

Minutes
State Board of Education
April 13, 2018

The State Board of Education met at 9:11 a.m. on Friday, April 13, 2018, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Erika Beltran; David Bradley; Barbara Cargill; Ruben Cortez, Jr., secretary; Keven Ellis; Pat Hardy; Tom Maynard; Sue Melton-Malone; Geraldine “Tincy” Miller; Georgina C. Pérez; Marisa B. Perez-Diaz; Marty Rowley, vice chair

Absent: Ken Mercer

Student Performance

The student performance was provided by Ariel Warren, statewide winner of the Poetry Out Loud contest, from Lewisville High School Harmon of Lewisville Independent School District.

Invocation

Pledge of Allegiance

Roll Call

Invited Guests

Invited guests included LaTonya Goffney, Texas Superintendent of the Year, Lufkin Independent School District; and Tara Bordeaux, Texas Teacher of the Year, Lanier High School, Austin Independent School District.

Approval of Minutes

State Board of Education, February 2, 2018

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the February 2, 2018 meeting of the State Board of Education, as printed.*

1. Resolutions and Presentations

No resolutions were considered.

Public Testimony

The State Board of Education received no presentations of public testimony.

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) **Adoption of Review of 19 TAC Chapter 89, Adaptations for Special Populations**
(Adoption of Review)
(Board agenda page II-25)
(Committee on Instruction)

The State Board of Education adopted the review of 19 TAC Chapter 89, Adaptations for Special Populations, as recommended by the Committee on Instruction.

- (2) **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of December 2017, January and February 2018**
(Board agenda page III-1)
(Committee on School Finance/Permanent School Fund)

The State Board of Education ratified the purchases and sales for the months of December 2017 and January and February 2018, in the amount of \$1,328,402,454 and \$1,428,787,057 respectively, as recommended by the Committee on School Finance/Permanent School Fund.

- (3) **Adoption of an Annual Report on the Status of the Bond Guarantee Program**
(Board agenda page III-3)
(Committee on School Finance/Permanent School Fund)

The State Board of Education adopted the annual report on the status of the Bond Guarantee Program as of August 31, 2017, as recommended by the Committee on School Finance/Permanent School Fund.

(ATTACHMENT 1, page #)

- (4) **Decision on Real Estate Investments**
(Board agenda page III-5)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approved execution of an agreement with Kayne Anderson Real Estate Advisors, LLC, necessary to make an investment commitment of up to \$75 million in Kayne Anderson Real Estate Partners V, L.P., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education, as recommended by the Committee on School Finance/Permanent School Fund.

(Mrs. Miller recused herself from the vote.)

- (5) **Approval of an Extension of the Standard Contract with NEPC, LLC and Authorization for Contract Execution by the Commissioner of Education**
(Board agenda page III-7)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approved renewal of the standard contract with NEPC, LLC beginning September 1, 2018 and ending August 31, 2021, and authorized contract execution by the Commissioner of Education, as recommended by the Committee on School Finance/Permanent School Fund.

- (6) **Review of Permanent School Fund Benchmarks**
(Board agenda page III-37)
(Committee on School Finance/Permanent School Fund)

The Review of Permanent School Fund Benchmarks was initially listed on the consent agenda. However, the Committee on School Finance/Permanent School Fund made no motion on this topic and therefore no item should have appeared on the consent agenda.

- (7) **Consider a Process to Obtain a PSF Logo and Potential Solution for Donations**
(Board agenda page III-39)
(Committee on School Finance/Permanent School Fund)

The State Board of Education agreed to move forward with the concept of obtaining a PSF logo and potential solution for donations, as recommended by the Committee on School Finance/Permanent School Fund.

- (8) **Recommendation for Two Appointments to the Fort Sam Houston Independent School District Board of Trustees**
(Board agenda page IV-1)
(Committee on School Initiatives)

Based on Colonel David L. Raugh's recommendation, the State Board of Education approved the appointments of Christopher L. Armijo and Karyn R. Shelnett to serve the terms of office from April 13, 2018, through April 13, 2020, on the Fort Sam Houston Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(ATTACHMENT 2, page #)

- (9) **Ratification of the School Board Member Trainings on Evaluating Student Academic Performance for the Months of February through April 2018**
(Board agenda page IV-33)
(Committee on School Initiatives)

The State Board of Education ratified the School Board Member Trainings on Evaluating Student Academic Performance that occurred in the months of February through April 2018 that were offered by the Texas Association of School Boards, education service centers, or another registered provider that becomes an authorized provider, and allow team building credit regardless of whether the training included a review of local school district data on student achievement, as recommended by the Committee on School Initiatives.

(Dr. Ellis was absent for the vote.)

COMMITTEE OF THE FULL BOARD

3. **Texas Essential Knowledge and Skills for Mexican American Studies**
(Board agenda page I-1)

MOTION: *It was moved by Mr. Rowley that the State Board of Education instruct staff to prepare rule text based on the currently approved Mexican American Studies innovative course submitted by Houston ISD, and to present the item for first reading and filing authorization at the June 2018 meeting, and to name the course Ethnic Studies: An Overview of Americans of Mexican Descent, as recommended by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Mr. Cortez and seconded by Ms. Perez-Diaz to amend the main motion by striking “and to name the course Ethnic Studies: An Overview of Americans of Mexican Descent.” The motion failed with 5 members voting Aye, 8 members voting No, and 1 member Abstaining as follows:*

Aye:
*Mr. Allen
Ms. Beltran
Mr. Cortez
Ms. Pérez
Ms. Perez-Diaz*

No:
*Mr. Bradley
Mrs. Cargill
Dr. Ellis
Ms. Hardy
Mr. Maynard
Mrs. Melton-Malone
Mrs. Miller
Mr. Rowley*

Abstain:
Mrs. Bahorich

VOTE: *A vote was taken on the motion that the State Board of Education instruct staff to prepare rule text based on the currently approved Mexican American Studies innovative course submitted by Houston ISD and to present the item for first reading and filing authorization at the June 2018 meeting, and to name the course Ethnic Studies: An Overview of Americans of Mexican Descent, as recommended by the Committee of the Full Board. The motion carried unanimously.*

MOTION AND VOTE: *It was moved by Mr. Rowley, as recommended by the Committee of the Full Board, and carried unanimously that the State Board of Education instruct staff to present ethnic studies courses that have been approved through the commissioner’s innovative course process for discussion and consideration for inclusion in the TEKS. Staff shall bring forward only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies—inclusive of history, government, economics, civic engagement, culture, and science and technology.*

The chair of the Committee on Instruction, in accordance with State Board of Education Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

4. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**
(Second Reading and Final Adoption)
(Board agenda page I-5)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, with an effective date of August 27, 2018, as amended and recommended by the Committee of the Full Board.*

(Ms. Beltran and Ms. Perez-Diaz were absent for the vote.)

(ATTACHMENT 3, page #)

5. **Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and Chapter 111, Texas Essential Knowledge and Skills for Mathematics**
(Second Reading and Final Adoption)
(Board agenda page I-37)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter D, Other High School English Language Arts and Reading Courses, and Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, with an effective date of August 27, 2018, as recommended by the Committee of the Full Board.*

(Ms. Beltran was absent for the vote.)

(ATTACHMENT 4, page #)

6. **Proposed Revisions to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits, and Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Concerning Advanced Placement and International Baccalaureate Courses**
(Second Reading and Final Adoption)
(Board agenda page I-45)

MOTION: *It was moved by Mr. Rowley that the State Board of Education approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter D, Other Science Courses, Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits, Subchapter B, Other Economics Courses, and Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter D, Other Technology Applications Courses, with an effective date of August 27, 2018, as recommended by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Mr. Allen, seconded by Mr. Cortez, and carried that the State Board of Education amend §126.62(a) to read as follows:*

General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: ~~Computer Science I, Algebra II~~, Algebra I or a student should be comfortable with functions and the concepts found in the uses of functional notation such as $f(x) = x + 2$ and $f(x) = g(h(x))$.

VOTE: *A vote was taken on the motion that the State Board of Education approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter D, Other Science Courses, Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits, Subchapter B, Other Economics Courses, and Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter D, Other Technology Applications Courses, with an effective date of August 27, 2018 as amended. The motion carried.*

(Ms. Hardy was absent for the vote.)

(ATTACHMENT 5, page #)

7. **Proposed New 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.39, Requirements for Instruction on Proper Interaction with Peace Officers**

(First Reading and Filing Authorization)
(Board agenda page I-59)

MOTION: *It was moved by Mr. Rowley that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.39, Requirements for Instruction on Proper Interaction with Peace Officers, as recommended by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education amend §74.39(a) to read as follows:*

“A school district or open enrollment charter school shall provide instruction in one or more courses to students in Grades 9–12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction:

(1) may be provided as a part of any course or courses;”

VOTE: *A vote was taken on the motion that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.39, Requirements for Instruction on Proper Interaction with Peace Officers, as amended. The motion carried unanimously.*

(Mr. Bradley and Ms. Hardy were absent for the vote.)

8. **Proposed Amendments to Proclamation 2019 of the State Board of Education Advertising for Bids for Instructional Materials**

(Board agenda page I-65)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve the proposed amendments to Proclamation 2019 of the State Board of Education Advertising for Bids for Instructional Materials, as amended and recommended by the Committee of the Full Board.*

(Mr. Bradley and Ms. Hardy were absent for the vote.)

9. **Proclamation 2020 of the State Board of Education Advertising for Bids for Instructional Materials**

(Board agenda page I-77)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve Proclamation 2020 of the State Board of Education Advertising for Bids for Instructional Materials, as amended and recommended by the Committee of the Full Board.*

(Mr. Bradley and Ms. Hardy were absent for the vote.)

(ATTACHMENT 6, page #)

COMMITTEE ON INSTRUCTION

10. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript)**
(Second Reading and Final Adoption)
(Board agenda page II-1)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript), with an effective date of August 27, 2018, as recommended by the Committee on Instruction.*

(Mr. Bradley was absent for the vote.)

(ATTACHMENT 7, page #)

11. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination**
(First Reading and Filing Authorization)
(Board agenda page II-9)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination, as amended and recommended by the Committee on Instruction.*

(Mr. Bradley was absent for the vote.)

12. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders**
(First Reading and Filing Authorization)
(Board agenda page II-15)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, as recommended by the Committee on Instruction.*

13. **Proposed Approval of Innovative Courses**
(Board agenda page II-21)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve the following one credit innovative course which does not fall within any of the subject areas of the foundation or enrichment curriculum for a period of five years: Innovative Thinking, as recommended by the Committee on Instruction.*

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

14. **Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.5, Code of Ethics**

(Second Reading and Final Adoption)

(Board agenda page III-9)

MOTION AND VOTE: *It was moved by Mr. Bradley and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.5, Code of Ethics, with an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on School Finance/Permanent School Fund.*

(ATTACHMENT 8, page #)

15. **Proposed Amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.15, Objectives, and §33.20, Responsible Parties and Their Duties**

(Second Reading and Final Adoption)

(Board agenda page III-27)

MOTION AND VOTE: *It was moved by Mr. Bradley and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.15, Objectives, and §33.20, Responsible Parties and Their Duties, with an effective date of September 1, 2018, as recommended by the Committee on School Finance/Permanent School Fund.*

(ATTACHMENT 9, page #)

COMMITTEE ON SCHOOL INITIATIVES

16. **Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.1, Continuing Education for School Board Members**

(Second Reading and Final Adoption)

(Board agenda page IV-23)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.1, Continuing Education for School Board Members, with an effective date of 20 days after filing as adopted with the Texas Register, as amended and recommended by the Committee on School Initiatives.*

(ATTACHMENT 10, page #)

17. **Review of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparations Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility**
(Board agenda page IV-35)

In accordance with TEC, §21.042, the State Board of Education took no action on the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparations Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility.

18. **Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment**
(Board agenda page IV-53)

In accordance with TEC, §21.042, the State Board of Education took no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment.

19. **Review of Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours**
(Board agenda page IV-79)

In accordance with TEC, §21.042, the State Board of Education took no action on the proposed amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.11, Number and Content of Required Continuing Professional Education Hours.

20. **Review of Proposed New 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter B, Elementary School Certificate Standards**
(Board agenda page IV-91)

In accordance with TEC, §21.042, the State Board of Education took no action on proposed new 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter B, Elementary School Certificate Standards.

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

Committee on Instruction

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

Committee on School Finance/Permanent School Fund

Mr. Maynard gave a brief report on the development of a Permanent School Fund logo.

Committee on School Initiatives

Mrs. Cargill gave a brief report on the upcoming charter school interviews that will take place May 21–22, 2018.

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

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

The meeting adjourned at 10:51 a.m.

Ruben Cortez, Jr., Secretary