

**Report of the State Board of Education
Committee of the Full Board
November 13, 2019**

The State Board of Education Committee of the Full Board met at 9:05 a.m. on Wednesday, November 13, 2019, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #1, #2, #6 and #10. 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, 2, 7, 3, 4, 5, 6, 8, 9, 10, 11, 12.

DISCUSSION ITEMS

1. Commissioner's Comments
(Board agenda page I-1)

Commissioner Mike Morath provided the board with an update on the results of the 2019 National Assessment of Educational Progress (NAEP). He provided an update on the implementation of House Bill 3906 and changes it will require to the state assessment program. He shared the timeline for amending a commissioner's rule related to the Texas Resource Review to address a concern expressed by the board in September. Commissioner Morath also provided a brief update regarding agency interventions, including the process for selection of a board of managers because a number of campuses have triggered the intervention requirement following five years of low performance.

Public testimony was provided by the following individual:

NAME: Peyton Wolcott
AFFILIATION: Self

2. Public Hearing on Proposed New African American Studies Course
(Board agenda page I-2)

Public testimony was provided by the following individuals:

NAME: Senator Royce West
AFFILIATION: Self

NAME: Gary Bledsoe
AFFILIATION: Texas NAACP

NAME: Siara Obasuyi
AFFILIATION: Self

NAME: Leslie Williams
AFFILIATION: Dallas Independent School District

NAME: Lawrence Scott
AFFILIATION: Self

NAME: W. Marvin Dulaney
AFFILIATION: Self

NAME: Amy Carter
AFFILIATION: Self

NAME: Ronald Tipton
AFFILIATION: Self

NAME: Quincy Boyd
AFFILIATION: Self

NAME: Erika Wilson
AFFILIATION: Texas Freedom Network

NAME: Deshauntia Benn
AFFILIATION: Texas State Teachers Association

NAME: Michael Williams
AFFILIATION: Self

NAME: Morgan Craven
AFFILIATION: Self

NAME: Philemon Brown
AFFILIATION: Self

NAME: Jamila Thomas
AFFILIATION: Self

NAME: Angela Valenzuela
AFFILIATION: Texas Center for Education Policy

NAME: DeAndrea Fleming
AFFILIATION: Self

NAME: Claudia Simpkins
AFFILIATION: Self

NAME: Larry Harris
AFFILIATION: Self

NAME: Quardasha Mitchell
AFFILIATION: Black Leadership Alliance

NAME: Sabina Acquaye
AFFILIATION: Self

NAME: Macario Hernandez
AFFILIATION: Self

NAME: Earl Williams
AFFILIATION: Black Leadership Alliance

NAME: Machaiah Anderson
AFFILIATION: Trinidad Garza Early College High School

NAME: Taylor Ellingberg-McLeod
AFFILIATION: Trinidad Garza Early College High School

NAME: Elijah Compton
AFFILIATION: Self

NAME: Johanna Miranda
AFFILIATION: Self

NAME: Jada Chivers
AFFILIATION: Self

NAME: Caleb Sloan
AFFILIATION: Self

NAME: Kimberly Hernandez
AFFILIATION: Self

NAME: Sharyiah Ellis
AFFILIATION: Self

NAME: Shareefah Mason
AFFILIATION: Self

NAME: Shalon Bond
AFFILIATION: Self

NAME: Maria de los Angeles DeSantos Quezada
AFFILIATION: Self

NAME: Joyce Foreman
AFFILIATION: Self

NAME: Daina Ramey Berry
AFFILIATION: Self

NAME: Keffrely Brown
AFFILIATION: Self

NAME: Anthony Brown
AFFILIATION: Self

NAME: Karl Spencer
AFFILIATION: 100 Black Men of Austin, Inc.

NAME: Eliza Epstein
AFFILIATION: Self

NAME: Kevin Cokley
AFFILIATION: 100 Black Men of Austin, Inc.

NAME: Virginia Raymond
AFFILIATION: Self

NAME: Chase Moore
AFFILIATION: Self

NAME: Mario Salas
AFFILIATION: Advisory Group for African American Studies

NAME: Courtney Pegues
AFFILIATION: Self

NAME: Chloe White
AFFILIATION: Self

NAME: Julieta Rico
AFFILIATION: Self

NAME: Chloe Sikes
AFFILIATION: Texas Legislative Education Equity Coalition

NAME: Reginald Moore
AFFILIATION: Self

NAME: Bryan Register
AFFILIATION: Self

ACTION ITEMS

3. **Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials (Second Reading and Final Adoption)**

(Board agenda page I-4)
[Official agenda item #3]

Kelly Callaway, senior director, instructional materials, explained the proposed revisions to rules related to state review and adoption of instructional materials.

MOTION: *It was moved by Mr. Maynard to recommend that the State Board of Education approve for second reading and final adoption proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials; and Make an affirmative finding that immediate adoption of proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried unanimously to recommend that the State Board of Education amend §66.28(d)(7) to read as follows:*

“On request of a school district, a publisher shall provide an electronic sample of submitted instructional materials and may also provide print sample copies. Samples of ~~adopted~~ prekindergarten materials must match the format of the products to be provided to schools upon ordering.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried unanimously to recommend that the State Board of Education amend §66.66(e) to read as follows:*

“Instructional materials the board determines that, based on the initial review, contain extensive errors and make a product of a quality not acceptable in Texas public schools are not determined to be free from factual errors ~~or of a quality acceptable in Texas public schools.~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried unanimously to recommend that the State Board of Education amend §66.67(f) to read as follows:*

“A publisher that offers open education resource instructional materials must provide a report for each electronic component that verifies that the component substantially follows Web Content Accessibility Guidelines (WCAG) ~~standards~~ and technical standards required by the Federal Rehabilitation Act, Section 508, as applicable. Specific standards that must be met will be specified in each proclamation.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried unanimously to recommend that the State Board of Education amend §66.76(c) to read as follows:*

“(2) Responses from the commissioner to update requests shall be provided within ~~30~~ 60 days after receipt of the request. If no action has been taken by the end of the ~~30~~ 60 days, the request is deemed approved.”

“(3) Proposed changes shall be posted on the TEA website for a minimum of ~~seven calendar~~ 60 days prior to approval.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried unanimously to recommend that the State Board of Education add §66.27(h)(2)(B) to read as follows:*

“(i) A proclamation for prekindergarten materials shall require the instructional materials submissions to cover the end-of-year outcomes at least twice in the teacher materials and as deemed developmentally appropriate in the student materials. The coverage must include both an opportunity for the teacher to teach and the student to practice or demonstrate the knowledge or skill.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried unanimously to recommend that the State Board of Education amend §66.28(d)(2) to read as follows:*

“A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. ~~Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.~~”

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education approve for second reading and final adoption proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, as amended; and*

Make an affirmative finding that immediate adoption of proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

The motion carried unanimously.

4. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2020*

(Board agenda page I-27)

[Official agenda item #4]

Ms. Callaway explained that there have been no changes to the *Proclamation 2020* information provided at the September board meeting.

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education:*

Require that all publishers make corrections listed in the Proclamation 2020 Report of Required Corrections and the Report of Editorial Changes;

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

Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.0 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;

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

Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2020 List of Instructional Materials Eligible for Adoption.

- 5. Ratification of Texas Essential Knowledge and Skills Coverage in Materials Submitted for the Texas Resource Review**
(Board agenda page I-35)
[Official agenda item #5]

Ms. Callaway provided updated information on the Texas Essential Knowledge and Skills (TEKS) and English Language Proficiency Standards (ELPS) coverage report for the Texas Resource Review.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried to recommend that the State Board of Education ratify the report of the commissioner of education regarding TEKS and ELPS alignment in instructional materials submitted to Texas Resource Review.*

- 6. Update on Texas Essential Knowledge and Skills (TEKS) Review**
(Board agenda page I-38)
[Official agenda item #6]

Public testimony was provided by the following individuals:

NAME: Melissa Beckett
AFFILIATION: Self

NAME: Anne Newman
AFFILIATION: Self

NAME: Deborah Simmons
AFFILIATION: Self

NAME: Jennifer Fleck
AFFILIATION: Self

Shelly Ramos, senior director, curriculum standards and student support, provided an update on the review process for the health education and physical education TEKS and provided the most recent work group recommendations. Ms. Ramos also provided an update on the ELPS review and explained upcoming activities related to the TEKS review.

MOTION: *It was moved by Mrs. Bahorich and seconded by Mrs. Cargill to recommend that the State Board of Education direct the health education work group to consider striking “sexual risk reduction” from the sexual risk avoidance substrand and include “sexual risk reduction” as a separate substrand or combine with other substrands as they deem appropriate.*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Ms. Pérez, and carried to amend the recommendation by removing the phrase “or combine with other substrands as they deem appropriate.”*

VOTE: *A vote was taken on the motion to recommend that the State Board of Education direct the health education work group to consider striking “sexual risk reduction” from the sexual risk avoidance substrand and include “sexual risk reduction” as a separate substrand. The motion carried.*

(Ms. Davis and Mr. Allen were absent for the vote.)

MOTION AND VOTE: *It was moved by Ms. Pérez and carried without objection to recommend that the State Board of Education direct the health education work group to strike “(include different types of families/family structures)” from the “Relationships with Family Members and Other Adults” topic under the Social and Relational Health substrand, and to also eliminate family structures from K–2.*

(Ms. Davis and Mr. Allen were absent for the vote.)

The committee agreed by unanimous consent to recommend that the State Board of Education do the following:

- Ask staff to provide the Search Institute Developmental Relationships Framework to the next work group
- Ask staff to provide the Sexual Risk Avoidance/Sexual Risk Reduction handout provided during public testimony to the next work group
- Ask staff to provide the Colorado standards for health education to the next work group
- Direct the work group to include a topic on healthy ways to express anger
- Direct the work group to ensure tick-borne illnesses are included in the standards
- Direct the work group to ensure seizure awareness is included in the standards where most appropriate
- Direct the work group to eliminate redundancies/repetition within the framework
- Direct the work group to review overlap with the Biology TEKS, such as body systems, to avoid redundancy

DISCUSSION ITEMS

7. Discussion of Proposed Revisions to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, and Subchapter D, Other Social Studies Courses

(Board agenda page I-40)

Ms. Ramos outlined the two components of the proposed revisions: course title revisions and the addition of African American Studies TEKS. Ms. Ramos reviewed the process used in the adoption of the first ethnic studies course and the committee agreed to the use of this same process. Ms. Ramos indicated that staff would provide proposed rule text to the board for its consideration at the January 2020 meeting.

8. Discussion of Proposed Revisions to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements

(Board agenda page I-42)

Monica Martinez, associate commissioner, standards and support services, explained proposed revisions that would update the current graduation requirements to clarify language and align with recent legislation. Ms. Martinez also provided an overview of proposed changes to career and technical education (CTE) programs of study. She explained that a proposal for including specific reference to programs of study in the rules for endorsements would be presented at the January 2020 board meeting.

9. Discussion of Proposed Revisions to 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education

(Board agenda page I-57)

Ms. Martinez explained that this item provided an opportunity for the committee to discuss combining TEKS for technology applications and CTE courses. She explained that House Bill 963, 86th Texas Legislature, 2019, directs the board to move all TEKS for high school technology applications courses into the CTE TEKS and to eliminate duplicate courses. Ms. Ramos explained that in addition to these changes, a proposal to add a new CTE career cluster for energy courses would be presented for consideration at the next board meeting.

10. Discussion Regarding Special-Purpose School Districts
(Board agenda page I-59)

Ms. Martinez explained that there are several special-purpose districts authorized in state statute. Two authorized special-purpose districts are The University of Texas (UT) at Austin High School and Texas Tech University (TTU) K-12. These two special-purpose districts have historically operated as tuition-based programs. House Bill 3, 86th Texas Legislature, 2019, includes a provision permitting UT Austin High School and TTU K-12 to receive state funding for Texas students enrolled in their programs. The SBOE has regulatory authority over UT Austin High School and TTU K-12 and is permitted to adopt rules for their governance but has not adopted administrative rules specific to these two special-purpose districts. In the absence of adoption of rules, the laws applicable to independent school districts apply to these special-purpose districts. This item gives the board the opportunity to discuss future rules to be considered regarding UT Austin High School and TTU K-12.

Public testimony was provided by the following individuals:

NAME: Beth Cooper
AFFILIATION: The University of Texas at Austin High School

NAME: Justin Louder
AFFILIATION: Texas Tech University K-12

NAME: Lisa Leach
AFFILIATION: Texas Tech University K-12

The committee asked the special-purpose districts to identify provisions in state law they believe should not apply to them and provide that information to the SBOE and TEA staff.

11. Update on Joint Meeting of the State Board of Education and School Land Board
(Board agenda page I-60)

Mr. Maynard shared that he is talking with staff of the General Land Office about scheduling the first joint annual meeting of the School Land Board and the SBOE for April 2020.

12. Discussion of Pending Litigation
(Board agenda page I-61)

The committee did not discuss pending litigation; therefore, no executive session was held.

Dr. Ellis adjourned the meeting at 7:29 p.m.