prohibition. The board of directors may delegate the authority to
10 waive the prohibition established by this subsection.

11 Sec. 43.059. APPLICABILITY OF CERTAIN LAWS. (a) Except as
12 otherwise provided by and to the extent consistent with this
13 subchapter, Title 1, Business Organizations Code, and Chapter 22,
14 Business Organizations Code, apply to the corporation.

15 (b) Subject to Section 43.060, the corporation is a
16 governmental body for purposes of Chapter 551, Government Code.

17 (c) The corporation is exempt from:

18 (1) Chapters 654 and 660, Government Code, and
19 Subchapter K, Chapter 659, Government Code, to the extent the board
20 of directors determines that an exemption from those provisions is
21 necessary for the corporation to perform the board's fiduciary
22 duties under this subchapter;

23 (2) all state laws regulating or limiting purchasing
24 by state agencies, including Subtitle D, Title 10, Government Code,
25 and Chapters 2254, 2261, and 2262, Government Code;

26 (3) the franchise tax under Chapter 171, Tax Code; and

27 (4) any filing costs or other fees imposed by the state

1 on a corporation.

2 Sec. 43.060. EXCEPTION TO OPEN MEETING REQUIREMENTS FOR
3 CERTAIN CONSULTATIONS CONCERNING INVESTMENTS. (a) In this
4 section, "private investment fund," "reinvestment," and
5 "restricted securities" have the meanings assigned by Section
6 552.143 , Government Code.

7 (b) The board of directors may conduct a closed meeting in
8 accordance with Subchapter E, Chapter 551 , Government Code, to
9 deliberate or confer with one or more employees, consultants, or
10 legal counsel of the corporation or with a third party if the only
11 purpose of the meeting is to receive information from or question
12 the employees, consultants, or legal counsel or third party
13 relating to:

14 (1) investment transactions or potential investment
15 transactions if, before conducting the closed meeting, a majority
16 of the board of directors in an open meeting vote that deliberating
17 or conferring in an open meeting would have a detrimental effect on
18 the corporation 's position in negotiations with third parties or
19 put the corporation at a competitive disadvantage in the market;

20 (2) the purchase, holding, or disposal of restricted
21 securities or a private investment fund 's investment in restricted
22 securities if, under Section 552.143 , Government Code, the
23 information discussed would be confidential and excepted from the
24 requirements of Section 552.021 , Government Code, if the
25 information were included in the records of a governmental body; or

26 (3) a procurement proposed to be awarded by the board
27 of directors if, before conducting the closed meeting, a majority

1 of the board of directors in an open meeting vote that deliberating
2 or conferring in an open meeting would have a detrimental effect on
3 the corporation 's position in negotiations with third parties.

4 (c) Any vote or final action taken on a procurement
5 described by Subsection (b)(3) must be conducted in an open
6 meeting.

7 Sec. 43.061. RECORD RETENTION. (a) Subchapter L, Chapter
8 441, Government Code, does not apply to the corporation.

9 (b) The corporation may establish record retention policies
10 for the corporation. In establishing the policies under this
11 section, the corporation may consider relevant rules and guidelines
12 adopted by the Texas State Library and Archives Commission.

13 Sec. 43.062. INFORMATION TECHNOLOGY AND ASSOCIATED
14 RESOURCES. (a) Chapters 2054 and 2055, Government Code, do not
15 apply to the corporation or to any state agency with respect to a
16 contract entered into between the agency and the corporation for
17 information technology or associated resources.

18 (b) The corporation shall control all aspects of, and may
19 contract with third parties for, the corporation 's information
20 technology and associated resources, including:

21 (1) computer, data management, and telecommunications
22 operations;

23 (2) procurement of hardware, software, and middleware
24 and telecommunications equipment and systems;

25 (3) location, operation, and replacement of
26 computers, computer systems, software provided as a service, and
27 telecommunications systems;

- (4) data processing;
- (5) security;
- (6) disaster recovery; and
- (7) storage.

(c) The Department of Information Resources shall assist the corporation at the request of the corporation and must consider the corporation a customer of the department. Notwithstanding any other law, the corporation may:

- (1) purchase any item through the department; and
- (2) contract with the department for and use any service available through the department.

Sec. 43.063. GENERAL POWERS AND DUTIES OF CORPORATION. (a)

The corporation may amend the articles of incorporation adopted by the State Board of Education when the corporation was established, subject to board approval.

(b) The corporation may adopt and amend:

- (1) subject to State Board of Education approval, bylaws for the corporation;
- (2) resolutions and policies of the corporation; and
- (3) any other document necessary to carry out the corporation 's purpose.

(c) The corporation may engage in any activity necessary to manage the investments of the permanent school fund, including entering into any contract in connection with the investment of the permanent school fund, to the extent the activity complies with applicable fiduciary duties.

(d) The corporation shall make all purchases of goods and

1 services in accordance with applicable fiduciary duties and may use
2 purchasing methods that ensure the best value to the corporation.
3 In determining best value, the corporation may consider the best
4 value standards applicable to state agencies under Section
5 2155.074 , Government Code.

6 (e) The corporation may:

7 (1) delegate investment authority for the investment
8 of the permanent school fund to one or more private professional
9 investment managers; or

10 (2) contract with one or more private professional
11 investment managers to assist the corporation in making investments
12 of the permanent school fund.

13 (f) The corporation may receive, transfer, and disburse
14 money and securities of the fund as provided by statute or the Texas
15 Constitution, except that the corporation may not distribute money
16 from the permanent school fund to the available school fund except
17 as authorized under Section 43.066.

18 (g) The corporation may enter into a contract with a state
19 agency, a governmental body, or another entity to manage or invest
20 funds on behalf of the agency, body, or entity.

21 Sec. 43.064. CONTRACTING FOR FACILITIES AND NECESSARY
22 SUPPORT. The corporation may contract with a state agency or
23 another entity to provide operational support, facilities,
24 information and data technology, staff, or other support for the
25 corporation. The corporation may but is not required to request
26 allocation of space to the corporation under Subchapter C, Chapter
27 2165 , Government Code.

1 Sec. 43.065. WRITTEN INVESTMENT OBJECTIVES; PERFORMANCE
2 EVALUATION. In accordance with Section 43.004 , the board of
3 directors shall:

4 (1) develop written investment objectives concerning
5 the investment of the permanent school fund; and

6 (2) employ a well-recognized performance measurement
7 service to evaluate and analyze the investment results of the
8 permanent school fund.

9 Sec. 43.066. DISTRIBUTIONS BY CORPORATION FROM PERMANENT
10 SCHOOL FUND TO AVAILABLE SCHOOL FUND. (a) The corporation may
11 distribute from the permanent school fund to the available school
12 fund under Section 5(g), Article VII, Texas Constitution, an amount
13 not to exceed the limitation under that section that is determined
14 in accordance with rules established by the corporation.

15 (b) In developing the rules for distributions under
16 Subsection (a), the corporation shall develop and establish an
17 annual minimum distribution rate that the corporation will use in
18 making a distribution from the permanent school fund to the
19 available school fund each state fiscal year. In developing the
20 annual minimum distribution rate under this subsection, the
21 corporation may consider:

22 (1) transfers made from the permanent school fund to
23 the available school fund under Section 43.002 in accordance with
24 Section 5(a), Article VII, Texas Constitution;

25 (2) factors that relate to the current and future
26 public school students in the state; and

27 (3) any other factors the corporation determines

1 relevant.

2 Sec. 43.067. BOND GUARANTEE PROGRAM. The corporation, the
3 State Board of Education, and the agency shall coordinate to
4 determine the corporation 's role in the operation and management of
5 the permanent school fund in connection with the bond guarantee
6 program under Subchapter C, Chapter 45, to ensure the proper and
7 efficient operation of the program, including the handling of any
8 associated reimbursements, transfers, and disbursements.

9 Sec. 43.068. ANNUAL AUDIT. (a) Not less than once each
10 year, the board of directors shall submit to the Legislative Budget
11 Board an audit report regarding the operations of the corporation.

12 (b) The corporation may contract with a certified public
13 accountant or the state auditor to conduct an independent audit of
14 the operations of the corporation.

15 (c) This section does not affect the state auditor 's
16 authority to conduct an audit of the corporation in accordance with
17 Chapter 321, Government Code.

18 Sec. 43.069. ANNUAL INVESTMENT REPORT. The corporation
19 shall annually submit to the State Board of Education and the
20 General Land Office a report on the allocation of assets and
21 investment performance of the portion of the permanent school fund
22 for which the corporation is responsible.

23 Sec. 43.070. REPORT ON ANTICIPATED TRANSFER TO AVAILABLE
24 SCHOOL FUND. Not later than November 1 of each even-numbered year,
25 the corporation shall submit to the legislature, comptroller, State
26 Board of Education, and Legislative Budget Board a report that in
27 detail specifically states the date a transfer will be made and the

1 amount the corporation will transfer during the subsequent state
2 fiscal biennium from the permanent school fund to the available
3 school fund under Section 43.066.

4 Sec. 43.071. GIFTS, GRANTS, AND DONATIONS. The corporation
5 may accept, and establish a nonprofit corporation or other entity
6 for the purpose of accepting, a gift, grant, donation, or bequest of
7 money, securities, property, or any other assets from any public or
8 private source for the permanent school fund.

9 SECTION 1.07. Section 2157.068 (j), Government Code, is
10 amended to read as follows:

11 (j) The following entities may purchase commodity items
12 through the department, and be charged a reasonable administrative
13 fee, as provided by this section:

- 14 (1) the Electric Reliability Council of Texas;
- 15 (2) the Lower Colorado River Authority;
- 16 (3) a private school, as defined by Section 5.001 ,
17 Education Code;
- 18 (4) a private or independent institution of higher
19 education, as defined by Section 61.003 , Education Code;
- 20 (5) a volunteer fire department, as defined by Section
21 152.001 , Tax Code;
- 22 (6) subject to Section 418.193 , a public safety
23 entity, as defined by 47 U.S.C. Section 1401; ~~or~~
- 24 (7) subject to Section 418.193 , a county hospital,
25 public hospital, or hospital district; or
- 26 (8) the Texas Permanent School Fund Corporation, if
27 incorporated under Section 43.052, Education Code.

1 SECTION 1.08. Sections 43.006 (b), (c), (d), (e), (f), (g),
2 (h), (i), (j), and (k), Education Code, are repealed.

3 ARTICLE 2. SCHOOL LAND BOARD 'S MANAGEMENT OF PERMANENT SCHOOL FUND

4 SECTION 2.01. Section 51.001 , Natural Resources Code, is
5 amended by adding Subdivisions (13) and (14) to read as follows:

6 (13) "Real property holding" means any direct or
7 indirect interest in real property located in the state or any
8 interest in a joint venture whose primary purpose is the
9 acquisition, development, holding, and disposing of real property
10 located in the state. The term does not include an interest in an
11 investment vehicle.

12 (14) "Investment vehicle" means:

13 (A) a multi-investment separately managed
14 account or similar investment fund;

15 (B) a multi-asset closed-end or open-end
16 investment fund sponsored and managed by a third party;

17 (C) a real estate investment trust;

18 (D) an investment managed by a third party
19 alongside a multi-asset closed-end or open-end investment fund that
20 is also managed by the third party or by any of the third party 's
21 related persons or affiliates; or

22 (E) a corporation, partnership, limited
23 liability company, or other entity whose primary purpose is to:

24 (i) sponsor and manage investments on
25 behalf of third parties, including institutional investors; or

26 (ii) operate assets or provide brokerage or
27 other services to third parties under circumstances in which the

1 entity does not directly or indirectly own the underlying assets.

2 SECTION 2.02. Section 51.011 , Natural Resources Code, is
3 amended by amending Subsections (a) and (a-1) and adding Subsection
4 (a-3) to read as follows:

5 (a) Any land, mineral or royalty interest, or real property
6 holding, and [~~estate investment, or other interest, including~~]
7 revenue received from any land or real property holding [~~those~~
8 ~~sources~~], that is set apart to the permanent school fund under the
9 constitution and laws of this state together with the mineral
10 estate in riverbeds, channels, and the tidelands, including
11 islands, shall be subject to the sole and exclusive management and
12 control of the School Land Board [~~school land board~~] and the
13 commissioner under the provisions of this chapter and other
14 applicable law.

15 (a-1) The board may acquire, sell, lease, trade, improve,
16 maintain, protect, or otherwise manage, control, or use land,
17 mineral and royalty interests, or real property holdings, and
18 [~~estate investments, or other interests, including~~] revenue
19 received from land or real property holdings [~~those sources~~], that
20 are set apart to the permanent school fund in any manner, at such
21 prices, and under such terms and conditions as the board finds to be
22 in the best interest of the fund.

23 (a-3) All revenue received from mineral or royalty
24 interests described by Subsection (a), including bonus payments,
25 mineral lease rental revenues, royalties, and any other type of
26 revenue received from those interests, less any amount specified by
27 appropriation to be retained by the board under this subsection,

1 shall be transferred each month to the Texas Permanent School Fund
2 Corporation for investment in the permanent school fund.

3 SECTION 2.03. Section 51.017 , Natural Resources Code, is
4 amended to read as follows:

5 Sec. 51.017. FURNISHING DATA TO TEXAS PERMANENT SCHOOL FUND
6 CORPORATION [~~BOARD OF EDUCATION~~]. On request, the commissioner
7 shall furnish to the Texas Permanent School Fund Corporation [~~State~~
8 ~~Board of Education~~] all available data.

9 SECTION 2.04. Section 51.401 (a), Natural Resources Code, is
10 amended to read as follows:

11 (a) The board may designate funds or revenue received from
12 any land or real property holdings, and any proceeds received from
13 the sale of any mineral or royalty interest, [~~real estate~~
14 ~~investment, or other interest, including revenue received from~~
15 ~~those sources,~~] that is set apart to the permanent school fund under
16 the constitution and laws of this state together with the mineral
17 estate in riverbeds, channels, and the tidelands, including
18 islands, for deposit in the real estate special fund account of the
19 permanent school fund in the State Treasury to be used by the board
20 as provided by this subchapter.

21 SECTION 2.05. Section 51.402 (a), Natural Resources Code, is
22 amended to read as follows:

23 (a) The [~~Except as provided by Subsection (c), the~~] board
24 may use funds designated under Section 51.401 for any of the
25 following purposes:

26 (1) to add to a tract of public school land to form a
27 tract of sufficient size to be manageable;

- 1 (2) to add contiguous land to public school land;
- 2 (3) to acquire, as public school land, interests in
3 real property for biological, residential, commercial, geological,
4 cultural, or recreational purposes;
- 5 (4) to acquire mineral and royalty interests for the
6 use and benefit of the permanent school fund;
- 7 (5) to protect, maintain, or enhance the value of
8 public school land and mineral or royalty interests on that land;
- 9 (6) to acquire real property holdings [~~interests in~~
10 ~~real estate~~];
- 11 (7) to pay reasonable fees for professional services
12 related to a permanent school fund investment; or
- 13 (8) to acquire, sell, lease, trade, improve, maintain,
14 protect, or use land, mineral and royalty interests, or real
15 property holdings [~~estate investments, an investment or interest in~~
16 ~~public infrastructure, or other interests~~], at such prices and
17 under such terms and conditions the board determines to be in the
18 best interest of the permanent school fund.

19 SECTION 2.06. Section 51.4021 , Natural Resources Code, is
20 amended to read as follows:

21 Sec. 51.4021. APPOINTMENT OF [~~SPECIAL FUND MANAGERS,~~
22 INVESTMENT CONSULTANTS[,] - OR ADVISORS. (a) The board may appoint
23 investment [~~managers,~~] consultants[,] - or advisors to [~~invest or~~
24 assist the board in using [~~investing~~] funds designated under
25 Section 51.401 in a manner authorized under Section 51.402 by
26 contracting for professional [~~investment management or~~] investment
27 advisory services with one or more organizations that are in the

1 business of ~~[managing—or]~~ advising on the management of real estate
2 investments.

3 (b) To be eligible for appointment under this section, an
4 investment ~~[manager,]~~ consultant[,] — or advisor shall agree to abide
5 by the policies, requirements, or restrictions, including ethical
6 standards and disclosure policies and criteria for determining the
7 quality of investments and for the use of standard rating services,
8 that the board adopts for real estate investments of the permanent
9 school fund. Funds designated under Section 51.401 may not be
10 invested in a real estate investment trust, as defined by Section
11 200.001 , Business Organizations Code.

12 (c) Compensation paid to an investment ~~[manager,]~~
13 consultant[,] — or advisor by the board must be consistent with the
14 compensation standards of the investment industry and compensation
15 paid by similarly situated institutional investors.

16 (d) Chapter 2263 , Government Code, applies to investment
17 ~~[managers,]~~ consultants and[, —~~or~~] advisors appointed under this
18 section. The board by rule shall adopt standards of conduct for
19 investment ~~[managers,]~~ consultants and[, —~~or~~] advisors appointed
20 under this section as required by Section 2263.004 , Government
21 Code, and shall implement the disclosure requirements of Section
22 2263.005 of that code.

23 SECTION 2.07. The heading to Section 51.412 , Natural
24 Resources Code, is amended to read as follows:

25 Sec. 51.412. REPORT ON USE OF CERTAIN MONEY ~~[REPORTS TO~~
26 ~~LEGISLATURE].~~

27 SECTION 2.08. Sections 51.412 (a) and (c), Natural Resources

1 Code, are amended to read as follows:

2 (a) Not later than September 1 of each even-numbered year,
3 the board shall submit to the legislature, the Texas Permanent
4 School Fund Corporation, and the Legislative Budget Board a report
5 that, specifically and in detail, assesses the direct and indirect
6 economic impact, as anticipated by the board, of the use
7 ~~[investment]~~ of funds: _

8 (1) retained by the board as provided by Section
9 51.011 (a-3); or

10 (2) designated under Section 51.401 for deposit in the
11 real estate special fund account of the permanent school fund.

12 (c) The report must include the following information:

13 (1) the total amount of the funds designated by
14 Section 51.401 for deposit in the real estate special fund account
15 of the permanent school fund that the board intends to use in a
16 manner authorized under Section 51.402 ~~[invest],~~

17 (2) the amount of funds retained by ~~[rate of return]~~
18 the board as provided by Section 51.011 (a-3) and the purposes for
19 which the board intends to use those funds ~~[expects to attain on the~~
20 ~~investment],~~

21 (3) the amount of the funds the board expects to
22 distribute to the available school fund or the Texas Permanent
23 School Fund Corporation ~~[State Board of Education]~~ for investment
24 in the permanent school fund under Section 51.413 ~~[after making the~~
25 ~~investments],~~

26 (4) ~~[the distribution of the board's investments by~~
27 ~~county,~~

1 ~~[(5) the effect of the board's investments on the level~~
2 ~~of employment, personal income, and capital investment in the~~
3 ~~state;~~

4 ~~[(6)]~~ the amounts of all fees or other compensation
5 paid by the board to investment ~~[managers,]~~ consultants and~~[, or]~~
6 advisors appointed or organizations contracted with under Section
7 51.4021 ; and

8 (5) ~~[(7)]~~ any other information the board considers
9 necessary to include in the report.

10 SECTION 2.09. Section 51.413 , Natural Resources Code, is
11 amended to read as follows:

12 Sec. 51.413. TRANSFERS FROM THE REAL ESTATE SPECIAL FUND
13 ACCOUNT TO THE AVAILABLE SCHOOL FUND AND THE PERMANENT SCHOOL FUND.

14 (a) The board may, by a resolution adopted at a regular meeting,
15 release from the real estate special fund account funds previously
16 designated under Section 51.401 or managed, used, or encumbered
17 under Section 51.402 or Section 51.4021 to be deposited in the State
18 Treasury to the credit of:

19 (1) the available school fund; or

20 (2) the Texas Permanent School Fund Corporation ~~[State~~
21 ~~Board of Education]~~ for investment in the permanent school fund.

22 (b) The board shall adopt rules to establish the procedure
23 that will be used by the board to determine the date a transfer will
24 be made and the amount of the funds that will be transferred to the
25 available school fund or to the Texas Permanent School Fund
26 Corporation ~~[State Board of Education]~~ for investment in the
27 permanent school fund from the real estate special fund account as

1 provided by Subsection (a).

2 SECTION 2.10. The following provisions are repealed:

3 (1) Section 43.0052 , Education Code;

4 (2) Sections 32.0161 and 32.068 , Natural Resources
5 Code;

6 (3) Section 51.402 (c), Natural Resources Code, as
7 amended by Chapters 493 (H.B. 4388) and 524 (S.B. 608), Acts of the
8 86th Legislature, Regular Session, 2019; and

9 (4) Sections 51.4131 and 51.414 , Natural Resources
10 Code.

11 SECTION 2.11. (a) Subject to Subsection (b) of this
12 section, as soon as practicable after the effective date of this
13 article and on the date agreed to by the State Board of Education,
14 the Texas Education Agency, the School Land Board, and the Texas
15 Permanent School Fund Corporation, as applicable:

16 (1) all powers, duties, functions, programs, and
17 activities of the State Board of Education and the Texas Education
18 Agency relating to the management and investment of the permanent
19 school fund transfer to the Texas Permanent School Fund Corporation
20 by operation of law; and

21 (2) all powers, duties, functions, programs, and
22 activities of the School Land Board relating to assets or
23 investments of the permanent school fund described by Section
24 2.15(a)(1) of this article transfer to the Texas Permanent School
25 Fund Corporation by operation of law.

26 (b) The Texas Permanent School Fund Corporation may delay
27 the transfer of any power, duty, function, program, or activity

1 under Subsection (a) of this section if the corporation determines
2 that the transfer would have an adverse impact on or is not in the
3 best interest of the permanent school fund.

4 (c) All rules, policies, and procedures relating to the
5 management and investment of the permanent school fund adopted by
6 the State Board of Education or the School Land Board before the
7 transfer under this section remain in effect until the Texas
8 Permanent School Fund Corporation adopts substitute rules,
9 policies, or procedures. In the event of a conflict between rules,
10 policies, or procedures adopted by the State Board of Education and
11 rules, policies, or procedures adopted by the School Land Board,
12 the corporation shall determine which rules, policies, or
13 procedures control.

14 SECTION 2.12. On the date the transfers under Section
15 2.11(a) of this article occur:

16 (1) an employee of the permanent school fund division
17 of the Texas Education Agency or the investment management division
18 of the General Land Office becomes an employee of the Texas
19 Permanent School Fund Corporation; and

20 (2) any employee compensation plan, program,
21 agreement, or arrangement, including any incentive compensation
22 plan and outstanding balance or award, relating to each employee
23 described by Subdivision (1) of this section transfers from the
24 Texas Education Agency or the General Land Office, as applicable,
25 to the Texas Permanent School Fund Corporation.

26 SECTION 2.13. (a) As soon as practicable after the
27 effective date of this article but not later than the date the

1 transfers under Section 2.11(a) of this article occur, the State
2 Board of Education shall enter into a memorandum of understanding
3 with any state agency the board determines necessary to provide for
4 the transfer to or continued use by the Texas Permanent School Fund
5 Corporation for a period determined by the board of any property,
6 facilities, information and data technology, services, and support
7 staff of the state agency used in connection with operations
8 relating to the management or investment of the permanent school
9 fund.

10 (b) On the date the transfers under Section 2.11(a) of this
11 article occur, the unexpended and unobligated balance of any money
12 appropriated to a state agency relating to the powers, duties,
13 programs, functions, and activities that are transferred to the
14 Texas Permanent School Fund Corporation is transferred to that
15 corporation.

16 SECTION 2.14. (a) Not later than March 30, 2023, the State
17 Board of Education and the Texas Education Agency shall provide to
18 the Texas Permanent School Fund Corporation all financial,
19 contract, and investment records and documents maintained by the
20 board, the agency, or a service provider of the board or agency
21 relating to the management or investment of the permanent school
22 fund.

23 (b) Except as provided by Subsection (c) or (d) of this
24 section, as soon as practicable after the effective date of this
25 article and not later than the date the transfers under Section
26 2.11(a) of this article occur, all assets and investments of the
27 permanent school fund held by the State Board of Education or the

1 Texas Education Agency and any related contracts are transferred to
2 the Texas Permanent School Fund Corporation by operation of law in
3 accordance with applicable law and any governing documentation
4 applicable to those assets, investments, or contracts, including
5 any applicable limited partnership agreement, limited liability
6 company agreement, subscription agreement, letter agreement, or
7 side letter.

8 (c) The State Board of Education and the Texas Education
9 Agency shall retain any assets or investments that would otherwise
10 be transferred to the Texas Permanent School Fund Corporation under
11 Subsection (b) of this section if the corporation determines that:

12 (1) the asset or investment cannot be transferred to
13 the corporation, either because the corporation cannot properly
14 hold custody of the asset or investment or for some other reason; or

15 (2) the transfer of the asset or investment:

16 (A) would have an adverse effect on the permanent
17 school fund or on any asset or investment set apart to the permanent
18 school fund; or

19 (B) is not in the best interest of the permanent
20 school fund.

21 (d) If an asset or investment required to be transferred to
22 the Texas Permanent School Fund Corporation under Subsection (b) of
23 this section cannot be transferred to the corporation in a timely
24 manner, the State Board of Education, the Texas Education Agency,
25 and the corporation shall coordinate concerning the appropriate
26 timing of the transfer or other disposition of the asset or
27 investment.

1 (e) The State Board of Education and the Texas Permanent
2 School Fund Corporation shall coordinate the ongoing management or
3 other disposition of any assets or investments retained by the
4 board or the Texas Education Agency under Subsection (c) or (d) of
5 this section, including:

6 (1) providing direction to the Texas Education Agency
7 regarding the asset or investment;

8 (2) the funding of any outstanding commitments related
9 to the asset or investment;

10 (3) the handling of any distributions, income, or
11 revenues from the asset or investment; and

12 (4) the making of any decisions required with respect
13 to the asset or investment.

14 SECTION 2.15. (a) Not later than January 31, 2023, the
15 School Land Board shall provide to:

16 (1) the Texas Permanent School Fund Corporation a list
17 of each asset and investment acquired on or after September 1, 2001,
18 and held by the board on January 31, 2023, other than sovereign or
19 other state lands, mineral or royalty interests, or real property
20 holdings, as that term is defined by Section 51.001, Natural
21 Resources Code, as amended by this article, and information on
22 unfunded commitments and funding obligations related to the asset
23 or investment; and

24 (2) the general partner or other managing entity of
25 each asset or investment identified under Subdivision (1) of this
26 subsection notice of the transfer of the asset or investment to the
27 Texas Permanent School Fund Corporation under this section.

1 (b) Not later than March 30, 2023, the School Land Board
2 shall provide to the Texas Permanent School Fund Corporation all
3 financial, contract, and investment records and documents
4 maintained by the board, the General Land Office, or a service
5 provider of the board or office relating to the operations
6 associated with or the management of an asset or investment
7 identified under Subsection (a)(1) of this section.

8 (c) Except as provided by Subsection (d) or (e) of this
9 section, not later than December 31, 2023, all assets and
10 investments identified under Subsection (a)(1) of this section and
11 any related contracts are transferred from the School Land Board to
12 the Texas Permanent School Fund Corporation by operation of law in
13 accordance with applicable law and any governing documentation
14 applicable to those assets, investments, or contracts, such as any
15 applicable limited partnership agreement, limited liability
16 company agreement, subscription agreement, letter agreement, or
17 side letter.

18 (d) The School Land Board shall retain any assets or
19 investments that would otherwise be transferred to the Texas
20 Permanent School Fund Corporation under Subsection (c) of this
21 section if the corporation determines that:

22 (1) the asset or investment cannot be transferred to
23 the corporation, either because the corporation cannot properly
24 hold custody of the asset or investment or for some other reason; or

25 (2) the transfer of the asset or investment:

26 (A) would have an adverse effect on the permanent
27 school fund or on any asset or investment set apart to the permanent

1 school fund; or

2 (B) is not in the best interest of the permanent
3 school fund.

4 (e) If an asset or investment required to be transferred to
5 the Texas Permanent School Fund Corporation under Subsection (c) of
6 this section cannot be transferred to the corporation by December
7 31, 2023, the School Land Board and the corporation shall
8 coordinate concerning the appropriate timing of the transfer or
9 other disposition of the asset or investment.

10 (f) The School Land Board and the Texas Permanent School
11 Fund Corporation shall coordinate the ongoing management or other
12 disposition of any assets or investments retained by the board
13 under Subsection (d) or (e) of this section, including:

14 (1) the funding of any outstanding commitments related
15 to the asset or investment;

16 (2) the handling of any distributions, income, or
17 revenues from the asset or investment; and

18 (3) the making of any decisions required with respect
19 to the asset or investment.

20 (g) Not later than December 31, 2023, all cash holdings
21 related to or derived from permanent school fund assets held by the
22 School Land Board shall be transferred to the Texas Permanent
23 School Fund Corporation for deposit to the credit of the permanent
24 school fund.

25 (h) On the date on which the Texas Permanent School Fund
26 Corporation determines that all outstanding commitments required
27 to be paid from the permanent school fund liquid account have been

1 fully resolved, the account is abolished and the balance of that
2 account is transferred to the permanent school fund.

3 SECTION 2.16. This article takes effect December 31, 2022,
4 but only if the State Board of Education incorporates the Texas
5 Permanent School Fund Corporation under Subchapter B, Chapter 43,
6 Education Code, as added by this Act, on or before that date. If the
7 State Board of Education does not incorporate the Texas Permanent
8 School Fund Corporation on or before December 31, 2022, this
9 article has no effect.

10 ARTICLE 3. EFFECTIVE DATE

11 SECTION 3.01. Except as otherwise provided by this Act,
12 this Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1232 passed the Senate on May 6, 2021, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1232 passed the House, with amendments, on May 26, 2021, by the following vote: Yeas 140, Nays 5, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER C. COMMISSIONER OF EDUCATION

TEC, §7.055. COMMISSIONER OF EDUCATION POWERS AND DUTIES.

- (a) The commissioner has the powers and duties provided by Subsection (b).
- (b)(1) The commissioner shall serve as the educational leader of the state.
 - (2) The commissioner shall serve as executive officer of the agency and as executive secretary of the board.
 - (3) The commissioner shall carry out the duties imposed on the commissioner by the board or the legislature.
 - (4) The commissioner shall prescribe a uniform system of forms, reports, and records necessary to fulfill the reporting and recordkeeping requirements of this title.
 - (5) The commissioner may delegate ministerial and executive functions to agency staff and may employ division heads and any other employees and clerks to perform the duties of the agency.
 - (6) The commissioner shall adopt an annual budget for operating the Foundation School Program as prescribed by Subsection (c).
 - (7) The commissioner may issue vouchers for the expenditures of the agency and shall examine and must approve any account to be paid out of the school funds before the comptroller may issue a warrant.
 - (8) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(7), eff. June 17, 2011.
 - (9) The commissioner shall have a manual published at least once every two years that contains Title 1 and this title, any other provisions of this code relating specifically to public primary or secondary education, and an appendix of all other state laws relating to public primary or secondary education and shall provide for the distribution of the manual as determined by the board.
 - (10) The commissioner may visit different areas of this state, address teachers' associations and educational gatherings, instruct teachers, and promote all aspects of education and may be reimbursed for necessary travel expenses incurred under this subdivision to the extent authorized by the General Appropriations Act.
 - (11) The commissioner may appoint advisory committees, in accordance with Chapter [2110](#), Government Code, as necessary to advise the commissioner in carrying out the duties and mission of the agency.
 - (12) The commissioner shall appoint an agency auditor.
 - (13) The commissioner may provide for reductions in the number of agency employees.
 - (14) The commissioner shall carry out duties relating to the investment capital fund under Section [7.024](#).
 - (15) The commissioner shall review and act, if necessary, on applications for waivers under Section [7.056](#).
 - (16) The commissioner shall carry out duties relating to regional education service centers as specified under Chapter [8](#).
 - (17) The commissioner shall distribute funds to open-enrollment charter schools as required under Subchapter [D](#), Chapter [12](#).

- (18) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers, a recommended appraisal process and criteria on which to appraise the performance of administrators, and a job description and evaluation form for use in evaluating school counselors, as provided by Subchapter [H](#), Chapter [21](#).
- (19) The commissioner shall coordinate and implement teacher recruitment programs under Section [21.004](#).
- (20) The commissioner shall perform duties in connection with the certification and assignment of hearing examiners as provided by Subchapter [E](#), Chapter [21](#).
- (21) The commissioner shall carry out duties under the Texas Advanced Placement Incentive Program under Subchapter [C](#), Chapter [28](#).
- (22) The commissioner may adopt rules for optional extended year programs under Section [29.082](#).
- (23) The commissioner shall monitor and evaluate prekindergarten programs and other child-care programs as required under Section [29.154](#).
- (24) The commissioner, with the approval of the board, shall develop and implement a plan for the coordination of services to children with disabilities as required under Section [30.001](#).
- (25) The commissioner shall develop a system to distribute to school districts or regional education service centers a special supplemental allowance for students with visual impairments as required under Section [30.002](#).
- (26) The commissioner, with the assistance of the comptroller, shall determine amounts to be distributed to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf as provided by Section [30.003](#) and to the Texas Juvenile Justice Department as provided by Section [30.102](#).
- (27) The commissioner shall establish a procedure for resolution of disputes between a school district and the Texas School for the Blind and Visually Impaired under Section [30.021](#).
- (28) The commissioner shall perform duties relating to the funding, adoption, and purchase of instructional materials under Chapter [31](#).
- (29) The commissioner may enter into contracts concerning technology in the public school system as authorized under Chapter [32](#).
- (30) The commissioner shall adopt a recommended contract form for the use, acquisition, or lease with option to purchase of school buses under Section [34.009](#).
- (31) The commissioner shall ensure that the cost of using school buses for a purpose other than the transportation of students to or from school is properly identified in the Public Education Information Management System (PEIMS) under Section [34.010](#).
- (32) The commissioner shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
- (33) Repealed by Acts 1999, 76th Leg., ch. 397, Sec. 8, eff. Sept. 1, 1999.
- (34) The commissioner shall perform duties in connection with the options for local revenue levels in excess of entitlement under Chapter [49](#).
- (35) The commissioner shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#).

- (36) The commissioner shall establish advisory guidelines relating to the fiscal management of a school district and report annually to the board on the status of school district fiscal management as required under Section [44.001](#).
 - (37) The commissioner shall review school district audit reports as required under Section [44.008](#).
 - (38) The commissioner shall perform duties in connection with the guaranteed bond program as prescribed by Subchapter [C](#), Chapter [45](#).
 - (39) The commissioner shall cooperate with the Texas Higher Education Coordinating Board in connection with the Texas partnership and scholarship program under Subchapter [Q](#), Chapter [61](#).
 - (40) The commissioner shall suspend the certificate of an educator or permit of a teacher who violates Chapter [617](#), Government Code.
 - (41) The commissioner shall adopt rules relating to extracurricular activities under Section [33.081](#) and approve or disapprove University Interscholastic League rules and procedures under Section [33.083](#).
- (c) The budget the commissioner adopts under Subsection (b) for operating the Foundation School Program must be in accordance with legislative appropriations and provide funds for the administration and operation of the agency and any other necessary expense. The budget must designate any expense of operating the agency or operating a program for which the board has responsibility that is paid from the Foundation School Program. The budget must designate program expenses that may be paid out of the foundation school fund, other state funds, fees, federal funds, or funds earned under interagency contract. Before adopting the budget, the commissioner must submit the budget to the board for review and, after receiving any comments of the board, present the operating budget to the governor and the Legislative Budget Board. The commissioner shall provide appropriate information on proposed budget expenditures to the comptroller to assure that all payments are paid from the appropriate funds in a timely and efficient manner.
- (d) Notwithstanding any other law, the commissioner's power to delegate ministerial and executive functions under Subsection (b)(5) is a valid delegation of authority.

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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(1), eff. September 1, 2019.
 - (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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 439 (S.B. [1376](#)), Sec. 4.01(a)(1), eff. June 4, 2019.
 - (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 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 D. OPEN-ENROLLMENT CHARTER SCHOOL

TEC, §12.101. AUTHORIZATION.

- (a) In accordance with this subchapter, the commissioner may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:
- (1) an institution of higher education as defined under Section [61.003](#);
 - (2) a private or independent institution of higher education as defined under Section [61.003](#);
 - (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or
 - (4) a governmental entity.
- (b) After thoroughly investigating and evaluating an applicant, the commissioner, in coordination with a member of the State Board of Education designated for the purpose by the chair of the board, may grant a charter for an open-enrollment charter school only to an applicant that meets any financial, governing, educational, and operational standards adopted by the commissioner under this subchapter, that the commissioner determines is capable of carrying out the responsibilities provided by the charter and likely to operate a school of high quality, and that:
- (1) has not within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned; or
 - (2) is not, under rules adopted by the commissioner, considered to be a corporate affiliate of or substantially related to an entity that has within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned.
- (b-0) The commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.
- (b-1) In granting charters for open-enrollment charter schools, the commissioner may not grant a total of more than:

- (1) 215 charters through the fiscal year ending August 31, 2014;
 - (2) 225 charters beginning September 1, 2014;
 - (3) 240 charters beginning September 1, 2015;
 - (4) 255 charters beginning September 1, 2016;
 - (5) 270 charters beginning September 1, 2017; and
 - (6) 285 charters beginning September 1, 2018.
- (b-2) Beginning September 1, 2019, the total number of charters for open-enrollment charter schools that may be granted is 305 charters.
- (b-3) The commissioner may not grant more than one charter for an open-enrollment charter school to any charter holder. The commissioner may consolidate charters for an open-enrollment charter school held by multiple charter holders into a single charter held by a single charter holder with the written consent to the terms of consolidation by or at the request of each charter holder affected by the consolidation.
- (b-4) Notwithstanding Section [12.114](#), approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter [39](#), or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:
- (1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter [39](#) and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter [39](#), for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;
 - (2) the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; and
 - (3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that the charter holder does not satisfy the requirements of this section.
- (b-5) The initial term of a charter granted under this section is five years.

- (b-6) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter [39](#).
- (b-7) A charter granted under this section for a dropout recovery school is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by this section. For purposes of this subsection, an open-enrollment charter school is considered to be a dropout recovery school if the school meets the criteria for designation as a dropout recovery school under Section [12.1141\(c\)](#).
- (b-8) In adopting any financial standards under this subchapter that an applicant for a charter for an open-enrollment charter school must meet, the commissioner shall not:
 - (1) exclude any loan or line of credit in determining an applicant's available funding; or
 - (2) exclude an applicant from the grant of a charter solely because the applicant fails to demonstrate having a certain amount of current assets in cash.
- (b-10) The commissioner by rule shall allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school under Subsection (b-4)(2) up to 18 months before the date on which the campus is anticipated to open. Notice provided to the commissioner under this section does not obligate the charter holder to open a new campus.
- (c) If the facility to be used for an open-enrollment charter school is a school district facility, the school must be operated in the facility in accordance with the terms established by the board of trustees or other governing body of the district in an agreement governing the relationship between the school and the district.
- (d) An educator employed by a school district before the effective date of a charter for an open-enrollment charter school operated at a school district facility may not be transferred to or employed by the open-enrollment charter school over the educator's objection.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
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.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

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, §21.035. DELEGATION AUTHORITY; ADMINISTRATION BY AGENCY.

- (a) The board is permitted to make a written delegation of authority to the commissioner or the agency to informally dispose of a contested case involving educator certification.
- (b) The agency shall provide the board's administrative functions and services.

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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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TEC, §21.042. APPROVAL OF RULES.

The State Board for Educator Certification must submit a written copy of each rule it proposes to adopt to the State Board of Education for review. The State Board of Education may reject a proposed rule by a vote of at least two-thirds of the members of the board present and voting. If the State Board of Education fails to reject a proposal before the 90th day after the date on which it receives the proposal, the proposal takes effect as a rule of the State Board for Educator Certification as provided by Chapter 2001, Government Code. The State Board of Education may not modify a rule proposed by the State Board for Educator Certification.

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TEC, §21.064. LEGACY MASTER TEACHER CERTIFICATIONS.

- (a) The board shall recognize a master teacher certificate issued under former Section 21.0481, 21.0482, 21.0483, or 21.0484 until the certificate expires. The board shall note a designation of "legacy" on the certificate.
- (b) A master teacher certificate described by Subsection (a) is not eligible for funding under the teacher incentive allotment under Section [48.112](#).

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:
 - (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 require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.
- (h-1) In adopting the essential knowledge and skills for the foundation curriculum under Subsection (a)(1), the State Board of Education shall, as appropriate, adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:
 - (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
 - (2) the history, qualities, traditions, and features of civic engagement in the United States;

- (3) the structure, function, and processes of government institutions at the federal, state, and local levels; and
 - (4) the founding documents of the United States, including:
 - (A) the entirety of the Declaration of Independence;
 - (B) the entirety of the United States Constitution;
 - (C) the Federalist Papers, including the entirety of Essays 10 and 51;
 - (D) excerpts from Alexis de Tocqueville's *Democracy in America*;
 - (E) the transcript of the first Lincoln-Douglas debate;
 - (F) the writings of the founding fathers of the United States;
 - (G) the entirety of Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and
 - (H) the entirety of Martin Luther King Jr.'s speech "I Have a Dream."
- (h-2) In adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including:
- (1) an understanding of:
 - (A) the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government;
 - (B) the history, qualities, traditions, and features of civic engagement in the United States;
 - (C) the structure, function, and processes of government institutions at the federal, state, and local levels; and
 - (D) the founding documents of the United States;
 - (2) the ability to:
 - (A) analyze and determine the reliability of information sources;
 - (B) formulate and articulate reasoned positions;
 - (C) understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
 - (D) actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
 - (E) participate as a citizen in a constitutional democracy by voting; and
 - (3) an appreciation of:
 - (A) the importance and responsibility of participating in civic life;
 - (B) a commitment to the United States and its form of government; and

(C) a commitment to free speech and civil discourse.

- (h-3) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. 3), Sec. 6, eff. December 2, 2021.
- (h-4) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.
- (h-5) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.
- (h-6) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.
- (h-7) The agency shall ensure that each school district or open-enrollment charter school teaches civics education as part of the district's social studies curriculum in a manner consistent with the essential knowledge and skills adopted under Subsection (h-2).
- (h-8) Nothing in Subsection (h-2) or (h-7) may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under this subchapter.
 - (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.
- (1-1) In adopting rules relating to an activity described by Subsection (1)(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.
- (1-2) 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).
- (1-3) (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), (1-1), or (1-2) 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, 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 alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse 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 awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based.
- (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 by Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 4.01(2), eff. December 1, 2019.
- (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 or personal financial literacy & 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) 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.
- (b-22) In adopting rules under Subsection (b-1), the State Board of Education shall ensure that a personal financial literacy & economics course taken to comply with the curriculum requirement under Subsection (b-1)(4) allocates:
 - (1) two-thirds of instruction time to instruction in personal financial literacy; and
 - (2) one-third of instruction time to instruction in economics.
- (b-23) The agency shall:
 - (1) develop a list of free, open-source, and publicly available curricula that may be used by a school district to provide a personal financial literacy & economics course that satisfies the curriculum requirement under Subsection (b-1)(4); and

- (2) seek, accept, and spend any federal or private grant funds and gifts that are available for the purpose of providing a personal financial literacy & economics course as part of the foundation high school program.
- (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 [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](#).
- (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) Expired.
- (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.

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TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER B. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAMS

TEC, §29.051. STATE POLICY.

English is the basic language of this state. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of those students. The mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. Bilingual education and special language programs can meet the needs of those students and facilitate their integration into the regular school curriculum. Therefore, in accordance with the policy of the state to ensure equal educational opportunity to every student, and in recognition of the educational needs of emergent bilingual students, this subchapter provides for the establishment of bilingual education and special language programs in the public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 5, eff. September 1, 2021.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §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.

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 determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials and technology

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

allotment under Section 31.0211, the board must consider the cost of all district technology requirements, as estimated by the commissioner under Section 31.0211(d), and instructional materials for that state fiscal biennium.

- (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.
- (i) During any state fiscal biennium beginning on or after September 1, 2023, the total projected cost of instructional materials under requests for production issued by the board may not exceed 75 percent of the total amount used to fund the instructional materials and technology allotment under Section 31.0211 for that biennium.

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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
CHAPTER 33. SERVICE PROGRAMS AND EXTRACURRICULAR ACTIVITIES
SUBCHAPTER B. LIBRARIES

TEC, §33.021 LIBRARY STANDARDS.

The Texas State Library and Archives Commission, in consultation with the State Board of Education, shall adopt standards for school library services. A school district shall consider the standards in developing, implementing, or expanding library services.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

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 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 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND
SUBCHAPTER A. GENERAL PROVISIONS

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 described 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 assets 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 [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 [5\(a\)](#) and (g), Article VII, Texas Constitution, to be placed, subject to the

General Appropriations Act, in the state instructional materials and technology fund established under Section [31.021](#).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 201, Sec. 36, eff. June 10, 2003; Acts 2003, 78th Leg., ch. 328, Sec. 2.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 65, eff. July 19, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 66, eff. July 19, 2011.

Acts 2015, 84th Leg., R.S., Ch. 731 (H.B. [1474](#)), Sec. 4, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 581 (S.B. [810](#)), Sec. 34, eff. June 9, 2017.

Acts 2017, 85th Leg., R.S., Ch. 705 (H.B. [3526](#)), Sec. 22, eff. June 12, 2017.

Acts 2019, 86th Leg., R.S., Ch. 461 (H.B. [4611](#)), Sec. 1, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 461 (H.B. [4611](#)), Sec. 2, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](#)), Sec. 5.028, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 631 (S.B. [1454](#)), Sec. 12, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 875 (S.B. [1232](#)), Sec. 1.02, eff. September 1, 2021.

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TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND
SUBCHAPTER A. GENERAL PROVISIONS

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
SUBCHAPTER B. TEXAS PERMANENT SCHOOL FUND CORPORATION

TEC, §43.053. BOARD OF DIRECTORS; MEETINGS.

- (a) The board of directors is composed of the following nine members:
 - (1) five members of the State Board of Education, appointed by the board in accordance with board policy;
 - (2) the commissioner of the General Land Office;
 - (3) one member appointed by the commissioner of the General Land Office who has substantial background and expertise in investments and asset management; and
 - (4) two members appointed by the governor, with the advice and consent of the senate, each of whom must have substantial background and expertise in investments and asset management and may not be members of the State Board of Education or the School Land Board.
- (b) The State Board of Education by rule shall establish the terms of members of the board of directors appointed under Subsection (a)(1).
- (c) Members of the board of directors appointed under Subsections (a)(3) and (4) serve staggered six-year terms, with the term of one member expiring on January 1 of each odd-numbered year.
- (d) The initial members described by Subsection (c) shall determine by lot which one of the initial members will serve a term expiring January 1 of the first odd-numbered year following the establishment of the corporation, which one of the initial members will serve a term expiring January 1 of the second odd-numbered year following the establishment of the corporation, and which one of the initial members will serve a term expiring January 1 of the third odd-numbered year following the establishment of the corporation.
- (e) Appointments to the board of directors must be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.
- (f) The board of directors shall elect officers of the board in accordance with the corporation's bylaws.
- (g) The board of directors shall meet at least three times per year.

Added by Acts 2021, 87th Leg., R.S., Ch. 875 (S.B. [1232](#)), Sec. 1.06, eff. September 1, 2021.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 44. FISCAL MANAGEMENT
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

TEC, §44.001. FISCAL GUIDELINES.

- (a) The commissioner shall establish advisory guidelines relating to the fiscal management of a school district.
- (b) The commissioner shall report annually to the State Board of Education the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 44. FISCAL MANAGEMENT
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

TEC, §44.007. ACCOUNTING SYSTEM; REPORT.

- (a) A standard school fiscal accounting system must be adopted and installed by the board of trustees of each school district. The accounting system must conform with generally accepted accounting principles.
- (b) The accounting system must meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor.
- (c) A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with the agency on or before the date set by the State Board of Education.
- (d) The State Board of Education shall require each district, as part of the report required by this section, to include management, cost accounting, and financial information in a format prescribed by the board and in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.
- (e) Expired.
- (f) Expired.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 44. FISCAL MANAGEMENT
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

TEC, §44.008. ANNUAL AUDIT; REPORT.

- (a) The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.
- (b) The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education, subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).
- (c) Each treasurer receiving or having control of any school fund of any school district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer 's hands. The treasurer 's records of the district 's itemized accounts and records shall be made available to audit.
- (d) A copy of the annual audit report, approved by the board of trustees, shall be filed by the district with the agency not 11 later than the 150th day after the end of the fiscal year for which the audit was made. If the board of trustees declines or refuses to approve its auditor 's report, it shall nevertheless file with the agency a copy of the audit report with its statement detailing reasons for failure to approve the report.
- (e) The audit reports shall be reviewed by the agency, and the commissioner shall notify the board of trustees of objections, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning the audit reports that the commissioner wants to make. If the audit report reflects that penal laws have been violated, the commissioner shall notify the appropriate county or district attorney and the attorney general. The commissioner shall have access to all vouchers, receipts, district fiscal and financial records, and other school records as the commissioner considers necessary and appropriate for the review, analysis, and passing on audit reports.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48 [42]. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §48.004 ADMINISTRATION OF THE PROGRAM.

The commissioner shall adopt rules and take action and require reports consistent with this chapter as necessary to implement and administer the Foundation School Program.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Transferred, redesignated and amended from Education Code, Section 42.004 by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 1.013, eff. September 1, 2019.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER F. FINANCING THE PROGRAM

TEC, §48.251. FINANCING; GENERAL RULE.

- (a) The cost of the Foundation School Program for a school district is the total sum of:
 - (1) the sum of the tier one allotments and other funding as follows:
 - (A) the basic allotment under Subchapter B;
 - (B) the student-based allotments under Subchapter C; and
 - (C) the additional funding under Subchapter D; and
 - (2) the tier two allotment under Subchapter E.
- (b) The sum of the Foundation School Program maintenance and operations costs for all accredited school districts in this state constitutes the total maintenance and operations cost of the Foundation School Program.
- (c) The program shall be financed by:
 - (1) state available school funds distributed in accordance with the law;
 - (2) ad valorem tax revenue generated by local school district effort; and
 - (3) state funds appropriated for the purposes of public school education and allocated to each district in an amount sufficient to finance the cost of each district's Foundation School Program not covered by other funds specified in this subsection.

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.

MINUTES

STATE BOARD OF EDUCATION

JUNE 2023

Minutes

State Board of Education

June 23, 2023

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

KEVEN ELLIS, Lufkin
Chair of the State Board of Education
District 9

PAM LITTLE, Fairview
Vice Chair of the State Board of
Education
District 12

PATRICIA HARDY, Fort Worth
Secretary of the State Board of
Education
District 11

Board Members

REBECCA BELL-METHEREAU, San Marcos
District 5

AARON KINSEY, Midland
District 15

EVELYN BROOKS, Frisco
District 14

TOM MAYNARD, Florence
District 10

STACI CHILDS, Houston
District 4

MELISSA ORTEGA, El Paso
District 1

AICHA DAVIS, Dallas
District 13

MARISA PEREZ-DIAZ, Converse
District 3

L. J. FRANCIS, Corpus Christi
District 2

JULIE PICKREN, Pearland
District 7

WILL HICKMAN, Houston
District 6

AUDREY YOUNG, Trinity
District 8

Committees of the State Board of Education

INSTRUCTION

Audrey Young
Evelyn Brooks
Aicha Davis
Pam Little
Melissa N. Ortega

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard
Marisa B. Perez-Diaz
Keven Ellis
Patricia Hardy
Aaron Kinsey

SCHOOL INITIATIVES

Will Hickman
LJ Francis
Staci Childs
Julie Pickren
Rebecca Bell-Metereau

Minutes
State Board of Education
Friday, June 23, 2023

The State Board of Education met at 9:10 a.m. on Friday, June 23, 2023, 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: Keven Ellis, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; Aicha Davis (virtual); L.J. Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, April 14, 2023

MOTION AND VOTE: *The State Board of Education unanimously approved the minutes of the April 14, 2023, meeting of the State Board of Education, as printed.*

Public Testimony

2

Public Testimony was provided by the following individuals:

NAME: Callie Crain
AFFILIATION: Texas Future Farmers of America Foundation

NAME: Trevor King
AFFILIATION: Texas Future Farmers of America Foundation

NAME: Lakeisha Meniffee
AFFILIATION: STEM Urban Perspective

1. Resolutions

Student Heroes Award

The State Board of Education, by unanimous consent, adopted a resolution commending each of the following students for their selfless acts of kindness and service: Manuel Ramirez, Nathanael Gonzalez, Cooper LaBuhn, Hope Faith Wiggins, Catherine Tu, Carsyn Collins, Ashlyn Gilchrist, Alexandra Hamilton, Jordan Jones, V'Jae Brown, Cameron Taylor, Madhalasa Iyer, Taylor McCowan, Elise Fuselier, and Lanie Salazar.

(ATTACHMENT 1, page 11)

Bond Guarantee Capacity

The State Board of Education, by unanimous consent, adopted a resolution expressing appreciation to Senator Cornyn, Representative Doggett, Representative Arrington, and all of the other members of the Texas Congressional delegation who worked to acquire relief for the Permanent School Fund bond guarantee program from the federal limit.

(ATTACHMENT 2, page 13)

Texas Teacher of the Year

The State Board of Education recognized Shelley Jeffroy from Otis Brown Elementary School in the Irving Independent School District as the 2023 Texas Teacher of the Year.

Texas Secondary Teacher of the Year

The State Board of Education recognized Chris McLeod from Brazoswood High School in the Brazosport Independent School District as the 2023 Texas Secondary Teacher of the Year.

Milken Educator Award

The State Board of Education recognized Diana Lopez from BASIS San Antonio Primary Medical Center Campus and Jenna Dean from Nederland ISD as a Milken National Educator Award recipients.

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.

- (1) **Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411; Subchapter M, Law and Public Service, §127.633; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.744, 127.756, 127.757, 127.761, 127.764, 127.765, 127.769, and 127.770**
(Second Reading and Final Adoption)
(Board agenda page II-1)

The State Board of Education approved for second reading and final adoption the proposed repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit); and

Made an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit), is necessary effective date of August 1, 2023. and shall have an effective date of August 1, 2023.

- (2) **Approval of Updates and Substitutions to Adopted Instructional Materials**
(Board agenda page II-12)

The State Board of Education approved the request from Savvas Learning, to update content in its, Texas myView, and Texas miVisión Literacy product adopted under Proclamation 2019; and approved the request from Children's Learning Institute at The University of Texas Health Science Center at Houston, to update content in its CIRCLE Pre-K Curriculum English/Spanish product adopted under Proclamation 2021.

(3) Review the Process to Consider Board Member Nominees for a School Land Board Position

(Board agenda page III-3)

The State Board of Education the State Board of Education approved submission of the following list of nominees to the governor for consideration for appointment to the School Land Board:

Rebecca Berger	Jackie Besinger
John David Bradley	J. Brad Curlee
John Caley	Jay Kleberg
David Eyler	Craig LeTulle
Troy Hanes	Lee Partridge
Michael Neill	James Watt

(4) Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees

(Board agenda page IV-1)

The State Board of Education removed this item from the consent agenda.

COMMITTEE OF THE FULL BOARD

3. **Proposed New Texas Essential Knowledge and Skills for Occupational Safety and Health in 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School (Second Reading and Final Adoption)**
(Board agenda page I-1)

MOTION: *It was moved by Mrs. Little that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023; as amended and recommended by the Committee of the Full Board; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Francis and carried without objection to divide the question.*

MOTION: *It was moved by Mrs. Little that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, as amended and recommended by the Committee of the Full Board; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mrs. Little, and carried without objection that the State Board of Education strike the list of principles courses from §127.17(b) and add the following courses in their place:*

- (1) Construction Technology I*
- (2) Electrical Technology I*
- (3) Plumbing Technology I*
- (4) HVAC Technology I*
- (5) Masonry Technology I*
- (6) Agricultural Mechanics and Metal Technology*
- (7) Welding I*
- (8) Metal Fabrication and Machining I*
- (9) Oil & Gas Production*
- (10) Introduction to Culinary Arts*

VOTE: *A vote was taken on the motion that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, as amended and recommended by the Committee of the Full Board, as amended; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register.

The motion carried. (ATTACHMENT 3, page 15)

MOTION AND VOTE: *It was moved by Mrs. Little that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.18, Occupational Safety and Health (One Credit), Adopted 2023; as amended and recommended by the Committee of the Full Board; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register.

The motion failed.

4. Discussion of Renewal of Texas Certificate of High School Equivalency Contract
(Board agenda page I-12)

MOTION AND VOTE: *It was moved by Mrs. Little and carried that the State Board of Education provide approval for TEA to proceed with the 3-year renewal of the existing contract with GED Testing Service.*

5. Update on Texas Essential Knowledge and Skills (TEKS) Review
(Board agenda page I-15)

MOTION AND VOTE: *It was moved by Mrs. Little and carried that the State Board of Education direct TEA to post the TEKS Review Work Group Build Process and the SBOE Approved TEKS Review and Revision Process with Administrative Procedures documents on the agency's website.*

6. Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process
(First Reading and Filing Authorization)
(Board agenda page I-40)

MOTION AND VOTE: *It was moved by Mrs. Little and carried that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process.*

7. Consideration of the Commissioner of Education's Generation 28 Open-Enrollment Charter School Proposals
(Board agenda page I-44)

MOTION AND VOTE: *It was moved by Mrs. Little that the State Board of Education take no action on Celebrate Dyslexia School (San Antonio). The motion carried with 13 members voting Aye and 1 member voting No as follows:*

<u>Aye:</u>	<i>Dr. Bell-Metereau</i>	<i>Mr. Kinsey</i>
	<i>Ms. Brooks</i>	<i>Mrs. Little</i>
	<i>Ms. Childs</i>	<i>Mr. Maynard</i>
	<i>Ms. Davis</i>	<i>Ms. Perez-Diaz</i>
	<i>Mr. Francis</i>	<i>Ms. Pickren</i>
	<i>Ms. Hardy</i>	<i>Dr. Young</i>
	<i>Mr. Hickman</i>	

No: *Dr. Ortega*

MOTION AND VOTE: *It was moved by Mrs. Little that the State Board of Education take no action on Heritage Classical Academy (Houston). The motion carried with 8 members voting Aye and 6 members voting No as follows:*

Aye: *Mr. Francis* *Mrs. Little*
 Ms. Hardy *Mr. Maynard*
 Mr. Hickman *Ms. Pickren*
 Mr. Kinsey *Dr. Young*

No: *Dr. Bell-Metereau* *Ms. Davis*
 Ms. Brooks *Dr. Ortega*
 Ms. Childs *Ms. Perez-Diaz*

MOTION AND VOTE: *It was moved by Mrs. Little that the State Board of Education veto NextGen Innovation Academy (Houston). The motion failed with 5 members voting Aye and 9 members voting No as follows:*

Aye: *Dr. Bell-Metereau* *Dr. Ortega*
 Ms. Brooks *Ms. Perez-Diaz*
 Ms. Davis

No: *Ms. Childs* *Mr. Kinsey*
 Mr. Francis *Mr. Maynard*
 Ms. Hardy *Ms. Pickren*
 Mr. Hickman *Dr. Young*
 Mrs. Little

MOTION AND VOTE: *It was moved by Mr. Maynard and seconded by Mr. Hickman that the State Board of Education take no action on NextGen Innovation Academy (Houston). The motion carried with 8 members voting Aye and 6 members voting No as follows:*

Aye: *Ms. Childs* *Mr. Kinsey*
 Mr. Francis *Mr. Maynard*
 Mr. Hickman *Ms. Pickren*
 Mrs. Little *Dr. Young*

No: *Dr. Bell-Metereau* *Ms. Hardy*
 Ms. Brooks *Dr. Ortega*
 Ms. Davis *Ms. Perez-Diaz*

MOTION AND VOTE: *It was moved by Mrs. Little that the State Board of Education veto The Village Speech and Debate Academy (Fort Worth). The motion carried with 13 members voting Aye and 1 member voting No as follows:*

Aye: *Dr. Bell-Metereau Mrs. Little*
 Ms. Brooks Mr. Maynard
 Ms. Davis Dr. Ortega
 Mr. Francis Ms. Perez-Diaz
 Ms. Hardy Ms. Pickren
 Mr. Hickman Dr. Young
 Mr. Kinsey

No: *Ms. Childs*

MOTION AND VOTE: *It was moved by Mrs. Little that the State Board of Education veto Up Excellence Academy (Houston). The motion failed with 4 members voting Aye and 9 members voting No as follows:*

Aye: *Dr. Bell-Metereau Ms. Davis*
 Ms. Brooks Dr. Ortega

No: *Ms. Childs Mrs. Little*
 Mr. Francis Mr. Maynard
 Ms. Hardy Ms. Perez-Diaz
 Mr. Hickman Ms. Pickren
 Mr. Kinsey

Abstain: *Dr. Young*

MOTION AND VOTE: *It was moved by Mr. Maynard and seconded by Mr. Francis that the State Board of Education take no action on Up Excellence Academy (Houston). The motion carried with 9 members voting Aye and 4 members voting No as follows:*

Aye: *Ms. Childs Mrs. Little*
 Mr. Francis Mr. Maynard
 Ms. Hardy Ms. Perez-Diaz
 Mr. Hickman Ms. Pickren
 Mr. Kinsey

No: *Dr. Bell-Metereau Ms. Davis*
 Ms. Brooks Dr. Ortega

Abstain: *Dr. Young*

COMMITTEE ON SCHOOL INITIATIVES

- (4) **Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees**
(Board agenda page IV-1)

MOTION AND VOTE: *It was moved by Mr. Hickman and carried that the State Board of Education, based on Mr. Richard Nedelkoff's recommendation, approve the appointment of Ms. Jacque Branch to serve a two-year term of office, from June 23, 2023, to June 22, 2025, on the Boys Ranch ISD Board of Trustees.*

(Dr. Bell-Metereau, Ms. Davis, Mr. Francis, and Ms. Pickren were absent for the vote.)

COMMITTEE ON INSTRUCTION

8. **Consideration of Innovative Courses**
(Board agenda page II-8)

MOTION AND VOTE: *It was moved by Dr. Young and carried that the State Board of Education approve the innovative course, Multilingual Acculturation Studies, which does not fall within any of the subject areas of the foundation or enrichment curriculum for a duration of two years.*

(Dr. Bell-Metereau, Ms. Davis, Mr. Francis, and Ms. Pickren were absent for the vote.)

MOTION AND VOTE: *It was moved by Dr. Young and carried that the State Board of Education deny the innovative course, Navigating Excellence, which does not fall within any of the subject areas of the foundation or enrichment curriculum.*

(Dr. Bell-Metereau, Ms. Davis, Mr. Francis, and Ms. Pickren were absent for the vote.)

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

Dr. Young did not report on the Committee on Instruction.

Committee on School Finance/Permanent School Fund

Mr. Maynard reported that the total value of the Permanent School Fund is currently \$58 billion. He reported that the corporation will have a busy few months resulting from the retirement of Holland Timmins on May 31, 2023. The corporation will be engaged in a search for a new chief executive officer over the next several months. Mr. Maynard also reported that the corporation board continues to be involved in asset allocation.

Committee on School Initiatives

Mr. Hickman reported that the Committee on School Initiatives discussed the rules for independent hearing examiners, received a Generation 29 charter application update, and received an update on SBEC actions.

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

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

The meeting adjourned at 1:26 p.m.

Pat Hardy, Secretary

RESOLUTION

WHEREAS the State Board of Education’s Student Heroes Award, created in 2015, recognizes Texas public school students who engage in selfless acts of kindness and service that benefit their fellow students and their communities; and

WHEREAS State Board of Education members reviewed nominations and selected 15 outstanding students across the state as recipients of the 2023 Student Heroes Award; and

WHEREAS Manuel Ramirez, a junior at Medina Valley High School in Medina Valley Independent School District (ISD), organized activities that served the elderly at a nursing home. He led the inaugural, “Start with Hello” program that showed students the difference between social isolation and loneliness which helped students to be more empathic; and

WHEREAS Nathanael Gonzalez, a third-grade student at Flour Bluff Elementary in Flour Bluff ISD, hosted a successful toy drive that collected more than 300 toys, sports equipment, and monetary donations to gift kids in foster care. His endeavor led to the creation of Nate’s Next Kid Up which hosts toy and sports equipment drives for his community; and

WHEREAS Cooper LaBuhn, a senior at Gonzales High School in Gonzales ISD, has over 300 hours serving in various volunteer activities. He also began L&J Boer Goats for students who have the desire to participate in showing goats but lack the financial means. His heart for service brings joy to others and makes a difference in his community; and

WHEREAS Hope Faith Wiggins is a seventh-grade student at Texas Online Preparatory School, a program of Huntsville ISD. She is an advocate for children’s literacy challenging herself to read hundreds of books and inspiring others to follow in her perseverance. She had donated hundreds of books to local organizations to encourage others to read; and

WHEREAS Catherine Tu, a junior at Westlake High School in Westlake ISD, has a passion for Science, Technology, Engineering, and Math (STEM) that led her to create organic lights providing sustainable lighting and customizable message panels to those in need. Her project has received recognition from local and international volunteer organizations; and

WHEREAS Carsyn Collins, a sixth-grade student at Bear Branch Intermediate School in Magnolia ISD, created 500 craft kits to spread joy, provide comfort, and ease anxiety for patients and families at the Texas Children’s Hospital. The project was so successful that she expanded to other holidays including Thanksgiving, Christmas, Valentine’s Day, and Easter; and

WHEREAS Ashlyn Gilchrist, a senior at Port Neches-Groves High School in Port Neches-Groves ISD, assisted with organizing and implementing the Life Skills Buddies program where special needs students feel included in all aspects of their student life. The program was successful that the concept was proudly shared to members of area student councils; and

WHEREAS Alexandra Hamilton, a junior at William B. Travis High School in Fort Bend ISD, founded the organization, Youth in Politics, which amplifies youth voices, raises awareness of global and political issues, and provides interviews with local, state, and national leaders; and

WHEREAS Jordan Jones, a fifth-grade student at Rhodes Intermediate School in Forney ISD, shared her technological learning to her peers by donating a most-coveted 3D printer to her school’s 3D Modeling Club using funds from her magnet-making business. Through her selfless gesture, she was able to share her experience to others; and

WHEREAS V’Jae Brown, a junior at Killeen ISD’s Career Center advocated for streetlights in key areas of his community and organized a recycling art contest by partnering with the city council and other students in the Youth Advisory Committee. His service and dedication to sustainability has inspired others and made a tangible impact in his community; and

WHEREAS Cameron Taylor, a fourth-grade student at Tolar Elementary in Tolar ISD, has a heart for helping others by raising \$600 from “Cameron’s Lemonade for Kids” to purchase coloring books, baby rattles, wooden puzzles, and other toys for toddlers receiving treatment at Cook Children’s Hospital; and

WHEREAS Madhalasa Iyer, a senior at Plano Senior High in Plano ISD, designed a wearable airbag that cushions the most fragile parts of a falling body which alerts caregivers about the fall. Her design was accepted and awarded by the Journal of Young Explorers, Meta. She then invested her award money to make a more robust prototype which she hopes results in future preventative devices; and

WHEREAS Taylor McCowan, a senior at the Young Women’s Leadership Academy in Grand Prairie ISD, formed a nonprofit called, The Confident Girl Project that distributes bags of feminine hygiene products to over 2,500 women in the community. Her efforts to spread awareness of this need expanded her nonprofit throughout North Texas and beyond; and

WHEREAS Elise Fuselier, a senior at Copperas Cove High School in Copperas Cove ISD, created the “Blessings in a Backpack” program that provided weekend meals to every student in need at her former elementary school. The program’s success led the district to fund “Blessings in a Backpack” programs at all campuses in the district; and

WHEREAS Lanie Salazar, a fifth-grade student at Fasken Elementary in Midland ISD, raised money each year for Janet’s Closet to buy toys and gifts that benefit children at a local hospital. Lanie continues to inspire others by her spirit of generosity and empathy for the children at the hospital; and

WHEREAS these remarkable students have modeled compassion in their schools and 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 selfless 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 twenty-third day of June, two thousand and twenty-three, in Austin, Texas.

Keven Ellis, Chair

Pat Hardy, Secretary

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RESOLUTION

WHEREAS the Permanent School Fund's origins and story are interwoven into the rich history of Texas, replete with Texans who fiercely believed in the vital importance of public education, beginning with those who declared their devotion in the 1836 Texas Declaration of Independence and who further demonstrated this commitment in 1845, establishing in the state's first constitution a perpetual fund for the support of public free schools; and

WHEREAS Texans further proved their dedication to public free schools in 1854 through support of the fund, by committing \$2 million in United States bonds from the Compromise of 1850, half of the state's 88-million-acre public domain in 1873 and the mineral estate of Texas' submerged lands in 1939; and

WHEREAS Texans successfully staved off attempts to seize and divert the Fund's legacy to future generations in political battles and litigation at the highest levels of the United States government; and

WHEREAS the Permanent School Fund has, since 1855, made distributions to Texas schools and has for generations provided for free textbooks and for decades supported the acquisition of educational technology; and

WHEREAS since the adoption of a constitutional amendment in 1983 creating the fund's bond guarantee program, the Permanent School Fund has guaranteed more than \$232 billion of bonds approved by voters and issued by public schools in Texas, a significant majority of all the bonds issued by public schools; and

WHEREAS over the forty years of the Fund's bond guarantee program and the billions of dollars saved by public schools due to the lower cost of financing public school construction, all Texans have benefited from lower property taxes; and

WHEREAS federal Internal Revenue Code regulations restricted the Fund's ability to guarantee bonds and limited the continued success and benefit of the Fund to the citizens of Texas which, by the end of 2022, had caused the bond guarantee program to close to most school and charter districts, potentially leaving them to incur millions of dollars in higher borrowing costs; and

WHEREAS beginning in the Spring of 2021 members of the State Board of Education and employees at the Texas Permanent School Fund Corporation and the Texas Education Agency together with the assistance of Governor Abbott's staff at the Texas Office of State-Federal Relations in Washington, D.C., requested the United States Department of the Treasury and the Internal Revenue Service amend the federal regulation restricting the Fund's ability to guarantee public school bonds; and

WHEREAS the United States Senate senior member from Texas, John Cornyn, and members of the United States House of Representatives from Texas, Lloyd Doggett of Austin, and Jodey Arrington of Lubbock have jointly worked to acquire relief for the Fund from the federal limit; and

WHEREAS on May 10, 2023, the IRS published Notice 2023-39 related to the arbitrage treatment of certain guarantee funds, stating its intent to publish proposed regulations that will increase the limit on the Fund that was restricting its ability to guarantee bonds and let Texas use its public assets to benefit Texas public schools; now, therefore, be it

RESOLVED that the State Board of Education offers its sincere gratitude and appreciation to Senator Cornyn, Representative Doggett, Representative Arrington, and all of the other members of the Texas Congressional delegation who supported legislation and worked to secure this benefit for Texas public schools and the citizens of Texas.

WITNESS our signatures this twenty-third day of June, two thousand and twenty-three, in Austin, Texas.

Keven Ellis, Chair

Pat Hardy, Secretary

SBOE – 6/23/2023

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ATTACHMENT
Text of Proposed New 19 TAC

Chapter 127. Texas Essential Knowledge and Skills for Career Development and Career and Technical Education

Subchapter B. High School

§127.17. Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.
- (b) General requirements. These standards may not be offered as a standalone course. These standards shall be offered together with the essential knowledge and skills for the following career and technical education (CTE) [~~principles~~] courses:
- (1) ~~Construction Technology I;~~
 - (2) ~~Electrical Technology I;~~
 - (3) ~~Plumbing Technology I;~~
 - (4) ~~HVAC Technology I;~~
 - (5) ~~Masonry Technology I;~~
 - (6) ~~Agriculture Mechanics and Metal Technology;~~
 - (7) ~~Welding I;~~
 - (8) ~~Metal Fabrication and Machining I;~~
 - (9) ~~Oil and Gas Production II; and~~
 - (10) ~~Introduction to Culinary Arts.~~
 - [~~(1) Principles of Education and Training;~~]
 - [~~(2) Principles of Health Science;~~]
 - [~~(3) Principles of Hospitality and Tourism;~~]
 - [~~(4) Principles of Law, Public Safety, Corrections, and Security;~~]
 - [~~(5) Principles of Applied Engineering;~~]
 - [~~(6) Principles of Biosciences;~~]
 - [~~(7) Principles of Agriculture, Food, and Natural Resources;~~]
 - [~~(8) Principles of Architecture;~~]
 - [~~(9) Principles of Construction;~~]
 - [~~(10) Principles of Information Technology;~~]
 - [~~(11) Principles of Cosmetology Design and Color Theory;~~]
 - [~~(12) Principles of Manufacturing;~~]
 - [~~(13) Principles of Transportation Systems; and~~]
 - [~~(14) Principles of Distribution and Logistics;~~]
- (c) Introduction.

- (1) CTE instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, [Occupational Safety and Health Administration \(OSHA\) regulations](#), and college and career readiness skills for students to further their education and succeed in current and emerging professions.
 - (2) The goal of the occupational safety and health standards is to ensure that students develop safety consciousness in the workplace. Students build a strong foundation in the occupational safety and health concepts that are critical to protecting individuals in the workplace, increasing safety and health, and reducing the occurrence of job-related injuries and fatalities.
 - (3) These standards are required to be addressed in their entirety as part of each of the CTE principles courses identified in subsection (b) of this section.
 - (4) Successful completion of the standards may lead to a student earning a ten-hour general industry OSHA [~~Occupational Safety and Health Administration (OSHA)~~] card. To earn the ten-hour OSHA card, the content must be taught by an authorized OSHA outreach training program trainer.
 - (5) 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.
- (d) Knowledge and skills. The student understands the foundations of occupational safety and health. The student is expected to:
- (1) explain and discuss the responsibilities of workers and employers to promote safety and health in the workplace and the rights of workers to a secure workplace;
 - (2) explain and discuss the importance of OSHA standards and OSHA requirements for organizations, how OSHA inspections are conducted, and the role of national and state regulatory entities [~~such as the National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, National Center for Construction Education and Research, Texas Workforce Commission, and Texas Department of Insurance~~];
 - (3) explain the role industrial hygiene plays in occupational safety and explain various types of industrial hygiene hazards, including physical, chemical, biological, and ergonomic;
 - (4) identify and explain the appropriate use of types of personal protective equipment used in [~~general~~] industry;
 - (5) discuss the importance of safe walking and working surfaces in the workplace and best practices for preventing or reducing slips, trips, and falls in the workplace;
 - (6) describe types of electrical hazards in the workplace and the risks associated with these hazards and describe control methods to prevent electrical hazards in the workplace;
 - (7) analyze the hazards of handling, storing, using, and transporting hazardous materials and identify and discuss ways to reduce exposure to hazardous materials in the workplace;
 - (8) identify workplace health and safety resources, including emergency plans and Safety Data Sheets, and discuss how these resources are used to make decisions in the workplace;
 - (9) describe the elements of a safety and health program, including management leadership, worker participation, and education and training;
 - (10) explain the purpose and importance of written emergency action plans and fire protection plans and describe key components of each such as evacuation plans and emergency exit routes, list of fire hazards, and identification of emergency personnel;
 - (11) explain the components of a hazard communication program; and
 - (12) explain and give examples of safety and health training requirements specified by standard setting organizations.

Minutes

State Board of Education Committees

June 20-22, 2023

**Report of the State Board of Education
Committee of the Full Board
Tuesday, June 20, 2023**

The State Board of Education Committee of the Full Board met at 9:07 a.m. on Tuesday, June 20, 2023, 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: Keven Ellis, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; Aicha Davis; L.J. Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #1, #3 and #5. 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, 3, 4, 5, 6, 2, 7, 8.

ACTION ITEMS

- 1. Proposed New Texas Essential Knowledge and Skills for Occupational Safety and Health in 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School (Second Reading and Final Adoption)**
(Board agenda page I-1)
[Official agenda item #3]

Shelly Ramos, senior director, curriculum standards and student support division, gave an overview of the two options for workplace safety and health Texas Essential Knowledge and Skills (TEKS). One option would establish a one-credit standalone high school course and a second option would establish a set of standards to be embedded within each career and technical education (CTE) principles course. She stated the public comments that were received were split in preference for each of the two options.

MOTION: *It was moved by Mr. Maynard and seconded by Mrs. Little to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register.

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend §127.17(d)(4) to read:*

“identify and explain the appropriate use of types of personal protective equipment used in ~~general~~ industry;”

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Mrs. Brooks, and carried without objection to recommend that the State Board of Education amend §127.17(d)(2) to read:*

“explain and discuss the importance of OSHA standards and OSHA requirements for organizations, how OSHA inspections are conducted, and the role of national and state regulatory entities; ~~such as the National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, National Center for Construction Education and Research, Texas Workforce Commission, and Texas Department of Insurance~~”

MOTION AND VOTE: *It was moved by Ms. Pickren, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education amend §127.17(c)(1) to read:*

“CTE instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, OSHA regulations, and college and career readiness skills for students to further their education and succeed in current and emerging professions.”

MOTION AND VOTE: *It was moved by Ms. Pickren and seconded by Dr. Young to recommend that the State Board of Education amend §127.17(c)(4) to read:*

“Successful completion of the standards ~~shall~~ may lead to a student earning a ten-hour general industry Occupational Safety and Health Administration (OSHA) card, when feasible. To earn the ten-hour OSHA card, the content must be taught by an authorized OSHA outreach training program trainer.”

The motion failed.

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried without objection to recommend that the State Board of Education adopt staff recommendations to §127.18 as follows:*

“§127.18 (d)(3)(C) ~~give examples of responsibilities of workers and employers that promote safety and health in the workplace;~~”

“§127.18 (d)(3)(E) identify ~~and discuss how~~ workplace health and safety resources, including emergency plans and Safety Data Sheets (~~SDS~~) and discuss how these resources, are used to make decisions in the workplace; ~~and~~”

“§127.18 (d)(4)(A) ~~define industrial hygiene in the workplace;~~ explain the role industrial hygiene plays in occupational safety and explain various types of industrial hygiene hazards, including physical, chemical, biological, and ergonomic;”

“§127.18 (d)(4)(C) ~~evaluate types of occupational health hazards, including physical, chemical, biological, and ergonomic;~~”

“§127.18 (d)(10)(C) explain the components of a hazard communication program, ~~including requirements of hazard communication labels;~~”

“§127.18 (d)(13)(B) describe control ~~evaluate~~ methods to prevent electrical hazards in the workplace, including lockout and tagout procedures; and”

“§127.18 (d)(18)(B) describe strategies to enhance workplace security and prevent workplace violence as part of an emergency action plan;”

“§127.18 (d)(18)(D) ~~explain the importance of emergency exits and emergency lighting;~~”

“§127.18 (d)(18)(E) ~~describe the purpose and importance of a written emergency action plan in the workplace; and~~”

“§127.18 (d)(18)(D) explain the purpose and importance of written emergency action plans and fire protection plans and describe key components of each, such as evacuation plans and emergency exit routes, list of fire hazards, and identification of emergency personnel;”

“§127.18 (d)(21)(A) explain and give examples of safety and health training requirements specified by standard setting organizations;

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Mr. Hickman, and carried to recommend that the State Board of Education amend §127.18(d)(18)(D) to read:*

“explain the purpose and importance of written emergency action plans and fire protection plans and describe key components of each including ~~such as~~ evacuation plans and emergency exit routes, list of fire hazards, and identification of emergency personnel;

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.18(d)(6)(D) to read:*

“identify and explain the appropriate use of types of PPE used in general ~~industry;~~”

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Ms. Pickren, and carried without objection to recommend that the State Board of Education amend §127.18(c)(3) to read:*

“Occupational safety and health concepts are critical and should be applied across all programs of study studies and career clusters as appropriate. Students are encouraged to apply their knowledge and skills taught in this course ~~to experiences on a jobsite to the knowledge and skills taught in this course.~~”

MOTION: *It was moved by Mr. Hickman and seconded by Mr. Kinsey to recommend that the State Board of Education amend §127.18(d)(1)(B) to read:*

“model a respectful and professional attitude when interacting with the public, ~~diverse populations~~ colleagues, and professionals;”

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Dr. Bell-Metereau, and carried without objection to amend the amendment to read:*

“model a respectful and professional attitude when interacting with everyone ~~the public, colleagues, and professionals;~~”

VOTE: A vote was taken on the motion to recommend that the State Board of Education amend §127.18(d)(1)(B) as amended to read:

“model a respectful and professional attitude when interacting with everyone ~~diverse populations, colleagues, and professionals;~~”

The motion carried.

MOTION AND VOTE: It was moved by Mr. Hickman, seconded by Ms. Bell-Metereau, and carried without objection to recommend that the State Board of Education amend §127.18(d)(17) to read:

“The student applies industrial hygiene and safety and health management to welding, cutting, and brazing activities ~~industries~~. The student is expected to:”

MOTION AND VOTE: It was moved by Ms. Pickren, seconded by Mr. Kinsey, and carried without objection to recommend that the State Board of Education amend §127.18(c)(1) to read:

“Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, OSHA regulations, and college and career readiness skills for students to further their education and succeed in current and emerging professions.”

MOTION AND VOTE: It was moved by Mrs. Brooks, seconded by Dr. Young, and carried without objection to recommend that the State Board of Education amend §127.18(d)(3)(D) to read:

“explain and discuss the importance of Occupational Safety and Health Act (OSHA) standards and OSHA requirements for organizations as well as national and state regulatory entities such as the ~~National Institute of Occupational Safety and Health, Center for Disease Control, National Center for Construction Education and Research, Texas Workforce Commission, and Texas Department of Insurance;~~”

MOTION AND VOTE: It was moved by Mr. Francis, seconded by Dr. Young, and carried without objection to recommend that the State Board of Education amend §127.18(d)(20)(B) to read:

“evaluate common workplace design flaws that lead to deficiencies in ~~reduced~~ safety and health; and

MOTION AND VOTE: It was moved by Mr. Kinsey, seconded by Ms. Pickren, and carried to recommend that the State Board of Education amend §127.18(c)(4) to read:

“Successful completion of the standards in this course shall ~~may~~ lead to a student earning a ten-hour general industry Occupational Safety and Health Administration (OSHA) card. To earn the ten-hour OSHA card, the course must be taught by an authorized OSHA outreach training program trainer.”

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 new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023, as amended; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register.

The motion carried unanimously.

2. Discussion of Renewal of Texas Certificate of High School Equivalency Contract

(Board agenda page I-12)

[Official agenda item #4]

Alexis Bauserman, director, college, career and military preparation division, requested direction from the board regarding whether to renew the existing test vendor contract for Texas Certificate of High School Equivalency examinations or proceed with a competitive procurement process for a fiscal year 2025 award. The current 3-year contract with the current test vendor, GED Testing Service, allows for one 3-year extension and expires on August 31, 2024.

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Mrs. Little, and carried to recommend that the State Board of Education provide approval for TEA to proceed with the 3-year renewal of the existing contract with GED Testing Service.*

DISCUSSION ITEM

3. Legislative Update

(Board agenda page I-14)

Sarah Harrington, deputy governmental relations director, provided an overview of education-related bills that were passed by the 88th Texas Legislature, during the regular legislative session. She gave a synopsis of 18 of the 141 education-related bills that passed, including bills that require SBOE action. Ms. Harrington also provided updates related to SBOE legislative priorities. Mike Meyer, deputy commissioner of finance, shared updates related to the budget passed by the 88th Texas Legislature.

Public testimony was provided by the following individuals:

NAME: Marisol Sobek
AFFILIATION: Disability Rights Texas

NAME: Jennifer Hyland
AFFILIATION: Self

NAME: Robbi Cooper
AFFILIATION: Decoding Dyslexia Texas

NAME: Daphne Corder
AFFILIATION: Decoding Dyslexia Texas

NAME: Jessamyn Putnam
AFFILIATION: Self

ACTION ITEM

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

(Board agenda page I-15)

[Official agenda item #5]

Monica Martinez, associate commissioner for standards and programs, explained that TEA staff incorporated the amendments to the TEKS review process adopted by the State Board of Education at the April 2023 meeting into documents in four different formats. Ms. Martinez also shared a draft rubric for the SBOE to consider for use in addressing step 9 of the recently adopted TEKS Review Work Group Build Process. The committee postponed consideration of a TEKS review work group build rubric until the September SBOE meeting.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Francis, and carried to recommend that the SBOE direct TEA to post the TEKS Review Work Group Build Process and the SBOE Approved TEKS Review and Revision Process with Administrative Procedures documents on the agency's website.*

DISCUSSION ITEMS

5. Public Hearing on Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance

(Board agenda page I-18)

Invited testimony was provided by the following individual:

NAME: J. Kevin Knierim
AFFILIATION: CTE Career Preparation TEKS Review Work Group

Public testimony was provided by the following individuals:

NAME: Jackie Besinger
AFFILIATION: National Alliance for Education Freedom

NAME: Andrew Pierce
AFFILIATION: Self

6. Discussion of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance
(Board agenda page I-20)

Ms. Ramos explained the courses covered in the review and provided an overview of the work group timeline to date. She explained that the entrepreneurship work group recommends adoption of a current innovative course as Entrepreneurship I and restructuring of the current TEKS-based Entrepreneurship course as Entrepreneurship II. She added that this work group focused on revision of four courses.

Jessica Snyder, special projects director, curriculum standards and student support division, explained that the career preparation work group developed draft recommendations for four additional courses.

Ms. Ramos asked board members to provide specific feedback for the work groups and stated that the work groups will be instructed to watch the recording of the SBOE meeting.

7. Discussion of Proposed Revisions to the English Language Proficiency Standards (ELPS)
(Board agenda page I-22)

Ms. Ramos explained that the revisions to the English Language Proficiency Standards (ELPS) would ensure the standards remain current and comply with federal requirements as the ELPS have not been revised since 2007. She explained that content experts tasked with the draft recommendations addressed three areas for improvement by revising grade bands, adding a fifth proficiency level for more differentiation, and including examples of alignment to current standards by grade level and foundation area. Ms. Ramos asked board members to encourage constituents to apply to serve as work group members to complete additional work on the draft recommendations.

8. Discussion of Pending Litigation
(Board agenda page I-38)

The committee did not discuss pending litigation; therefore, no executive session was held.

Dr. Ellis adjourned the meeting at 5:06 p.m.

**Report of the State Board of Education
Committee of the Full Board
Wednesday June 21, 2023**

The State Board of Education Committee of the Full Board met at 9:02 a.m. on Wednesday, June 21, 2023, 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: Keven Ellis, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; Aicha Davis; L.J. Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #1, #2, and #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEM

1. Commissioner's Comments
(Board agenda page I-39)

Commissioner Mike Morath reviewed the history of charter schools in Texas and provided a summary of the latest charter school data. He explained current requirements and the application process for new charter schools. Commissioner Morath also provided a summary of each of the Generation 28 charter applicants to be considered by the State Board of Education as part of a separate item in this agenda.

Public testimony was provided by the following individual:

NAME: Alexis Moore
AFFILIATION: Uplift Education

ACTION ITEMS

**2. Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process
(First Reading and Filing Authorization)
(Board agenda page I-40)
[Official agenda item #6]**

Public testimony was provided by the following individuals:

NAME: Christine Gendron
AFFILIATION: Texas Public Charter Schools Association

NAME: Kelsey Kling
AFFILIATION: Texas American Federation of Teachers (AFT)

Marian Schutte, executive director, authorizing division, presented information on the open-enrollment charter school selection process.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Francis, and carried to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process.*

(Ms. Davis was absent for the vote.)

3. Consideration of the Commissioner of Education's Generation 28 Open-Enrollment Charter School Proposals

(Board agenda page I-44)
[Official agenda item #7]

Ms. Schutte presented information on the Generation 28 Open-Enrollment Charter School proposals.

MOTION AND VOTE: *It was moved by Mr. Hickman and seconded that the State Board of Education suspend board operating rule §2.6(g) to instead permit each board member 10 minutes of questions and discussion with each charter applicant. The motion failed.*

Invited testimony was provided by the following individuals:

NAME: Flor Gutierrez
AFFILIATION: Celebrate Dyslexia School (San Antonio)

NAME: Jasmin Dean
AFFILIATION: Celebrate Dyslexia (San Antonio)

NAME: Stuart Saunders
AFFILIATION: Heritage Classical Academy (Houston)

NAME: Melissa Martin
AFFILIATION: Heritage Classical Academy (Houston)

NAME: Revati Puranik
AFFILIATION: NextGen Innovation Academy (Houston)

NAME: Jyoti Kahlon
AFFILIATION: NextGen Innovation Academy (Houston)

NAME: Allen Anderson
AFFILIATION: The Village Speech and Debate Academy (Fort Worth)

NAME: Chaneka Rich
AFFILIATION: The Village Speech and Debate Academy (Fort Worth)

NAME: Kyra Hardwick
AFFILIATION: Up Excellence Academy (Houston)

NAME: Tamika Griffin
AFFILIATION: Up Excellence Academy (Houston)

Public testimony was provided by the following individuals:

NAME: Christine Gendron
AFFILIATION: Texas Public Charter Schools Association

NAME: Matthew McCormick
AFFILIATION: Texas Public Policy Foundation

NAME: Karen Kohler
AFFILIATION: Celebrate Dyslexia

NAME: Heather King
AFFILIATION: The Village Charter School

NAME: Erika Aranguiz
AFFILIATION: Celebrate Dyslexia

NAME: Galiea Garza
AFFILIATION: Self

NAME: Jezzette Rivera-Solis
AFFILIATION: Celebrate Dyslexia

NAME: Claudia Garcia
AFFILIATION: University of Texas – San Antonio

NAME: Marty Wender
AFFILIATION: Self

NAME: Jessie Hinojosa
AFFILIATION: Self

NAME: Teresa Maldonado
AFFILIATION: Self

NAME: Anna Draker
AFFILIATION: Education Compliance Solutions, LLC

NAME: Reece Collins
AFFILIATION: NextGen Innovation Academy

NAME: Jonah Dean
AFFILIATION: Self

NAME: Brandy Jackson
AFFILIATION: Self

NAME: Anson Jackson
AFFILIATION: The Village Speech and Debate Academy

NAME: Eraka Childs
AFFILIATION: Self

NAME: Mary Grace Landrum
AFFILIATION: Self

NAME: Carl Matthews
AFFILIATION: Self

NAME: Leslie Ausucua
AFFILIATION: Self

NAME: Valentina Ausucua
AFFILIATION: Self

NAME: Kathryn Henderson
AFFILIATION: Self

NAME: Tracy Weeden
AFFILIATION: Self

NAME: Bridget Laroche
AFFILIATION: MyDiag

NAME: Adrian Ausucua
AFFILIATION: NextGen Innovation Academy

NAME: Christine Criscuolo-Higgins
AFFILIATION: Self

NAME: Laura Waldrum
AFFILIATION: Self

NAME: Nancy Moreno
AFFILIATION: NextGen Innovation Academy

NAME: Deidra Parker
AFFILIATION: The Village Speech and Debate Academy

NAME: David Saenz
AFFILIATION: Fort Worth Independent School District

NAME: Danny Fracassi
AFFILIATION: Leadership Academy Network

NAME: Kayleonna Hill
AFFILIATION: The Village Speech and Debate Academy

NAME: Krystle Armstrong
AFFILIATION: Self

NAME: William Glaw
AFFILIATION: GLO CPAs

NAME: Linda Glaw
AFFILIATION: GLO CPAs

NAME: Laura Fineberg
AFFILIATION: Heritage Classical School

NAME: Richard Johnson
AFFILIATION: Texas Public Policy Foundation

NAME: Joshua Dean
AFFILIATION: Self

MOTION AND VOTE: *It was moved by Mrs. Little and seconded by Hardy to recommend that the State Board of Education take no action on Celebrate Dyslexia School (San Antonio). The motion carried with 13 members voting Aye and 0 members voting No as follows:*

Aye: *Dr. Bell-Metereau Mr. Kinsey*
 Ms. Brooks Mrs. Little
 Ms. Childs Mr. Maynard
 Ms. Davis Dr. Ortega
 Mr. Francis Ms. Pickren
 Ms. Hardy Dr. Young
 Mr. Hickman

(Mrs. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Little and seconded by Mrs. Hardy to recommend that the State Board of Education take no action on Heritage Classical Academy (Houston). The motion carried with 8 members voting Aye and 5 members voting No as follows:*

Aye: *Mr. Francis Mrs. Little*
 Ms. Hardy Mr. Maynard
 Mr. Hickman Ms. Pickren
 Mr. Kinsey Dr. Young

No: *Dr. Bell-Metereau Ms. Davis*
 Ms. Brooks Dr. Ortega
 Ms. Childs

(Mrs. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Little and seconded by Ms. Hardy to recommend that the State Board of Education take no action on NextGen Innovation Academy (Houston). The motion failed with 4 members voting Aye and 9 members voting No as follows:*

<u>Aye:</u>	<i>Ms. Childs Mr. Hickman</i>	<i>Mr. Kinsey Dr. Ortega</i>
<u>No:</u>	<i>Dr. Bell-Metereau Ms. Brooks Ms. Davis Mr. Francis Ms. Hardy</i>	<i>Mrs. Little Mr. Maynard Ms. Pickren Dr. Young</i>

(Mrs. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Little and seconded by Mr. Francis to recommend that the State Board of Education veto NextGen Innovation Academy (Houston). The motion carried with 9 members voting Aye and 4 members voting No as follows:*

<u>Aye:</u>	<i>Dr. Bell-Metereau Ms. Brooks Ms. Davis Mr. Francis Ms. Hardy</i>	<i>Mrs. Little Mr. Maynard Ms. Pickren Dr. Young</i>
<u>No:</u>	<i>Ms. Childs Mr. Hickman</i>	<i>Mr. Kinsey Dr. Ortega</i>

(Mrs. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Little and seconded by Ms. Childs to recommend that the State Board of Education take no action on The Village Speech and Debate Academy (Fort Worth). The motion failed with 2 members voting Aye and 11 members voting No as follows:*

<u>Aye:</u>	<i>Ms. Childs</i>	<i>Dr. Ortega</i>
<u>No:</u>	<i>Dr. Bell-Metereau Ms. Brooks Ms. Davis Mr. Francis Ms. Hardy Mr. Hickman</i>	<i>Mr. Kinsey Mrs. Little Mr. Maynard Ms. Pickren Dr. Young</i>

(Mrs. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Little and seconded by Mr. Francis to recommend that the State Board of Education veto The Village Speech and Debate Academy (Fort Worth). The motion carried with 11 members voting Aye and 2 members voting No as follows:*

<u>Aye:</u>	<i>Dr. Bell-Metereau</i>	<i>Mr. Kinsey</i>
	<i>Ms. Brooks</i>	<i>Mrs. Little</i>
	<i>Ms. Davis</i>	<i>Mr. Maynard</i>
	<i>Mr. Francis</i>	<i>Ms. Pickren</i>
	<i>Ms. Hardy</i>	<i>Dr. Young</i>
	<i>Mr. Hickman</i>	

<u>No:</u>	<i>Ms. Childs</i>	<i>Dr. Ortega</i>
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(Mrs. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Little and seconded by Ms. Childs to recommend that the State Board of Education take no action on Up Excellence Academy (Houston). The motion failed with 4 members voting Aye and 9 members voting No as follows:*

<u>Aye:</u>	<i>Ms. Childs</i>	<i>Mr. Maynard</i>
	<i>Mr. Hickman</i>	<i>Dr. Ortega</i>

<u>No:</u>	<i>Dr. Bell-Metereau</i>	<i>Mr. Kinsey</i>
	<i>Ms. Brooks</i>	<i>Mrs. Little</i>
	<i>Ms. Davis</i>	<i>Ms. Pickren</i>
	<i>Mr. Francis</i>	<i>Dr. Young</i>
	<i>Ms. Hardy</i>	

(Mrs. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Little and seconded by Ms. Hardy to recommend that the State Board of Education veto Up Excellence Academy (Houston). The motion carried with 9 members voting Aye and 4 members voting No as follows:*

<u>Aye:</u>	<i>Dr. Bell-Metereau</i>	<i>Mr. Kinsey</i>
	<i>Ms. Brooks</i>	<i>Mrs. Little</i>
	<i>Ms. Davis</i>	<i>Ms. Pickren</i>
	<i>Mr. Francis</i>	<i>Dr. Young</i>
	<i>Ms. Hardy</i>	

<u>No:</u>	<i>Ms. Childs</i>	<i>Mr. Maynard</i>
	<i>Mr. Hickman</i>	<i>Dr. Ortega</i>

(Mrs. Perez-Diaz was absent for the vote.)

Dr. Ellis adjourned the meeting at 8:02 p.m.

**Report of the State Board of Education
Committee of the Full Board
Thursday, June 22, 2023**

The State Board of Education Committee of the Full Board met at 1:10 p.m. on Thursday, June 22, 2023, to conduct a work session 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: Keven Ellis, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; L.J. Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Absent: Aicha Davis

DISCUSSION ITEM

1. Work Session on House Bill 1605, 88th Texas Legislature, Regular Session
(Board agenda page I-46)

Commissioner Mike Morath reviewed House Bill 1605, 88th Texas Legislature (2023), and described the authority granted to the State Board of Education (SBOE) related to instructional materials review and adoption, review and revision of the Texas Essential Knowledge and Skills, and parent transparency. He provided a summary of key decisions that the SBOE will need to make in order to implement the legislation and discussed timeline considerations related to those decisions.

The committee expressed their desire to proceed with initial rubric development for review of instructional materials for K–12 math and science, elementary language arts and reading, and K–3 phonics.

Dr. Ellis adjourned the meeting at 5:40 p.m.

**Report of the State Board of Education
Committee on Instruction
Thursday, June 22, 2023**

The State Board of Education Committee on Instruction met at 9:07 a.m. on Thursday, June 22, 2023, in Room #1-100 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Audrey Young, chair; Evelyn Brooks; Pam Little; Melissa Ortega

Absent: Aicha Davis

Public Testimony

The Committee on Instruction received no presentations of public testimony.

ACTION ITEM

- 1. Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411; Subchapter M, Law and Public Service, §127.633; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.744, 127.756, 127.757, 127.761, 127.764, 127.765, 127.769, and 127.770 (Second Reading and Final Adoption)**
(Board agenda page II-1)
[Consent agenda item #(1)]

Jessica Snyder, special projects director, curriculum standards and student support division, explained that this item would repeal the career and technical education Texas Essential Knowledge and Skills (TEKS) that have been replaced by new career and technical education TEKS. The new standards will be implemented in the 2023-2024 school year, therefore these TEKS are no longer needed.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Brooks, and carried without objection to recommend that the State Board of Education approve for second reading and final adoption the proposed repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit); and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015;

Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit), is necessary effective date of August 1, 2023. and shall have an effective date of August 1, 2023.

DISCUSSION ITEM

- 2. Discussion of Possible Amendment to 19 TAC, Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs**
(Board agenda page II-5)

Monica Martinez, associate commissioner for standards and programs, explained that, based on the committee's request at the April 2023 meeting, this item provided an opportunity for the committee to discuss possible amendments to 19 TAC, Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs. Ms. Martinez stated that based on guidance from the committee regarding desired amendments, proposed amendments would be presented at the September meeting for consideration for first reading and filing authorization.

ACTION ITEMS

- 3. Consideration of Innovative Courses**
(Board agenda page II-8)
[Official agenda item #8]

Ms. Snyder explained that this item presents for approval two new innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum. Ms. Snyder provided a brief overview of two proposed new innovative courses, Multilingual Acculturation Studies and Navigating Excellence.

MOTION AND VOTE: *It was moved by Dr. Ortega, seconded by Mrs. Little, and carried to recommend that the State Board of Education approve the innovative course, Multilingual Acculturation Studies, which does not fall within any of the subject areas of the foundation or enrichment curriculum for a duration of two years.*

MOTION AND VOTE: *It was moved by Dr. Ortega, seconded by Mrs. Brooks, and carried unanimously to recommend that the State Board of Education deny the innovative course, Navigating Excellence, which does not fall within any of the subject areas of the foundation or enrichment curriculum.*

4. Approval of Updates and Substitutions to Adopted Instructional Materials

(Board agenda page II-12)

[Consent agenda item #(2)]

Amie Phillips, director, instructional materials review, open education resources division, explained that Children's Learning Institute at The University of Texas Health Science Center at Houston, is requesting approval to update content in its *CIRCLE Pre-K Curriculum English/Spanish* product to align with recent changes to the Texas Prekindergarten Guidelines; Learning A–Z is requesting approval to update digital content in its adopted product, *Raz Plus ELL Texas Edition*, for kindergarten and grades 2–5, and Savvas Learning is requesting approval to update their *myView* and *miVisión Literacy* products for kindergarten through grade 2 to better align with law and rule related to phonics. She explained that staff reviewed the requested changes and determined that the updated material addresses the TEKS in a manner equivalent to the original content and shared that no public comment was received.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Ortega, and carried to recommend that the State Board of Education approve the request from Savvas Learning, to update content in its, Texas myView, and Texas miVisión Literacy product adopted under Proclamation 2019.*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Ortega, and carried unanimously to recommend that the State Board of Education approve the request from Children's Learning Institute at The University of Texas Health Science Center at Houston, to update content in its CIRCLE Pre-K Curriculum English/Spanish product adopted under Proclamation 2021.*

The committee postponed action on the request to update content from Learning A–Z's English language arts and reading product, *Raz Plus ELL Texas Edition*, for kindergarten and grades 2–5, adopted under *Proclamation 2019* to the September meeting.

DISCUSSION ITEM

5. Discussion of Annual Audit Reports for Credit by Examination from Texas Tech University and The University of Texas at Austin

(Board agenda page II-21)

Ms. Snyder explained that this item provides an opportunity for the committee to discuss the annual audit reports submitted by Texas Tech University and The University of Texas at Austin regarding examinations used for credit by examination.

The meeting of the Committee on Instruction adjourned at 10:33 a.m.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
Thursday, June 22, 2023**

The State Board of Education Committee on Committee on School Finance/Permanent School Fund met at 1:16 p.m. on Thursday, June 22, 2023, 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; Keven Ellis; Patricia Hardy; Aaron Kinsey; Marisa B. Perez-Diaz

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

DISCUSSION ITEM

1. Per Capita Apportionment Rate for the 2022-2023 School Year

(Board agenda page III-1)

Mike Meyer, deputy commissioner, office of finance, explained the background of the per capita apportionment rate. Mr. Meyer stated that the final 2022–2023 per capita apportionment rate is set at \$631.045.

ACTION ITEM

2. Review the Process to Consider Board Member Nominees for a School Land Board Position

(Board agenda page III-3)

[Consent agenda item #(3)]

Mark Shewmaker, director of special projects and portfolio manager, provided an overview of the selection of nominees for consideration for the School Land Board.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education submit the following list of nominees to the governor for consideration for appointment to the School Land Board:*

Rebecca Berger
John David Bradley
John Caley
David Eyler
Troy Hanes
Michael Neill

Jackie Besinger
J. Brad Curlee
Jay Kleberg
Craig LeTulle
Lee Partridge
James Watt

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 1:24 p.m.

**Report of the State Board of Education
Committee on School Initiatives
Thursday, June 22, 2023**

The State Board of Education Committee on School Initiatives met at 9:03 p.m. on Thursday, June 22, 2023, in Room #1-111 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Will Hickman, chair; Rebecca Bell-Metereau; Staci Childs; L.J. Francis;

Absent: Julie Pickren

Public Testimony

The Committee on School Initiatives heard public testimony on agenda item #1. Information regarding the individual who presented public testimony is included in the discussion of that item.

ACTION ITEM

1. Recommendation for One Reappointment to the Boys Ranch Independent School District

Board of Trustees

(Board agenda page IV-1)

[Consent agenda item #(4)]

Christopher Lucas, director, policy, planning, and operations, explained that the term of one member of the board of trustees of Boys Ranch Independent School District (ISD) is expiring. Mr. Richard Nedelkoff, president and chief executive officer of Boys Ranch ISD, has recommended that Ms. Jacque Branch be reappointed for a two-year term.

Invited testimony was provided by the following individual:

NAME: Jacque Branch

AFFILIATION: Boys Ranch ISD Board of Trustees

MOTION AND VOTE: *It was moved by Dr. Bell-Metereau, seconded by Ms. Childs, and carried unanimously to recommend that the State Board of Education, based on Mr. Richard Nedelkoff's recommendation, approve the appointment of Ms. Jacque Branch to serve a two-year term of office, from June 23, 2023, to June 22, 2025, on the Boys Ranch ISD Board of Trustees.*

DISCUSSION ITEMS

- 2. Discussion of Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners**
(Board agenda page IV-6)

Christopher Maska, director, hearings and appeals, presented possible changes to the criteria for independent hearing examiners. The committee requested that proposed amendments be presented for consideration for first reading at the September SBOE meeting.

- 3. Open-Enrollment Charter School Generation 29 Application Updates**
(Board agenda page IV-10)

Marian Schutte, executive director, authorizing division, presented information on the Generation 29 open-enrollment charter application process including goals, timeline, summary, and submission information.

- 4. Discussion of Ongoing State Board for Educator Certification Activities**
(Board agenda page IV-11)

Emily Garcia, associate commissioner, educator preparation, certification, and enforcement, shared updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments.

The meeting of the Committee on School Initiatives adjourned at 10:07 a.m.

