



AGENDA

State Board of Education

January 31, 2020

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

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

MARTY ROWLEY, Amarillo
Vice Chair of the State Board of
Education
District 15

GEORGINA PÉREZ, El Paso
Secretary of the State Board of
Education
District 1

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

DONNA BAHORICH, Houston
District 6

TOM MAYNARD, Florence
District 10

BARBARA CARGILL, Conroe
District 8

SUE MELTON-MALONE, Robinson
District 14

RUBEN CORTEZ, JR., Brownsville
District 2

KEN MERCER, San Antonio
District 5

AICHA DAVIS, Dallas
District 13

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY, Fort Worth
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

Sue Melton-Malone, chair
Pam Little, vice chair
Aicha Davis
Georgina C. Pérez
Marty Rowley

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard, chair
Lawrence Allen, Jr., vice chair
Donna Bahorich
Patricia Hardy
Ken Mercer

SCHOOL INITIATIVES

Barbara Cargill, chair
Marisa Perez-Diaz, vice chair
Ruben Cortez, Jr.
Keven Ellis
Matt Robinson

January 28, 2020

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on January 28-31, 2020. 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 January 28- 31, 2020	
<u>Tuesday, January 28, 2020</u>	
9:00 a.m.	Committee of the Full Board (1-104)
<u>Wednesday, January 29, 2020</u>	
1:00 p.m.	Committee of the Full Board (1-104)
<u>Thursday, January 30, 2020</u>	
9:00 a.m.	Committee on Instruction (Room 1-100)
9:00 a.m.	Committee on School Finance/Permanent School Fund (Room 1-104)
9:00 a.m.	Committee on School Initiatives (Room 1-111)
<u>Friday, January 31, 2020</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 in Room 1-104 on Wednesday, Thursday, or Friday. If the Committee of the Full Board does not complete its agenda Wednesday, it will resume its meeting in Room 1-104 on Thursday, or Friday. If the Committee on Instruction does not complete its agenda Thursday, it will resume its meeting in Room 1-100 on Friday. If the Committee on School Finance/Permanent School Fund does not complete its agenda Thursday, it will resume its meeting in Room 1-104 on Friday. If the Committee on School Initiatives does not complete its agenda Thursday, it will resume its meeting in Room 1-111 on Friday.

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

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

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

TUESDAY

January 28, 2020

9 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at <https://tea.texas.gov/about-tea/leadership/state-board-education/sboe-meetings/sboe-operating-rules-amended-9-13-19> or in the information section of the agenda.

- 1. Presentation by the Texas Teachers of the Year and Superintendent of the Year
(Board agenda page I- 1)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

The 2020 Texas Teachers of the Year and the 2019 Texas Superintendent of the Year will offer their perspectives on the state of Texas education.

- 2. Commissioner’s Comments
(Board agenda page I-2)**

**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.

- 3. Public Hearing on Proposed New African American Studies Course
(Board agenda page I-3)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, January 28, 2020, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding the proposed addition of Texas Essential Knowledge and Skills (TEKS) for a new high school African American studies course. Due to the anticipated volume of testimony, oral testimony will be limited to two minutes per person. Statutory authority for this item 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)

4. **One-Time Procedural Action to Correct Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials**
(Board agenda page I-5)

COMMITTEE - ACTION
SBOE - ACTION

At the November 15, 2019 meeting, the State Board of Education (SBOE) approved for second reading and final adoption proposed revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials. In response to public comment, the SBOE voted to amend 19 TAC §66.28(d)(2). For the rules to comply with the intent of the SBOE, the amendment should have been made to 19 TAC §66.28(d)(7). This item requests that the SBOE take a one-time action to amend the motion made at the November 15, 2019 meeting to reinstate the sentence "Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering" in §66.28(d)(2) and remove the sentence "Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering" from §66.28(d)(7). Statutory authority for this action is the Texas Education Code (TEC), §§31.002, 31.003; 31.023, and 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

5. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements**
(First Reading and Filing Authorization)
(Board agenda page I-9)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC), Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements. The proposed amendments would update the rules to align with the requirements of House Bill (HB) 678, 86th Texas Legislature, 2019, and revisions to career and technical education (CTE) programs of study. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a) and (c-1).

COMMITTEE OF THE FULL BOARD (continued)

6. **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**
(First Reading and Filing Authorization)
(Board agenda page I-20)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC), Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, and Subchapter D, Other Social Studies Courses, to add Texas Essential Knowledge and Skills (TEKS) for a new African American studies ethnic studies course, to renumber sections, and to update references to course numbers and titles to reflect recent revisions to the social studies TEKS. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

7. **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**
(First Reading and Filing Authorization)
(Board agenda page I-43)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, and Subchapter D, Other Technology Applications Courses, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources, Subchapter C, Arts, Audio/Video Technology, and Communications, Subchapter K, Information Technology, and Subchapter O, Science, Technology, Engineering, and Mathematics, and Subchapter Q, Energy. The proposed revisions would update the Texas Essential Knowledge and Skills (TEKS) to align with recent legislation requiring the board to consolidate high school technology applications TEKS into career and technical education (CTE) TEKS and eliminate TEKS for duplicative courses. The proposed revisions would also update the TEKS for CTE to add a new career cluster in energy to align with revised programs of study. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

**WEDNESDAY
January 29, 2020**

1:00 p.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at <https://tea.texas.gov/about-tea/leadership/state-board-education/sboe-meetings/sboe-operating-rules-amended-9-13-19> or in the information section of the agenda.

- 1. Amendments to *Proclamation 2021* of the State Board of Education Advertising for Bids on Instructional Materials**
(Board agenda page I-138)

**COMMITTEE - ACTION
SBOE - ACTION**

This item provides an opportunity for the State Board of Education (SBOE) to amend *Proclamation 2021* to reflect revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption of Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials adopted by the SBOE in November 2019. *Proclamation 2021* calls for instructional materials for prekindergarten. Statutory authority for this action is the Texas Education Code (TEC), §31.022.

- 2. Update on Texas Essential Knowledge and Skills (TEKS) Review**
(Board agenda page I-139)

**COMMITTEE - ACTION
SBOE - ACTION**

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). The item also provides the opportunity for the board to provide additional guidance to TEKS and ELPS review work groups. Statutory authority for this action 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 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts (First Reading and Filing Authorization) (Board agenda page I-142)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC), Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts, to identify provisions of the Texas Education Code (TEC) that are not applicable to the special-purpose school districts operated by Texas Tech University and The University of Texas at Austin. Statutory authority for this action is the Texas Education Code (TEC), §11.351.

4. **Discussion of *Proclamation 2022* of the State Board of Education Advertising for Bids on Instructional Materials (Board agenda page I-146)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the State Board of Education (SBOE) to discuss the schedule of events and instructional materials to be included in *Proclamation 2022*. Instructional materials submitted in response to *Proclamation 2022* would be scheduled for adoption by the SBOE in November 2021. Statutory authority for this item is the Texas Education Code (TEC), §31.022.

5. **Discussion of Character Traits Instruction (Board agenda page I-151)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides the opportunity for the board to discuss the integration of positive character traits into the Texas Essential Knowledge and Skills (TEKS) for kindergarten through grade 12 in accordance with House Bill (HB) 1026, 86th Texas Legislature, 2019. Statutory authority for this item is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 29.906 as amended by HB 1026, 86th Texas Legislature, 2019.

COMMITTEE OF THE FULL BOARD (continued)

**6. Discussion of Perkins Reauthorization and State Plan
(Board agenda page I-152)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides the opportunity for the committee to hear an update on the reauthorization of federal Perkins funding and the four-year career and technical education plan for the state of Texas in compliance with the reauthorization. Statutory authority for this item is the Texas Education Code (TEC), §7.109.

**7. Discussion of Pending Litigation
(Board agenda page I-154)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

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

Cases to be discussed may include:

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

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

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

**THURSDAY
January 30, 2020**

9 a.m.

COMMITTEE ON INSTRUCTION – Room 100

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

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at <https://tea.texas.gov/about-tea/leadership/state-board-education/sboe-meetings/sboe-operating-rules-amended-9-13-19> or in the information section of the agenda.

- 1. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit (Second Reading and Final Adoption) (Board agenda page II-I)**

**COMMITTEE – ACTION
SBOE – ACTION**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit. The proposed amendment would update the rule to clarify that a district may award credit proportionately for successful completion of half of a course regardless of the time duration of the course. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(a).

COMMITTEE ON INSTRUCTION (continued)

2. **Proposed Amendments to 19 TAC, Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013 (Second Reading and Final Adoption) (Board agenda page II-6)**

**COMMITTEE – ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC), Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013, to revise the Texas Essential Knowledge and Skills (TEKS) for music to align with current International Baccalaureate (IB) course offerings in music. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

COMMITTEE ON INSTRUCTION (continued)

3. **Proposed Repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, §§110.30-110.34, and Subchapter D, Other High School English Language Arts and Reading Courses, §110.85, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, §§128.30-128.32**
(First Reading and Filing Authorization)
(Board agenda page II-11)

COMMITTEE – ACTION
SBOE - ACTION

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, §§110.30-110.34, and Subchapter D, Other High School English Language Arts and Reading Courses, §110.85, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, §§128.30-128.32. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) adopted to be effective in 2009 for high school English and Spanish language arts and reading and English as a second language and related implementation language that will be superseded by new 19 TAC §§110.35-110.39 and §§128.33-128.35 beginning with the 2020-2021 school year. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

COMMITTEE ON INSTRUCTION (continued)

4. **Adoption of Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations (Adoption of Review) (Board agenda page II-14)**

**COMMITTEE – ACTION
SBOE - ACTION**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations. The rules being reviewed establish procedures for the adoption, purchase, and distribution of instructional materials. The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 66, Subchapters A-C, is the Texas Education Code (TEC), §§7.102(c)(23), 31.002, 31.003, 31.023, 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

5. **Approval of Substitution of Instructional Materials for Origo Education (Board agenda page II-41)**

**COMMITTEE – ACTION
SBOE - ACTION**

Origo Education is requesting approval to substitute new editions for six of its adopted products for math: *Stepping Stones Student Journal Kindergarten*, *Stepping Stones Student Journal Grade 1*, *Stepping Stones Student Journal Grade 2*, *Stepping Stones Student Journal Grade 3*, *Stepping Stones Student Journal Grade 4*, and *Stepping Stones Student Journal Grade 5*. The substitutions have been reviewed by agency staff and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

COMMITTEE ON INSTRUCTION (continued)

**6. Proposed Approval of Innovative Courses
(Board agenda page II-42)**

**COMMITTEE – ACTION
SBOE - ACTION**

This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

**7. Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum
(Board agenda page II-46)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum. The proposed amendments would update the rules to align with recent legislation and changes to the technology applications and career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS). Statutory authority for this item is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) as amended by Senate Bill (SB) 11, 86th Texas Legislature, 2019, and House Bill (HB) 18, 86th Texas Legislature, 2019.

**THURSDAY
January 30, 2020**

9 a.m.

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

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

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at <https://tea.texas.gov/about-tea/leadership/state-board-education/sboe-meetings/sboe-operating-rules-amended-9-13-19> or in the information section of the agenda.

- 1. Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter B, Use of State Funds (First Reading and Filing Authorization) (Board agenda page III-1)**

**COMMITTEE – ACTION
SBOE – ACTION**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 105, Foundation School Program, Subchapter B, Use of State Funds, §105.11, Maximum Allowable Indirect Cost, and §105.12, Basic Allotment. The proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to maximum allowable indirect costs and the basic allotment for the Foundation School Program (FSP). Statutory authority for this action is the Texas Education Code (TEC), §48.004.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

2. **Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.23, School District Independent Audits and Agreed-Upon Procedures**
(Board agenda page III-5)

**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 B, Texas Education Agency Audit Functions, §109.23, School District Independent Audits and Agreed-Upon Procedures. The proposed amendment would reflect changes by House Bill (HB) 1520, 86th Texas Legislature, 2019, that eliminated the requirement for out-of-state certified public accountancy (CPA) firms to be licensed in Texas. Statutory authority for this item is the Texas Education Code, §§7.102(c)(32), 44.001, 44.007, 44.008, and 44.010.

3. **Review of Permanent School Fund Securities Transactions and the Investment Portfolio**
(Board agenda page III-8)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

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

4. **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2019**
(Board agenda page III-9)

**COMMITTEE – ACTION
SBOE - CONSENT**

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

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 5. Annual Reporting Requirement of the Internally Managed Permanent School Fund Investment Portfolio (Board agenda page III-10)** COMMITTEE – DISCUSSION
SBOE – NO ACTION

This item provides an opportunity for the Executive Administrator and Chief Investment Officer of the Permanent School Fund to report on various items required by 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

- 6. Review of the Study of the Permanent School Fund Distributions as defined in House Bill 4388, 86th Legislature, 2019 (Board agenda page III-11)** COMMITTEE – DISCUSSION
SBOE – NO ACTION

This item provides an opportunity for the board to discuss the study on the Permanent School Fund (PSF) Distributions as defined in House Bill (HB) 4388, 86th Legislature, 2019. Statutory authority for this item is House Bill 4388, Section 5(b), 86th Legislature, Regular Session 2019.

- 7. Third Quarter 2019 Permanent School Fund Performance Report (Board agenda page III-12)** COMMITTEE – DISCUSSION
SBOE – NO ACTION

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

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

8. **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 (Second Reading and Final Adoption)**
(Board agenda page III-13)

**COMMITTEE – ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed amendments to 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. The proposed amendments would reorganize references to the Permanent School Fund (PSF) distribution policy, include references to new authority and duties assigned by the 86th Texas Legislature, 2019, and address permissible fixed income investments. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code (TEC), §43.001; TEC, §43.0052, as added by House Bill (HB) 4388, 86th Texas Legislature, 2019; and Texas Natural Resources Code (NRC), §32.012, as amended by Senate Bill (SB) 608, 86th Texas Legislature, 2019; §32.0161, as added by SB 608, 86th Texas Legislature, 2019; and §32.068 and §51.414, as added by HB 4388, 86th Texas Legislature, 2019.

9. **Discussion of 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, §33.25, Permissible and Restricted Investments and General Guidelines for Investment Managers**
(Board agenda page III-31)

**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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.25, Permissible and Restricted Investments and General Guidelines for Investment Managers. The proposed amendment would address guidelines for investment managers related to permissible fixed income investments. Statutory authority for this item is the Texas Constitution, Article VII, §5(a) and (f), and the Texas Education Code (TEC), §43.001.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

**10. Review of the Private Equity Asset Class for the Permanent School Fund
(Board agenda page III-32)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to review the private equity asset class. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code, Chapter 33.

**11. Report of the Permanent School Fund Administrator and Chief Investment Officer
(Board agenda page III-33)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

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

**THURSDAY
January 30, 2020**

9 a.m.

COMMITTEE ON SCHOOL INITIATIVES – ROOM 1-111

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

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at <https://tea.texas.gov/about-tea/leadership/state-board-education/sboe-meetings/sboe-operating-rules-amended-9-13-19> or in the information section of the agenda.

- 1. Recommendation for Appointments to the Boys Ranch Independent School District Board of Trustees**
(Board agenda page IV-1)

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for board consideration of two reappointments to the board of trustees of the Boys Ranch Independent School District. The reappointments are necessary due to the expiration of the term of office for two board members. Statutory authority for this action is the Texas Education Code (TEC) 11.352, and Texas Administrative Code (TAC) 61.2.

- 2. Recommendation for Appointments to the Randolph Field Independent School District Board of Trustees**
(Board agenda page IV-27)

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for board consideration of three reappointments to the board of trustees of the Randolph Field Independent School District. The reappointments are necessary due to the expiration of the term of office for the board members. Statutory authority for this action is the Texas Education Code (TEC) 11.352, and Texas Administrative Code (TAC) 61.2.

COMMITTEE ON SCHOOL INITIATIVES (continued)

3. **Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship (Second Reading and Final Adoption) (Board agenda page IV-78)**

**COMMITTEE – ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship. The proposed amendment to §61.1 would reflect changes made by House Bill (HB) 3 and HB 403, 86th Texas Legislature, 2019, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. The proposed amendment to §61.2 would address the required number of nominees for trustee candidates for military reservation districts. Statutory authority for this action is the Texas Education Code (TEC), §11.159, as amended by HB 403, 86th Texas Legislature, 2019; TEC, §11.185 and §11.186, as added by HB 3, 86th Texas Legislature, 2019; and TEC, §11.352.

4. **Open-Enrollment Charter School Updates on the Generation 25 and Generation 26 Applications (Board agenda page IV-90)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

The director of the Division of Charter School Administration will present to the Committee on School Initiatives updates on the Generation 25 and Generation 26 Open-Enrollment Charter School Application process. Statutory authority for this item is the Texas Education Code (TEC), §12.110.

COMMITTEE ON SCHOOL INITIATIVES (continued)

5. **Statutorily-Required Rule Review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters (Board agenda page IV-92)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters. Subchapter A establishes a provision for a State Board member to be designated as the liaison for charter selection for charters proposed under Chapter 12, Subchapter D; charter selection procedures for charters granted under the Texas Education Code (TEC), Chapter 12, Subchapters D; and provisions for a 90-day no-contact requirement. Subchapter B sets forth provisions for adverse action on a home-rule school district charter. The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 100, Subchapter A, is the Texas Education Code (TEC), §12.101. The statutory authority for 19 TAC Chapter 100, Subchapter B, is TEC, §§7.102(c)(8), 12.028, 12.101(b), 12.101(b-0).

COMMITTEE ON SCHOOL INITIATIVES (continued)

6. **Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines**
(Board agenda page IV-96)

COMMITTEE – ACTION
SBOE – ACTION

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines. The proposed amendments would implement House Bill (HB) 3, Senate Bills (SBs) 1230, 1476, and 37, 86th Texas Legislature, 2019, by reflecting new reporting requirements for superintendents, principals, and directors of public schools and private school administrative officers; adding individuals listed on the registry of persons ineligible to work in public schools to the people that must be fired or refused employment by a certified educator; and removing the reference to student loan default as a ground for discipline by the SBEC. The proposed amendments would also make technical changes to improve the readability of provisions and to align citations. The SBEC made changes to the proposed text in response to public comment. The statutory authority for 19 TAC Chapter 249, Subchapter B, is the Texas Education Code (TEC), §§21.006(a), (b), (b-1), (b-2), (c), (c-1), (c-2), as amended by HB 3 and SB 1476, 86th Texas Legislature, 2019, (f), (g), (g-1), as added by HB 3 and SB 1476, 86th Texas Legislature, 2019; and (i), as amended by HB 3, 86th Texas Legislature, 2019; 21.0062, as added by SB 1230, 86th Texas Legislature, 2019; 21.007; 21.009(e); 21.031(a); 21.035; 21.041; 21.058; 21.0581; 21.060; 21.105(c); 21.160(c); 21.210(c); 22.082; 22.0831; 22.085, as amended by HB 3, 86th Texas Legislature, 2019; 22.087; 22.092, as added by HB 3, 86th Texas Legislature, 2019; and 22.093, as added by HB 3, 86th Texas Legislature, 2019; Texas Government Code (TGC), §411.090 and §2001.058(e); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b), as amended by SB 1231, 86th Texas Legislature, 2019; Texas Occupations Code (TOC), §§53.021(a), as amended by SB 1342, 86th Texas Legislature, 2019; 53.022 and 53.023, as amended by SB 1342, 86th Texas Legislature, 2019, 53.024, 53.025, 53.051, as amended by SB 1342, 86th Texas Legislature, 2019, 53.052, and 56.003, as amended by SB 37, 86th Texas Legislature, 2019; and the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7926.

Information Materials

1. **State Board of Education Operating Rules, September 13, 2019**
Public testimony information begins on page V-8.
(Board agenda page V-1)

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

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

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

4. **Annual Report of the Division of Financial Compliance**
(Board agenda page V-32)

This item provides the board with an annual review of the work accomplished by the division responsible for state financial reviews. The report describes the division's organization and legal responsibilities, deviations from the 2018-2019 audit plan, and the status of reports on the division's reviews.

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

**January 31, 2020
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, November 15, 2019

1. Resolutions and Presentations

Award presented to the Milken National Educator Award Recipient

Resolutions and presentations of Presidential Awards for Excellence in Mathematics and Science Teaching
(No Exhibit)

Resolution honoring recipients of the Employers for Education Excellence Award
(No Exhibit)

Resolution regarding Career and Technical Education Month
(No Exhibit)

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at <https://tea.texas.gov/about-tea/leadership/state-board-education/sboe-meetings/sboe-operating-rules-amended-9-13-19> or in the information section of the agenda.

2. Approval of Consent Agenda

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

(Agenda Exhibit) 31

COMMITTEE OF THE FULL BOARD

3. One-Time Procedural Action to Correct Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials

At the November 15, 2019 meeting, the State Board of Education (SBOE) approved for second reading and final adoption proposed revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials. In response to public comment, the SBOE voted to amend 19 TAC §66.28(d)(2). For the rules to comply with the intent of the SBOE, the amendment should have been made to 19 TAC §66.28(d)(7). This item requests that the SBOE take a one-time action to amend the motion made at the November 15, 2019 meeting to reinstate the sentence "Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering" in §66.28(d)(2) and remove the sentence "Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering" from §66.28(d)(7). Statutory authority for this action is the Texas Education Code (TEC), §§31.002, 31.003; 31.023, and 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

(Agenda Exhibit) I-5

**4. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements
(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC), Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements. The proposed amendments would update the rules to align with the requirements of House Bill (HB) 678, 86th Texas Legislature, 2019, and revisions to career and technical education (CTE) programs of study. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a) and (c-1).

(Agenda Exhibit) I-9

**5. 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
(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC), Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, and Subchapter D, Other Social Studies Courses, to add Texas Essential Knowledge and Skills (TEKS) for a new African American studies ethnic studies course, to renumber sections, and to update references to course numbers and titles to reflect recent revisions to the social studies TEKS. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

(Agenda Exhibit) I-20

COMMITTEE OF THE FULL BOARD (continued)

6. 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 (First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, and Subchapter D, Other Technology Applications Courses, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources, Subchapter C, Arts, Audio/Video Technology, and Communications, Subchapter K, Information Technology, and Subchapter O, Science, Technology, Engineering, and Mathematics, and Subchapter Q, Energy. The proposed revisions would update the Texas Essential Knowledge and Skills (TEKS) to align with recent legislation requiring the board to consolidate high school technology applications TEKS into career and technical education (CTE) TEKS and eliminate TEKS for duplicative courses. The proposed revisions would also update the TEKS for CTE to add a new career cluster in energy to align with revised programs of study. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

(Agenda Exhibit) I-43

7. Amendments to *Proclamation 2021* 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 amend *Proclamation 2021* to reflect revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption of Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials adopted by the SBOE in November 2019. *Proclamation 2021* calls for instructional materials for prekindergarten. Statutory authority for this action is the Texas Education Code (TEC), §31.022.

(Agenda Exhibit) I-138

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

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). The item also provides the opportunity for the board to provide additional guidance to TEKS and ELPS review work groups. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

(Agenda Exhibit) I-139

COMMITTEE OF THE FULL BOARD (continued)

9. Proposed New 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts (First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC), Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts, to identify provisions of the Texas Education Code (TEC) that are not applicable to the special-purpose school districts operated by Texas Tech University and The University of Texas at Austin. Statutory authority for this action is the Texas Education Code (TEC), §11.351.

(Agenda Exhibit) I-142

COMMITTEE ON INSTRUCTION

10. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit (Second Reading and Final Adoption)

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit. The proposed amendment would update the rule to clarify that a district may award credit proportionately for successful completion of half of a course regardless of the time duration of the course. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(a).

(Agenda Exhibit) II-1

11. Proposed Amendments to 19 TAC, Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013 (Second Reading and Final Adoption)

This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC), Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013, to revise the Texas Essential Knowledge and Skills (TEKS) for music to align with current International Baccalaureate (IB) course offerings in music. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

(Agenda Exhibit) II-6

COMMITTEE ON INSTRUCTION (continued)

12. **Proposed Repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, §§110.30-110.34, and Subchapter D, Other High School English Language Arts and Reading Courses, §110.85, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, §§128.30-128.32 (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, §§110.30-110.34, and Subchapter D, Other High School English Language Arts and Reading Courses, §110.85, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, §§128.30-128.32. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) adopted to be effective in 2009 for high school English and Spanish language arts and reading and English as a second language and related implementation language that will be superseded by new 19 TAC §§110.35-110.39 and §§128.33-128.35 beginning with the 2020-2021 school year. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

(Agenda Exhibit) II-11

13. **Adoption of Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations (Adoption of Review)**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations. The rules being reviewed establish procedures for the adoption, purchase, and distribution of instructional materials. The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 66, Subchapters A-C, is the Texas Education Code (TEC), §§7.102(c)(23), 31.002, 31.003, 31.023, 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

(Agenda Exhibit) II-14

14. **Approval of Substitution of Instructional Materials for Origo Education**

Origo Education is requesting approval to substitute new editions for six of its adopted products for math: *Stepping Stones Student Journal Kindergarten*, *Stepping Stones Student Journal Grade 1*, *Stepping Stones Student Journal Grade 2*, *Stepping Stones Student Journal Grade 3*, *Stepping Stones Student Journal Grade 4*, and *Stepping Stones Student Journal Grade 5*. The substitutions have been reviewed by agency staff and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

(Agenda Exhibit) II-41

COMMITTEE ON INSTRUCTION (continued)

15. Proposed Approval of Innovative Courses

This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) II-42

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

16. Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter B, Use of State Funds (First Reading and Filing Authorization)

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 105, Foundation School Program, Subchapter B, Use of State Funds, §105.11, Maximum Allowable Indirect Cost, and §105.12, Basic Allotment. The proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to maximum allowable indirect costs and the basic allotment for the Foundation School Program (FSP). Statutory authority for this action is the Texas Education Code (TEC), §48.004.

(Agenda Exhibit) III-1

17. 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 (Second Reading and Final Adoption)

This item presents for second reading and final adoption proposed amendments to 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. The proposed amendments would reorganize references to the Permanent School Fund (PSF) distribution policy, include references to new authority and duties assigned by the 86th Texas Legislature, 2019, and address permissible fixed income investments. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code (TEC), §43.001; TEC, §43.0052, as added by House Bill (HB) 4388, 86th Texas Legislature, 2019; and Texas Natural Resources Code (NRC), §32.012, as amended by Senate Bill (SB) 608, 86th Texas Legislature, 2019; §32.0161, as added by SB 608, 86th Texas Legislature, 2019; and §32.068 and §51.414, as added by HB 4388, 86th Texas Legislature, 2019.

(Agenda Exhibit) III-13

COMMITTEE ON SCHOOL INITIATIVES

18. Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship (Second Reading and Final Adoption)

This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship. The proposed amendment to §61.1 would reflect changes made by House Bill (HB) 3 and HB 403, 86th Texas Legislature, 2019, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. The proposed amendment to §61.2 would address the required number of nominees for trustee candidates for military reservation districts. Statutory authority for this action is the Texas Education Code (TEC), §11.159, as amended by HB 403, 86th Texas Legislature, 2019; TEC, §11.185 and §11.186, as added by HB 3, 86th Texas Legislature, 2019; and TEC, §11.352.

(Agenda Exhibit) IV-78

19. Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines. The proposed amendments would implement House Bill (HB) 3, Senate Bills (SBs) 1230, 1476, and 37, 86th Texas Legislature, 2019, by reflecting new reporting requirements for superintendents, principals, and directors of public schools and private school administrative officers; adding individuals listed on the registry of persons ineligible to work in public schools to the people that must be fired or refused employment by a certified educator; and removing the reference to student loan default as a ground for discipline by the SBEC. The proposed amendments would also make technical changes to improve the readability of provisions and to align citations. The statutory authority for 19 TAC Chapter 249, Subchapter B, is TEC, §§21.006(a), (b), (b-1), (b-2), (c), (c-1), (c-2), as amended by HB 3 and SB 1476, 86th Texas Legislature, 2019, (f), (g), (g-1), as added by HB 3 and SB 1476, 86th Texas Legislature, 2019; and (i), as amended by HB 3, 86th Texas Legislature, 2019; 21.0062, as added by SB 1230, 86th Texas Legislature, 2019; 21.007; 21.009(e); 21.031(a); 21.035; 21.041; 21.058; 21.0581; 21.060; 21.105(c); 21.160(c); 21.210(c); 22.082; 22.0831; 22.085, as amended by HB 3, 86th Texas Legislature, 2019; 22.087; 22.092, as added by HB 3, 86th Texas Legislature, 2019; and 22.093, as added by HB 3, 86th Texas Legislature, 2019; Texas Government Code, §411.090 and §2001.058(e); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b), as amended by SB 1231, 86th Texas Legislature, 2019; Texas Occupations Code (TOC), §§53.021(a), as amended by SB 1342, 86th Texas Legislature, 2019; 53.022 and 53.023, as amended by SB 1342, 86th Texas Legislature, 2019, 53.024, 53.025, 53.051, as amended by SB 1342, 86th Texas Legislature, 2019, 53.052, and 56.003, as amended by SB 37, 86th Texas Legislature, 2019; and the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7926.

(Agenda Exhibit) IV-96

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, September 13, 2019**
Public testimony information begins on page V-8.
(Board agenda page V-1)

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

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

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

4. **Annual Report of the Division of Financial Compliance**
(Board agenda page V-32)

This item provides the board with an annual review of the work accomplished by the division responsible for state financial reviews. The report describes the division's organization and legal responsibilities, deviations from the 2018-2019 audit plan, and the status of reports on the division's reviews.

**CONSENT AGENDA
STATE BOARD OF EDUCATION
January 31, 2020**

(1) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2019

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

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

(2) Recommendation for Appointments to the Boys Ranch Independent School District Board of Trustees

This item provides an opportunity for board consideration of two reappointments to the board of trustees of the Boys Ranch Independent School District. The reappointments are necessary due to the expiration of the term of office for two board members. Statutory authority for this action is the Texas Education Code (TEC) 11.352, and Texas Administrative Code (TAC) 61.2.

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

(3) Recommendation for Appointments to the Randolph Field Independent School District Board of Trustees

This item provides an opportunity for board consideration of three reappointments to the board of trustees of the Randolph Field Independent School District. The reappointments are necessary due to the expiration of the term of office for the board members. Statutory authority for this action is the Texas Education Code (TEC) 11.352, and Texas Administrative Code (TAC) 61.2.

[\(Agenda Exhibit\)](#) IV-27

COMMITTEE OF THE FULL BOARD

Presentation by the Texas Teachers of the Year and Texas Superintendent of the Year

January 28, 2020

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

SUMMARY: The 2020 Texas Teachers of the Year and the 2019 Texas Superintendent of the Year will offer their perspectives on the state of Texas education.

FUTURE ACTION EXPECTED: Review and comment.

BACKGROUND INFORMATION AND JUSTIFICATION: Each year, the Texas Association of School Administrators (TASA) facilitates the Teacher of the Year program, which recognizes teachers who have demonstrated outstanding leadership and excellence in teaching.

Texas school districts and charter holders conduct their own local selection process to determine a district Elementary Teacher of the Year and a district Secondary Teacher of the Year. Those teachers advance to a regional selection process that results in an elementary and a secondary Teacher of the Year selected from each of the state's 20 education service center. From those 40 honorees, six teachers are selected as state finalists.

From this pool of candidates, Michelle Sandoval, a teacher at Parkland Middle School in the Ysleta Independent School District (ISD) was selected as the Texas Secondary Teacher of the Year. Karen Sams, a teacher at David Crockett Elementary School in Weatherford ISD was selected as the Texas Elementary Teacher of the Year and is advancing to the national contest as the Texas Teacher of the Year.

The Texas Association of School Boards (TASB) selected Kenneth Bryant, who has served as superintendent of Lubbock-Cooper ISD for six years, as the 2019 Texas Superintendent of the Year, which recognizes exemplary superintendents for excellence and achievement in educational leadership. TASA subsequently selected him as the Texas nominee for the 2020 National Superintendent of the Year award.

The Texas selection committee cited Mr. Bryant's selfless service to the district, its staff, and its students.

Staff Members Responsible:

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

Commissioner's Comments

January 28, 2020

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 SIGNIFICANT ISSUES: On an as needed basis, the board will be briefed on significant public education issues and events.

Staff Member Responsible:

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

Public Hearing on Proposed New African American Studies Course

January 28, 2020

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, January 28, 2020, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding the proposed addition of Texas Essential Knowledge and Skills (TEKS) for a new high school African American studies course. Due to the anticipated volume of testimony, 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 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.

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

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

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

There are currently state-approved TEKS for general social studies elective courses that allow educators to select specific historical, cultural, or research topics in social studies to address in greater depth. In social studies, these courses include Special Topics in Social Studies, Social Studies Research Methods, Social Studies Advanced Studies, and Ethnic Studies: Mexican American Studies.

Proposed revisions to 19 Texas Administrative Code (TAC), Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, and Subchapter D, Other Social Studies Courses, are presented as a separate item in this agenda.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include the availability of a new TEKS-based course option for students and increased flexibility in meeting graduation requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

Staff Members Responsible:

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

**One-Time Procedural Action to Correct Amendment to 19 TAC Chapter 66,
State Adoption and Distribution of Instructional Materials, Subchapter B,
State Adoption of Instructional Materials**

January 31, 2020

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

SUMMARY: At the November 15, 2019 meeting, the State Board of Education (SBOE) approved for second reading and final adoption proposed revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials. In response to public comment, the SBOE voted to amend 19 TAC §66.28(d)(2). For the rules to comply with the intent of the SBOE, the amendment should have been made to 19 TAC §66.28(d)(7). This item requests that the SBOE take a one-time action to amend the motion made at the November 15, 2019 meeting to reinstate the sentence "Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering" in §66.28(d)(2) and remove the sentence " Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering" from §66.28(d)(7).

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

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

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

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

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

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

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

PREVIOUS BOARD ACTION: At the November 15, 2019 meeting, the SBOE approved for second reading and final adoption proposed revisions to 19 TAC Chapter 66, Subchapter B, with an effective date of 20 days after filing as adopted with the Texas Register. The earlier effective date is necessary so that rule changes can be applied to *Proclamation 2020* products and the *Proclamation 2021* process and to ensure districts have the most current information regarding alignment of instructional materials to the TEKS.

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

During the second reading and final adoption item at the November 13, 2019 SBOE Committee of the Full Board meeting, the committee discussed revisions to 19 TAC Chapter 66, Subchapter B. Specifically, the committee did not want publishers of prekindergarten materials participating in *Proclamation 2021* to be burdened with the costs associated with the requirement in the rule to supply samples to any requesting school district in the same format of the products to be provided to schools upon ordering. For the rule to comply with the expressed intent of the SBOE, the related amendment should have been made to §66.28(d)(7) rather than to §66.28(d)(2). This one-time procedural action provides the opportunity for the board to correct that amendment to reinstate the sentence "Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering" in §66.28(d)(2) and remove the sentence "Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering" from §66.28(d)(7).

If approved by the SBOE, the TEA will update the language in §66.28 and file with the Texas Register the adopted revisions to 19 TAC Chapter 66, Subchapter B, with an effective date of 20 days after filing as adopted with the Texas Register.

MOTION TO BE CONSIDERED: The State Board of Education:

Amend the previously adopted motion from the November 15, 2019 minutes of the State Board of Education to reinstate the sentence "Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering" in 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, §66.28(d)(2), and to remove the sentence "Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering" from §66.28(d)(7).

Staff Members Responsible:

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

Attachment: Text of Adopted Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, §66.28(d) (excerpt)

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 66. State Adoption and Distribution of Instructional Materials

Subchapter B. State Adoption of Instructional Materials

§66.28. Requirements for Publisher Participation (excerpt).

- (d) ~~(e)~~ A publisher that ~~[who]~~ intends to offer instructional materials for review shall comply with the following requirements for providing pre-adoption samples.
- (1) Complete electronic samples of student and teacher components of instructional materials shall be provided to the TEA and the 20 regional education service centers (ESCs) on or before the date specified in the schedule of adoption procedures in a proclamation. Samples submitted for review shall be complete versions of the final product and must include all content intended to be in the final product, not just the content identified in the correlations. Samples of electronic products must be fully functional for review purposes and meet any other specifications identified in the proclamation. The original sample submission must remain unchanged through the entire review and adoption process, though updated samples can be added to the publisher's submission. These samples are copyrighted by the publisher and are not to be downloaded for use in classrooms or for any purpose other than public review.
 - ~~(2) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering. ~~[Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.]~~~~
 - ~~(3) Electronic samples must be free of sales or marketing materials.~~
 - ~~(4) ~~(2)~~ ~~[The TEA may request additional samples if they are needed.]~~ These samples shall be made available electronically for public review. Publishers of instructional content accessed electronically ~~[through the internet]~~ shall provide all necessary ~~[appropriate]~~ information, such as locator and login information and passwords, required to ensure public access to their programs throughout the review period.~~
 - ~~(5) ~~(3)~~ If the commissioner ~~[of education]~~ determines that good cause exists, the commissioner may extend the deadline for filing samples with ESCs. At its discretion, the SBOE may remove from consideration any materials proposed for adoption that were not properly supplied to the ESCs, the TEA, or SBOE members.~~
 - ~~(6) ~~(4)~~ A publisher shall provide a complete description of all student and teacher components of an instructional materials submission ~~[along with the required electronic sample]~~.~~
 - ~~(7) ~~(5)~~ On request of a school district, a publisher shall provide an electronic sample of submitted instructional materials and may also provide print sample copies. ~~[A publisher of prekindergarten materials is not required to submit electronic samples of adopted prekindergarten instructional materials.]~~ ~~[Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering.]~~~~
 - ~~(6) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.~~
 - ~~(8) ~~(7)~~ One sample copy of each student and teacher component of an instructional materials submission shall be provided for each member of the appropriate state review panel in accordance with instructions provided by the TEA. Samples for review must be as free from factual and editorial error as possible and reflect the quality of the final product intended to go into classrooms. Publishers have the option to provide reviewers with ~~[file with the TEA]~~ print samples, electronic~~

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

- ~~[(8) On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for review with essential knowledge and skills required by the proclamation. Correlations shall be provided for materials designed for student use and materials designed for teacher use and must identify evidence of each student expectation addressed in the ways specified in §66.27(h) of this title. Correlations shall be submitted in a format designated by the commissioner of education.]~~
- (9) The TEA, ESCs, and participating publishing companies shall work together to ensure that hardware or special equipment necessary for review of any item included in a student and/or teacher component of an instructional materials submission is available in each ESC. Participating publishers may be required to lend such hardware or special equipment to any member of a state review panel who does not have access to the necessary hardware or special equipment.
- (10) Electronic samples must allow for multiple, simultaneous user access and be equipped with a word-search feature.
- ~~[(10) A publisher shall provide a list of all corrections required to be made to each student and teacher component of an instructional materials submission to bring them into compliance with applicable laws, rules, or the proclamation. The list must be in a format designated by the commissioner of education and filed on or before the deadline specified in the schedule of adoption procedures. If no corrections are necessary, the publisher shall file a statement to that effect in a format designated by the commissioner of education on or before the deadline in the schedule for submitting the list of corrections. On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.]~~
- ~~[(11) One complete electronic sample copy in an open file format or closed format of each student and teacher component of adopted instructional materials that incorporate all corrections required by the SBOE shall be filed with the commissioner of education on or before the date specified in the schedule of adoption procedures. The complete sample copies filed with the TEA must be representative of the final program. In addition, each publisher shall file an affidavit signed by an official of the company verifying that all corrections required by the commissioner of education and SBOE have been made.]~~
- ~~[(12) Publishers participating in the adoption process are responsible for all expenses incurred by their participation. The state does not guarantee return of sample instructional materials.]~~

Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements
(First Reading and Filing Authorization)

January 31, 2020

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

SUMMARY: This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements. The proposed amendments would update the rules to align with the requirements of House Bill (HB) 678, 86th Texas Legislature, 2019, and revisions to career and technical education (CTE) programs of study.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a) and (c-1).

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 program that are consistent with the required curriculum and to designate the specific courses in the foundation curriculum that are required under the foundation high school program.

TEC, §28.025(c-1), requires the SBOE to by rule provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The SBOE by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year.

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 amendments is August 1, 2020. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

PREVIOUS BOARD ACTION: The SBOE adopted rules in 19 TAC Chapter 74, Subchapter B, to implement the Foundation High School Program effective July 8, 2014. The SBOE adopted amendments

to 19 TAC Chapter 74, Subchapter B, effective August 22, 2016; August 28, 2017; and August 27, 2018. The SBOE last adopted amendments effective August 1, 2019. A discussion item regarding Chapter 74, Subchapter B, was included on the agenda for the Committee of the Full Board during the November 2019 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The 83rd Texas Legislature, Regular Session, 2013, passed HB 5, amending the TEC, §28.025, to transition from three high school graduation programs to one foundation high school program with endorsement options to increase flexibility for students. HB 5 gave the SBOE the authority to identify advanced courses related to the new graduation program, identify the curriculum requirements for the endorsements, and determine the requirements for performance acknowledgments related to the graduation program.

The 86th Texas Legislature, 2019, passed HB 678, which amended TEC, §28.025(b-21), to allow elementary school students to earn one high school credit toward the languages other than English (LOTE) graduation requirement by successfully completing a course in American Sign Language (ASL).

The 86th Texas Legislature, 2019, also passed House Bill 963, which requires the SBOE, not later than March 1, 2020, to conduct a review of the TEKS for CTE and technology applications courses for Grades 9-12 and amend the board's rules to consolidate courses and eliminate duplicative courses. The SBOE is required to implement this provision only if the legislature appropriated money specifically for that purpose. If the legislature did not appropriate money specifically for that purpose, the SBOE may, but is not required to, implement a requirement using other appropriations available for that purpose. The legislature did not appropriate money specifically for the purpose of implementing this requirement.

Texas is redesigning state-level programs of study to include coherent and rigorous content with challenging academic standards and relevant career and technical content. Programs of study will be aligned with state and regional labor market information, including high-wage, high-skill, and in-demand occupations. As a part of the program of study revision process, Texas conducted a statewide labor market analysis that discovered several instances where occupations and postsecondary training overlap.

The attachment to this item reflects the text of proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements, for consideration by the SBOE for first reading and filing authorization. The proposed amendments would update the graduation requirements to reflect changes to the rules on endorsements to reflect the revised programs of study and to ensure that a student who completed a program of study could earn one of the endorsements. Additionally, the proposed amendments would update the rules to align with the consolidation of the high school technology applications and CTE TEKS, allow students who completed an ASL course in elementary school to earn one high school credit toward the LOTE graduation requirement, and clarify language regarding the requirements for satisfying a LOTE graduation requirement by completing a dual language immersion program while in elementary school.

Proposed revisions to 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, and Subchapter D, Other Technology Applications Courses, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources; Subchapter C, Arts, Audio/Video Technology, and Communications; Subchapter K, Information Technology; and Subchapter O, Science, Technology, Engineering, and Mathematics, and proposed new 19 TAC Chapter 130, Subchapter Q, Energy, is presented as a separate item in this agenda.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by allowing elementary school students to earn one high school credit toward the LOTE graduation requirement by successfully completing a course in ASL. The proposed rulemaking would also expand a regulation by allowing students to fulfill graduation requirements by completing courses in a new career cluster for CTE.

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 added flexibility in course options for students to meet high school graduation requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 6, 2020, and ends April 10, 2020. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2020 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 March 6, 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements.

Staff Members Responsible:

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

Attachment:

Text of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements

ATTACHMENT
Text of Proposed Amendments to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter B. Graduation Requirements

§74.11. High School Graduation Requirements.

(a)-(f) (No change.)

(g) Elective credits may be selected from the following:

- (1) high school courses not required for graduation that are listed in the following chapters of this title:
 - (A) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
 - (B) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics);
 - (C) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science);
 - (D) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);
 - (E) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English);
 - (F) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education);
 - (G) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education);
 - (H) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts);
 - ~~(I) Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications);~~
 - (I) ~~(H)~~ Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development); and
 - (J) ~~(K)~~ Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education);
- (2) state-approved innovative courses as specified in §74.27 of this title (relating to Innovative Courses and Programs);
- (3) Junior Reserve Officer Training Corps (JROTC)--one to four credits; and
- (4) Driver Education--one-half credit.

(h)-(n) (No change.)

§74.12. Foundation High School Program.

(a) (No change.)

(b) Core courses. A student must demonstrate proficiency in the following.

(1)-(4) (No change.)

(5) Languages other than English (LOTE)--two credits.

- (A) The credits may be selected from the following:
 - (i) any two levels in the same language, including comparable AP or IB language courses that do not count toward another credit required for graduation; or
 - (ii) two credits in computer programming languages, including computer coding, to be selected from Computer Science I, II, and III, AP Computer Science Principles, AP Computer Science A, IB Computer Science Standard Level, and IB Computer Science Higher Level.
- (B) A single two-credit IB LOTE course may only satisfy one LOTE requirement.
- (C) If a student, in completing the first credit of LOTE, demonstrates that the student is unlikely to be able to complete the second credit, the student may substitute another appropriate course as follows:
 - (i) Special Topics in Language and Culture;
 - (ii) World History Studies or World Geography Studies for a student who is not required to complete both by the local district;
 - (iii) another credit selected from Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or
 - (iv) computer programming languages, including computer coding.
- (D) The determination regarding a student's ability to complete the second credit of LOTE must be agreed to by:
 - (i) the teacher of the first LOTE credit course or another LOTE teacher designated by the school district, the principal or designee, and the student's parent or person standing in parental relation;
 - (ii) the student's admission, review, and dismissal (ARD) committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or
 - (iii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.
- (E) A student, who due to a disability, is unable to complete two credits in the same language in a language other than English, may substitute a combination of two credits that are not being used to satisfy another specific graduation requirement selected from English language arts, mathematics, science, or social studies or two credits in career and technical education or technology applications for the LOTE credit requirements. The determination regarding a student's ability to complete the LOTE credit requirements will be made by:
 - (i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or
 - (ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.
- (F) A student who successfully completes a dual language immersion/two-way or dual language immersion/one-way program in accordance with §89.1210(d)(3) and (4) of this title (relating to Program Content and Design), §89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model), and §89.1228 of this title (relating to Two-Way Dual Language Immersion Program Model Implementation) at an elementary school may satisfy one credit of the two credits required in a language other than English.

- (i) To successfully complete a dual language immersion program, a student must:
 - (I) have participated in a dual language immersion program for at least five consecutive school years;
 - (II) achieve high levels of academic competence as demonstrated by performance of meets or masters grade level on both the mathematics and reading State of Texas Assessments of Academic Readiness (STAAR®) in English or Spanish, as applicable, in at least one grade level; and
 - (III) achieve proficiency in both English and a language other than English as demonstrated by scores of proficient or higher in the reading and speaking domains on language proficiency or achievement tests in both languages.
- (ii) The second credit of a language other than English must be in the same language as the successfully completed dual language immersion program.

(G) A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English.

(6)-(7) (No change.)

(c)-(d) (No change.)

§74.13. Endorsements.

(a)-(c) (No change.)

(d) A school district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in Chapters 110-117, ~~[126,]~~ 127, and 130 of this title are followed.

(e) (No change.)

(f) A student may earn any of the following endorsements.

(1) Science, technology, engineering, and mathematics (STEM). A student may earn a STEM endorsement by completing the requirements specified in subsection (e) of this section, including Algebra II, chemistry, and physics or Principles of Technology and:

(A) a coherent sequence of courses for four or more credits in career and technical education (CTE) that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education), Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development), or CTE innovative courses approved by the commissioner of education. The final course in the sequence must be selected from Chapter 130, Subchapter O, of this title (relating to Science, Technology, Engineering, and Mathematics) or Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title (relating to High School), if the course addresses a STEM-related field; or

(B) courses required to complete a TEA-designated program of study related to STEM; or

~~[(B) a coherent sequence of four credits in computer science selected from the following:]~~

~~[(i) Fundamentals of Computer Science; or]~~

~~[(ii) Computer Science I; or]~~

~~[(iii) Computer Science II; or]~~

~~[(iv) Computer Science III; or]~~

- ~~[(v) — Digital Forensics; or]~~
- ~~[(vi) — Discrete Mathematics for Computer Science; or]~~
- ~~[(vii) — Game Programming and Design; or]~~
- ~~[(viii) — Mobile Application Development; or]~~
- ~~[(ix) — Robotics Programming and Design; or]~~
- ~~[(x) — Independent Studies in Technology Applications; or]~~
- ~~[(xi) — AP Computer Science A; or]~~
- ~~[(xii) — AP Computer Science Principles; or]~~
- ~~[(xiii) — IB Computer Science, Standard Level; or]~~
- ~~[(xiv) — IB Computer Science, Higher Level; or]~~

- (C) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section; or
- (D) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or
- ~~[(E) — a coherent sequence of four courses in cybersecurity to consist of Foundations of Cybersecurity and Cybersecurity Capstone and two additional courses to be selected from the following:]~~

- ~~[(i) — AP Computer Science A; or]~~
- ~~[(ii) — Computer Science I; or]~~
- ~~[(iii) — AP Computer Science Principles; or]~~
- ~~[(iv) — Digital Forensics; or]~~
- ~~[(v) — Computer Maintenance; or]~~
- ~~[(vi) — Internetworking Technologies I; or]~~
- ~~[(vii) — Internetworking Technologies II; or]~~
- ~~[(viii) — Networking; or]~~

- (E) ~~[(F)]~~ in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), (C), and (D) of this paragraph.

- (2) Business and industry. A student may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:

- (A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses approved by the commissioner. The final course in the sequence must be selected from one of the following:
 - (i) Chapter 130, Subchapter A, of this title (relating to Agriculture, Food, and Natural Resources); or
 - (ii) Chapter 130, Subchapter B, of this title (relating to Architecture and Construction); or
 - (iii) Chapter 130, Subchapter C, of this title (relating to Arts, Audio/Video Technology, and Communications); or

- (iv) Chapter 130, Subchapter D, of this title (relating to Business Management and Administration); or
- (v) Chapter 130, Subchapter F, of this title (relating to Finance); or
- (vi) Chapter 130, Subchapter I, of this title (relating to Hospitality and Tourism); or
- (vii) Chapter 130, Subchapter K, of this title (relating to Information Technology); or
- (viii) Chapter 130, Subchapter M, of this title (relating to Manufacturing); or
- (ix) Chapter 130, Subchapter N, of this title (relating to Marketing); or
- (x) Chapter 130, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics); or
- (xi) Chapter 130, Subchapter Q, of this title (relating to Energy); or
- (xii) ~~(xi)~~ Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title if the course addresses a career from a field listed in clauses ~~(i)-(xi)~~ ~~(i)-(x)~~ of this subparagraph; or

(B) courses required to complete a TEA-designated program of study related to business and industry; or

(C) ~~(B)~~ four English credits by selecting courses from Chapter 110 of this title to include three levels in one of the following areas:

- (i) public speaking; or
- (ii) debate; or
- (iii) advanced broadcast journalism; or
- (iv) advanced journalism: newspaper; or
- (v) advanced journalism: yearbook; or
- (vi) advanced journalism: literary magazine; or

~~(C) four technology applications credits by selecting from the following:~~

- ~~(i) Digital Design and Media Production; or~~
- ~~(ii) Digital Art and Animation; or~~
- ~~(iii) 3-D Modeling and Animation; or~~
- ~~(iv) Digital Communications in the 21st Century; or~~
- ~~(v) Digital Video and Audio Design; or~~
- ~~(vi) Web Communications; or~~
- ~~(vii) Web Design; or~~
- ~~(viii) Web Game Development; or~~
- ~~(ix) Independent Study in Evolving/Emerging Technologies; or~~

(D) a coherent sequence of four credits from subparagraph (A), (B), or (C) of this paragraph.

(3) Public services. A student may earn a public services endorsement by completing the requirements specified in subsection (e) of this section and:

(A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses approved by the commissioner. The final course in the sequence must be selected from one of the following:

- (i) Chapter 130, Subchapter E, of this title (relating to Education and Training); or
- (ii) Chapter 130, Subchapter G, of this title (relating to Government and Public Administration); or
- (iii) Chapter 130, Subchapter H, of this title (relating to Health Science); or
- (iv) Chapter 130, Subchapter J, of this title (relating to Human Services); or
- (v) Chapter 130, Subchapter L, of this title (relating to Law, Public Safety, Corrections, and Security); or
- (vi) Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title if the course addresses a field from a cluster listed in clauses (i)-(v) of this subparagraph; or

(B) courses required to complete a TEA-designated program of study related to public services; or

(C) [~~(B)~~]four courses in Junior Reserve Officer Training Corps (JROTC).

- (4) Arts and humanities. A student may earn an arts and humanities endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) five social studies credits by selecting courses from Chapter 113 of this title; or
 - (B) four levels of the same language in a language other than English by selecting courses in accordance with Chapter 114 of this title, which may include Advanced Language for Career Applications; or
 - (C) two levels of the same language in a language other than English and two levels of a different language in a language other than English by selecting courses in accordance with Chapter 114 of this title; or
 - (D) four levels of American sign language by selecting courses in accordance with Chapter 114 of this title; or
 - (E) a coherent sequence of four credits by selecting courses from one or two categories or disciplines in fine arts from Chapter 117 of this title or innovative courses approved by the commissioner; or
 - (F) four English credits by selecting from the following:
 - (i) English IV; or
 - (ii) Independent Study in English; or
 - (iii) Literary Genres; or
 - (iv) Creative Writing; or
 - (v) Research and Technical Writing; or
 - (vi) Humanities; or
 - (vii) Communication Applications; or
 - (viii) AP English Literature and Composition; or
 - (ix) AP English Language and Composition; or
 - (x) IB Language Studies A: Language and Literature Standard Level; or
 - (xi) IB Language Studies A: Language and Literature Higher Level; or
 - (xii) IB Language Studies A: Literature Standard Level; or
 - (xiii) IB Language Studies A: Literature Higher Level; or

(xiv) IB Literature and Performance Standard Level.

- (5) Multidisciplinary studies. A student may earn a multidisciplinary studies endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) four advanced courses that prepare a student to enter the workforce successfully or postsecondary education without remediation from within one endorsement area or among endorsement areas that are not in a coherent sequence; or
 - (B) four credits in each of the four foundation subject areas to include chemistry and/or physics and English IV or a comparable AP or IB English course; or
 - (C) four credits in Advanced Placement, International Baccalaureate, or dual credit selected from English, mathematics, science, social studies, economics, languages other than English, or fine arts.

(g) (No change.)

**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
(First Reading and Filing Authorization)**

January 31, 2020

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

SUMMARY: This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, and Subchapter D, Other Social Studies Courses, to add Texas Essential Knowledge and Skills (TEKS) for a new African American studies ethnic studies course, to renumber sections, and to update references to course numbers and titles to reflect recent revisions to the social studies TEKS.

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 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 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 revisions is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date would allow districts to begin planning for the new course before the beginning of the 2020-2021 school year.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for social studies effective September 1, 1998. Amendments to the social studies TEKS were adopted effective August 23, 2010. Amendments to the social studies TEKS were last adopted effective August 1, 2019. A discussion item regarding proposed revisions to 19 TAC Chapter 113 was included on the agenda for the Committee of the Full Board during the November 2019 SBOE meeting. At that time, the board requested that staff develop a proposal for TEKS for an ethnic studies course in African American studies based on the currently approved innovative course, African American Studies.

BACKGROUND INFORMATION AND JUSTIFICATION: The 83rd Texas Legislature, 2013, passed House Bill (HB) 5, amending TEC, §28.025, to transition from three high school graduation programs to one foundation high school program with endorsements to increase flexibility in graduation requirements for students. In August 2013, the SBOE held a work session to discuss changes to the graduation requirements in order to align with the requirements of HB 5, including discussion of courses required by HB 5.

There are currently state-approved TEKS for general social studies elective courses that allow educators to select specific historical, cultural, or research topics in social studies to address in greater depth. In social studies, these courses include Special Topics in Social Studies, Social Studies Research Methods, Social Studies Advanced Studies, and Ethnic Studies: Mexican American Studies.

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

The proposed revisions would add TEKS for a new ethnic studies course in African American studies, renumber sections, and update references to course numbers and titles to reflect recent revisions to the social studies TEKS.

The attachment to this item reflects the text of the proposed revisions to 19 TAC Chapter 113 for consideration by the SBOE for first reading and filing authorization.

A public hearing on a proposed new African American Studies course is presented as a separate item in this agenda.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed new rule would create a new regulation by adding a new TEKS-based course option for students.

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 proposed new rule would add a new TEKS-based course option for students and increase flexibility in meeting graduation requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 6, 2020, and ends April 10, 2020. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2020 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 March 6, 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization 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.

Staff Members Responsible:

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

Attachment: Text 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

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 113. Texas Essential Knowledge and Skills for Social Studies

Subchapter C. High School

§113.30. Implementation of Texas Essential Knowledge and Skills for Social Studies, High School [~~Adopted 2018~~].

- (a) Implementation of the provisions of this subchapter begins with the effective date of the provision unless otherwise noted.
- (b) ~~(a)~~ Implementation of the [The] provisions of [~~§113.31 and §§113.41-113.44 of~~] this subchapter adopted in 2018 begins [~~shall be implemented by school districts beginning~~] with the 2019-2020 school year.
- ~~(b) The provisions of §§113.45-113.48 of this subchapter shall be implemented by school districts beginning with the 2011-2012 school year.~~

§113.51. Ethnic Studies: African American Studies (One Credit).

- (a) Introduction.
- (1) In Ethnic Studies: African American Studies, an elective course, students learn about the history and cultural contributions of African Americans. This course is designed to assist students in understanding issues and events from multiple perspectives. This course develops an understanding of the historical roots of African American culture, especially as it pertains to social, economic, and political interactions within the broader context of United States history. It requires an analysis of important ideas, social and cultural values, beliefs, and traditions. Knowledge of multiple perspectives and past achievements provides citizens of the 21st century with a broader context within which to address the many issues facing the United States.
- (2) To support the teaching of the essential knowledge and skills, the use of a variety of rich primary and secondary source material such as biographies, autobiographies, landmark cases of the U.S. Supreme Court, novels, speeches, letters, diaries, poetry, songs, and artwork is encouraged. Resources are available from museums, historical sites, presidential libraries, and local and state preservation societies.
- (3) The eight strands of the essential knowledge and skills for social studies are intended to be integrated for instructional purposes. Skills listed in the social studies skills strand in subsection (c) of this section should be incorporated into the teaching of all essential knowledge and skills for social studies. A greater depth of understanding of complex content material can be attained when integrated social studies content from the various disciplines and critical-thinking skills are taught together.
- (4) Students identify the role of the U.S. free enterprise system within the parameters of this course and understand that this system may also be referenced as capitalism or the free market system.
- (5) Throughout social studies in Kindergarten-Grade 12, students build a foundation in history; geography; economics; government; citizenship; culture; science, technology, and society; and social studies skills. The content, as appropriate for the grade level or course, enables students to understand the importance of patriotism, function in a free enterprise society, and appreciate the basic democratic values of our state and nation as referenced in the Texas Education Code (TEC), §28.002(h).
- (6) Students understand that a constitutional republic is a representative form of government whose representatives derive their authority from the consent of the governed, serve for an established tenure, and are sworn to uphold the constitution.
- (7) State and federal laws mandate a variety of celebrations and observances, including Celebrate Freedom Week.

- (A) Each social studies class shall include, during Celebrate Freedom Week as provided under the TEC, §29.907, or during another full school week as determined by the board of trustees of a school district, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights, in their historical contexts. The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the U.S. Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.
- (B) Each school district shall require that, during Celebrate Freedom Week or other week of instruction prescribed under subparagraph (A) of this paragraph, students in Grades 3-12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness--That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed."
- (8) Students identify and discuss how the actions of U.S. citizens and the local, state, and federal governments have either met or failed to meet the ideals espoused in the founding documents.
- (9) 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.
- (b) Knowledge and skills.
- (1) History. The student understands the influential historical points of reference in African history prior to 1619. The student is expected to:
- (A) identify the major eras, civilizations, and contributions of African American history that are foundational to humanity and predate American slavery;
- (B) describe and compare the various pre-colonial, indigenous, and ancestral roots of African Americans such as educational systems, social and political developments, family structures, global trade, and exchange; and
- (C) analyze the effects of dehumanization through the capture, trade, and enslavement of Africans, within a regional and global context, including the Atlantic Slave Trade.
- (2) History. The student understands the economic, political, and social development of slavery during the American colonial period, 1619 to 1775. The student is expected to:
- (A) analyze the economic, political, and social reasons for focusing the slave trade on Africa, including the role of Africans, Europeans, and American colonists;
- (B) assess and discuss the impact of the Middle Passage on the African American slave experience over time;
- (C) analyze the causes for the growth and development of slavery, primarily in the Southern colonies; and
- (D) analyze adaptations in African American slave culture over time such as in religion, food, and classism.
- (3) History. The student understands the justification and ramifications for the continuation and growth of slavery and the anti-slavery movement in the United States from independence (1776) through the Emancipation Proclamation (1863). The student is expected to:
- (A) identify and evaluate the economic, social, religious, and legal justifications used by Americans to continue and expand slavery after declaring independence from Great Britain;

- (B) describe the issues surrounding the passing and influence of the Three-Fifths Compromise on African Americans in the United States;
 - (C) analyze the role that slavery played in the development of nationalism and sectionalism during the early 19th century;
 - (D) identify and evaluate various forms of individual and group resistance against the enslavement of African Americans; and
 - (E) analyze the influence of significant individuals prior to and during the abolitionist movement to determine their impact on ending slavery, including the work of Frederick Douglass, Richard Allen, Harriet Tubman, Ellen Craft, and Anthony Burns.
- (4) History. The student understands African American life from the Civil War through World War I. The student is expected to:
- (A) summarize the roles and experiences of African American soldiers and spies in both the North and South during the Civil War;
 - (B) describe and analyze the successes and failures of Reconstruction;
 - (C) compare divergent paths and challenges faced by African American men and women from post-Reconstruction to the early 20th century, including Ida B. Wells, W.E.B. Du Bois, Booker T. Washington, the National Association for the Advancement of Colored People (NAACP), Freedmen's Towns, and the Exodusters;
 - (D) explain the circumstances surrounding increased violence and extremism such as the Colfax Massacre, the Ku Klux Klan (KKK), lynchings, and race riots;
 - (E) analyze how the rise of Jim Crow laws affected the life experiences of African Americans in the late 19th and early 20th centuries;
 - (F) evaluate the impact of the 1896 Plessy v. Ferguson Supreme Court decision;
 - (G) analyze the social, economic, and political actions of African Americans in response to the Jim Crow era during the early 20th century such as the Great Migration, civil rights organizations, social organizations, political organizations, and organized labor unions; and
 - (H) evaluate the impact of participation in World War I on the African American experience, including the Buffalo Soldiers.
- (5) History. The student understands change and continuity in the African American cultural identity during the Great Depression, World War II, and the Civil Rights Movement. The student is expected to:
- (A) compare the positive and negative effects of the Great Depression and New Deal on the social and economic status of African Americans in various geographic regions;
 - (B) describe the continued struggle for civil rights in America during this time in history, including the notable works of the NAACP, National Urban League, Martin Luther King Jr., Jackie Robinson, and local leaders such as Juanita Craft;
 - (C) assess the impact of racism during World War II;
 - (D) explain the contributions of significant African American individuals and groups during World War II, including the Tuskegee Airmen and Dorie Miller;
 - (E) analyze how the effects of World War II laid the groundwork for the Civil Rights Movement, including Harry S. Truman's Executive Order 9981 and the contributions of Thurgood Marshall, A. Phillip Randolph, and Mary McLeod Bethune;
 - (F) analyze the successes and failures of the Civil Rights Movement, including methods such as sit-ins, boycotts, marches, speeches, music, and organizations; and

- (G) evaluate the extent to which the Civil Rights Movement transformed American politics and society.
- (6) History. The student understands the progress made and challenges faced by African Americans from the post-Civil Rights Era to contemporary times. The student is expected to:
- (A) identify and explain the issues confronting African Americans in the continuing quest for equality;
- (B) distinguish the major contributions of contemporary African Americans and how their contributions have shaped the American experience such as Barbara Jordan, Shirley Chisholm, Condoleezza Rice, Earl G. Graves, Colin Powell, John H. Johnson, Muhammad Ali, and Barack Obama; and
- (C) analyze the progress and challenges for African American men and women socially, economically, and politically from 1970 to the present such as the evolving role of education in the African American community.
- (7) Geography. The student understands the impact of geographic factors on major events related to African Americans over time. The student is expected to:
- (A) explain the causes and effects of forced and voluntary migration on individuals, groups, and societies throughout African American history;
- (B) identify and describe the physical and human geographic factors related to the Atlantic Slave Trade and plantation system, the institution of slavery, and the Industrial Revolution;
- (C) explain the westward movement and the Great Migration and summarize their impact on African Americans; and
- (D) analyze how environmental changes have impacted African American communities such as land use, settlement patterns, and urban development.
- (8) Economics. The student understands ways in which African Americans have addressed opportunities, challenges, and strategies concerning economic well-being over time. The student is expected to:
- (A) describe the development of the plantation system and slave labor in the American colonies;
- (B) identify the groups that participated in the transatlantic triangular trade system and explain how the system worked;
- (C) analyze the effects of the Industrial Revolution and the cotton gin on the economies of the American South, the United States, and the world;
- (D) explain how economic policies such as sharecropping, Jim Crow economics, and redlining have impacted the standard of living of African Americans;
- (E) explain how unsatisfactory economic opportunities in the South and increased economic opportunities in cities of the North and West caused the Great Migration;
- (F) evaluate the economic impact of the American labor movement and unionism on African Americans from the late nineteenth century to today;
- (G) analyze how various geographic, cultural, social, political, and financial factors have impacted the economic mobility of African Americans such as skin color, wealth, and educational background;
- (H) analyze the effectiveness of various approaches African Americans have used to solve economic issues; and
- (I) trace the rise and development African American businesses and entrepreneurship from the late 19th century to today.

- (9) Government. The student understands the significant impact of political decisions on African Americans throughout history. The student is expected to:
- (A) compare the effects of revolutionary ideologies on political perspectives of African Americans such as life, liberty, and the pursuit of happiness;
 - (B) explain the regional perspectives toward political rights of African American men and women from the early years of the republic through 1877;
 - (C) analyze the impact of the 13th, 14th, and 15th Amendments to the U.S. Constitution and the effects on African American men and women between 1877 and 1920;
 - (D) analyze how government policies, court actions, and legislation impacted African Americans from the 1920s through the 1950s;
 - (E) analyze the causes and effects of legislative developments from 1960 to the present day, including voting rights, civil rights, fair housing, education, employment, and affirmative action; and
 - (F) analyze how the changing political environment has impacted civil rights from the late 20th century to the present.
- (10) Government. The student understands the African American pursuit of full citizenship over time. The student is expected to:
- (A) analyze examples of conflict and cooperation between African Americans and other groups in the pursuit of individual freedoms and civil rights;
 - (B) explain how various philosophies and ideologies have played a role in the African American experience for social, political, and legal equality such as fair housing, equal opportunity, affirmative action, and voting rights; and
 - (C) identify and analyze civic participation of African Americans in terms of leadership and strategic planning at various levels.
- (11) Citizenship. The student understands the importance of different points of view in a constitutional republic. The student is expected to:
- (A) trace how perceptions of the rights and civic responsibilities of African Americans have changed over time, including the idea of being considered property with no rights under slavery;
 - (B) analyze how regional differences have impacted political perspectives of African American communities;
 - (C) analyze the significance and associations of identity nomenclature relevant to African Americans such as Negro and Black; and
 - (D) evaluate selected contemporary African American issues that have led to diverse points of view in public discourse, including rights and activism.
- (12) Culture. The student understands the development of African American culture and society and the impact of shared identities and differing experiences. The student is expected to:
- (A) analyze the impact of assimilation, stereotypes, de facto practices, and oppression on the lives of African Americans;
 - (B) analyze ways in which African Americans have retained cultural identity over time while adapting to and contributing to mainstream American culture; and
 - (C) analyze the various cultural practices that have shaped the individual and collective identity of African Americans over time to understand shared and differing experiences.
- (13) Culture. The student understands the cultural traditions and contributions of African Americans from the colonial era through Reconstruction. The student is expected to:

- (A) identify and evaluate the influence of African oral traditions, art, music, and dance on African American culture;
 - (B) describe and evaluate the impact of enslavement on African American culture;
 - (C) identify and evaluate the contributions of early African American writers, including Phillis Wheatley and Jupiter Hammon;
 - (D) explain the origins and characteristics of African American folk art, work songs, spirituals, and gospel music; and
 - (E) describe the expanding influence of African American music through the work of performers such as the Fisk Jubilee Singers.
- (14) Culture. The student understands the influence of artistic expression on the African American experience and American culture from Reconstruction to the present. The student is expected to:
- (A) describe the development of blues, ragtime, and jazz music, including the achievements of composers such as Scott Joplin and James Reese Europe;
 - (B) examine how various African American expressions of dance forms, including tap dance, step dance, hip hop, and modern dance, and the contributions of African American dancers, including Katherine Dunham and Misty Copeland, have contributed to the shared identity of various groups;
 - (C) explain the lasting impact of the Harlem Renaissance on American culture and society, including the achievements of individuals such as Langston Hughes, Duke Ellington, Louis Armstrong, Paul Robeson, Josephine Baker, James VanDerZee, Augusta Savage, and Sargent Johnson;
 - (D) interpret the reviews of selected works by African American authors such as *The Souls of Black Folk* by W.E.B. Du Bois, *Native Son* by Richard Wright, *Their Eyes Were Watching God* by Zora Neale Hurston, and *Eyes on the Prize* by Henry Hampton;
 - (E) examine storytelling, literary, filmmaking, and visual arts contributions related to self-identity made by African Americans such as Maya Angelou, bell hooks, Lorraine Hansberry, Amiri Baraka, August Wilson, Faith Ringgold, Sidney Poitier, Spike Lee, John Singleton, and Oprah Winfrey;
 - (F) explain how characteristics of African American history and culture have been reflected in various genres of art, music, film, theatre, visual arts, and dance; and
 - (G) analyze the impact of popular culture on African Americans during significant eras.
- (15) Science, technology, and society. The student understands how African American achievements in science and technology have contributed to economic and social development in the United States. The student is expected to:
- (A) identify examples of how advances made by African civilizations in areas such as astronomy, mathematics, architecture, and engineering have contributed to science and technology in the United States;
 - (B) identify examples of how industrialization was influenced by African Americans over time; and
 - (C) examine the contributions of significant African American individuals to science, philosophy, mathematics, and technology, including Benjamin Banneker, Katherine Johnson, Henrietta Lacks, Mae Jemison, Dorothy Vaughan, George Washington Carver, Neil deGrasse Tyson, Katherine Johnson, and Mary Jackson.
- (16) Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including electronic technology. The student is expected to:

- (A) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions; and
 - (B) use maps, charts, graphs, photographs, geographic data, and available technology tools to draw conclusions and make inferences about African American history.
- (17) Social studies skills. The student applies historical thinking in order to understand the African American experience over time. The student is expected to:
- (A) evaluate the validity of a source based on corroboration with other sources and information about the author, including points of view, frames of reference, and historical context;
 - (B) analyze competing historical narratives and debates among historians;
 - (C) integrate evidence from multiple relevant historical sources and interpretations into a reasoned argument about the past; and
 - (D) analyze how historical context has shaped and continues to shape people's perspectives.
- (18) Social studies skills. The student communicates in written, oral, and visual forms. The student is expected to:
- (A) apply social studies terminology correctly;
 - (B) apply standard grammar, spelling, sentence structure, and punctuation;
 - (C) transfer information from one medium to another, including written to visual and statistical to written or visual, using available computer software as appropriate; and
 - (D) use research to create written, oral, and visual presentations of social studies information, including a presentation on a contemporary African American issue or topic using critical methods of inquiry.

§113.60. Social Studies Advanced Studies (One-Half Credit).

- (a) General requirements. Students shall be awarded one-half unit of credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.
- (b) Introduction. In Social Studies Advanced Studies, an elective course, students conduct in-depth research, prepare a product of professional quality, and present their findings to appropriate audiences. Students, working independently or in collaboration with a mentor, investigate a problem, issue, or concern; research the topic using a variety of technologies; and present a product of professional quality to an appropriate audience.
- (c) Knowledge and skills.
 - (1) The student will investigate, independently or collaboratively, a problem, issue, or concern within a selected profession or discipline. The student is expected to:
 - (A) analyze the relationship between his or her interests and career/discipline;
 - (B) review literature from varied sources from the selected career or discipline;
 - (C) identify a problem, issue, or concern;
 - (D) survey and/or interview professionals to determine the appropriateness of a project; and
 - (E) develop a proposal that includes well-defined questions, goals and objectives, rationale, and procedures for the project.
 - (2) The student will demonstrate understanding of the research methods and/or technologies used in a selected profession or discipline. The student is expected to:

- (A) develop an understanding of the requirements and practices of the profession in the selected career or discipline through observation;
 - (B) simulate the methods and/or technologies used in the research process particular to the selected field or discipline; and
 - (C) review and revise the original proposal to reflect changes needed based upon preliminary research and practices.
- (3) The student will develop products that meet standards recognized by the selected profession or discipline. The student is expected to:
- (A) collaborate with the appropriate professionals to define the product;
 - (B) develop a plan for product completion;
 - (C) develop assessment criteria for successful completion of the project;
 - (D) establish the appropriateness of the product for the intended audience;
 - (E) implement the plan for product completion; and
 - (F) maintain a journal to document all phases of the implementation of the plan and reflections on learning experiences and processes.
- (4) The student will demonstrate an understanding of the selected problem, issue, or concern by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:
- (A) review and revise the plan to present the findings;
 - (B) make arrangements for the presentation of findings to an appropriate audience;
 - (C) present findings, simulating the skills used by professionals;
 - (D) consider feedback received from the audience;
 - (E) reflect on the study and its potential for impact on the field; and
 - (F) reflect on personal learning experiences of the study.

§113.61. Economics Advanced Studies (One-Half Credit).

- (a) General requirements. Students may take this course with different course content for a maximum of one credit. Students who are pursuing the Distinguished Achievement Program may take Economics Advanced Studies to earn state credit for developing, researching, and presenting their mentorship or independent study advanced measure.
- (b) Introduction. In Economics Advanced Studies, an elective course, students conduct in-depth research, prepare a product of professional quality, and present their findings to appropriate audiences. Students, working independently or in collaboration with a mentor, investigate a problem, issue, or concern; research the topic using a variety of technologies; and present a product of professional quality to an appropriate audience.
- (c) Knowledge and skills.
- (1) The student will investigate, independently or collaboratively, a problem, issue, or concern within a selected profession or discipline. The student is expected to:
- (A) analyze the relationship between his or her interests and career/discipline;
 - (B) review literature from varied sources from the selected career or discipline;
 - (C) identify a problem, issue, or concern;
 - (D) survey and/or interview professionals to determine the appropriateness of a project; and

- (E) develop a proposal that includes well-defined questions, goals and objectives, rationale, and procedures for the project.
- (2) The student will demonstrate understanding of the research methods and/or technologies used in a selected profession or discipline. The student is expected to:
 - (A) develop an understanding of the requirements and practices of the profession in the selected career or discipline through observation;
 - (B) simulate the methods and/or technologies used in the research process particular to the selected field or discipline; and
 - (C) review and revise the original proposal to reflect changes needed based upon preliminary research and practices.
- (3) The student will develop products that meet standards recognized by the selected profession or discipline. The student is expected to:
 - (A) collaborate with the appropriate professionals to define the product;
 - (B) develop a plan for product completion;
 - (C) develop assessment criteria for successful completion of the project;
 - (D) establish the appropriateness of the product for the intended audience;
 - (E) implement the plan for product completion; and
 - (F) maintain a journal to document all phases of the implementation of the plan and reflections on learning experiences and processes.
- (4) The student will demonstrate an understanding of the selected problem, issue, or concern by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:
 - (A) review and revise the plan to present the findings;
 - (B) make arrangements for the presentation of findings to an appropriate audience;
 - (C) present findings, simulating the skills used by professionals;
 - (D) consider feedback received from the audience;
 - (E) reflect on the study and its potential for impact on the field; and
 - (F) reflect on personal learning experiences of the study.

Subchapter D. Other Social Studies Courses

§113.101. Implementation of Texas Essential Knowledge and Skills for Social Studies, Other Social Studies Courses.

Implementation of the provisions of this subchapter begins with the effective date of the provision unless otherwise noted.

§113.102. Advanced Placement (AP) United States History (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course may be used to meet either the course requirement for U.S. History for state graduation or elective course requirements.
- (b) Content requirements. Content requirements for Advanced Placement (AP) United States History are prescribed in the College Board Publication *Advanced Placement Course in United States History*, published by The College Board and in §113.41 of this title (relating to United States History Studies Since 1877 (One Credit), Adopted 2018).

§113.103. Advanced Placement (AP) European History (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course may not be used as a substitute for World History Studies.
- (b) Content requirements. Content requirements for Advanced Placement (AP) European History are prescribed in the College Board Publication *Advanced Placement Course in European History*, published by The College Board.

§113.104. Advanced Placement (AP) World History (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course may be used as a substitute for World History Studies.
- (b) Content requirements. Content requirements for Advanced Placement (AP) World History are prescribed in the College Board Publication *Advanced Placement Course Description in World History*, published by The College Board and in §113.42 of this title (relating to World History Studies (One Credit), Adopted 2018).

§113.105. Advanced Placement (AP) Human Geography (One-Half to One Credit).

- (a) General requirements. Students shall be awarded either one-half credit or one credit for successful completion of this course. When completed for one credit, this course may be used as a substitute for World Geography Studies. When completed for one-half credit, this course may be used to meet only elective course requirements.
- (b) Content requirements. Content requirements for Advanced Placement (AP) Human Geography are prescribed in the College Board Publication *Advanced Placement Course Description in Human Geography*, published by The College Board and in §113.43 of this title (relating to World Geography Studies (One Credit), Adopted 2018) when taught as a one credit course. Content requirements for AP Human Geography are prescribed in the College Board Publication *Advanced Placement Course Description in Human Geography*, published by The College Board when taught as a one-half credit course.

§113.106. Advanced Placement (AP) U.S. Government and Politics (One-Half Credit).

- (a) General requirements. Students shall be awarded one-half credit for successful completion of this course. This course may be used to meet the course requirement in Government for state graduation.
- (b) Content requirements. Content requirements for Advanced Placement (AP) U.S. Government and Politics are prescribed in the College Board Publication *Advanced Placement Course in U.S. Government and*

Politics, published by The College Board and in §113.44 of this title (relating to United States Government (One-Half Credit), Adopted 2018).

§113.107. Advanced Placement (AP) Comparative Government and Politics (One-Half Credit).

- (a) General requirements. Students shall be awarded one-half credit for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for Advanced Placement (AP) Comparative Government and Politics are prescribed in the College Board Publication *Advanced Placement Course in Comparative Government and Politics*, published by The College Board.

§113.108. Advanced Placement (AP) Psychology (One-Half Credit).

- (a) General requirements. Students shall be awarded one-half credit for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for Advanced Placement (AP) Psychology are prescribed in the College Board Publication *Advanced Placement Course in Psychology*, published by The College Board.

§113.109. International Baccalaureate (IB) History Standard Level (SL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB History SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.110. International Baccalaureate (IB) History of Africa and the Middle East Higher Level (HL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB History of Africa and the Middle East HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.111. International Baccalaureate (IB) History of the Americas Higher Level (HL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. One credit may be used to meet the course requirement in United States history for state graduation; the other credit may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB History of the Americas HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America and in §113.41 of this title (relating to United States History Studies Since 1877 (One Credit), Adopted 2018).

§113.112. International Baccalaureate (IB) History of Asia and Oceania Higher Level (HL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB History of Asia and Oceania HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.113. International Baccalaureate (IB) History of Europe Higher Level (HL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB History of Europe HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.114. International Baccalaureate (IB) Geography Standard Level (SL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet required course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Geography SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America and in §113.43 of this title (relating to World Geography Studies (One Credit), Adopted 2018).

§113.115. International Baccalaureate (IB) Geography Higher Level (HL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. One credit may be used to meet the course requirement in World Geography Studies for state graduation; the other credit may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Geography HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America and in §113.43 of this title (relating to World Geography Studies (One Credit), Adopted 2018).

§113.116. International Baccalaureate (IB) Psychology Standard Level (SL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Psychology SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.117. International Baccalaureate (IB) Psychology Higher Level (HL) (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Psychology HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.118. International Baccalaureate (IB) Social and Cultural Anthropology Standard Level (SL) (Two Credits).

- (a) General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Social and Cultural Anthropology SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.

§113.119. International Baccalaureate (IB) Social and Cultural Anthropology Higher Level (HL) (Two Credits).

- (a) General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.

- (b) Content requirements. Content requirements for IB Social and Cultural Anthropology HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.

§113.120. International Baccalaureate (IB) World Religions Standard Level (SL) (Two Credits).

- (a) General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB World Religions SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.

§113.121. International Baccalaureate (IB) Global Politics Standard Level (SL) (Two Credits).

- (a) General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Global Politics SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.

§113.122. International Baccalaureate (IB) Global Politics Higher Level (HL) (Two Credits).

- (a) General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Global Politics HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.

§113.123. Advanced Placement (AP) Microeconomics (One-Half Credit).

- (a) General requirements. This course may be used to meet required course requirements for state graduation. If Microeconomics is used to meet the required course requirement for state graduation, Macroeconomics may be used as a state-approved elective.
- (b) Content requirements. Content requirements for Advanced Placement (AP) Microeconomics are prescribed in the College Board Publication *Advanced Placement Course in Microeconomics* published by The College Board.

§113.124. Advanced Placement (AP) Macroeconomics (One-Half Credit).

- (a) General requirements. This course may be used to meet required course requirements for state graduation. If Macroeconomics is used to meet the required course requirement for state graduation, Microeconomics may be used as a state-approved elective.
- (b) Content requirements. Content requirements for Advanced Placement (AP) Macroeconomics are prescribed in the College Board Publication *Advanced Placement Course in Macroeconomics* published by The College Board.

§113.125. International Baccalaureate (IB) Economics Standard Level (SL) (Two Credits).

- (a) General requirements. One-half credit may be used to meet the course requirement in Economics for state graduation and one and one-half credits may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Economics SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.126. International Baccalaureate (IB) Economics Higher Level (HL) (Two Credits).

- (a) General requirements. One-half credit may be used to meet the course requirement in Economics for state graduation and one and one-half credits may be used to meet only elective course requirements for state graduation.
- (b) Content requirements. Content requirements for IB Economics HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.51. Implementation of Texas Essential Knowledge and Skills for Social Studies, Other Social Studies Courses.

- (a) The provisions of §§113.52-113.75 of this subchapter shall be implemented by school districts beginning September 1, 1998.
- (b) The provisions of §§113.76-113.80 of this subchapter shall be implemented by school districts beginning with the 2019-2020 school year.

§113.52. Social Studies Advanced Studies (One-Half Credit).

- (a) General requirements. Students shall be awarded one-half unit of credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.
- (b) Introduction. In Social Studies Advanced Studies, an elective course, students conduct in-depth research, prepare a product of professional quality, and present their findings to appropriate audiences. Students, working independently or in collaboration with a mentor, investigate a problem, issue, or concern; research the topic using a variety of technologies; and present a product of professional quality to an appropriate audience.
- (c) Knowledge and skills.
 - (1) The student will investigate, independently or collaboratively, a problem, issue, or concern within a selected profession or discipline. The student is expected to:
 - (A) analyze the relationship between his or her interests and career/discipline;
 - (B) review literature from varied sources from the selected career or discipline;
 - (C) identify a problem, issue, or concern;
 - (D) survey and/or interview professionals to determine the appropriateness of a project; and
 - (E) develop a proposal that includes well-defined questions, goals and objectives, rationale, and procedures for the project.
 - (2) The student will demonstrate understanding of the research methods and/or technologies used in a selected profession or discipline. The student is expected to:
 - (A) develop an understanding of the requirements and practices of the profession in the selected career or discipline through observation;
 - (B) simulate the methods and/or technologies used in the research process particular to the selected field or discipline; and
 - (C) review and revise the original proposal to reflect changes needed based upon preliminary research and practices.
 - (3) The student will develop products that meet standards recognized by the selected profession or discipline. The student is expected to:
 - (A) collaborate with the appropriate professionals to define the product;
 - (B) develop a plan for product completion;
 - (C) develop assessment criteria for successful completion of the project;

- ~~(D) — establish the appropriateness of the product for the intended audience;~~
- ~~(E) — implement the plan for product completion; and~~
- ~~(F) — maintain a journal to document all phases of the implementation of the plan and reflections on learning experiences and processes.~~
- ~~(4) — The student will demonstrate an understanding of the selected problem, issue, or concern by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:~~
 - ~~(A) — review and revise the plan to present the findings;~~
 - ~~(B) — make arrangements for the presentation of findings to an appropriate audience;~~
 - ~~(C) — present findings, simulating the skills used by professionals;~~
 - ~~(D) — consider feedback received from the audience;~~
 - ~~(E) — reflect on the study and its potential for impact on the field; and~~
 - ~~(F) — reflect on personal learning experiences of the study.]~~

§113.53. Advanced Placement (AP) United States History (One Credit).]

- ~~(a) — General requirements. Students shall be awarded one credit for successful completion of this course. This course may be used to meet either the course requirement for U.S. History for state graduation or elective course requirements.~~
- ~~(b) — Content requirements. Content requirements for Advanced Placement (AP) United States History are prescribed in the College Board Publication *Advanced Placement Course in United States History*, published by The College Board and in §113.41 of this title (relating to United States History Studies Since 1877 (One Credit), Beginning with School Year 2011–2012).]~~

§113.54. Advanced Placement (AP) European History (One Credit).]

- ~~(a) — General requirements. Students shall be awarded one credit for successful completion of this course. This course may not be used as a substitute for World History Studies.~~
- ~~(b) — Content requirements. Content requirements for Advanced Placement (AP) European History are prescribed in the College Board Publication *Advanced Placement Course in European History*, published by The College Board.]~~

§113.55. Advanced Placement (AP) World History (One Credit).]

- ~~(a) — General requirements. Students shall be awarded one credit for successful completion of this course. This course may be used as a substitute for World History Studies.~~
- ~~(b) — Content requirements. Content requirements for Advanced Placement (AP) World History are prescribed in the College Board Publication *Advanced Placement Course Description in World History*, published by The College Board and in §113.42 of this title (relating to World History Studies (One Credit), Beginning with School Year 2011–2012).]~~

§113.56. Advanced Placement (AP) Human Geography (One-Half to One Credit).]

- ~~(a) — General requirements. Students shall be awarded either one-half credit or one credit for successful completion of this course. When completed for one credit, this course may be used as a substitute for World Geography Studies. When completed for one-half credit, this course may be used to meet only elective course requirements.~~
- ~~(b) — Content requirements. Content requirements for Advanced Placement (AP) Human Geography are prescribed in the College Board Publication *Advanced Placement Course Description in Human Geography*, published by The College Board and in §113.43 of this title (relating to World Geography Studies (One Credit), Beginning with School Year 2011–2012) when taught as a one-credit course. Content~~

requirements for AP Human Geography are prescribed in the College Board Publication *Advanced Placement Course Description in Human Geography*, published by The College Board when taught as a one-half credit course.]

§113.57. Advanced Placement (AP) U.S. Government and Politics (One-Half Credit):

- [(a) — General requirements. Students shall be awarded one-half credit for successful completion of this course. This course may be used to meet the course requirement in Government for state graduation.]
- [(b) — Content requirements. Content requirements for Advanced Placement (AP) U.S. Government and Politics are prescribed in the College Board Publication *Advanced Placement Course in U.S. Government and Politics*, published by The College Board and in §113.44 of this title (relating to United States Government (One-Half Credit), Beginning with School Year 2011-2012).]

§113.58. Advanced Placement (AP) Comparative Government and Politics (One-Half Credit):

- [(a) — General requirements. Students shall be awarded one-half credit for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.]
- [(b) — Content requirements. Content requirements for Advanced Placement (AP) Comparative Government and Politics are prescribed in the College Board Publication *Advanced Placement Course in Comparative Government and Politics*, published by The College Board.]

§113.59. Advanced Placement (AP) Psychology (One-Half Credit):

- [(a) — General requirements. Students shall be awarded one-half credit for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.]
- [(b) — Content requirements. Content requirements for Advanced Placement (AP) Psychology are prescribed in the College Board Publication *Advanced Placement Course in Psychology*, published by The College Board.]

§113.60. International Baccalaureate (IB) History Standard Level (SL) (Two Credits):

- [(a) — General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.]
- [(b) — Content requirements. Content requirements for IB History SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.]

§113.61. International Baccalaureate (IB) History of Africa and the Middle East Higher Level (HL) (Two Credits):

- [(a) — General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.]
- [(b) — Content requirements. Content requirements for IB History of Africa and the Middle East HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.]

§113.62. International Baccalaureate (IB) History of the Americas Higher Level (HL) (Two Credits):

- [(a) — General requirements. Students shall be awarded two credits for successful completion of this course. One credit may be used to meet the course requirement in United States history for state graduation; the other credit may be used to meet only elective course requirements for state graduation.]
- [(b) — Content requirements. Content requirements for IB History of the Americas HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America and in §113.41 of this title (relating to United States History Studies Since 1877 (One-Credit), Beginning with School Year 2011-2012).]

§113.63. International Baccalaureate (IB) History of Asia and Oceania Higher Level (HL) (Two Credits):

- (a) — General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) — Content requirements. Content requirements for IB History of Asia and Oceania HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.64. International Baccalaureate (IB) History of Europe Higher Level (HL) (Two Credits):

- (a) — General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) — Content requirements. Content requirements for IB History of Europe HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.65. International Baccalaureate (IB) Geography Standard Level (SL) (Two Credits):

- (a) — General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet required course requirements for state graduation.
- (b) — Content requirements. Content requirements for IB Geography SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America and in §113.43 of this title (relating to World Geography Studies (One Credit), Beginning with School Year 2011-2012).

§113.66. International Baccalaureate (IB) Geography Higher Level (HL) (Two Credits):

- (a) — General requirements. Students shall be awarded two credits for successful completion of this course. One credit may be used to meet the course requirement in World Geography Studies for state graduation; the other credit may be used to meet only elective course requirements for state graduation.
- (b) — Content requirements. Content requirements for IB Geography HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America and in §113.43 of this title (relating to World Geography Studies (One Credit), Beginning with School Year 2011-2012).

§113.67. International Baccalaureate (IB) Psychology Standard Level (SL) (Two Credits):

- (a) — General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) — Content requirements. Content requirements for IB Psychology SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.68. International Baccalaureate (IB) Psychology Higher Level (HL) (Two Credits):

- (a) — General requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.
- (b) — Content requirements. Content requirements for IB Psychology HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§113.71. International Baccalaureate (IB) Social and Cultural Anthropology Standard Level (SL) (Two Credits):

- (a) — General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.

~~(b) — Content requirements. Content requirements for IB Social and Cultural Anthropology SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.]~~

§113.72. International Baccalaureate (IB) Social and Cultural Anthropology Higher Level (HL) (Two Credits):

~~(a) — General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.~~

~~(b) — Content requirements. Content requirements for IB Social and Cultural Anthropology HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.]~~

§113.73. International Baccalaureate (IB) World Religions Standard Level (SL) (Two Credits):

~~(a) — General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.~~

~~(b) — Content requirements. Content requirements for IB World Religions SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.]~~

§113.74. International Baccalaureate (IB) Global Politics Standard Level (SL) (Two Credits):

~~(a) — General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.~~

~~(b) — Content requirements. Content requirements for IB Global Politics SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.]~~

§113.75. International Baccalaureate (IB) Global Politics Higher Level (HL) (Two Credits):

~~(a) — General Requirements. Students shall be awarded two credits for successful completion of this course. This course may be used to meet only elective course requirements for state graduation.~~

~~(b) — Content requirements. Content requirements for IB Global Politics HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from the International Baccalaureate of North America.]~~

§113.76. Economics Advanced Studies (One Half Credit):

~~(a) — General requirements. Students may take this course with different course content for a maximum of one credit. Students who are pursuing the Distinguished Achievement Program may take Economics Advanced Studies to earn state credit for developing, researching, and presenting their mentorship or independent study advanced measure.~~

~~(b) — Introduction. In Economics Advanced Studies, an elective course, students conduct in-depth research, prepare a product of professional quality, and present their findings to appropriate audiences. Students, working independently or in collaboration with a mentor, investigate a problem, issue, or concern; research the topic using a variety of technologies; and present a product of professional quality to an appropriate audience.~~

~~(c) — Knowledge and skills:~~

~~(1) — The student will investigate, independently or collaboratively, a problem, issue, or concern within a selected profession or discipline. The student is expected to:~~

~~(A) — analyze the relationship between his or her interests and career/discipline;~~

~~(B) — review literature from varied sources from the selected career or discipline;~~

- ~~(C) — identify a problem, issue, or concern;~~
- ~~(D) — survey and/or interview professionals to determine the appropriateness of a project; and~~
- ~~(E) — develop a proposal that includes well-defined questions, goals and objectives, rationale, and procedures for the project.~~
- ~~(2) — The student will demonstrate understanding of the research methods and/or technologies used in a selected profession or discipline. The student is expected to:~~
 - ~~(A) — develop an understanding of the requirements and practices of the profession in the selected career or discipline through observation;~~
 - ~~(B) — simulate the methods and/or technologies used in the research process particular to the selected field or discipline; and~~
 - ~~(C) — review and revise the original proposal to reflect changes needed based upon preliminary research and practices.~~
- ~~(3) — The student will develop products that meet standards recognized by the selected profession or discipline. The student is expected to:~~
 - ~~(A) — collaborate with the appropriate professionals to define the product;~~
 - ~~(B) — develop a plan for product completion;~~
 - ~~(C) — develop assessment criteria for successful completion of the project;~~
 - ~~(D) — establish the appropriateness of the product for the intended audience;~~
 - ~~(E) — implement the plan for product completion; and~~
 - ~~(F) — maintain a journal to document all phases of the implementation of the plan and reflections on learning experiences and processes.~~
- ~~(4) — The student will demonstrate an understanding of the selected problem, issue, or concern by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:~~
 - ~~(A) — review and revise the plan to present the findings;~~
 - ~~(B) — make arrangements for the presentation of findings to an appropriate audience;~~
 - ~~(C) — present findings, simulating the skills used by professionals;~~
 - ~~(D) — consider feedback received from the audience;~~
 - ~~(E) — reflect on the study and its potential for impact on the field; and~~
 - ~~(F) — reflect on personal learning experiences of the study.]~~

§113.77. Advanced Placement (AP) Microeconomics (One Half Credit):

- ~~[(a) — General requirements. This course may be used to meet required course requirements for state graduation. If Microeconomics is used to meet the required course requirement for state graduation, Macroeconomics may be used as a state approved elective.~~
- ~~[(b) — Content requirements. Content requirements for Advanced Placement (AP) Microeconomics are prescribed in the College Board Publication *Advanced Placement Course in Microeconomics* published by The College Board.]~~

§113.78. Advanced Placement (AP) Macroeconomics (One Half Credit):

- ~~[(a) — General requirements. This course may be used to meet required course requirements for state graduation. If Macroeconomics is used to meet the required course requirement for state graduation, Microeconomics may be used as a state approved elective.~~

~~(b) — Content requirements. Content requirements for Advanced Placement (AP) Macroeconomics are prescribed in the College Board Publication *Advanced Placement Course in Macroeconomics* published by The College Board.]~~

~~§113.79. International Baccalaureate (IB) Economics Standard Level (SL) (Two Credits.)~~

~~(a) — General requirements. One half credit may be used to meet the course requirement in Economics for state graduation and one and one half credits may be used to meet only elective course requirements for state graduation.~~

~~(b) — Content requirements. Content requirements for IB Economics SL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.]~~

~~§113.80. International Baccalaureate (IB) Economics Higher Level (HL) (Two Credits.)~~

~~(a) — General requirements. One half credit may be used to meet the course requirement in Economics for state graduation and one and one half credits may be used to meet only elective course requirements for state graduation.~~

~~(b) — Content requirements. Content requirements for IB Economics HL are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.]~~

**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
(First Reading and Filing Authorization)**

January 31, 2020

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

SUMMARY: This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, and Subchapter D, Other Technology Applications Courses, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources; Subchapter C, Arts, Audio/Video Technology, and Communications; Subchapter K, Information Technology; Subchapter O, Science, Technology, Engineering, and Mathematics; and Subchapter Q, Energy. The proposed revisions would update the Texas Essential Knowledge and Skills (TEKS) to align with recent legislation requiring the board to consolidate high school technology applications TEKS into career and technical education (CTE) TEKS and eliminate TEKS for duplicative courses. The proposed revisions would also update the TEKS for CTE to add a new career cluster in energy to align with revised 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 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.

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

EFFECTIVE DATE: The proposed effective date of the proposed revisions is August 1, 2020. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for CTE, including career development, effective September 1, 1998. The CTE TEKS were last amended to be effective August 28, 2017.

A discussion item regarding proposed revisions to 19 TAC Chapter 126 and Chapter 130 was presented to the Committee of the Full Board at the November 2019 SBOE meeting. At the time, committee members asked staff to prepare rule text to reflect the addition of TEKS for a new Energy career cluster and consolidation of high school technology applications and CTE courses.

BACKGROUND INFORMATION AND JUSTIFICATION: The 86th Texas Legislature, 2019, passed House Bill 963, which required the SBOE, not later than March 1, 2020, to conduct a review of the TEKS for CTE and technology applications courses for Grades 9-12 and amend the board's rules to consolidate courses and eliminate duplicative courses. The SBOE is only required to implement this provision if the legislature appropriated money specifically for that purpose. If the legislature did not appropriate money specifically for that purpose, the SBOE may, but is not required to, implement a requirement using other appropriations available for that purpose. The legislature did not appropriate money specifically for the purpose of implementing this requirement.

Texas is redesigning state-level programs of study to include coherent and rigorous content with challenging academic standards and relevant career and technical content. Programs of study will be aligned with state and regional labor market information, including high-wage, high-skill, and in-demand occupations. As a part of the program of study revision process, Texas conducted a statewide labor market analysis that discovered several instances where occupations and postsecondary training overlap. As part of this process, it was recommended that a new career cluster in energy be added to address programs of study in the energy industry.

The attachment to this item reflects the text of proposed revisions to 19 TAC Chapter 130 for consideration by the SBOE for first reading and filing authorization. The text of 19 TAC §§126.31-126.52 and 126.61-126.67 proposed for repeal can be found on the TEA website at <http://ritter.tea.state.tx.us/rules/tac/chapter126/index.html>.

In Chapter 126, all but two of the courses in Subchapters C and D would be repealed and proposed as new courses in Chapter 130. Section 126.40 and §126.45, relating to robotics programming and digital video and audio design, are duplicative of other courses in Chapter 130 and would not be re-proposed as new courses in Chapter 130.

In Chapter 130, the repealed courses from Chapter 126 would be proposed as new courses in Subchapters C, K, and O. Subchapter K would also include the repeal of duplicative courses in web technologies and computer programming. New Subchapter Q would include two courses currently contained in Subchapter A as well as five new courses.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would create new regulations and repeal existing regulations. The proposed revisions would consolidate high school technology applications TEKS into the CTE TEKS and eliminate TEKS for duplicative courses. The proposed revisions would also update the TEKS for CTE to add a new career cluster in energy to align with revised programs of study.

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 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: The proposal would consolidate high school technology applications TEKS into the CTE TEKS and eliminate TEKS for duplicative 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 and reporting impact.

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 6, 2020, and ends April 10, 2020. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2020 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 March 6, 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed revisions to 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, and Subchapter D, Other Technology Applications Courses, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources; Subchapter C, Arts, Audio/Video Technology, and Communications; Subchapter K, Information Technology; Subchapter O, Science, Technology, Engineering, and Mathematics; and Subchapter Q, Energy.

Staff Members Responsible:

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

Attachment:

Text of Proposed Revisions to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources; Subchapter C, Arts, Audio/Video Technology, and Communications; Subchapter K, Information Technology; Subchapter O, Science, Technology, Engineering, and Mathematics; and Subchapter Q, Energy

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 130. Texas Essential Knowledge and Skills for Career and Technical Education

Subchapter A. Agriculture, Food, and Natural Resources

§130.13. Oil and Gas Production I (One Credit), Adopted 2015.

- ~~(a) General requirements. This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of this course.~~
- ~~(b) Introduction.~~
- ~~(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
- ~~(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.~~
- ~~(3) In Oil and Gas Production I, students will identify specific career opportunities and skills, abilities, tools, certification, and safety measures associated with each career. Students will also understand components, systems, equipment, and production and safety regulations associated with oil and gas wells. To prepare for careers in oil and gas production, students must attain academic skills and knowledge, acquire technical knowledge and skills related to oil and gas production and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.~~
- ~~(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
- ~~(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.~~
- ~~(c) Knowledge and skills.~~
- ~~(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:~~
- ~~(A) identify career development, education, and entrepreneurship opportunities in the oil and gas production field;~~
- ~~(B) apply competencies related to resources, information, interpersonal skills, problem solving, critical thinking, and systems of operation;~~
- ~~(C) demonstrate knowledge of personal and occupational safety, environmental regulations, and first aid policy in the workplace;~~
- ~~(D) analyze employers' expectations such as appropriate work habits, ethical conduct, legal responsibilities, and good citizenship skills; and~~
- ~~(E) demonstrate leadership skills to accomplish organizational goals and objectives.~~
- ~~(2) The student develops a supervised agriculture experience program. The student is expected to:~~
- ~~(A) plan, propose, conduct, document, and evaluate a supervised agriculture experience program as an experiential learning activity;~~
- ~~(B) apply proper record keeping skills as they relate to the supervised agriculture experience;~~

- ~~(C) — participate in youth leadership opportunities to create a well-rounded experience program; and~~
- ~~(D) — produce and participate in a local program of activities using a strategic planning process.~~
- ~~(3) — The student understands the history and process for drilling a well. The student is expected to:~~
 - ~~(A) — describe the history of drilling for petroleum in the United States and abroad;~~
 - ~~(B) — describe and appraise routine drilling operations, offshore drilling, and new drilling technologies;~~
 - ~~(C) — describe the tools and techniques for directional drilling;~~
 - ~~(D) — examine the differences between fishing, retrieving, and repairing pipe;~~
 - ~~(E) — describe the methods for completing a well in order for production to begin;~~
 - ~~(F) — assess fluid pressure;~~
 - ~~(G) — determine how the flow is initiated in a new well;~~
 - ~~(H) — differentiate between major components of a well and discuss the purpose, design, and operation of each component;~~
 - ~~(I) — describe activities associated with completing a well;~~
 - ~~(J) — describe the well completion processes and equipment;~~
 - ~~(K) — summarize the instruments and techniques used when logging and testing during the drilling and completion of a well;~~
 - ~~(L) — list the factors that are analyzed when studying a poorly producing well; and~~
 - ~~(M) — identify the responsibilities, characteristics, abilities, and work behaviors of personnel that are involved in well service.~~
- ~~(4) — The student discusses and identifies components, systems, equipment, production, and safety regulations associated with oil and gas wells. The student is expected to:~~
 - ~~(A) — identify the major systems and equipment used in the production of oil and gas;~~
 - ~~(B) — identify and describe the wellhead equipment that controls fluid flow;~~
 - ~~(C) — trace the process flow through the oil and gas production systems and equipment;~~
 - ~~(D) — discuss the purpose of the wellhead and identify the major components;~~
 - ~~(E) — describe the purpose, design, and operation of each wellhead component;~~
 - ~~(F) — compare and contrast the major differences in wellhead construction;~~
 - ~~(G) — compare and contrast onshore and offshore facilities;~~
 - ~~(H) — compare and contrast oil and gas regions within the United States;~~
 - ~~(I) — describe the safety, health, and environmental concerns associated with working around a wellhead;~~
 - ~~(J) — explain how the wellhead system affects other production systems tied to the wellhead;~~
 - ~~(K) — describe the activities associated with monitoring and regulating well flow;~~
 - ~~(L) — describe the wellhead maintenance activities performed by the production technician;~~
 - ~~(M) — operate and troubleshoot a wellhead using a computer simulator, pilot plant, or tabletop unit; and~~
 - ~~(N) — identify the operating conditions that would warrant a manual or automatic shut-in of a well and steps involved in a manual shut-in of a well.~~

~~(5) The student discusses safety issues related to the oil and gas industry. The student is expected to:~~

~~(A) describe the safety, health, and environmental concerns associated with drilling, production, and maintenance; and~~

~~(B) research safety standards in the petroleum industry such as the Bureau of Safety and Environmental Enforcement (BSEE), United States Coast Guard (USCG), American Petroleum Institute (API), Department of Transportation (DOT), Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), American Society for Testing and Materials (ASTM), American National Standards Institute (ANSI), and others.]~~

§130.14. Oil and Gas Production II (One Credit), Adopted 2015.

~~(a) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Oil and Gas Production I. Students shall be awarded one credit for successful completion of this course.~~

~~(b) Introduction:~~

~~(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~

~~(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.~~

~~(3) In Oil and Gas Production II, students will gain knowledge of the specific requirements for entry into post secondary education and employment in the petroleum industry; research and discuss petroleum economies; research and discuss the modes of transportation in the petroleum industry; research and discuss environmental, health, and safety concerns; research and discuss different energy sources; and prepare for industry certification. To prepare for careers in oil and gas production, students must attain academic skills and knowledge, acquire technical knowledge and skills related to oil and gas production and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.~~

~~(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~

~~(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.~~

~~(c) Knowledge and skills:~~

~~(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:~~

~~(A) identify career development, education, and entrepreneurship opportunities in the field of agriculture, food, and natural resources;~~

~~(B) identify careers in agriculture, food, and natural resources with required aptitudes in science, technology, engineering, mathematics, language arts, and/or social studies;~~

~~(C) apply technology skills to create an electronic portfolio of skills and abilities;~~

~~(D) apply competencies related to resources, information, interpersonal skills, problem solving, critical thinking, and systems of operation in agriculture, food, and natural resources;~~

- ~~(E) — demonstrate knowledge of personal and occupational safety, health, environmental regulations, and first-aid policy in the workplace; and~~
- ~~(F) — analyze employers' expectations, including appropriate work habits, ethical conduct, legal responsibilities, and good citizenship skills.~~
- ~~(2) — The student develops a supervised agriculture experience program. The student is expected to:~~
 - ~~(A) — plan, propose, conduct, document, and evaluate a supervised agriculture experience program as an experiential learning activity;~~
 - ~~(B) — apply proper record keeping skills as they relate to the supervised agriculture experience;~~
 - ~~(C) — participate in youth leadership opportunities to create a well rounded experience program; and~~
 - ~~(D) — produce and participate in a local program of activities using a strategic planning process.~~
- ~~(3) — The student researches and discusses the modes of transportation and environmental, health, and safety concerns. The student is expected to:~~
 - ~~(A) — describe evolution of transportation in the petroleum industry;~~
 - ~~(B) — research and access the various ground methods of transportation;~~
 - ~~(C) — survey health and safety policies, procedures, regulations, and practices as they relate to transportation in the petroleum industry;~~
 - ~~(D) — research and discuss petroleum economics;~~
 - ~~(E) — compare and contrast marketing, sales, and distribution of petroleum products;~~
 - ~~(F) — identify supply chain businesses that create new supplies of oil and gas;~~
 - ~~(G) — identify supply creation companies and how they operate;~~
 - ~~(H) — discuss the factors in investment decision making; and~~
 - ~~(I) — calculate rates of return to evaluate prospects.~~
- ~~(4) — The student researches the different methods of disposing of oil and gas waste and methods of cleanup. The student is expected to:~~
 - ~~(A) — discuss the disposal methods of exploration and production wastes;~~
 - ~~(B) — identify cleanup methods for blowouts and spills; and~~
 - ~~(C) — identify refining processes that minimize environmental impact.~~
- ~~(5) — The student researches and identifies the different energy sources and priorities for the oil and gas industry. The student is expected to:~~
 - ~~(A) — research the petroleum industry to identify renewable energy sources;~~
 - ~~(B) — present the challenges and priorities of the petroleum industry;~~
 - ~~(C) — research the critical technologies needed in the future; and~~
 - ~~(D) — research the nontechnical solutions to energy needs.]~~

Subchapter C. Arts, Audio/Video Technology, and Communications

§130.123. Digital Design and Media Production (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Arts, Audio/Video Technology, and Communications Career Cluster focuses on careers in designing, producing, exhibiting, performing, writing, and publishing multimedia content including visual and performing arts and design, journalism, and entertainment services.
 - (3) Digital Design and Media Production will allow students to demonstrate creative thinking, develop innovative strategies, and use communication tools in order to work effectively with others as well as independently. Students will gather information electronically, which will allow for problem solving and making informed decisions regarding media projects. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will demonstrate a thorough understanding of digital design principles that is transferable to other disciplines. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
- (1) Creativity and innovation. The student employs a creative design process to create original projects as they relate to purposes and audiences. The student is expected to:
 - (A) create designs for defined projects such as graphics, logos, and page layouts;
 - (B) apply design elements and typography standards; and
 - (C) use visual composition principles.
 - (2) Communication and collaboration. The student understands professional digital media communications strategies. The student is expected to:
 - (A) adapt the language and design of a project for audience, purpose, situation, and intent;
 - (B) organize oral, written, and graphic information into formal and informal publications;
 - (C) interpret and communicate information to multiple audiences; and
 - (D) collaborate to create original projects, including seeking and responding to advice from others such as peers or experts in the creation and evaluation process.
 - (3) Research and information fluency. The student uses a variety of strategies to plan, obtain, evaluate, and use valid information. The student is expected to:
 - (A) obtain print and digital information such as graphics, audio, and video from a variety of resources while citing the sources;
 - (B) evaluate information for accuracy and validity; and
 - (C) present accurate information using techniques appropriate for the intended audience.

- (4) Critical thinking, problem solving, and decision making. The student implements problem-solving methods using critical-thinking skills to plan, implement, manage, and evaluate projects; solve problems; and make informed decisions using appropriate digital tools and resources. The student is expected to:
- (A) employ critical-thinking and interpersonal skills to solve problems and make decisions through planning and gathering, interpreting, and evaluating data;
 - (B) identify and organize the tasks for completion of a project using the most appropriate digital tools;
 - (C) distinguish design requirements as they relate to the purposes and audiences of a project and apply appropriate design elements;
 - (D) seek and respond to input from others, including peers, teachers, and outside collaborators;
 - (E) evaluate a process and project both independently and collaboratively and make suggested revisions; and
 - (F) transfer critical-thinking, problem-solving, and decision-making processes when using new technologies.
- (5) Digital citizenship. The student complies with standard practices and behaviors and upholds legal and ethical responsibilities. The student is expected to:
- (A) examine copyright and fair use guidelines with regard to print and digital media;
 - (B) model ethical and legal acquisition and use of digital resources such as licensing and established methods of citing sources;
 - (C) demonstrate proper digital etiquette, personal security guidelines, use of network resources, and application of the district's acceptable use policy for technology; and
 - (D) identify and demonstrate positive personal qualities such as flexibility, open-mindedness, initiative, listening attentively to speakers, willingness to learn new knowledge and skills, and pride in quality work.
- (6) Technology operations and concepts. The student uses technology concepts, systems, and operations as appropriate for a project. The student is expected to:
- (A) define the purpose of a product and identify the specified audience;
 - (B) demonstrate appropriate project management to:
 - (i) create a plan for a media project such as a storyboard, stage development, and identification of equipment and resources; and
 - (ii) evaluate design, content delivery, purpose, and audience throughout a project's timeline and make suggested revisions until completion of the project;
 - (C) use hardware, software, and information appropriate to a project and its audience to:
 - (i) acquire readily available digital information, including text, audio, video, and graphics, citing the sources;
 - (ii) create digital content through the use of various devices such as video camera, digital camera, scanner, microphone, interactive whiteboard, video capture, and musical instrument;
 - (iii) collaborate via online tools such as blogs, discussion boards, email, and online learning communities;
 - (iv) make decisions regarding the selection and use of software, taking into consideration operating system platform, quality, appropriateness, effectiveness, and efficiency;

- (v) delineate and make necessary adjustments regarding compatibility issues, including digital file formats and cross-platform connectivity; and
 - (vi) demonstrate the ability to import and export elements from one program to another;
- (D) use digital typography standards such as:
 - (i) one space after punctuation, the use of em- and en-dashes, and smart quotation marks;
 - (ii) categories of type, font, size, style, and alignment appropriate for the task;
 - (iii) type techniques such as drop cap, decorative letters, or embedded text frames as graphic elements;
 - (iv) leading and kerning, automatic text flow into linked columns, widows and orphans, and text wrap; and
 - (v) type measurement for inches and picas;
- (E) apply design and layout principles and techniques to:
 - (i) incorporate the principles of design, including balance, contrast, dominant element, white space, consistency, repetition, alignment, and proximity;
 - (ii) apply the elements of design, including text, graphics, and white space;
 - (iii) apply color principles appropriate to the product in order to communicate the mood for the specific audience;
 - (iv) identify the parts of pages, including inside margin, outside margin, and gutter;
 - (v) create a master template, including page specifications and other repetitive elements; and
 - (vi) use style sheets, including a variety of type specifications such as typeface, style, size, alignment, indents, and tabs;
- (F) demonstrate appropriate use of digital photography and editing to:
 - (i) use digital photography equipment to capture still-shot images that incorporate various photo composition techniques, including lighting, perspective, candid versus posed, rule of thirds, and filling the frame;
 - (ii) transfer digital images from equipment to the computer; and
 - (iii) demonstrate image enhancement techniques such as feathering, layering, color enhancement, and image selection using appropriate digital manipulation software;
- (G) demonstrate appropriate use of videography equipment and techniques to:
 - (i) use digital photography equipment to capture video that incorporates video principles such as lighting, zooming, panning, and stabilization;
 - (ii) transfer video from equipment to the computer;
 - (iii) demonstrate videographic enhancement and editing techniques such as transitions, zooming, content editing, and synchronizing audio and video using appropriate digital manipulation software; and
 - (iv) export video in digital formats to be used in various delivery systems such as podcasting, downloadable media, embedding, and streaming; and
- (H) deploy digital media into print, web, and video products to:

- (i) produce digital files in various formats such as portable document format (PDF), portable network graphics (PNG), and HyperText Markup Language (HTML);
- (ii) publish integrated digital content such as video, audio, text, graphics, and motion graphics following appropriate digital etiquette standards;
- (iii) publish and share projects using online methods such as social media and collaborative sites;
- (iv) incorporate various digital media into a printed document such as a newsletter, poster, or report;
- (v) use printing options such as tiling, color separations, and collation; and
- (vi) collect and organize student-created products to build an individual portfolio.

§130.124. Digital Art and Animation (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Recommended prerequisite: Art, Level I. This course is recommended for students in Grades 9-12. This course satisfies the high school fine arts graduation requirement.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Arts, Audio/Video Technology, and Communications Career Cluster focuses on careers in designing, producing, exhibiting, performing, writing, and publishing multimedia content including visual and performing arts and design, journalism, and entertainment services.
 - (3) Digital Art and Animation consists of computer images and animations created with digital imaging software. Digital Art and Animation has applications in many careers, including graphic design, advertising, web design, animation, corporate communications, illustration, character development, script writing, storyboarding, directing, producing, inking, project management, editing, and the magazine, television, film, and game industries. Students in this course will produce various real-world projects and animations. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) Creativity and innovation. The student demonstrates creative thinking, constructs knowledge, and develops innovative products and processes using technology. The student is expected to:
 - (A) evaluate, edit, and create scripts for animations;
 - (B) identify and apply color theories, including harmony rules, tints, shades, gradients, color mixing, new color creation, and the visual impacts of specific color combinations using a digital format;
 - (C) compare, contrast, and integrate the basic sound editing principles, including mixing and manipulating wave forms, audio tracks, and effects;
 - (D) compare and contrast the rules of composition such as the rule of thirds or the golden section/rectangle with respect to harmony and balance;

- (E) evaluate the fundamental concepts of a digital art and design such as composition, perspective, angles, lighting, repetition, proximity, white space, balance, and contrast;
 - (F) analyze digital art designs to interpret the point of interest, the prominence of the subject, and visual parallels between the structures of natural and human-made environments;
 - (G) distinguish among typefaces while recognizing and resolving conflicts that occur through the use of typography as a design element;
 - (H) use perspective, including backgrounds, light, shades and shadows, hue and saturation, and scale, to capture a focal point and create depth;
 - (I) use the basic principles of design such as proportion, balance, variety, emphasis, harmony, symmetry, and unity in type, color, size, line thickness, shape, and space;
 - (J) edit files using appropriate digital editing tools and established design principles such as consistency, repetition, alignment, proximity, white space, image file size, color use, and font size, type, and style; and
 - (K) identify pictorial qualities in a design such as shape and form, space and depth, or pattern and texture to create visual unity and desired effects in designs.
- (2) Communication and collaboration. The student uses digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning experience of others. The student is expected to:
- (A) use vocabulary as it relates to digital art, audio, and animation;
 - (B) demonstrate the use of technology to participate in self-directed and collaborative activities within the global community;
 - (C) participate in electronic communities;
 - (D) create technology specifications for tasks and rubrics for the evaluation of products;
 - (E) design and implement procedures to track trends, set timelines, and evaluate products;
 - (F) collaborate with peers in delineating technological tasks;
 - (G) publish and save information in a variety of ways, including print or digital formats;
 - (H) analyze and evaluate projects for design, content delivery, purpose, and audience; and
 - (I) critique original digital artwork, portfolios, and products with peers.
- (3) Research and information fluency. The student applies digital tools to gather, evaluate, and use information. The student is expected to:
- (A) distinguish between and correctly apply process color (RGB and CYMK), spot color, and black or white;
 - (B) research the history of digital art and animation;
 - (C) research career choices in digital art and animation;
 - (D) use the Internet to retrieve information in an electronic format;
 - (E) demonstrate the appropriate use of digital imaging, video integration, and sound retrieved from an electronic format;
 - (F) import sounds from a variety of sources; and
 - (G) create planning designs such as rough sketches, storyboards, and brainstorming materials.
- (4) Critical thinking, problem solving, and decision making. The student uses critical-thinking skills to plan and conduct research, manage projects, solve problems, and make informed decisions using appropriate digital tools and resources. The student is expected to:

- (A) distinguish between and use the components of animation software programs such as cast, score, stage, and the animation manipulation interface;
 - (B) distinguish between and use different animation techniques such as path and cell animation, onion skinning, and tweening;
 - (C) create three-dimensional effects by layering images such as foreground, middle distance, and background images;
 - (D) apply a variety of color schemes such as monochromatic, analogous, complementary, primary/secondary triads, cool/warm colors, and split complements to digital designs;
 - (E) use the basic concepts of color and design theory such as working in a bitmapped and vector mode to create backgrounds, characters, and other cast members as needed for the animation;
 - (F) use the appropriate scripting language or program code to create an animation;
 - (G) use a variety of lighting techniques such as shadows and shading to create effects; and
 - (H) define the design attributes and requirements of products created for a variety of purposes such as posters, billboards, logos, corporate identity, advertisements, book jackets, brochures, and magazines.
- (5) Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected to:
- (A) discuss copyright laws/issues and use of digital information such as attributing ideas and citing sources using established methods;
 - (B) define plagiarism and model respect of intellectual property;
 - (C) demonstrate proper digital etiquette and knowledge of acceptable use policies when using technology; and
 - (D) evaluate the validity and reliability of sources.
- (6) Technology operations and concepts. The student demonstrates a sound understanding of technology concepts, systems, and operations. The student is expected to:
- (A) demonstrate knowledge and appropriate use of operating systems, software applications, and communication and networking components;
 - (B) make decisions regarding the selection and use of software and Internet resources;
 - (C) make necessary adjustments regarding compatibility issues with digital file formats, importing and exporting data, and cross-platform compatibility; and
 - (D) read, use, and develop technical documentation.

§130.125. 3-D Modeling and Animation (One Credit)

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Recommended prerequisite: Art, Level I. This course is recommended for students in Grades 9-12. This course satisfies the high school fine arts graduation requirement.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Arts, Audio/Video Technology, and Communications Career Cluster focuses on careers in designing, producing, exhibiting, performing, writing, and publishing multimedia content including visual and performing arts and design, journalism, and entertainment services.

- (3) 3-D Modeling and Animation consists of computer images created in a virtual three-dimensional (3-D) environment. 3-D Modeling and Animation has applications in many careers, including criminal justice, crime scene, and legal applications; construction and architecture; engineering and design; and the movie and game industries. Students in this course will produce various 3-D models of real-world objects. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (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.
- (c) Knowledge and skills.
- (1) Creativity and innovation. The student demonstrates creative thinking, constructs knowledge, and develops innovative products and processes using technology. The student is expected to:
- (A) evaluate, edit, and create scripts for animations;
- (B) identify and apply color theories, including harmony rules, tints, shades, gradients, color mixing, new color creation, and the visual impacts of specific color combinations using a digital format;
- (C) apply texture, transparency, skinning, and contour along a 3-D object surface;
- (D) compare, contrast, and integrate the basic sound editing principles, including mixing and manipulating wave forms, audio tracks, and effects;
- (E) compare and contrast the rules of composition such as the rule of thirds or the golden section/rectangle with respect to harmony and balance;
- (F) evaluate the fundamental concepts of 3-D modeling and design such as composition, perspective, angles, lighting, repetition, proximity, white space, balance, and contrast;
- (G) analyze 3-D model objects to interpret the point of interest, the prominence of the subject, and visual parallels between the structures of natural and human-made environments;
- (H) distinguish among typefaces while recognizing and resolving conflicts that occur through the use of typography as a design element;
- (I) use perspective, including spot and directional light, backgrounds, ambience, shades and shadows, and hue and saturation;
- (J) use the basic principles of design such as proportion, balance, variety, emphasis, harmony, symmetry, and unity in type, color, size, line thickness, shape, and space;
- (K) edit files using appropriate digital editing tools and established design principles such as consistency, repetition, alignment, proximity, white space, image file size, color use, font size, type, and style; and
- (L) identify pictorial qualities in a design such as shape and form, space and depth, or pattern and texture to create visual unity and desired effects in designs.
- (2) Communication and collaboration. The student uses digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning experience of others. The student is expected to:
- (A) use vocabulary as it relates to digital art, audio, and animation;
- (B) demonstrate the use of technology to participate in self-directed and collaborative activities within the global community;
- (C) participate in electronic communities;

- (D) create technology specifications for tasks and rubrics for the evaluation of products;
 - (E) design and implement procedures to track trends, set timelines, and evaluate products;
 - (F) collaborate with peers in delineating technological tasks;
 - (G) publish and save information in a variety of ways, including print or digital formats;
 - (H) analyze and evaluate projects for design, content delivery, purpose, and audience; and
 - (I) critique original 3-D digital artwork, portfolios, and products with peers.
- (3) Research and information fluency. The student applies digital tools to gather, evaluate, and use information. The student is expected to:
- (A) distinguish among and correctly apply process color (RGB and CYMK), spot color, and black or white;
 - (B) research the history of 3-D modeling and 3-D animation;
 - (C) research career choices in 3-D modeling and 3-D animation;
 - (D) use the Internet to retrieve information in an electronic format;
 - (E) demonstrate the appropriate use of 3-D objects, digital imaging, video integration, and sound retrieved from an electronic format;
 - (F) import sounds from a variety of sources; and
 - (G) create planning designs such as rough sketches, storyboards, and brainstorming materials.
- (4) Critical thinking, problem solving, and decision making. The student uses critical-thinking skills to plan and conduct research, manage projects, solve problems, and make informed decisions using appropriate digital tools and resources. The student is expected to:
- (A) distinguish between and use the components of 3-D animation software programs such as cast, score, environment, the X-Y-Z coordinate system, and the animation manipulation interface;
 - (B) distinguish between and use the different 3-D modeling techniques such as box modeling, transformation, and polygon primitives using extrusion and rotation;
 - (C) distinguish between and use the different 3-D animation techniques such as path and rendering using dynamics and physics;
 - (D) apply a variety of color schemes such as monochromatic, analogous, complementary, primary/secondary triads, cool/warm colors, and split complements to digital designs;
 - (E) use the basic concepts of color and design theory such as working with 3-D models and environments, characters, objects, and other cast members as needed for the animation;
 - (F) use the appropriate rendering techniques to create an animation;
 - (G) use a variety of lighting techniques such as shadow, shading, point, spot, directional, and ambient to create effects; and
 - (H) define the design attributes and requirements of a 3-D animation project.
- (5) Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected to:
- (A) discuss copyright laws/issues and use of digital information such as attributing ideas and citing sources using established methods;
 - (B) define plagiarism and model respect of intellectual property;
 - (C) demonstrate proper digital etiquette and knowledge of acceptable use policies when using technology; and

- (D) evaluate the validity and reliability of sources.
- (6) Technology operations and concepts. The student demonstrates a sound understanding of technology concepts, systems, and operations. The student is expected to:
 - (A) demonstrate knowledge and appropriate use of operating systems, software applications, and communication and networking components;
 - (B) make decisions regarding the selection and use of software and Internet resources;
 - (C) make necessary adjustments regarding compatibility issues with digital file formats, importing and exporting data, and cross-platform compatibility; and
 - (D) read, use, and develop technical documentation.

§130.126. Digital Communications in the 21st Century (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Arts, Audio/Video Technology, and Communications Career Cluster focuses on careers in designing, producing, exhibiting, performing, writing, and publishing multimedia content including visual and performing arts and design, journalism, and entertainment services.
 - (3) Digital Communications in the 21st Century will prepare students for the societal demands of increased civic literacy, independent working environments, global awareness, and the mastery of a base set of analysis and communication skills. Students will be expected to design and present an effective product based on well-researched issues in order to thoughtfully propose suggested solutions to authoritative stakeholders. The outcome of the process and product approach is to provide students an authentic platform to demonstrate effective application of multimedia tools within the contexts of global communication and collaborative communities and appropriately share their voices to affect change that concerns their future. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) Creativity and innovation. The student demonstrates the ability to analyze, evaluate, and adapt during the creative problem-solving process and demonstrates creative thinking in developing solutions to real-world issues using digital tools. The student is expected to:
 - (A) generate innovative, sustainable solutions for real-world issues such as global warming, immigration, or the global economy using emerging digital tools;
 - (B) gather and evaluate accurate information for feasibility and practicality as a basis for making communication decisions; and
 - (C) analyze the ethical and social responsibilities as a project team when communicating with peers, stakeholders, and experts.

- (2) Creativity and innovation. The student uses innovative thinking to develop new ideas and processes for solving real-world issues and conveying those ideas to a global audience through a persuasive digital product. The student is expected to:
- (A) examine real-world issues relating to current topics such as health care, government, business, or aerospace;
 - (B) develop innovative solutions to address issues;
 - (C) create unique methods and products conveying solutions to audiences beyond the classroom such as school officials, non-profit organizations, higher education officials, government, or other stakeholders;
 - (D) demonstrate the effective use and importance of verbal and nonverbal communication skills when presenting ideas and solutions to diverse audiences; and
 - (E) use appropriate techniques to manage communication apprehension, build self-confidence, and gain command of information.
- (3) Communication and collaboration. The student develops a process to effectively communicate with peers, experts, and other audiences about current issues and solutions to global problems. The student is expected to:
- (A) demonstrate innovative uses of a wide range of emerging technologies, including online learning, mobile devices, digital content, and Web 2.0 tools such as podcasting, wikis, and blogs;
 - (B) participate within appropriate electronic communities as a learner, initiator, and contributor;
 - (C) extend the learning environment beyond the school walls using appropriate digital tools;
 - (D) collaborate with a variety of field experts;
 - (E) prepare for, organize, and participate in an informative or persuasive group discussion with an audience; and
 - (F) participate appropriately in conversations by making clear requests, giving accurate directions, and asking purposeful questions.
- (4) Communication and collaboration. The student uses digital tools to facilitate collaboration and communication in the design, development, and evaluation of products offering solutions to real-world issues. The student is expected to:
- (A) design and organize resources to create an effective collaborative working environment that enables a group to investigate a local, state, national, or global issue;
 - (B) analyze and evaluate effective communication;
 - (C) demonstrate leadership by managing project activities such as timelines, research, product development, marketing material, and effective communication skills;
 - (D) demonstrate effective management of diverse peer-group dynamics such as solving problems, managing conflicts, and building consensus; and
 - (E) evaluate original products for accuracy, validity, and compliance with copyright laws.
- (5) Research and information fluency. The student uses a variety of strategies to acquire and evaluate information relating to real-world issues. The student is expected to:
- (A) locate authoritative information from primary and secondary sources such as field experts, online full-text databases, or current news databases;
 - (B) make decisions regarding the selection, acquisition, and use of information gathered, taking into consideration its quality, appropriateness, effectiveness, and level of interest to society; and

- (C) demonstrate fluency in the use of a variety of electronic sources such as cloud computing, emerging collaboration technologies, data mining strategies, and mobile or other technologies.
- (6) Research and information fluency. The student uses a variety of digital tools to synthesize information related to real-world issues in student-created materials. The student is expected to:
 - (A) construct real-world informational materials that inform, persuade, or recommend reform of selected issues;
 - (B) identify and employ a method to evaluate the design, functionality, and accuracy of the student-created materials; and
 - (C) use effective strategies to organize and outline presentations to support and clarify points.
- (7) Critical thinking, problem solving, and decision making. The student uses critical-thinking skills to conduct research, manage products, solve problems, and make informed decisions for real-world local, state, national, and global issues. The student is expected to:
 - (A) identify and define authentic problems and significant questions for investigation;
 - (B) design and implement procedures to track trends, set timelines, and review and evaluate progress for project completion;
 - (C) read and use technical documentation, including appropriate help options, to complete tasks; and
 - (D) analyze the audience, occasion, and purpose when designing presentations.
- (8) Critical thinking, problem solving, and decision making. The student creates a product presenting solutions for real-world local, state, national, and global issues. The student is expected to:
 - (A) create technology specifications for tasks and rubrics to evaluate products and product quality against established criteria;
 - (B) resolve information conflicts and validate information by comparing data;
 - (C) represent diverse perspectives in problem solutions; and
 - (D) prepare and use visual or auditory aids such as scripts, notes, or digital applications to enhance presentations.
- (9) Digital citizenship. The student examines ethical and legal behavior to demonstrate leadership as a digital citizen. The student is expected to:
 - (A) model safe and ethical use of digital information;
 - (B) model respect of intellectual property when manipulating, morphing, or editing graphics, video, text, and sound;
 - (C) use technology applications in a positive manner that supports productivity, collaboration, and continuing education; and
 - (D) use professional etiquette and protocol in situations such as making introductions, offering and receiving criticism, and communicating with digital tools.
- (10) Digital citizenship. The student demonstrates ethical and legal behavior in the creation of student products. The student is expected to:
 - (A) use collaborative tools and strategies; and
 - (B) use digital tools to correctly document sources such as in bibliographies or works cited.
- (11) Technology operations and concepts. The student makes decisions regarding the selection, acquisition, and use of digital tools in a multimedia classroom/lab, taking into consideration the quality, appropriateness, effectiveness, and efficiency of the tools. The student is expected to:

- (A) determine the most appropriate file type based on universally recognized file formats such as portable document format (PDF), text format (TXT), rich text format (RTF), and Joint Photographic Experts Group format (JPEG);
 - (B) use compression schemes for photo, animation, video, and graphics; and
 - (C) distinguish among appropriate color, sound, and design principles such as consistency, repetition, alignment, proximity, and ratio of text to white space.
- (12) Technology operations and concepts. The student demonstrates knowledge through various cloud and network technologies such as web-based interactive presentations, document sharing, and online scholarly databases. The student is expected to:
- (A) use necessary vocabulary related to digital tools;
 - (B) retrieve and discriminate between authoritative and non-authoritative data sources; and
 - (C) adopt, adapt, and transfer prior knowledge to multiple situations when retrieving, manipulating, and creating original digital projects.

§130.127. Web Game Development (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Recommended prerequisite: Web Design. This course is recommended for students in Grades 11 and 12.
- (b) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Arts, Audio/Video Technology, and Communications Career Cluster focuses on careers in designing, producing, exhibiting, performing, writing, and publishing multimedia content including visual and performing arts and design, journalism, and entertainment services.
 - (3) Web Game Development will allow students to demonstrate creative thinking, develop innovative strategies, and use digital and communication tools necessary to develop fully functional online games. Web Game Development has career applications for many aspects of the game industry, including programming, art principles, graphics, web design, storyboarding and scripting, and business and marketing. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
- (1) Creativity and innovation. The student demonstrates creative thinking, constructs knowledge, and develops innovative products and processes using technology. The student is expected to:
 - (A) research, evaluate, and demonstrate appropriate design of a web-based gaming site;
 - (B) illustrate ideas for web artwork from direct observations, experiences, and imagination;
 - (C) create original designs for web applications; and
 - (D) demonstrate the effective use of art media to create original web designs.
 - (2) Communication and collaboration. The student uses digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning experience of others. The student is expected to:

- (A) understand and evaluate the use and appropriateness of webinars;
 - (B) examine, discuss, and summarize interactive online learning environments;
 - (C) distinguish between distance learning, virtual learning, and online learning;
 - (D) define and evaluate Voice over Internet Protocol (VoIP);
 - (E) identify and apply end-user, peer, self-, and professional evaluations; and
 - (F) work collaboratively to create functioning programs and gaming products.
- (3) Research and information fluency. The student applies digital tools to gather, evaluate, and use information. The student is expected to:
- (A) research, evaluate, and create web forms for database processing;
 - (B) identify the various programming languages and differentiate among the available web programming languages;
 - (C) research, evaluate, and summarize content management systems (CMS);
 - (D) differentiate between Common Gateway Interface (CGI) and computer-generated imagery (CGI);
 - (E) discuss, analyze, and summarize streaming media/content and game broadcasting;
 - (F) define and evaluate instant messaging (IM) within a game environment;
 - (G) analyze and discuss the history of gaming;
 - (H) discuss, analyze, compare, and contrast game types such as action, action-adventure, adventure, construction and management simulation, life simulation, massively multiplayer online role-playing (MMORPG), music, party, puzzle, role-playing, sports, strategy, trivia, and vehicle simulation;
 - (I) discuss, analyze, compare, and contrast gaming hardware, including console, personal computer, mobile, and web;
 - (J) compare and contrast web standards versus browser-specific languages;
 - (K) research, evaluate, and summarize e-commerce;
 - (L) investigate career opportunities in programming, gaming, art, design, business, and marketing;
 - (M) research the characteristics of existing gaming websites to determine local, state, national, and global trends;
 - (N) compare and contrast historical and contemporary styles of art as applied to website development;
 - (O) compare and contrast the use of the art elements of color, texture, form, line, space, and value and the art principles of emphasis, pattern, rhythm, balance, proportion, and unity in personal web game artwork and the web game artwork of others, using vocabulary accurately;
 - (P) describe general characteristics in artwork from a variety of cultures that influence web game design;
 - (Q) research and evaluate emerging technologies; and
 - (R) research and evaluate augmented reality (the supplementing of reality with computer-generated imagery) such as heads-up display and virtual digital projectors.
- (4) Critical thinking, problem solving, and decision making. The student uses critical-thinking skills to plan and conduct research, manage projects, solve problems, and make informed decisions using appropriate digital tools and resources. The student is expected to:

- (A) select an appropriate web programming language based on given criteria;
 - (B) develop requirements for a database and determine the appropriate means to insert, delete, and modify records;
 - (C) develop Structured Query Language (SQL) statements to retrieve, insert, modify, and delete records in a database;
 - (D) design and create a flow diagram to plan a database, program, and game;
 - (E) define and identify proper use of gaming graphics, including skins, textures, environment appearance, environment mapping, raster graphics, and vector graphics;
 - (F) plan an animation that includes the movement of characters, camera movements, camera angles, user point of view, mechanics of motion, backgrounds, settings, ambient objects, and environments;
 - (G) compare and contrast two-dimensional (2-D) and three-dimensional (3-D) animation;
 - (H) develop and create a gaming storyboard and script that shows the overall development of a storyline;
 - (I) identify and implement graphic and game design elements, including color, environment, time to completion, difficulty, story complexity, character development, device control, backstory, delivery, and online player(s);
 - (J) design and create decision trees for a game's artificial intelligence engine;
 - (K) compare and contrast available audio formats for optimal delivery;
 - (L) identify the similarities and differences among platforms, including the application of coding on a personal computer, mobile device, and gaming console;
 - (M) research and identify existing online game development tools;
 - (N) evaluate and determine network requirements for the delivery of online games to end users; and
 - (O) create visual solutions by elaborating on direct observation, experiences, and imagination as they apply to original web design.
- (5) Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected to:
- (A) explain game ratings and why games fit into certain ratings;
 - (B) assess games and game ratings in terms of their impact on societal interactions;
 - (C) model the ethical and legal acquisition of digital information following copyright laws, fair-use guidelines, and the student code of conduct;
 - (D) define and practice the ethical and legal acquisition, sharing, and use of files taking into consideration their primary ownership and copyright;
 - (E) examine original web game artwork to comply with appropriate behavioral, communication, and privacy guidelines, including ethics, online bullying and harassment, personal security, appropriate audience language, ethical use of files/file sharing, technical documentation, and online communities;
 - (F) interpret, evaluate, and justify artistic decisions in the creation of original art for web game design; and
 - (G) analyze original web game artwork and digital portfolios created by peers and others to form precise conclusions about formal qualities, historical and cultural contexts, intents, and meanings.

- (6) Technology operations and concepts. The student demonstrates a sound understanding of technology concepts, systems, and operations. The student is expected to:
- (A) create a website that includes:
- (i) an interactive database with elements such as SQL statements, Extensible Markup Language (XML), and Open Database Connectivity (ODBC);
 - (ii) javascript; and
 - (iii) server-side processing, including Common Gateway Interface (CGI); bitmap and vector graphics; database creation, modification, and deletion; creation and maintenance of user accounts; user authentication; and documentation;
- (B) create a fully functional online game that includes:
- (i) multiple game levels with increasing difficulty;
 - (ii) high-score ranking;
 - (iii) physics, including center of mass, collision detection, lighting, shading, perspective, anatomy, motion blur, lens flare, and reflections;
 - (iv) art principles, including color theory, texture, balance, lighting, shading, skinning, and drawing;
 - (v) graphics resolution, including pixel depth and compression;
 - (vi) database creation, modification, and deletion;
 - (vii) creation and maintenance of user accounts;
 - (viii) user authentication;
 - (ix) artificial intelligence;
 - (x) game-level saving;
 - (xi) mathematical functions;
 - (xii) varying camera angles;
 - (xiii) VoIP for online web games; and
 - (xiv) documentation; and
- (C) create a digital portfolio.

Subchapter K. Information Technology

§130.308. Web Technologies (One Credit), Adopted 2015:

- (a) ~~General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Information Technology. Students shall be awarded one credit for successful completion of this course.~~
- (b) ~~Introduction:~~
- ~~(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
 - ~~(2) The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.~~
 - ~~(3) In Web Technologies, students will learn to make informed decisions and apply the decisions to the field of IT. Students will implement personal and interpersonal skills to prepare for a rapidly evolving workplace environment. The knowledge and skills acquired and practiced will enable students to successfully perform and interact in a technology driven society. Students will enhance reading, writing, computing, communication, and critical thinking and apply them to the IT environment.~~
 - ~~(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
 - ~~(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.~~
- (c) ~~Knowledge and skills:~~
- ~~(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:~~
 - ~~(A) identify and demonstrate work behaviors and qualities that enhance employability and job advancement such as regular attendance, attention to proper attire, maintenance of a clean and safe work environment, pride in work, flexibility, and initiative;~~
 - ~~(B) employ effective verbal and nonverbal communication skills;~~
 - ~~(C) examine the role of certifications, resumes, and portfolios in the web technology profession;~~
 - ~~(D) solve problems and think critically;~~
 - ~~(E) demonstrate leadership skills and function effectively as a team member; and~~
 - ~~(F) demonstrate planning and time management skills such as storyboarding and project management, including initiating, planning, executing, monitoring and controlling, and closing a project.~~
 - ~~(2) The student identifies employment opportunities in the IT field with a focus in the area of interactive media. The student is expected to:~~
 - ~~(A) identify job opportunities and accompanying job duties and tasks;~~
 - ~~(B) research careers of personal interest along with the education, job skills, and experience required to achieve personal career goals;~~
 - ~~(C) demonstrate an understanding of the functions of resumes and portfolios; and~~
 - ~~(D) create a portfolio.~~

- ~~(3) The student demonstrates knowledge and appropriate use of hardware, software, and connectivity technologies. The student is expected to:~~
- ~~(A) identify networking components and define the impact of networking components on web development;~~
 - ~~(B) evaluate the various input, processing, output, and storage devices and storage services;~~
 - ~~(C) identify current and future Internet protocols such as hypertext transfer protocol, file transfer protocol, telnet, and email; and~~
 - ~~(D) describe new trends in web technology and evaluate their impact on web development.~~
- ~~(4) The student complies with practices and behaviors that meet legal and ethical responsibilities. The student is expected to:~~
- ~~(A) explain and demonstrate ethical use of technology and online resources;~~
 - ~~(B) differentiate between copyright and trademarks;~~
 - ~~(C) explain the concept of intellectual property laws, including copyright, trademarks, and patents and consequences of violating each type of law;~~
 - ~~(D) examine the consequences of plagiarism;~~
 - ~~(E) adhere to copyright and trademark intellectual property laws and regulations, including demonstrating correct acquisition and citation of sources;~~
 - ~~(F) discuss the process of acquiring rights to use copyrighted and trademarked content in a website;~~
 - ~~(G) demonstrate appropriate behavior and adherence to acceptable use policies when accessing and using online resources;~~
 - ~~(H) explain the importance of information privacy such as securing credit card information, passwords, and personal information;~~
 - ~~(I) describe the function of a non-disclosure agreement; and~~
 - ~~(J) discuss website accessibility concerns.~~
- ~~(5) The student evaluates electronic information. The student is expected to:~~
- ~~(A) identify appropriate methods to analyze the design and functionality of web pages;~~
 - ~~(B) demonstrate skill in testing the accuracy and validity of information acquired; and~~
 - ~~(C) synthesize information from data acquired from online resources.~~
- ~~(6) The student creates and modifies web and digital media designs. The student is expected to:~~
- ~~(A) implement functional design elements such as proximity, repetition, contrast, alignment, color theory, consistency, image file size, and typography;~~
 - ~~(B) identify, create, modify, and use common file formats such as text, image, video analog and digital, and audio files;~~
 - ~~(C) select, create, modify, and integrate effective digital content such as vector-based and raster graphics, motion graphics, video, and audio;~~
 - ~~(D) create web pages using current web standards and web development skills such as version control, documentation, web application security, validation, accessibility, and compatibility across multiple browsers and devices;~~
 - ~~(E) demonstrate proper use of folder structure hierarchy; and~~
 - ~~(F) use web coding standards to evaluate the design and functionality of web pages such as the World Wide Web Consortium (W3C) guidelines.~~

- ~~(7) — The student demonstrates and employs knowledge of Internet programming strategies to develop and maintain web applications. The student is expected to:~~
- ~~(A) — explain the importance of Internet programming standards;~~
 - ~~(B) — differentiate among various web coding standards such as HyperText Markup Language, and cascading style sheets;~~
 - ~~(C) — use standard applications to develop web applications such as text-based editing programs, word processors, and web authoring software;~~
 - ~~(D) — compare and contrast the impact of different browsers on web development;~~
 - ~~(E) — explain client-server applications and describe the process of a client-server transaction;~~
 - ~~(F) — identify the advantages and disadvantages of client-side processing;~~
 - ~~(G) — identify security issues related to client-side processing;~~
 - ~~(H) — use standard scripting languages to produce interactive web applications;~~
 - ~~(I) — identify characteristics of various scripting languages; and~~
 - ~~(J) — explain the process to construct secure transaction interfaces from the web server to the customer.~~
- ~~(8) — The student employs knowledge of web administration to develop and maintain web applications. The student is expected to:~~
- ~~(A) — compare the advantages and disadvantages of running a personal server versus using a server provider;~~
 - ~~(B) — explain the Transmission Control Protocol/Internet Protocol;~~
 - ~~(C) — identify hardware and software requirements for web servers;~~
 - ~~(D) — evaluate server providers;~~
 - ~~(E) — describe the process of establishing a domain name;~~
 - ~~(F) — simulate the administration of web servers, including uploading and managing files;~~
 - ~~(G) — collect and analyze usage statistics;~~
 - ~~(H) — maintain documentation of the server environment such as specifications, passwords, and software versions;~~
 - ~~(I) — summarize the process of server backup and restoration of software features;~~
 - ~~(J) — propose security measures to protect web servers from electronic threats such as unauthorized access and negative intentions; and~~
 - ~~(K) — evaluate security measures such as using a firewall, Secure Socket Layer (SSL) connections, and Hypertext Transfer Protocol Secure (HTTPS) transactions.~~
- ~~(9) — The student evaluates a problem and creates a project management plan for meeting client requirements. The student is expected to:~~
- ~~(A) — communicate with clients to analyze requirements to meet the needs of the client and target audience;~~
 - ~~(B) — document design properties, necessary tools, and resources and identify and address risks;~~
 - ~~(C) — develop and use a timeline task list such as critical milestones, potential challenges, and interdependencies; and~~
 - ~~(D) — use various methods to evaluate the progress of the plan and modify as necessary.~~

~~(10) — The student creates and implements a web product using a project management plan. The student is expected to:~~

~~(A) — create and simulate the publication of a multipage web product using client required content and web design concepts;~~

~~(B) — develop a test plan for a multipage web product for testing usability, effectiveness, reliability, and customer acceptance;~~

~~(C) — explain the quality assurance process; and~~

~~(D) — develop and implement a quality assurance plan.]~~

§130.309. Computer Programming I (One Credit), Adopted 2015.

~~(a) — General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisites: Principles of Information Technology and Algebra I. Students shall be awarded one credit for successful completion of this course.~~

~~(b) — Introduction:~~

~~(1) — Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~

~~(2) — The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.~~

~~(3) — In Computer Programming I, students will acquire knowledge of structured programming techniques and concepts appropriate to developing executable programs and creating appropriate documentation. Students will analyze the social responsibility of business and industry regarding the significant issues relating to the environment, ethics, health, safety, and diversity in society and in the workplace as related to computer programming. Students will apply technical skills to address business applications of emerging technologies.~~

~~(4) — Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~

~~(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.~~

~~(c) — Knowledge and skills:~~

~~(1) — The student demonstrates the necessary skills for career development, maintenance of employability, and successful completion of course outcomes. The student is expected:~~

~~(A) — employ effective reading and writing skills;~~

~~(B) — employ effective verbal and nonverbal communication skills;~~

~~(C) — solve problems and think critically;~~

~~(D) — demonstrate leadership skills and function effectively as a team member;~~

~~(E) — demonstrate an understanding of legal and ethical responsibilities in relation to the field of IT;~~

~~(F) — demonstrate planning and time management skills such as project management, including initiating, planning, executing, monitoring and controlling, and closing a project; and~~

~~(G) — identify job opportunities and accompanying job duties and tasks.~~

~~(2) — The student differentiates the concepts of integrity and confidentiality as related to technology in the business environment. The student is expected to:~~

- (A) — define business ethics;
 - (B) — distinguish between honest and dishonest business practices;
 - (C) — examine copyright and licensing issues in the software industry; and
 - (D) — analyze the effects of unethical practices on a business.
- (3) — The student identifies and analyzes the client project software needs and requirements. The student is expected to:
- (A) — gather data to identify client and project requirements;
 - (B) — identify input and output requirements;
 - (C) — identify system processing requirements; and
 - (D) — develop program requirements and specifications.
- (4) — The student develops an IT-based project plan to solve a specific problem. The student is expected to:
- (A) — define scope of work to meet client based project needs;
 - (B) — identify software development processes and issues; and
 - (C) — explain the software system life cycle approach.
- (5) — The student designs a software application plan. The student is expected to:
- (A) — articulate the principles of system design such as procedural, object-oriented, and event-driven processes;
 - (B) — perform a logical design using appropriate software tools;
 - (C) — apply algorithmic and data structure concepts;
 - (D) — identify constraints;
 - (E) — identify modular design concepts; and
 - (F) — document the design specification using a defined procedure.
- (6) — The student solves problems using different types and levels of programming languages and quality assurances. The student is expected to:
- (A) — differentiate among the concepts of data such as procedural, object-oriented, and event-driven representation;
 - (B) — identify current programming languages and the environment in which each is used;
 - (C) — produce procedural and object-oriented programs using structured coding with appropriate style and clarity of expression;
 - (D) — demonstrate skill in program testing;
 - (E) — compare computed results with anticipated results to determine the reasonableness of the solutions;
 - (F) — troubleshoot technological problems;
 - (G) — explain the software quality assurance process; and
 - (H) — follow established quality assurance procedures for testing, identifying problems, and tracking resolutions.
- (7) — The student recognizes issues and complies with procedures for maintaining the security of computerized information. The student is expected to:

- ~~(A) — identify risks to information systems facilities, data communications systems, and applications;~~
- ~~(B) — comply with federal and state legislation pertaining to computer crime, fraud, and abuse;~~
- ~~(C) — identify and select controls for information systems facilities, data communications, and applications appropriate to specific risks; and~~
- ~~(D) — apply procedures used to recover from situations such as system failure and computer virus.]~~

§130.310. Computer Programming II (One Credit), Adopted 2015;

- ~~(a) — General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisites: Principles of Information Technology and Computer Programming I. Students shall be awarded one credit for successful completion of this course.~~
- ~~(b) — Introduction:~~
 - ~~(1) — Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
 - ~~(2) — The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.~~
 - ~~(3) — In Computer Programming II, students will expand their knowledge and skills in structured programming techniques and concepts by addressing more complex problems and developing comprehensive programming solutions. Students will analyze the social responsibility of business and industry regarding the significant issues relating to environment, ethics, health, safety, and diversity in society and in the workplace as related to computer programming. Students will apply technical skills to address business applications of emerging technologies.~~
 - ~~(4) — Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
 - ~~(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.~~
- ~~(c) — Knowledge and skills:~~
 - ~~(1) — The student demonstrates professional standards/employability skills as required by business and industry. The student is expected:~~
 - ~~(A) — employ effective reading and writing skills;~~
 - ~~(B) — employ effective verbal and nonverbal communication skills;~~
 - ~~(C) — illustrate interview skills for successful job placement;~~
 - ~~(D) — solve problems and think critically;~~
 - ~~(E) — demonstrate leadership skills and function effectively as a team member;~~
 - ~~(F) — identify and implement proper safety procedures;~~
 - ~~(G) — demonstrate an understanding of legal and ethical responsibilities in relation to the field of IT; and~~
 - ~~(H) — demonstrate planning and time management skills such as project management, including initiating, planning, executing, monitoring and controlling, and closing a project.~~
 - ~~(2) — The student identifies various employment opportunities in the IT field. The student is expected to:~~

- ~~(A) — create a personal career plan along with education, job skills, and experience necessary to achieve career goals; and~~
- ~~(B) — develop a resume that includes letters of recommendation appropriate to a chosen career plan.~~
- ~~(3) — The student identifies project software needs and requirements. The student is expected to:~~
 - ~~(A) — identify input and output requirements;~~
 - ~~(B) — identify system processing requirements;~~
 - ~~(C) — identify hardware, networking, and software system functional requirements;~~
 - ~~(D) — conduct a project needs analysis;~~
 - ~~(E) — define a problem to be solved by a created application;~~
 - ~~(F) — analyze requirement specifications using current approaches;~~
 - ~~(G) — identify project constraints; and~~
 - ~~(H) — use advanced modeling and analysis of functional requirements.~~
- ~~(4) — The student produces an IT based strategy and project plan to solve a provided class problem. The student is expected to:~~
 - ~~(A) — identify key functions and subsystem capabilities of modern software products;~~
 - ~~(B) — identify software resources and individual product risks; and~~
 - ~~(C) — identify software development methodologies.~~
- ~~(5) — The student demonstrates knowledge of the software development environment. The student is expected to:~~
 - ~~(A) — apply prototyping techniques;~~
 - ~~(B) — use appropriate configuration management tools;~~
 - ~~(C) — apply language-specific programming techniques;~~
 - ~~(D) — develop programs using appropriate language;~~
 - ~~(E) — apply the appropriate development environment for each selected language such as the compiler, debugger, test generator, and analyzer;~~
 - ~~(F) — use appropriate modeling and analysis tools; and~~
 - ~~(G) — use appropriate requirement tracking tools.~~
- ~~(6) — The student demonstrates knowledge of the software development process. The student is expected to:~~
 - ~~(A) — articulate the information system life cycle;~~
 - ~~(B) — identify system analysis issues related to design, testing, implementation, and maintenance;~~
 - ~~(C) — identify the use of program design tools in a software development process; and~~
 - ~~(D) — identify current information life cycle models.~~
- ~~(7) — The student designs a software application. The student is expected to:~~
 - ~~(A) — apply principals of system design such as structured, object oriented, and event driven processes;~~
 - ~~(B) — develop a logical design;~~
 - ~~(C) — document design specifications according to a defined procedure;~~

- ~~(D) — design system input, output, processing, and interfaces;~~
- ~~(E) — identify the characteristics and uses of data processing such as batch, interactive, event driven, and object-oriented;~~
- ~~(F) — explain algorithmic and data structure concepts;~~
- ~~(G) — identify constraints;~~
- ~~(H) — identify modular design concepts;~~
- ~~(I) — identify the features, functions, and architectures of client server computing;~~
- ~~(J) — articulate database management concepts;~~
- ~~(K) — define the objectives of a client server application;~~
- ~~(L) — design static and dynamic online processing systems; and~~
- ~~(M) — employ interface techniques.~~
- ~~(8) — The student codes a software application. The student is expected to:~~
 - ~~(A) — apply programming language concepts;~~
 - ~~(B) — identify the hardware software connection;~~
 - ~~(C) — articulate the concept of data representation;~~
 - ~~(D) — apply structured, object-oriented, and event driven programming techniques;~~
 - ~~(E) — articulate how a programming language can support multitasking and exception handling;~~
 - ~~(F) — identify how current key programming languages work in different operating system environments;~~
 - ~~(G) — translate data structures and program design into code in an appropriate language;~~
 - ~~(H) — demonstrate key constructs and commands specific to a language;~~
 - ~~(I) — identify current programming languages used in software development;~~
 - ~~(J) — explain how to resolve program implementation issues such as debugging, documentation, and auditing;~~
 - ~~(K) — articulate software development issues such as correctness, reliability, and productivity;~~
 - ~~(L) — explain code analysis issues related to design, testing, implementation, and maintenance;~~
 - ~~(M) — demonstrate how to design and implement programs in a top-down manner;~~
 - ~~(N) — demonstrate how to translate algorithmic and modular design into computer code;~~
 - ~~(O) — explain how programming control structures are used to verify correctness;~~
 - ~~(P) — compile and debug computer code; and~~
 - ~~(Q) — prepare appropriate commenting within code.~~
- ~~(9) — The student demonstrates knowledge of software testing. The student is expected to:~~
 - ~~(A) — develop a test plan;~~
 - ~~(B) — define test procedures;~~
 - ~~(C) — develop test cases; and~~
 - ~~(D) — perform software testing.~~
- ~~(10) — The student performs quality assurance testing. The student is expected to:~~
 - ~~(A) — explain the software quality assurance process;~~

- ~~(B) — apply standard requirements for software quality assurance;~~
- ~~(C) — perform software quality assurance tasks to determine a quality software product; and~~
- ~~(D) — conduct code inspection.~~
- ~~(11) — The student applies procedures for maintaining the security of computerized information. The student is expected to:~~
 - ~~(A) — identify risks to information systems facilities, data, communication systems, and applications;~~
 - ~~(B) — comply with federal and state legislation pertaining to computer crime, fraud, and abuse;~~
 - ~~(C) — identify and select controls for information systems facilities, data communications, and applications appropriate to specific risks; and~~
 - ~~(D) — apply procedures used to recover from situations such as system failure and computer virus.]~~

§130.315. Web Communications (One-Half Credit).

- (a) General requirements. Students shall be awarded one-half credit for successful completion of this course. This course is recommended for students in Grade 9.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.
 - (3) In Web Communications, students will acquire knowledge of web communications and technological operations and concepts. This is an exploratory course in web communications. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) Creativity and innovation. The student demonstrates creative thinking, constructs knowledge, and develops innovative products and processes using technology. The student is expected to:

- (A) demonstrate proficiency in the use of local and online collaboration;
 - (B) create websites using web editors or web authoring programs;
 - (C) evaluate the accessibility and usability of original websites; and
 - (D) conceptualize possible technologies based on current technical trends.
- (2) Communication and collaboration. The student uses digital technology to work collaboratively toward his or her own learning and the learning of others. The student is expected to:
- (A) analyze and implement the proper and acceptable use of digital/virtual communications technologies such as instant messaging (IM), chat, email, and social networking;
 - (B) define and implement the acquisition, sharing, and use of files taking into consideration primary ownership and copyright;
 - (C) apply decisions regarding the selection, acquisition, and sharing of uniform resource locators (URLs) used in research, taking into consideration their quality, appropriateness, and effectiveness; and
 - (D) solve problems using critical-thinking strategies.
- (3) Research and information fluency. The student applies digital tools to gather, evaluate, and use information. The student is expected to:
- (A) verify the accuracy, validity, and currency of acquired information;
 - (B) conduct effective searches using Boolean operators;
 - (C) acquire and use appropriate vocabulary terms;
 - (D) cite sources appropriately using established methods;
 - (E) model ethical and legal acquisition of digital information following guidelines in the student code of conduct, including plagiarism and copyright laws;
 - (F) identify and discuss emerging technologies and their impact;
 - (G) understand Internet history and structure and how they impact current use; and
 - (H) demonstrate appropriate use of grammar, spelling, and vocabulary when creating original work.
- (4) Critical thinking, problem solving, and decision making. The student uses critical-thinking skills to plan and conduct research, manage projects, solve problems, and make informed decisions using appropriate digital tools and resources. The student is expected to:
- (A) demonstrate the transfer and adaptation of knowledge through the creation of original work;

- (B) evaluate and implement security measures such as firewalls and Hypertext Transfer Protocol Secure (HTTPS) to protect original work;
 - (C) analyze and follow timelines needed to create, edit, and present original work;
 - (D) verify current licensing issues for software being used for the creation of original work;
 - (E) identify and evaluate the design and functionality of web pages using rubrics;
 - (F) optimize web information for fast download such as dial-up and high-speed Internet and mobile devices; and
 - (G) evaluate original work through self-, peer, and professional review of websites.
- (5) Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected to:
- (A) engage in online activities that follow appropriate behavioral, communication, and privacy guidelines, including ethics, personal security, and verbiage determined by the intended audience;
 - (B) understand the negative impact of inappropriate technology use, including online bullying and harassment;
 - (C) implement online security guidelines, including identity protection, limited personal information sharing, and password protection of a secure website; and
 - (D) advocate and practice safe, legal, and responsible use of information and technology.
- (6) Technology operations and concepts. The student demonstrates a sound understanding of technology concepts, systems, and operations. The student is expected to:
- (A) demonstrate knowledge of hardware such as scanners, cameras, printers, video cameras, and external hard drives;
 - (B) identify the parts of a computer and explain their functions;
 - (C) summarize the need, functionality, and use of servers;
 - (D) identify the advantages and disadvantages of running a personal web server versus using a web server provider;
 - (E) differentiate and appropriately use various input, processing, output, and primary/secondary storage devices;
 - (F) create and implement universally accessible documents;
 - (G) analyze bandwidth issues as they relate to audience, servers, connectivity, and cost;

- (H) establish a folder/directory hierarchy for storage of a web page and its related or linked files;
- (I) follow file and folder naming conventions, including spacing, special characters, and capitalization; and
- (J) identify basic design principles when creating a website.

§130.316. Web Design (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.
 - (3) In Web Design students will acquire knowledge of web design and technological operations and concepts that support creativity, innovation, collaboration, information fluency, critical thinking and decision making. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) Creativity and innovation. The student demonstrates creative thinking, constructs knowledge, and develops innovative products and processes using technology. The student is expected to:
 - (A) demonstrate proficiency in local and online collaboration;
 - (B) create a website using web editors and web authoring programs;
 - (C) evaluate the accessibility and usability of an original website as it relates to a target audience;

- (D) conceptualize new possible technologies based on current technical trends;
 - (E) analyze the use of virtualization such as virtual classrooms, distance learning, virtual storage, and a virtual operating system;
 - (F) demonstrate knowledge and appropriate use of operating systems, software applications, and communication and networking components; and
 - (G) make decisions regarding the selection, acquisition, and use of software, taking into consideration its quality, appropriateness, effectiveness, and efficiency.
- (2) Communication and collaboration. The student uses digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning experience of others. The student is expected to:
- (A) analyze and implement the proper and acceptable use of digital/virtual communications technologies such as instant messaging (IM), chat, email, and social networking;
 - (B) define and implement the acquisition, sharing, and use of files, taking into consideration their primary ownership and copyright;
 - (C) apply decisions regarding the selection, acquisition, and sharing of uniform resource locators (URLs) used in research, taking into consideration their quality, appropriateness, and effectiveness;
 - (D) solve problems using critical-thinking strategies; and
 - (E) compare, evaluate, and implement the use of wired versus wireless access.
- (3) Research and information fluency. The student applies digital tools to gather, evaluate, and use information. The student is expected to:
- (A) verify the accuracy, validity, and currency of acquired information;
 - (B) conduct effective searches with Boolean operators;
 - (C) acquire and use appropriate vocabulary terms;
 - (D) cite sources appropriately using established methods;
 - (E) model ethical and legal acquisition of digital information following guidelines in the student code of conduct, including plagiarism and copyright laws;
 - (F) identify and discuss emerging technologies and their impact;
 - (G) understand Internet history and structure and how they impact current use;
 - (H) demonstrate appropriate use of grammar, spelling, and vocabulary when creating original work;
 - (I) acquire, evaluate, and use various web standards such as World Wide Web Consortium (W3C), Ecma International, and Internet Corporation for Assigned

- Names and Numbers (ICANN) to make informed decisions and implement standards in original work;
- (J) understand, analyze, and use interactive websites;
 - (K) understand, evaluate, and determine the appropriate use of dynamic and static websites;
 - (L) understand, evaluate, and determine the appropriate use of open/closed source file formats and software;
 - (M) explain and demonstrate how search engines work such as advanced options, preferences, advertising, and search categories;
 - (N) evaluate, create, and apply principles of project management, including web storyboards, site maps, job duties, time constraints, group dynamics, communication interaction, and project completion, evaluation, and feedback;
 - (O) understand the use and application of a virtual private network (VPN);
 - (P) distinguish among protocols, including Hypertext Transfer Protocol (HTTP) and File Transfer Protocol (FTP);
 - (Q) summarize the technical needs of a World Wide Web server, including random access memory (RAM), hard disk capacity, central processing unit (CPU) speed, busses, methods of connectivity, and appropriate software;
 - (R) demonstrate proficiency in the use of a variety of electronic input devices such as keyboard, scanner, voice/sound recorder, mouse, touch screen, or digital video by incorporating such components while publishing web pages;
 - (S) demonstrate proper digital etiquette and knowledge of acceptable use policies when using networks, especially resources on the Internet and intranets;
 - (T) demonstrate proficiency in and appropriate use and navigation of local area networks (LANs), wide area networks (WANs), the Internet, and intranets for research and resource sharing;
 - (U) construct appropriate search strategies in the acquisition of information from the Internet, including keyword searches and searches with Boolean operators; and
 - (V) acquire information in electronic formats, including text, audio, video, and graphics, citing the source.
- (4) Critical thinking, problem solving, and decision making. The student uses critical-thinking skills to plan and conduct research, manage projects, solve problems, and make informed decisions using appropriate digital tools and resources. The student is expected to:

- (A) demonstrate the transfer and adaptation of knowledge through the creation of original work;
 - (B) evaluate and implement security measures to protect original work such as firewalls and Hypertext Transfer Protocol Secure (HTTPS);
 - (C) analyze and follow timelines needed to create, edit, and present original work;
 - (D) verify current licensing issues for software being used for the creation of original work;
 - (E) identify and evaluate the design and functionality of web pages using rubrics;
 - (F) optimize web information for fast download such as dial-up and high-speed Internet and mobile devices;
 - (G) evaluate original work through self-, peer, and professional review of websites;
 - (H) evaluate the types, functions, and target audiences of websites;
 - (I) read, use, and develop technical documents;
 - (J) analyze, examine, assess, and decide on servers as they relate to the management of a website;
 - (K) analyze, examine, assess, and decide on a web host;
 - (L) analyze, examine, assess, and decide on domain name acquisition and retention;
 - (M) evaluate the functionality of a website such as color scheme, grammar, technological constraints, age appropriateness, cross-platform usability, and user relevant criteria as it relates to an intended audience;
 - (N) identify software file formats and their characteristics and appropriate use;
 - (O) identify and apply search engine optimization (SEO) to ensure optimal website visibility;
 - (P) investigate and choose electronic security methods for a web server to protect from unauthorized access and negative intentions; and
 - (Q) draw conclusions from data gathered from electronic and telecommunication resources.
- (5) Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected to:
- (A) engage in online activities that follow appropriate behavioral, communication, and privacy guidelines, including ethics, personal security, verbiage determined by the intended audience, and ethical use of files and file sharing;

- (B) understand the negative impact of inappropriate technology use, including online bullying and harassment;
 - (C) implement online security guidelines, including identity protection, limited personal information sharing, and password protection of a secure website;
 - (D) engage in safe, legal, and responsible use of information and technology;
 - (E) understand and respond to local, state, national, and global issues to ensure appropriate cross-browser and cross-platform usability;
 - (F) interpret, use, and develop a safe online shared computing environment;
 - (G) identify legal, ethical, appropriate, and safe website marketing practices;
 - (H) identify legal, ethical, appropriate, and safe multimedia usage, including video, audio, graphics, animation, and emerging trends;
 - (I) analyze the impact of the World Wide Web on society through research, interviews, and personal observation; and
 - (J) participate in relevant and meaningful activities in the larger community and society to create electronic projects.
- (6) Technology operations and concepts. The student demonstrates a sound understanding of technology concepts, systems, and operations. The student is expected to:
- (A) demonstrate knowledge of hardware, including scanners, cameras, printers, video cameras, and external hard drives;
 - (B) identify the parts of a computer and explain its functions;
 - (C) summarize the need for and functionality and use of servers;
 - (D) identify the advantages and disadvantages of running a personal web server versus using a web server provider;
 - (E) differentiate and appropriately use various input, processing, output, and primary/secondary storage devices;
 - (F) create and implement universally accessible documents;
 - (G) analyze bandwidth issues as related to audience, server, connectivity, and cost;
 - (H) establish a folder/directory hierarchy for storage of a web page and its related or linked files;
 - (I) create file and folder naming conventions to follow established guidelines, including spacing, special characters, and capitalization;
 - (J) identify basic design principles when creating a website, including white space, color theory, background color, shape, line, proximity, unity, balance (ratio of

text to white space), alignment, typography, font size, type, style, image file size, repetition, contrast, consistency, and aesthetics;

- (K) demonstrate knowledge of the six core domains (gov, net, com, mil, org, edu) and be familiar with new domain implementation;
- (L) implement escape codes, HyperText Markup Language (HTML), cascading style sheets (CSS), and javascript through hard coding, web editors, and web authoring programs;
- (M) identify and use FTP client software;
- (N) implement java applet insertion;
- (O) identify and differentiate various network topologies, including physical and logical;
- (P) create, evaluate, and use web-based animation;
- (Q) create, evaluate, and use video, including editing, compression, exporting, appropriateness, and delivery;
- (R) demonstrate the ability to conduct secure communications from a web server to a client; and
- (S) use hypertext linking appropriately when creating web pages.

§130.317. Independent Study in Technology Applications (One Credit), Beginning with School Year 2012-2013.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Recommended prerequisite: a minimum of one credit from the courses in the Information Technology Career Cluster. This course may be taken at Grades 9-12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.
 - (3) In Independent Study in Technology Applications, through the study of technology applications foundations, including technology-related terms, concepts, and data input strategies, students will communicate information in different formats and to diverse audiences using a variety of technologies. Students will learn to make informed decisions; develop and produce original work that exemplifies the standards identified by the selected profession or discipline; and publish the product in electronic media and

print. Students will practice the efficient acquisition of information by identifying task requirements, using search strategies, and using technology to access, analyze, and evaluate the acquired information. By using technology as a tool that supports the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.

- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (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.

(c) Knowledge and skills.

- (1) Creativity and innovation. The student demonstrates creative thinking, constructs knowledge, and develops innovative products and processes using technology. The student is expected to:
 - (A) apply existing knowledge to promote creativity in designing new technology products or services;
 - (B) design and implement procedures to track trends, set timelines, and review and evaluate progress for continual improvement in process and product;
 - (C) produce electronic documentation to illustrate the progress of a project;
 - (D) seek and respond to input from peers and professionals in delineating technological tasks and problem solving;
 - (E) make necessary revisions and/or proceed to the next stage of study;
 - (F) use technology terminology appropriate to the independent study course;
 - (G) develop and apply advanced creativity and innovation employed in technology applications skills;
 - (H) identify and solve problems, individually and with input from peers and professionals, using research methods and advanced creativity and innovation skills used in a selected profession or discipline;
 - (I) develop products that meet standards identified by the selected profession or discipline; and
 - (J) produce original work to solve an identified problem and publish a product in electronic media and print.

- (2) Communication and collaboration. The student uses digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning experience of others. The student is expected to:
- (A) format developed projects according to defined output specifications, including target audience and viewing environment;
 - (B) present findings to a panel for comment and professional response;
 - (C) determine and implement the best method of presenting or publishing findings;
 - (D) synthesize and publish information in a variety of print or digital formats;
 - (E) use evolving network and Internet resources and appropriate technology skills to create, exchange, and publish information;
 - (F) develop cultural understanding and global awareness by interacting with learners of other cultures through evolving digital formats and communication methods;
 - (G) collaborate with others to identify a problem to be solved, hypotheses, and strategies to accomplish a task;
 - (H) participate with electronic communities as a learner, initiator, contributor, and facilitator/mentor; and
 - (I) participate in relevant, meaningful activities in the larger community and society to create electronic projects.
- (3) Research and information fluency. The student applies digital tools to gather, evaluate, and use information. The student is expected to:
- (A) use evolving network and Internet resources for research and resource sharing of technology applications;
 - (B) apply appropriate search strategies in the acquisition of information from the Internet, including keyword and Boolean search strategies;
 - (C) pose hypotheses and questions related to a selected problem;
 - (D) acquire information using appropriate research strategies with source citations through electronic formats, including interactive components, text, audio, video, graphics, and simulations; and
 - (E) identify, create, and use available file formats, including text, image, video, and audio files.
- (4) Critical thinking, problem solving, and decision making. The student uses critical-thinking skills to plan and conduct research, manage projects, solve problems, and make informed decisions using appropriate digital tools and resources. The student is expected to:

- (A) evaluate the design, functionality, and accuracy of the accessed information;
 - (B) conduct systematic research;
 - (C) demonstrate creative-thinking and problem-solving skills;
 - (D) integrate appropriate productivity tools, including network, mobile access, and multimedia tools, in the creation of solutions to problems;
 - (E) use enriched curricular content in the creation of products;
 - (F) synthesize and generate new information from data gathered from electronic resources;
 - (G) read and use technical documentation; and
 - (H) write simple technical documentation relative to the audience.
- (5) Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected to:
- (A) discuss intellectual property, privacy, sharing of information, copyright laws, and software licensing agreements;
 - (B) model ethical acquisition and use of digital information;
 - (C) model respect of intellectual property when editing graphics, video, text, and sound files;
 - (D) demonstrate proper etiquette, responsible use of software, and knowledge of acceptable use policies when using network resources;
 - (E) demonstrate best practices in understanding and applying information security;
 - (F) develop and maintain a technical documentation library in a variety of formats; and
 - (G) investigate how technology has changed and the social and ethical ramifications of computer usage.
- (6) Technology operations and concepts. The student demonstrates a sound understanding of technology concepts, systems, and operations. The student is expected to:
- (A) demonstrate knowledge and appropriate use of input devices, operating systems, software applications, and communication and networking components;
 - (B) select, acquire, and use appropriate digital tools;
 - (C) delineate and make necessary adjustments regarding compatibility issues, including digital file formats and cross-platform connectivity; and
 - (D) use appropriate technology terminology and naming conventions.

§130.318. Independent Study in Evolving/Emerging Technologies (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Recommended prerequisite: a minimum of one credit from the courses in the Information Technology Career Cluster. This course may be taken at Grades 9-12.
- (b) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.
 - (3) In the Independent Study in Evolving/Emerging Technologies course, through the study of evolving/emerging technologies, including technology-related terms, concepts, and data input strategies, students will communicate information in different formats and to diverse audiences using a variety of technologies. Students will learn to make informed decisions, develop and produce original work that exemplifies the standards identified by the selected profession or discipline, and publish the product in electronic media and print. Students will demonstrate efficient acquisition of information by identifying task requirements, using search strategies, and using technology to access, analyze, and evaluate the acquired information. By using technology as a tool that supports the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
- (1) Creativity and innovation. The student demonstrates creative thinking, constructs knowledge, and develops innovative products and processes using technology. The student is expected to:
 - (A) apply existing knowledge to promote creativity in designing new technology products or services;

- (B) design and implement procedures to track trends, set timelines, and review and evaluate progress for continual improvement in process and product;
 - (C) produce electronic documentation to illustrate the progress of a project;
 - (D) seek and respond to input from peers and professionals in delineating technological tasks and problem solving;
 - (E) make necessary revisions and/or proceed to the next stage of study;
 - (F) use technology terminology appropriate to the independent study course;
 - (G) develop and apply advanced creativity and innovation employed in technology applications skills;
 - (H) identify and solve problems, individually and with input from peers and professionals, using research methods and advanced creativity and innovation skills used in a selected profession or discipline;
 - (I) develop products that meet standards identified by a selected profession or discipline; and
 - (J) produce original work to solve an identified problem and publish a product in electronic media and print.
- (2) Communication and collaboration. The student uses digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning experience of others. The student is expected to:
- (A) format developed projects according to defined output specifications, including target audience and viewing environment;
 - (B) present findings to a panel for comment and professional response;
 - (C) determine and implement the best method of presenting or publishing findings;
 - (D) synthesize and publish information in a variety of print or digital formats;
 - (E) use evolving network resources and appropriate technology skills to create, exchange, and publish information;
 - (F) develop cultural understanding and global awareness by interacting with learners of other cultures through evolving digital formats and communication methods;
 - (G) collaborate with others to identify a problem to be solved, hypotheses, and strategies to accomplish a task;
 - (H) participate with electronic communities as a learner, initiator, contributor, and facilitator/mentor; and

- (1) participate in relevant, meaningful activities in the larger community and society to create electronic projects.
- (3) Research and information fluency. The student applies digital tools to gather, evaluate, and use information. The student uses a variety of strategies to acquire information from electronic resources, with appropriate supervision. The student is expected to:
 - (A) use evolving network and Internet resources for research and resource sharing of technology applications;
 - (B) apply appropriate search strategies in the acquisition of information from the Internet, including keyword and Boolean search strategies;
 - (C) pose hypotheses and questions related to a selected problem;
 - (D) acquire information using appropriate research strategies with source citations through electronic formats, including interactive components, text, audio, video, graphics, and simulations; and
 - (E) identify, create, and use available file formats, including text, image, video, and audio files.
- (4) Critical thinking, problem solving, and decision making. The student uses critical-thinking skills to plan and conduct research, manage projects, solve problems, and make informed decisions using appropriate digital tools and resources. The student is expected to:
 - (A) evaluate the design, functionality, and accuracy of the accessed information;
 - (B) conduct systematic research;
 - (C) demonstrate creative-thinking and problem-solving skills;
 - (D) integrate appropriate productivity tools, including network, mobile access, and multimedia tools, in the creation of solutions to problems;
 - (E) use enriched curricular content in the creation of products;
 - (F) synthesize and generate new information from data gathered from electronic resources;
 - (G) read and use technical documentation; and
 - (H) write simple technical documentation relative to the audience.
- (5) Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected to:
 - (A) discuss intellectual property, privacy, sharing of information, copyright laws, and software licensing agreements;
 - (B) model ethical acquisition and use of digital information;

- (C) model respect of intellectual property when editing graphics, video, text, and sound files;
 - (D) demonstrate proper etiquette, responsible use of software, and knowledge of acceptable use policies when using network resources;
 - (E) demonstrate best practices in understanding and applying information security;
 - (F) develop and maintain a technical documentation library in a variety of formats; and
 - (G) investigate how technology has changed and the social and ethical ramifications of computer usage.
- (6) Technology operations and concepts. The student demonstrates a sound understanding of technology concepts, systems, and operations. The student is expected to:
- (A) demonstrate knowledge and appropriate use of input devices, operating systems, software applications, and communication and networking components;
 - (B) select, acquire, and use appropriate digital tools;
 - (C) delineate and make necessary adjustments regarding compatibility issues, including digital file formats and cross-platform connectivity; and
 - (D) use appropriate technology terminology and naming conventions.

Subchapter O. Science, Technology, Engineering, and Mathematics

§130.420. Fundamentals of Computer Science (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Fundamentals of Computer Science is intended as a first course for those students just beginning the study of computer science. Students will learn about the computing tools that are used every day. Students will foster their creativity and innovation through opportunities to design, implement, and present solutions to real-world problems. Students will collaborate and use computer science concepts to access, analyze, and evaluate information needed to solve problems. Students will learn the problem-solving and reasoning skills that are the foundation of computer science. By using computer science knowledge and skills that support the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will gain an understanding of the principles of computer science through the study of technology operations and concepts. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
- (1) Creativity and innovation. The student develops products and generates new understanding by extending existing knowledge. The student is expected to:
 - (A) investigate and explore various career opportunities within the computer science field and report findings through various media;
 - (B) create and publish interactive stories, games, and animations;
 - (C) create and publish interactive animations;
 - (D) create algorithms for the solution of various problems;
 - (E) create web pages using a mark-up language;
 - (F) use the Internet to create and publish solutions; and
 - (G) design creative and effective user interfaces.
 - (2) Communication and collaboration. The student communicates and collaborates with peers to contribute to his or her own learning and the learning of others. The student is expected to:
 - (A) seek and respond to advice from peers and professionals in evaluating problem solutions;
 - (B) debug and solve problems using reference materials and effective strategies; and

- (C) publish information in a variety of ways such as print, monitor display, web pages, and video.
- (3) Research and information fluency. The student locates, analyzes, processes, and organizes data. The student is expected to:
 - (A) construct appropriate electronic search strategies; and
 - (B) use a variety of resources, including other subject areas, together with various productivity tools to gather authentic data as a basis for individual and group programming projects.
- (4) Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:
 - (A) demonstrate the ability to insert applets into web pages;
 - (B) find, download, and insert scripting code into web pages to enhance interactivity;
 - (C) understand binary representation of data in computer systems, perform conversions between decimal and binary number systems, and count in binary number systems;
 - (D) read and define a problem's description, purpose, and goals;
 - (E) demonstrate coding proficiency in a contemporary programming language by developing solutions that create stories, games, and animations;
 - (F) choose, identify, and use the appropriate data type to properly represent data in a problem solution;
 - (G) demonstrate an understanding of and use variables within a programmed story, game, or animation;
 - (H) demonstrate proficiency in the use of arithmetic operators to create mathematical expressions, including addition, subtraction, multiplication, real division, integer division, and modulus division;
 - (I) demonstrate an understanding of and use sequence within a programmed story, game, or animation;
 - (J) demonstrate an understanding of and use conditional statements within a programmed story, game, or animation;
 - (K) demonstrate an understanding of and use iteration within a programmed story, game, or animation;
 - (L) create an interactive story, game, or animation;
 - (M) use random numbers within a programmed story, game, or animation; and
 - (N) test program solutions by investigating valid and invalid data.
- (5) Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:
 - (A) discuss copyright laws/issues and model ethical acquisition of digital information by citing sources using established methods;
 - (B) demonstrate proper digital etiquette and knowledge of acceptable use policies when using networks, especially resources on the Internet and on intranets;
 - (C) investigate measures such as passwords or virus detection/prevention to protect computer systems and databases from unauthorized use and tampering;
 - (D) understand the safety risks associated with the use of social networking sites;
 - (E) discuss the impact of computing and computing related advancements on society; and

- (F) determine the reliability of information available through electronic media.
- (6) Technology operations and concepts. The student understands technology concepts, systems, and operations as they apply to computer science. The student is expected to:
 - (A) demonstrate knowledge of the basic computer components, including a central processing unit (CPU), storage, and input/output devices;
 - (B) use operating system tools, including appropriate file management;
 - (C) demonstrate knowledge and appropriate use of different operating systems;
 - (D) demonstrate knowledge and understanding of basic network connectivity;
 - (E) describe, compare, and contrast the differences between an application and an operating system; and
 - (F) compare, contrast, and appropriately use various input, processing, output, and primary/secondary storage devices.

§140.421. Computer Science I (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: Algebra I. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Computer Science I will foster students' creativity and innovation by presenting opportunities to design, implement, and present meaningful programs through a variety of media. Students will collaborate with one another, their instructor, and various electronic communities to solve the problems presented throughout the course. Through data analysis, students will identify task requirements, plan search strategies, and use computer science concepts to access, analyze, and evaluate information needed to solve problems. By using computer science knowledge and skills that support the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will gain an understanding of the principles of computer science through the study of technology operations, systems, and concepts. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) Creativity and innovation. The student develops products and generates new understandings by extending existing knowledge. The student is expected to:
 - (A) participate with electronic communities as a learner, initiator, contributor, and teacher/mentor;

- (B) extend the learning environment beyond the school walls with digital products created to increase teaching and learning in the other subject areas; and
 - (C) participate in relevant, meaningful activities in the larger community and society to create electronic projects.
- (2) Communication and collaboration. The student communicates and collaborates with peers to contribute to his or her own learning and the learning of others. The student is expected to:
- (A) create and properly display meaningful output;
 - (B) create interactive console display interfaces, with appropriate user prompts, to acquire data from a user;
 - (C) use Graphical User Interfaces (GUIs) to create interactive interfaces to acquire data from a user and display program results;
 - (D) write programs with proper programming style to enhance the readability and functionality of the code by using meaningful descriptive identifiers, internal comments, white space, spacing, indentation, and a standardized program style;
 - (E) improve numeric display by optimizing data visualization;
 - (F) display simple vector graphics using lines, circles, and rectangles;
 - (G) display simple bitmap images; and
 - (H) seek and respond to advice from peers and professionals in evaluating quality and accuracy.
- (3) Research and information fluency. The student locates, analyzes, processes, and organizes data. The student is expected to:
- (A) use a variety of resources, including foundation and enrichment curricula, to gather authentic data as a basis for individual and group programming projects; and
 - (B) use various productivity tools to gather authentic data as a basis for individual and group programming projects.
- (4) Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:
- (A) use program design problem-solving strategies to create program solutions;
 - (B) define and specify the purpose and goals of solving a problem;
 - (C) identify the subtasks needed to solve a problem;
 - (D) identify the data types and objects needed to solve a problem;
 - (E) identify reusable components from existing code;
 - (F) design a solution to a problem;
 - (G) code a solution from a program design;
 - (H) identify and debug errors;
 - (I) test program solutions with appropriate valid and invalid test data for correctness;
 - (J) debug and solve problems using error messages, reference materials, language documentation, and effective strategies;
 - (K) explore common algorithms, including finding greatest common divisor, finding the biggest number out of three, finding primes, making change, and finding the average;
 - (L) analyze and modify existing code to improve the underlying algorithm;

- (M) create program solutions that exhibit robust behavior by understanding, avoiding, and preventing runtime errors, including division by zero and type mismatch;
 - (N) select the most appropriate algorithm for a defined problem;
 - (O) demonstrate proficiency in the use of the arithmetic operators to create mathematical expressions, including addition, subtraction, multiplication, real division, integer division, and modulus division;
 - (P) create program solutions to problems using available mathematics libraries, including absolute value, round, power, square, and square root;
 - (Q) develop program solutions that use assignment;
 - (R) develop sequential algorithms to solve non-branching and non-iterative problems;
 - (S) develop algorithms to decision-making problems using branching control statements;
 - (T) develop iterative algorithms and code programs to solve practical problems;
 - (U) demonstrate proficiency in the use of the relational operators;
 - (V) demonstrate proficiency in the use of the logical operators; and
 - (W) generate and use random numbers.
- (5) Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:
- (A) discuss intellectual property, privacy, sharing of information, copyright laws, and software licensing agreements;
 - (B) model ethical acquisition and use of digital information;
 - (C) demonstrate proper digital etiquette, responsible use of software, and knowledge of acceptable use policies;
 - (D) investigate measures, including passwords and virus detection/prevention, to protect computer systems and databases from unauthorized use and tampering; and
 - (E) investigate how technology has changed and the social and ethical ramifications of computer usage.
- (6) Technology operations, systems, and concepts. The student understands technology concepts, systems, and operations as they apply to computer science. The student is expected to:
- (A) compare and contrast types of operating systems, software applications, and programming languages;
 - (B) demonstrate knowledge of major hardware components, including primary and secondary memory, a central processing unit (CPU), and peripherals;
 - (C) differentiate among current programming languages, discuss the use of those languages in other fields of study, and demonstrate knowledge of specific programming terminology and concepts;
 - (D) differentiate between a high-level compiled language and an interpreted language;
 - (E) understand concepts of object-oriented design;
 - (F) use local and global scope access variable declarations;
 - (G) encapsulate data and associated subroutines into an abstract data type;
 - (H) create subroutines that do not return values with and without the use of arguments and parameters;

- (I) create subroutines that return typed values with and without the use of arguments and parameters;
- (J) understand and identify the data-binding process between arguments and parameters;
- (K) compare objects using reference values and a comparison routine;
- (L) understand the binary representation of numeric and nonnumeric data in computer systems;
- (M) understand the finite limits of numeric data;
- (N) perform numerical conversions between the decimal and binary number systems and count in the binary number system;
- (O) choose, identify, and use the appropriate data types for integer, real, and Boolean data when writing program solutions;
- (P) demonstrate an understanding of the concept of a variable;
- (Q) demonstrate an understanding of and use reference variables for objects;
- (R) demonstrate an understanding of how to represent and manipulate text data, including concatenation and other string functions;
- (S) demonstrate an understanding of the concept of scope;
- (T) identify and use the structured data type of one-dimensional arrays to traverse, search, and modify data;
- (U) choose, identify, and use the appropriate data type and structure to properly represent the data in a program problem solution; and
- (V) compare and contrast strongly typed and un-typed programming languages.

§130.422. Computer Science II (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: Algebra I and either Computer Science I or Fundamentals of Computer Science. This course is recommended for students in Grades 11 and 12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Computer Science II will foster students' creativity and innovation by presenting opportunities to design, implement, and present meaningful programs through a variety of media. Students will collaborate with one another, their instructor, and various electronic communities to solve the problems presented throughout the course. Through data analysis, students will identify task requirements, plan search strategies, and use computer science concepts to access, analyze, and evaluate information needed to solve problems. By using computer science knowledge and skills that support the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will gain an understanding of computer science through the study of technology operations, systems, and concepts. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking;

problem solving, and decision making; digital citizenship; and technology operations and concepts.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(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.

(c) Knowledge and skills.

(1) Creativity and innovation. The student develops products and generates new understandings by extending existing knowledge. The student is expected to:

(A) use program design problem-solving strategies to create program solutions;

(B) demonstrate the ability to read and modify large programs, including the design description and process development;

(C) follow the systematic problem-solving process of identifying the specifications of purpose and goals, the data types and objects needed, and the subtasks to be performed;

(D) compare and contrast design methodologies and implementation techniques such as top-down, bottom-up, and black box;

(E) analyze, modify, and evaluate existing code by performing a case study on a large program, including inheritance and black box programming;

(F) identify the data types and objects needed to solve a problem;

(G) choose, identify, and use the appropriate abstract data type, advanced data structure, and supporting algorithms to properly represent the data in a program problem solution;

(H) use object-oriented programming development methodology, data abstraction, encapsulation with information hiding, and procedural abstraction in program development and testing; and

(I) create, edit, and manipulate bitmap images that are used to enhance user interfaces and program functionality.

(2) Communication and collaboration. The student communicates and collaborates with peers to contribute to his or her own learning and the learning of others. The student is expected to:

(A) use the principles of software engineering to work in software design teams, break a problem statement into specific solution requirements, create a program development plan, code part of a solution from a program development plan while a partner codes the remaining part, team test the solution for correctness, and develop presentations to report the solution findings;

(B) create interactive console display interfaces with appropriate user prompts;

(C) create interactive human interfaces to acquire data from a user and display program results using an advanced Graphical User Interface (GUI);

(D) write programs and communicate with proper programming style to enhance the readability and functionality of the code by using meaningful descriptive identifiers, internal comments, white space, indentation, and a standardized program style;

(E) improve data display by optimizing data visualization;

(F) display simple vector graphics to interpret and display program results; and

(G) display simple bitmap images.

(3) Research and information fluency. The student locates, analyzes, processes, and organizes data. The student is expected to:

- (A) use local area networks (LANs) and wide area networks (WANs), including the Internet and intranets, in research, file management, and collaboration;
 - (B) understand programming file structure and file access for required resources;
 - (C) acquire and process information from text files, including files of known and unknown sizes;
 - (D) manipulate data structures using string processing;
 - (E) manipulate data values by casting between data types;
 - (F) identify and use the structured data type of one-dimensional arrays to traverse, search, modify, insert, and delete data;
 - (G) identify and use the structured data type of two-dimensional arrays to traverse, search, modify, insert, and delete data; and
 - (H) identify and use a list object data structure to traverse, search, insert, and delete data.
- (4) Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:
- (A) develop sequential algorithms using branching control statements, including nested structures, to create solutions to decision-making problems;
 - (B) develop choice algorithms using selection control statements based on ordinal values;
 - (C) demonstrate proficiency in the use of short-circuit evaluation;
 - (D) demonstrate proficiency in the use of Boolean algebra, including De Morgan's Law;
 - (E) develop iterative algorithms using nested loops;
 - (F) identify, trace, and appropriately use recursion in programming solutions, including algebraic computations;
 - (G) design, construct, evaluate, and compare search algorithms, including linear searching and binary searching;
 - (H) identify, describe, design, create, evaluate, and compare standard sorting algorithms, including selection sort, bubble sort, insertion sort, and merge sort;
 - (I) measure time/space efficiency of various sorting algorithms;
 - (J) compare and contrast search and sort algorithms, including linear, quadratic, and recursive strategies, for time/space efficiency;
 - (K) analyze algorithms using "big-O" notation for best, average, and worst-case data patterns;
 - (L) develop algorithms to solve various problems, including factoring, summing a series, finding the roots of a quadratic equation, and generating Fibonacci numbers;
 - (M) test program solutions by investigating boundary conditions; testing classes, methods, and libraries in isolation; and performing stepwise refinement;
 - (N) identify and debug compile, syntax, runtime, and logic errors;
 - (O) compare and contrast algorithm efficiency by using informal runtime comparisons, exact calculation of statement execution counts, and theoretical efficiency values using "big-O" notation, including worst-case, best-case, and average-case time/space analysis;
 - (P) demonstrate the ability to count, convert, and perform mathematical operations in the binary and hexadecimal number systems;
 - (Q) demonstrate knowledge of the maximum integer boundary, minimum integer boundary, imprecision of real number representations, and round-off errors;

- (R) create program solutions to problems using the mathematics library class;
 - (S) use random algorithms to create simulations that model the real world;
 - (T) identify, understand, and create class specifications and relationships among classes, including composition and inheritance relationships;
 - (U) understand and explain object relationships among defined classes, abstract classes, and interfaces;
 - (V) create object-oriented definitions using class declarations, variable declarations, constant declarations, method declarations, parameter declarations, and interface declarations;
 - (W) create robust classes that encapsulate data and the methods that operate on that data and incorporate overloading to enrich the object's behavior;
 - (X) design and implement a set of interactive classes;
 - (Y) design, create, and evaluate multiclass programs that use abstract classes and interfaces;
 - (Z) understand and implement a student-created class hierarchy;
 - (AA) extend, modify, and improve existing code using inheritance;
 - (BB) create adaptive behaviors, including overloading, using polymorphism;
 - (CC) understand and use reference variables for object and string data types;
 - (DD) understand and implement access scope modifiers;
 - (EE) understand and demonstrate how to compare objects;
 - (FF) duplicate objects using the appropriate deep and/or shallow copy;
 - (GG) define and implement abstract classes and interfaces in program problem solutions;
 - (HH) apply functional decomposition to a program solution;
 - (II) create simple and robust objects from class definitions through instantiation;
 - (JJ) apply class membership of variables, constants, and methods;
 - (KK) examine and mutate the properties of an object using accessors and modifiers;
 - (LL) understand and implement a composite class; and
 - (MM) design and implement an interface.
- (5) Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:
- (A) model ethical acquisition and use of digital information;
 - (B) demonstrate proper digital etiquette, responsible use of software, and knowledge of acceptable use policies; and
 - (C) investigate digital rights management.
- (6) Technology operations and concepts. The student understands technology concepts, systems, and operations as they apply to computer science. The student is expected to:
- (A) compare and contrast types of operating systems, software applications, hardware platforms, and programming languages;
 - (B) demonstrate knowledge of major hardware components, including primary and secondary memory, a central processing unit (CPU), and peripherals;
 - (C) demonstrate knowledge of major networking components, including hosts, servers, switches, and routers;

- (D) demonstrate knowledge of computer communication systems, including single-user, peer-to-peer, workgroup, client-server, and networked;
- (E) demonstrate knowledge of computer addressing systems, including Internet Protocol (IP) address and Media Access Control (MAC) address; and
- (F) differentiate among the categories of programming languages, including machine, assembly, high-level compiled, high-level interpreted, and scripted.

§130.423. Computer Science III (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: Computer Science II, Advanced Placement (AP) Computer Science A, or International Baccalaureate (IB) Computer Science. This course is recommended for students in Grades 11 and 12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Computer Science III will foster students' creativity and innovation by presenting opportunities to design, implement, and present meaningful programs through a variety of media. Students will collaborate with one another, their instructor, and various electronic communities to solve the problems presented throughout the course. Through data analysis, students will identify task requirements, plan search strategies, and use computer science concepts to access, analyze, and evaluate information needed to solve problems. By using computer science knowledge and skills that support the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will gain an understanding of advanced computer science data structures through the study of technology operations, systems, and concepts. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
 - (5) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (c) Knowledge and skills.
 - (1) Creativity and innovation. The student develops products and generates new understandings by extending existing knowledge. The student is expected to:
 - (A) apply data abstraction and encapsulation to manage complexity;
 - (B) implement a student-created class hierarchy;
 - (C) read and write class specifications using visual organizers, including Unified Modeling Language;
 - (D) use black box programming methodology;
 - (E) design, create, and use interfaces to apply protocols;
 - (F) identify, describe, design, create, evaluate, and compare standard sorting algorithms that perform sorting operations on data structures, including quick sort and heap sort;

- (G) select, identify, and use the appropriate abstract data type, advanced data structure, and supporting algorithms to properly represent the data in a program problem solution; and
 - (H) manage complexity by using a systems approach.
- (2) Communication and collaboration. The student communicates and collaborates with peers to contribute to his or her own learning and the learning of others. The student is expected to:
- (A) use local area networks (LANs) and wide area networks (WANs), including the Internet and intranets, in research, file management, and collaboration;
 - (B) create interactive human interfaces to acquire data from a user and display program results using an advanced Graphical User Interface (GUI);
 - (C) write programs and communicate with proper programming style to enhance the readability and functionality of the code by using meaningful descriptive identifiers, internal comments, white space, indentation, and a standardized program style; and
 - (D) work in software design teams.
- (3) Research and information fluency. The student locates, analyzes, processes, and organizes data. The student is expected to:
- (A) identify and use the structured data type of arrays of objects to traverse, search, modify, insert, and delete data;
 - (B) identify and use two-dimensional ragged arrays to traverse, search, modify, insert, and delete data;
 - (C) identify and use a list object data structure, including vector, to traverse, search, insert, and delete object data;
 - (D) understand and trace a linked-list data structure;
 - (E) create program solutions using a linked-list data structure, including unordered single, ordered single, double, and circular linked;
 - (F) understand composite data structures, including a linked list of linked lists;
 - (G) understand and create program solutions using stacks, queues, trees, heaps, priority queues, graph theory, and enumerated data types;
 - (H) understand and create program solutions using sets, including HashSet and TreeSet;
 - (I) understand and create program solutions using maps, including HashMap and TreeMap; and
 - (J) write and modify text file data.
- (4) Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:
- (A) develop choice algorithms using selection control statements, including break, label, and continue;
 - (B) demonstrate proficiency in the use of the bitwise operators;
 - (C) develop iterative algorithms using do-while loops;
 - (D) demonstrate proficiency in the use of the ternary operator;
 - (E) create program solutions that use iterators;
 - (F) identify, trace, and appropriately use recursion;
 - (G) understand and create program solutions using hashing;
 - (H) perform pattern recognition using regular expressions;

- (I) explore common algorithms, including matrix addition and multiplication, fractals, Towers of Hanoi, and magic square;
 - (J) create program solutions that exhibit robust behavior by understanding and avoiding runtime errors and handling anticipated errors;
 - (K) understand object-oriented design concepts of inner classes, outer classes, and anonymous classes;
 - (L) use object reference scope identifiers, including null, this, and super;
 - (M) provide object functionality to primitive data types;
 - (N) write program assumptions in the form of assertions;
 - (O) write a Boolean expression to test a program assertion; and
 - (P) construct assertions to make explicit program invariants.
- (5) Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:
- (A) model ethical acquisition and use of digital information; and
 - (B) demonstrate proper digital etiquette, responsible use of software, and knowledge of acceptable use policies.
- (6) Technology operations and concepts. The student understands technology concepts, systems, and operations as they apply to computer science. The student is expected to:
- (A) compare and contrast high-level programming languages;
 - (B) create a small workgroup network;
 - (C) create and apply a basic network addressing scheme; and
 - (D) create discovery programs in a low-level language, high-level language, and scripting language.

§130.424. Digital Forensics (One Credit), Beginning with School Year 2019-2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Digital forensics is an evolving discipline concerned with analyzing anomalous activity on computers, networks, programs, and data. As a discipline, it has grown with the emergence of a globally-connected digital society. As computing has become more sophisticated, so too have the abilities of malicious agents to access systems and private information. By evaluating prior incidents, digital forensics professionals have the ability to investigate and craft appropriate responses to disruptions to corporations, governments, and individuals. Whereas cybersecurity takes a proactive approach to information assurance to minimize harm, digital forensics takes a reactive approach to incident response.
 - (4) Digital Forensics introduces students to the knowledge and skills of digital forensics. The course provides a survey of the field of digital forensics and incident response.

- (5) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
- (1) Employability skills. The student identifies necessary skills for career development and employment opportunities. The student is expected to:
 - (A) investigate the need for digital forensics;
 - (B) research careers in digital forensics along with the education and job skills required for obtaining a job in both the public and private sector;
 - (C) identify job and internship opportunities as well as accompanying duties and tasks;
 - (D) identify and discuss certifications for digital forensics careers;
 - (E) explain ethical and legal responsibilities in relation to the field of digital forensics;
 - (F) identify and describe businesses and government agencies that use digital forensics;
 - (G) identify and describe the kinds of crimes investigated by digital forensics specialists; and
 - (H) solve problems and think critically.
 - (2) Employability skills. The student communicates and collaborates effectively. The student is expected to:
 - (A) apply effective teamwork strategies;
 - (B) collaborate with a community of peers and professionals;
 - (C) create, review, and edit a report summarizing technical findings; and
 - (D) present technical information to a non-technical audience.
 - (3) Ethics and laws. The student recognizes and analyzes ethical and current legal standards, rights, and restrictions related to digital forensics. The student is expected to:
 - (A) develop a plan to advocate for ethical and legal behaviors both online and offline among peers, family, community, and employers;
 - (B) research local, state, national, and international law such as the Electronic Communications Privacy Act of 1986, Title III (Pen Register Act); USA PATRIOT Act of 2001; and Digital Millennium Copyright Act;
 - (C) research historic cases or events regarding digital forensics or cyber;
 - (D) examine ethical and legal behavior when presented with confidential or sensitive information in various scenarios related to cyber activities;
 - (E) analyze case studies of computer incidents;
 - (F) use the findings of a computer incident investigation to reconstruct the incident;
 - (G) identify and discuss intellectual property laws, issues, and use;
 - (H) contrast legal and illegal aspects of information gathering;
 - (I) contrast ethical and unethical aspects of information gathering;
 - (J) analyze emerging legal and societal trends affecting digital forensics; and
 - (K) discuss how technological changes affect applicable laws.

- (4) Digital citizenship. The student understands and demonstrates the social responsibility of end users regarding digital technology, safety, digital hygiene, and cyberbullying. The student is expected to:
- (A) identify and use digital information responsibly;
 - (B) use digital tools responsibly;
 - (C) identify and use valid and reliable sources of information; and
 - (D) gain informed consent prior to investigating incidents.
- (5) Digital forensics skills. The student locates, processes, analyzes, and organizes data. The student is expected to:
- (A) identify sources of data;
 - (B) analyze and report data collected;
 - (C) maintain data integrity;
 - (D) examine metadata of a file; and
 - (E) examine how multiple data sources can be used for digital forensics, including investigating malicious software (malware) and email threats.
- (6) Digital forensics skills. The student understands software concepts and operations as they apply to digital forensics. The student is expected to:
- (A) compare software applications as they apply to digital forensics;
 - (B) describe the purpose of various application types such as email, web, file sharing, security applications, and data concealment tools;
 - (C) identify the different purposes of data formats such as pdf, wav, jpeg, and exe;
 - (D) describe how application logs and metadata are used for investigations;
 - (E) describe digital forensics tools;
 - (F) select the proper software tool based on appropriateness, effectiveness, and efficiency for a given digital forensics scenario; and
 - (G) describe components of applications such as configurations settings, data, supporting files, and user interface.
- (7) Digital forensics skills. The student understands operating systems concepts and functions as they apply to digital forensics. The student is expected to:
- (A) compare various operating systems;
 - (B) describe file attributes, including access and creation times;
 - (C) describe how operating system logs are used for investigations;
 - (D) compare and contrast the file systems of various operating systems;
 - (E) compare various primary and secondary storage devices; and
 - (F) differentiate between volatile and non-volatile memory.
- (8) Digital forensics skills. The student understands networking concepts and operations as they apply to digital forensics. The student is expected to:
- (A) examine networks, including Internet Protocol (IP) addressing and subnets;
 - (B) describe the Open Systems Interconnection (OSI) model;
 - (C) describe the Transmission Control Protocol/Internet Protocol (TCP/IP) model;

- (D) use network forensic analysis tools to examine network traffic data from sources such as firewalls, routers, intrusion detection systems (IDS), and remote access logs; and
 - (E) identify malicious or suspicious network activities such as mandatory access control (MAC) spoofing and rogue wireless access points.
- (9) Digital forensics skills. The student explains the principles of access controls. The student is expected to:
- (A) define the principle of least privilege;
 - (B) describe the impact of granting access and permissions;
 - (C) identify different access components such as passwords, tokens, key cards, and biometric verification systems;
 - (D) explain the value of an access log to identify suspicious activity;
 - (E) describe the risks of granting third parties access to personal and proprietary data on social media and systems;
 - (F) describe the risks involved with accepting Terms of Service (ToS) or End User License Agreements (EULA) without a basic understanding of the terms or agreements; and
 - (G) identify various access control methods such as MAC, role-based access control (RBAC), and discretionary access control (DAC).
- (10) Incident response. The student follows a methodological approach to prepare for and respond to an incident. The student is expected to:
- (A) define the components of the incident response cycle, including preparation; detection and analysis; containment, eradication, and recovery; and post-incident activity;
 - (B) describe incident response preparation;
 - (C) discuss incident response detection and analysis;
 - (D) discuss containment and eradication of and recovery from an incident;
 - (E) describe post-incident activities such as reflecting on lessons learned, using collected incident data, and retaining evidence of an incident;
 - (F) develop an incident response plan; and
 - (G) describe ways a user may compromise the validity of existing evidence.
- (11) Incident response. The student objectively analyzes collected data from an incident. The student is expected to:
- (A) identify the role of chain of custody in digital forensics;
 - (B) describe safe data handling procedures;
 - (C) explain the fundamental concepts of confidentiality, integrity, availability, authentication, and authorization;
 - (D) identify and report information conflicts or suspicious activity;
 - (E) identify events of interest and suspicious activity by examining network traffic; and
 - (F) identify events of interest and suspicious activity by examining event logs.
- (12) Incident response. The student analyzes the various ways systems can be compromised. The student is expected to:
- (A) analyze the different signatures of cyberattacks; and
 - (B) identify points of weakness and attack vectors such as online spoofing, phishing, and social engineering.

§130.425. Discrete Mathematics for Computer Science (One Credit), Beginning with School Year 2012-2013.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: Algebra II. This course is recommended for students in Grades 11 and 12.
- (b) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Discrete Mathematics for Computer Science provides the tools used in most areas of computer science. Exposure to the mathematical concepts and discrete structures presented in this course is essential in order to provide an adequate foundation for further study. Discrete Mathematics for Computer Science is generally listed as a core requirement for Computer Science majors. Course topics are divided into six areas: sets, functions, and relations; basic logic; proof techniques; counting basics; graphs and trees; and discrete probability. Mathematical topics are interwoven with computer science applications to enhance the students' understanding of the introduced mathematics. Students will develop the ability to see computational problems from a mathematical perspective. Introduced to a formal system (propositional and predicate logic) upon which mathematical reasoning is based, students will acquire the necessary knowledge to read and construct mathematical arguments (proofs), understand mathematical statements (theorems), and use mathematical problem-solving tools and strategies. Students will be introduced to discrete data structures such as sets, discrete functions, and relations and graphs and trees. Students will also be introduced to discrete probability and expectations. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
- (1) Creativity and innovation. The student develops products and generates new understanding by extending existing knowledge. The student is expected to:
 - (A) model algorithms and real-world situations using formal tools of symbolic logic;
 - (B) model computer science problems by using graphs and trees; and
 - (C) calculate the probabilities of events and expectations of random variables for such problems as games of chance.
 - (2) Communication and collaboration. The student communicates and collaborates with peers to contribute to his or her own learning and the learning of others. The student is expected to:
 - (A) convert spoken language statements to appropriate statements in propositional logic;
 - (B) explain basic terminology of sets, functions, and relations;
 - (C) state the definition of the Master theorem;
 - (D) use the context of a particular application to interpret the meaning derived when computing the permutations and combinations of a set;
 - (E) interpret associated operations and terminology in context; and

- (F) define and provide examples of logical equivalence, normal forms, validity, and modus ponens/modus tollens.
- (3) Research and information fluency. The student locates, analyzes, processes, and organizes data. The student is expected to:
- (A) construct truth tables for negation, conjunction, disjunction, implication, biconditional, and bit operators; and
- (B) use truth tables to demonstrate propositional relations.
- (4) Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:
- (A) analyze practical examples using appropriate models of sets, functions, and relations;
- (B) compare and contrast tautology, contradiction, and contingency as related to propositional equivalences;
- (C) compare and contrast examples and use of counterexamples, contrapositions, and contradictions;
- (D) describe the appropriate use and limitations of predicate logic;
- (E) apply formal methods of symbolic propositional and predicate logic;
- (F) use formal logic proofs and logical reasoning to solve problems;
- (G) outline the basic structure of proofs, including direct, indirect, contradiction, induction, existence, and constructive proofs;
- (H) compare and contrast the types of problems best satisfied by direct, indirect, contradiction, induction, existence, and constructive proofs;
- (I) relate mathematical induction to recursion and recursively defined structures;
- (J) compare and contrast weak, strong, and structural induction, including when each is most appropriately used and examples of each;
- (K) compare and contrast dependent and independent events;
- (L) use recurrence equations to analyze algorithms and other practical problems;
- (M) use counting techniques to analyze algorithms and other practical problems;
- (N) apply probability tools to solve problems; and
- (O) define, compare, and contrast simple graphs, multigraphs, and directed and undirected graphs using definitions, properties, and examples, including special cases.
- (5) Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:
- (A) model ethical acquisition and use of digital information;
- (B) demonstrate proper digital etiquette, responsible use of software, and knowledge of acceptable use policies; and
- (C) investigate how the concepts of discrete mathematics are related to relevant problems and significant questions.
- (6) Technology operations and concepts. The student understands technology concepts, systems, and operations as they apply to computer science. The student is expected to:
- (A) perform operations associated with sets, functions, and relations;
- (B) apply basic counting principles, including cardinality and the pigeonhole principle;
- (C) apply appropriate precedence when using logical operators;

- (D) use appropriate strategies, including De Morgan's Laws, to identify propositional equivalences;
- (E) identify and appropriately use predicates, existential and universal quantifiers, and valid arguments;
- (F) identify possible applications of proofs, including evaluating algorithmic complexity;
- (G) state and appropriately use the product and sum rules;
- (H) compute permutations and combinations of a set;
- (I) solve a variety of basic recurrence equations;
- (J) apply the binomial theorem to independent events;
- (K) apply Bayes' theorem to dependent events;
- (L) demonstrate transversal methods for trees and graphs; and
- (M) relate graphs and trees to data structures, algorithms, and counting.

§130.426. Game Programming and Design (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: Algebra I. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Game Programming and Design will foster student creativity and innovation by presenting students with opportunities to design, implement, and present meaningful programs through a variety of media. Students will collaborate with one another, their instructor, and various electronic communities to solve gaming problems. Through data analysis, students will include the identification of task requirements, plan search strategies, and use programming concepts to access, analyze, and evaluate information needed to design games. By acquiring programming knowledge and skills that support the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will create a computer game that is presented to an evaluation panel. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) Creativity and innovation. The student develops products and generates new understanding by extending existing knowledge. The student is expected to:
 - (A) understand the basic game design elements, including conceptual ideas, storyline, visualization, storyboard, game effects, sound elements, game play, game controls, and player tutorial;

- (B) create a design concept document;
 - (C) create a storyboard;
 - (D) demonstrate an understanding of the fundamentals of game art, including the look and feel, graphics coordinate system, basics of color, and color palettes;
 - (E) use bitmap graphics images, including designing, creating, reading, and manipulating images;
 - (F) create backgrounds, including solid, image, and tiled backgrounds;
 - (G) write programs creating images using geometric shapes;
 - (H) create games using sprites by evaluating the role of sprites, creating sprites, and managing sprites;
 - (I) create programs using sprite sheets;
 - (J) demonstrate an understanding of image rendering, including transparency, refresh rate, hardware acceleration, and animation;
 - (K) find, create, and edit game audio sound effects and music; and
 - (L) implement game sound mechanics, including playing, pausing, and looping.
- (2) Communication and collaboration. The student communicates and collaborates with peers to contribute to his or her own learning and the learning of others. The student is expected to:
- (A) design and implement procedures to set timelines for, track the progress of, and evaluate a game product;
 - (B) seek and respond to input from peers and professionals in evaluating a game project;
 - (C) demonstrate knowledge and appropriate use of operating systems, program development tools, and networking resources;
 - (D) use network resources to acquire, organize, maintain, and evaluate information;
 - (E) collaborate to research the business of games, including the roles of developer, marketing, publisher, and retail sales; and
 - (F) demonstrate an understanding of and evaluate online technology, including online interaction and massive multiplayer games.
- (3) Research and information fluency. The student locates, analyzes, processes, and organizes data. The student is expected to:
- (A) play board games to research and collect game play data;
 - (B) evaluate, analyze, and document game styles and playability; and
 - (C) research the dramatic elements in games, including kinds of fun, player types, and nonlinear storytelling.
- (4) Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:
- (A) demonstrate an understanding of the game design process, including generating ideas, brainstorming, and paper prototyping;
 - (B) write programs using variables of different data types;
 - (C) evaluate game rules and instructions;
 - (D) demonstrate an understanding of the user experience by comparing rules and game-play patterns;
 - (E) write game rules and instructions;

- (F) develop game software;
 - (G) write computer game code, resolve game defects, and revise existing game code; and
 - (H) test a finished game product by implementing sound testing techniques.
- (5) Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:
- (A) explore intellectual property, privacy, sharing of information, copyright laws, and software licensing agreements;
 - (B) model ethical acquisition and use of digital information;
 - (C) demonstrate proper digital etiquette when using networks, responsible use of software, and knowledge of acceptable use policies;
 - (D) model respect of intellectual property, including manipulating graphics, morphing graphics, editing graphics, and editing sound;
 - (E) discuss and evaluate the social issues surrounding gaming; and
 - (F) evaluate the cultural aspects of game design fundamentals, including rationale for games and types of games.
- (6) Technology operations and concepts. The student understands technology concepts, systems, and operations as they apply to game programming. The student is expected to:
- (A) identify basic game components, including the game engine, game play subsystems, data structures, models, and interfaces;
 - (B) generate random numbers in a program;
 - (C) create a program implementing conditional statements;
 - (D) develop an appropriate data model;
 - (E) demonstrate an understanding of and apply object-oriented game programming;
 - (F) demonstrate an understanding of game programming essentials, including event-driven programming, communicating with messages, and device management;
 - (G) demonstrate an understanding of the role of game events, the animation loop, and game timing;
 - (H) demonstrate an understanding of the role of game engines;
 - (I) demonstrate an understanding of video display flicker and double buffering;
 - (J) apply basic game screen design and layout, including visual controls, user interfaces, menus, and options;
 - (K) use game control design to understand, access, and control input devices, including keyboard, mouse, and joystick;
 - (L) demonstrate an understanding of and apply game animation, including the principles of animation and frame-based animation;
 - (M) demonstrate an understanding of decision making and types of decisions;
 - (N) demonstrate an understanding of game events, including listeners, triggers, and timed events;
 - (O) demonstrate an understanding of and implement collision detection, including bounding boxes and sprite collisions;
 - (P) implement a tile-based game, including loading tile maps, drawing tile maps, rendering a tile map, and layering sprites;

- (Q) demonstrate an understanding of artificial intelligence and develop and implement artificial intelligence;
- (R) demonstrate an understanding of game balance and tuning; and
- (S) demonstrate an understanding of player progression, including leveling, linear progression, and maintaining high score data.

§130.427. Mobile Application Development (One Credit).

(a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: Algebra I. This course is recommended for students in Grades 9-12.

(b) Introduction.

- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
- (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
- (3) Mobile Application Development will foster students' creativity and innovation by presenting opportunities to design, implement, and deliver meaningful projects using mobile computing devices. Students will collaborate with one another, their instructor, and various electronic communities to solve problems presented throughout the course. Through data analysis, students will identify task requirements, plan search strategies, and use software development concepts to access, analyze, and evaluate information needed to program mobile devices. By using software design knowledge and skills that support the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will gain an understanding of the principles of mobile application development through the study of development platforms, programming languages, and software design standards. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (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.

(c) Knowledge and skills.

- (1) Creativity and innovation. The student develops products and generates new understanding by extending existing knowledge. The student is expected to:
 - (A) create effective user interfaces appropriate for a specified mobile device that is best suited for an identified purpose;
 - (B) create effective user interfaces for browser-based, native, and hybrid mobile applications;
 - (C) create mobile application components appropriate for identified needs;
 - (D) create browser-based applications for mobile devices;
 - (E) create native applications that can reside on specified mobile devices; and
 - (F) create mobile applications that combine native and hybrid components.

- (2) Communication and collaboration. The student communicates and collaborates with peers to contribute to his or her own learning and the learning of others. The student is expected to:
- (A) demonstrate an understanding of and discuss how teams function;
 - (B) use teamwork to solve problems;
 - (C) describe the development workflow of mobile applications;
 - (D) use time-management techniques to develop and maintain work schedules, meet deadlines, and establish mobile application project criteria;
 - (E) describe a problem solution; and
 - (F) document and share problem solutions through various media.
- (3) Research and information fluency. The student locates, analyzes, processes, and organizes data. The student is expected to:
- (A) analyze, identify, and describe mobile application project stakeholders and their perspectives;
 - (B) collect and analyze available data to identify mobile application project requirements;
 - (C) analyze, identify, and describe input, output, and processing requirements; and
 - (D) analyze, identify, and define hardware and software specifications.
- (4) Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:
- (A) compare and contrast design decisions based on the hardware considerations of a mobile device;
 - (B) compare and contrast available mobile technologies, including platforms and their operating systems;
 - (C) compare and contrast available development approaches, including application to specific technologies and platforms;
 - (D) determine the most appropriate solution for the development of a given mobile application, including browser-based, native, and hybrid approaches;
 - (E) compare and contrast available programming languages and how their use might be applied to specific technologies and platforms;
 - (F) identify and justify the selection of an appropriate programming language, including available resources and required interfaces;
 - (G) select an appropriate program development environment;
 - (H) identify and use available libraries;
 - (I) evaluate and justify the selection of appropriate options and components;
 - (J) compare and contrast available networks and their implications for mobile application development; and
 - (K) compare and contrast design strategies related to mobile network and device security.
- (5) Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:
- (A) discuss copyright laws and issues;
 - (B) model ethical acquisition and use of digital information;
 - (C) cite sources using established methods;

- (D) demonstrate proper digital etiquette and knowledge of acceptable use policies;
 - (E) investigate mobile device security measures such as passwords, virus detection, and virus prevention;
 - (F) describe potential risks and benefits associated with the use of a mobile application;
 - (G) identify current and emerging technologies related to mobile applications; and
 - (H) evaluate technologies and assess their applicability to current mobile applications.
- (6) Technology operations and concepts. The student understands technology concepts, systems, and operations as they apply to computer science. The student is expected to:
- (A) demonstrate an understanding of the difference between desktop and mobile applications;
 - (B) demonstrate an understanding of hardware and software structures and requirements in the design of mobile applications;
 - (C) recognize multiple platforms and demonstrate an understanding of their associated requirements;
 - (D) recognize various program development environments;
 - (E) demonstrate an understanding of event-based programming and its appropriate use;
 - (F) describe how memory management affects mobile application design;
 - (G) demonstrate an understanding of how low bandwidth and the mobility of a device affect the design of mobile applications;
 - (H) identify applications that are best suited for mobile devices;
 - (I) demonstrate an understanding of the use of libraries when designing mobile applications;
 - (J) use a simulation tool to emulate a mobile device's functionality; and
 - (K) use actual mobile devices to test mobile applications.

§130.428. Foundations of Cybersecurity (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Cybersecurity is an evolving discipline concerned with safeguarding computers, networks, programs, and data from unauthorized access. As a field, it has gained prominence with the emergence of a globally-connected society. As computing has become more sophisticated, so too have the abilities of malicious agents looking to penetrate networks and seize private information. By evaluating prior incidents, cybersecurity professionals have the ability to craft appropriate responses to minimize disruptions to corporations, governments, and individuals.
 - (4) In the Foundations of Cybersecurity course, students will develop the knowledge and skills needed to explore fundamental concepts related to the ethics, laws, and operations of cybersecurity. Students will examine trends and operations of cyberattacks, threats, and vulnerabilities. Students will review and explore security policies designed to mitigate risks. The skills obtained in this course prepare students for additional study in cybersecurity. A variety of courses are available to

students interested in this field. Foundations of Cybersecurity may serve as an introductory course in this field of study.

- (5) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

- (1) Employability skills. The student demonstrates necessary skills for career development and successful completion of course outcomes. The student is expected to:
 - (A) identify and demonstrate employable work behaviors such as regular attendance, punctuality, maintenance of a professional work environment, and effective written and verbal communication;
 - (B) identify and demonstrate positive personal qualities such as authenticity, resilience, initiative, and a willingness to learn new knowledge and skills;
 - (C) solve problems and think critically;
 - (D) demonstrate leadership skills and function effectively as a team member; and
 - (E) demonstrate an understanding of ethical and legal responsibilities in relation to the field of cybersecurity.
- (2) Employability skills. The student identifies various employment opportunities and requirements in the cybersecurity field. The student is expected to:
 - (A) identify job and internship opportunities as well as accompanying duties and tasks;
 - (B) research careers in cybersecurity and information assurance along with the education and job skills required for obtaining a job in both the public and private sectors;
 - (C) identify and discuss certifications for cybersecurity-related careers; and
 - (D) research and develop resumes, digital portfolios, or professional profiles in the cybersecurity field.
- (3) Ethics and laws. The student understands ethical and current legal standards, rights and restrictions governing technology, technology systems, digital media, and the use of social media. The student is expected to:
 - (A) demonstrate and advocate for ethical and legal behaviors both online and offline among peers, family, community, and employers;
 - (B) research local, state, national, and international cyber law such as the PATRIOT Act of 2001, General Data Protection Regulation, and Digital Millennium Copyright Act;
 - (C) research historic cases or events regarding cyber;
 - (D) demonstrate an understanding of ethical and legal behavior when presented with various scenarios related to cyber activities;
 - (E) define and identify techniques such as hacking, phishing, social engineering, online piracy, spoofing, and data vandalism; and
 - (F) identify and use appropriate methods for citing sources.
- (4) Ethics and laws. The student identifies the consequences of ethical versus malicious hacking. The student is expected to:
 - (A) identify motivations for hacking;

- (B) identify and describe the impact of cyberattacks on the global community, society, and individuals;
 - (C) distinguish between a cyber attacker and a cyber defender;
 - (D) differentiate types of hackers such as black hats, white hats, and gray hats;
 - (E) determine possible outcomes and legal ramifications of ethical versus malicious hacking practices; and
 - (F) debate the varying perspectives of ethical versus malicious hacking.
- (5) Ethics and laws. The student identifies and defines cyberterrorism and counterterrorism. The student is expected to:
- (A) define cyberterrorism, state-sponsored cyberterrorism, and hacktivism;
 - (B) compare and contrast physical terrorism and cyberterrorism, including domestic and foreign actors;
 - (C) define and explain intelligence gathering and counterterrorism;
 - (D) identify the role of cyber defenders in protecting national interests and corporations;
 - (E) identify the role of cyber defense in society and the global economy; and
 - (F) explain the importance of protecting public infrastructures such as electrical power grids, water systems, pipelines, transportation, and nuclear plants.
- (6) Digital citizenship. The student understands and demonstrates the social responsibility of end users regarding significant issues related to digital technology, digital hygiene, and cyberbullying. The student is expected to:
- (A) identify and understand the nature and value of privacy;
 - (B) analyze the positive and negative implications of a digital footprint and the maintenance and monitoring of an online presence;
 - (C) discuss the role and impact of technology on privacy;
 - (D) identify the signs, emotional effects, and legal consequences of cyberbullying and cyberstalking; and
 - (E) identify and discuss effective ways to prevent, deter, and report cyberbullying.
- (7) Cybersecurity skills. The student understands basic cybersecurity concepts and definitions. The student is expected to:
- (A) define information security and cyber defense;
 - (B) identify basic risk management and risk assessment principles related to cybersecurity threats and vulnerabilities;
 - (C) explain the fundamental concepts of confidentiality, integrity, availability, authentication, and authorization;
 - (D) describe the inverse relationship between privacy and security;
 - (E) identify and analyze cybersecurity breaches and incident responses;
 - (F) identify and analyze security concerns in areas such as physical, network, cloud, and web;
 - (G) define and discuss challenges faced by cybersecurity professionals;
 - (H) identify common risks, alerts, and warning signs of compromised computer and network systems;
 - (I) understand and explore the vulnerability of network-connected devices; and

- (J) use appropriate cybersecurity terminology.
- (8) Cybersecurity skills. The student understands and explains various types of malicious software (malware). The student is expected to:
- (A) define malware, including spyware, ransomware, viruses, and rootkits;
 - (B) identify the transmission and function of malware such as Trojans, worms, and viruses;
 - (C) discuss the impact malware has had on the cybersecurity landscape;
 - (D) explain the role of reverse engineering for detecting malware and viruses;
 - (E) compare free and commercial antivirus software alternatives; and
 - (F) compare free and commercial anti-malware software alternatives.
- (9) Cybersecurity skills. The student understands and demonstrates knowledge of techniques and strategies to prevent a system from being compromised. The student is expected to:
- (A) define system hardening;
 - (B) demonstrate basic use of system administration privileges;
 - (C) explain the importance of patching operating systems;
 - (D) explain the importance of software updates;
 - (E) describe standard practices to configure system services;
 - (F) explain the importance of backup files; and
 - (G) research and understand standard practices for securing computers, networks, and operating systems.
- (10) Cybersecurity skills. The student understands basic network operations. The student is expected to:
- (A) identify basic network addressing and devices, including switches and routers;
 - (B) analyze incoming and outgoing rules for traffic passing through a firewall;
 - (C) identify well known ports by number and service provided, including port 22 (ssh), port 80 (http), and port 443 (https);
 - (D) identify commonly exploited ports and services, including ports 20 and 21 (ftp) and port 23 (telnet); and
 - (E) identify common tools for monitoring ports and network traffic.
- (11) Cybersecurity skills. The student identifies standard practices of system administration. The student is expected to:
- (A) define what constitutes a secure password;
 - (B) create a secure password policy, including length, complexity, account lockout, and rotation;
 - (C) identify methods of password cracking such as brute force and dictionary attacks; and
 - (D) examine and configure security options to allow and restrict access based on user roles.
- (12) Cybersecurity skills. The student demonstrates necessary steps to maintain user access on the computer system. The student is expected to:
- (A) identify the different types of user accounts and groups on an operating system;
 - (B) explain the fundamental concepts and standard practices related to access control, including authentication, authorization, and accounting;

- (C) compare methods for single- and dual-factor authentication such as passwords, biometrics, personal identification numbers (PINs), and security tokens;
 - (D) define and explain the purpose of an air-gapped computer; and
 - (E) explain how hashes and checksums may be used to validate the integrity of transferred data.
- (13) Cybersecurity skills. The student explores the field of digital forensics. The student is expected to:
- (A) explain the importance of digital forensics to law enforcement, government agencies, and corporations;
 - (B) identify the role of chain of custody in digital forensics;
 - (C) explain the four steps of the forensics process, including collection, examination, analysis, and reporting;
 - (D) identify when a digital forensics investigation is necessary;
 - (E) identify information that can be recovered from digital forensics investigations such as metadata and event logs; and
 - (F) analyze the purpose of event logs and identify suspicious activity.
- (14) Cybersecurity skills. The student explores the operations of cryptography. The student is expected to:
- (A) explain the purpose of cryptography and encrypting data;
 - (B) research historical uses of cryptography; and
 - (C) review simple cryptography methods such as shift cipher and substitution cipher.
- (15) Risk assessment. The student understands information security vulnerabilities, threats, and computer attacks. The student is expected to:
- (A) define and describe vulnerability, payload, exploit, port scanning, and packet sniffing as they relate to hacking;
 - (B) define and describe cyberattacks, including man-in-the-middle, distributed denial of service, and spoofing;
 - (C) explain how computer vulnerabilities leave systems open to cyberattacks;
 - (D) identify threats to systems such as back-door attacks and insider threats;
 - (E) differentiate types of social engineering attacks such as phishing, shoulder surfing, hoaxes, and dumpster diving;
 - (F) explain how users are the most common vehicle for compromising a system at the application level; and
 - (G) identify various types of application-specific attacks.
- (16) Risk assessment. The student understands, identifies, and explains the strategies and techniques of both ethical and malicious hackers. The student is expected to:
- (A) identify internal and external threats to computer systems;
 - (B) identify the capabilities of vulnerability assessment tools, including open source tools; and
 - (C) explain the concept of penetration testing, tools, and techniques.
- (17) Risk assessment. The student evaluates the risks of wireless networks. The student is expected to:
- (A) compare risks associated with connecting devices to public and private wireless networks;

- (B) explain device vulnerabilities and security solutions on a wireless network;
 - (C) compare wireless encryption protocols;
 - (D) debate the broadcasting or hiding of a wireless service set identifier (SSID); and
 - (E) research and discuss wireless threats such as MAC spoofing and war driving.
- (18) Risk assessment. The student analyzes threats to computer applications. The student is expected to:
- (A) define application security;
 - (B) identify methods of application security such as secure development practices;
 - (C) discuss methods of online spoofing such as web links in email, instant messaging, social media, and other online communication with malicious links;
 - (D) explain the purpose and function of vulnerability scanners;
 - (E) explain how coding errors may create system vulnerabilities; and
 - (F) analyze the risks of distributing insecure programs.
- (19) Risk assessment. The student understands the implications of sharing information and access with others. The student is expected to:
- (A) describe the impact of granting applications unnecessary permissions;
 - (B) describe the risks of granting third parties access to personal and proprietary data on social media and systems; and
 - (C) describe the risks involved with accepting Terms of Service (ToS) or End User License Agreements (EULA) without a basic understanding of the terms or agreements.

§130.429. Cybersecurity Capstone (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: Foundations of Cybersecurity.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging foundations.
 - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Cybersecurity is an evolving discipline concerned with safeguarding computers, networks, programs, and data from unauthorized access. As a field, it has gained prominence with the emergence of a globally-connected society. As computing has become more sophisticated, so too have the abilities of malicious agents looking to penetrate networks and seize private information. By evaluating prior incidents, cybersecurity professionals have the ability to craft appropriate responses to minimize disruptions to corporations, governments, and individuals.
 - (4) In the Cybersecurity Capstone course, students will develop the knowledge and skills needed to explore advanced concepts related to the ethics, laws, and operations of cybersecurity. Students will examine trends and operations of cyberattacks, threats, and vulnerabilities. Students will develop security policies to mitigate risks. The skills obtained in this course prepare students for additional study toward industry certification. A variety of courses are available to students interested in the cybersecurity field. Cybersecurity Capstone may serve as a culminating course in this field of study.

- (5) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
- (1) Employability skills. The student demonstrates necessary skills for career development and successful completion of course outcomes. The student is expected to:
- (A) identify and demonstrate employable work behaviors such as regular attendance, punctuality, maintenance of a professional work environment, and effective written and verbal communication;
- (B) identify and demonstrate positive personal qualities such as authenticity, resilience, initiative, and a willingness to learn new knowledge and skills;
- (C) solve problems and think critically;
- (D) demonstrate leadership skills and function effectively as a team member; and
- (E) demonstrate an understanding of ethical and legal responsibilities in relation to the field of cybersecurity.
- (2) Employability skills. The student identifies various employment opportunities in the cybersecurity field. The student is expected to:
- (A) develop a personal career plan along with the education, job skills, and experience necessary to achieve career goals;
- (B) develop a resume or a portfolio appropriate to a chosen career plan; and
- (C) illustrate interview skills for successful job placement.
- (3) Ethics and laws. The student evaluates ethical and current legal standards, rights and restrictions governing technology, technology systems, digital media and information technology, and the use of social media in the context of today's society. The student is expected to:
- (A) analyze and apply to a scenario local, state, national, and international cyber law such as David's Law and Digital Millennium Copyright Act;
- (B) evaluate historic cases or events regarding cyber; and
- (C) explore compliance requirements such as Section 508 of the Rehabilitation Act of 1973, Family Educational Rights and Privacy Act of 1974 (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPAA), and Gramm-Leach-Bliley Act (GLBA).
- (4) Digital citizenship. The student understands and demonstrates the social responsibility of end users regarding significant issues relating to digital technology, safety, digital hygiene, and cyberbullying. The student is expected to:
- (A) debate the relationship between privacy and security; and
- (B) identify ethical or unethical behavior when presented with various scenarios related to cyber activities.
- (5) Cybersecurity skills. The student explains the importance and process of penetration testing. The student is expected to:
- (A) define the phases of penetration testing, including plan, discover, attack, and report;
- (B) develop a plan to gain authorization for penetration testing;
- (C) identify commonly used vulnerability scanning tools such as port scanning, packet sniffing, and password crackers;

- (D) develop a list of exploits based on results of scanning tool reports; and
- (E) prioritize a list of mitigations based on results of scanning tool reports.
- (6) Cybersecurity skills. The student understands common cryptographic methods. The student is expected to:
 - (A) evaluate symmetric and asymmetric algorithms such as substitution cipher, Advanced Encryption Standard (AES), Diffie-Hellman, and Rivest-Shamir-Adleman (RSA);
 - (B) explain the purpose of hashing algorithms, including blockchain;
 - (C) explain the function of password salting;
 - (D) explain and create a digital signature; and
 - (E) explain steganography.
- (7) Cybersecurity skills. The student understands the concept of cyber defense. The student is expected to:
 - (A) explain the purpose of establishing system baselines;
 - (B) evaluate the role of physical security;
 - (C) evaluate the functions of network security devices such as firewalls, intrusion detection systems (IDS), intrusion prevention systems (IPS), and intrusion detection prevention systems (IDPS);
 - (D) analyze log files for anomalies; and
 - (E) develop a plan demonstrating the concept of defense in depth.
- (8) Cybersecurity skills. The student demonstrates an understanding of secure network design. The student is expected to:
 - (A) explain the benefits of network segmentation, including sandboxes, air gaps, and virtual local area networks (VLAN);
 - (B) investigate the role of software-managed networks, including virtualization;
 - (C) discuss the role of honeypots and honeynets in networks; and
 - (D) create an incoming and outgoing network policy for a firewall.
- (9) Cybersecurity skills. The student integrates principles of digital forensics. The student is expected to:
 - (A) identify cyberattacks by their signatures;
 - (B) explain proper data acquisition;
 - (C) examine evidence from devices for suspicious activities; and
 - (D) research current cybercrime cases involving digital forensics.
- (10) Cybersecurity skills. The student explores emerging technology. The student is expected to:
 - (A) describe the integration of artificial intelligence and machine learning in cybersecurity;
 - (B) investigate impacts made by predictive analytics on cybersecurity; and
 - (C) research other emerging trends such as augmented reality and quantum computing.
- (11) Cybersecurity skills. The student uses various operating system environments. The student is expected to:
 - (A) issue commands via the command line interface (CLI) such as ls, cd, pwd, cp, mv, chmod, ps, sudo, and passwd;

- (B) describe the file system structure for multiple operating systems;
 - (C) manipulate and edit files within the CLI; and
 - (D) determine network status using the CLI with commands such as ping, ifconfig/ipconfig, traceroute/tracert, and netstat.
- (12) Cybersecurity skills. The student clearly and effectively communicates technical information. The student is expected to:
- (A) collaborate with others to create a technical report;
 - (B) create, review, and edit a report summarizing technical findings; and
 - (C) present technical information to a non-technical audience.
- (13) Risk assessment. The student analyzes various types of threats, attacks, and vulnerabilities. The student is expected to:
- (A) differentiate types of attacks, including operating systems, software, hardware, network, physical, social engineering, and cryptographic;
 - (B) explain blended threats such as combinations of software, hardware, network, physical, social engineering, and cryptographic;
 - (C) discuss risk response techniques, including accept, transfer, avoid, and mitigate;
 - (D) develop a plan of preventative measures to address cyberattacks;
 - (E) describe common web vulnerabilities such as cross-site scripting, buffer overflow, injection, spoofing, and denial of service;
 - (F) describe common data destruction and media sanitation practices such as wiping, shredding, and degaussing; and
 - (G) develop an incident response plan for a given scenario or recent attack.
- (14) Risk assessment. The student understands risk management processes and concepts. The student is expected to:
- (A) describe various access control methods such as mandatory access control (MAC), role-based access control (RBAC), and discretionary access control (DAC);
 - (B) develop and defend a plan for multi-factor access control using components such as biometric verification systems, key cards, tokens, and passwords; and
 - (C) review a disaster recovery plan (DRP) that includes backups, redundancies, system dependencies, and alternate sites.
- (15) Risk assessment. The student investigates the role and effectiveness of environmental controls. The student is expected to:
- (A) explain commonly used physical security controls, including lock types, fences, barricades, security doors, and mantraps; and
 - (B) describe the role of embedded systems such as fire suppression; heating, ventilation, and air conditioning (HVAC) systems; security alarms; and video monitoring.

§130.430. Advanced Placement (AP) Computer Science A (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: 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 $f(x) = g(h(x))$.
- (b) Content requirements. Content requirements for Advanced Placement (AP) Computer Science A are prescribed in the College Board Publication Advanced Placement Course Description: Computer Science A, published by The College Board.

§130.431. Advanced Placement (AP) Computer Science Principles (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Recommended prerequisite: Algebra I.
- (b) Content requirements. Content requirements for Advanced Placement (AP) Computer Science Principles are prescribed in the College Board Publication Advanced Placement® Curriculum Framework: AP Computer Science Principles, published by The College Board.

§130.432. International Baccalaureate (IB) Computer Science Standard Level (Two Credits)

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: Computer Science I, Algebra II.
- (b) Content requirements. Content requirements for IB Computer Science Standard Level are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§130.433. International Baccalaureate (IB) Computer Science Higher Level (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: Computer Science I, Algebra II.
- (b) Content requirements. Content requirements for IB Computer Science Higher Level are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§130.434. International Baccalaureate (IB) Information Technology in a Global Society Standard Level (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: Computer Science I, Algebra II.
- (b) Content requirements. Content requirements for IB Information Technology in a Global Society Standard Level are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

§130.435. International Baccalaureate (IB) Information Technology in a Global Society Higher Level (Two Credits).

- (a) General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: Computer Science I, Algebra II.
- (b) Content requirements. Content requirements for IB Information Technology in a Global Society Higher Level are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.

Subchapter Q. Energy

§130.485. Oil and Gas Production I (One Credit).

- (a) General requirements. This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Energy Career Cluster focuses on Texas's diverse economic landscape, geography and natural resources, including renewable energy potential, transportation system, labor force, and leadership in environmental research.
 - (3) In Oil and Gas Production I, students will identify specific career opportunities and skills, abilities, tools, certification, and safety measures associated with each career. Students will also understand components, systems, equipment, and production and safety regulations associated with oil and gas wells. To prepare for careers in oil and gas production, students must attain academic skills and knowledge, acquire technical knowledge and skills related to oil and gas production and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the oil and gas production field;
 - (B) apply competencies related to resources, information, interpersonal skills, problem solving, critical thinking, and systems of operation;
 - (C) demonstrate knowledge of personal and occupational safety, environmental regulations, and first-aid policy in the workplace;
 - (D) analyze employers' expectations such as appropriate work habits, ethical conduct, legal responsibilities, and good citizenship skills; and
 - (E) demonstrate leadership skills to accomplish organizational goals and objectives.
 - (2) The student understands the history of and process for drilling a well. The student is expected to:
 - (A) describe the history of drilling for petroleum in the United States and abroad;
 - (B) describe and appraise routine drilling operations, offshore drilling, and new drilling technologies;
 - (C) describe the tools and techniques for directional drilling;
 - (D) examine the differences between fishing, retrieving, and repairing pipe;
 - (E) describe the methods for completing a well in order for production to begin;
 - (F) assess fluid pressure;

- (G) determine how the flow is initiated in a new well;
 - (H) differentiate between major components of a well and discuss the purpose, design, and operation of each component;
 - (I) describe activities associated with completing a well;
 - (J) describe the well completion processes and equipment;
 - (K) summarize the instruments and techniques used when logging and testing during the drilling and completion of a well;
 - (L) list the factors that are analyzed when studying a poorly producing well; and
 - (M) identify the responsibilities, characteristics, abilities, and work behaviors of personnel that are involved in well service.
- (3) The student discusses and identifies components, systems, equipment, production, and safety regulations associated with oil and gas wells. The student is expected to:
- (A) identify the major systems and equipment used in the production of oil and gas;
 - (B) identify and describe the wellhead equipment that controls fluid flow;
 - (C) trace the process flow through the oil and gas production systems and equipment;
 - (D) discuss the purpose of the wellhead and identify the major components;
 - (E) describe the purpose, design, and operation of each wellhead component;
 - (F) compare and contrast the major differences in wellhead construction;
 - (G) compare and contrast onshore and offshore facilities;
 - (H) compare and contrast oil and gas regions within the United States;
 - (I) describe the safety, health, and environmental concerns associated with working around a wellhead;
 - (J) explain how the wellhead system affects other production systems tied to the wellhead;
 - (K) describe the activities associated with monitoring and regulating well flow;
 - (L) describe the wellhead maintenance activities performed by the production technician;
 - (M) operate and troubleshoot a wellhead using a computer simulator, pilot plant, or tabletop unit; and
 - (N) identify the operating conditions that would warrant a manual or automatic shut-in of a well and steps involved in a manual shut-in of a well.
- (4) The student discusses safety issues related to the oil and gas industry. The student is expected to:
- (A) describe the safety, health, and environmental concerns associated with drilling, production, and maintenance; and
 - (B) research safety standards in the petroleum industry such as the Bureau of Safety and Environmental Enforcement (BSEE), United States Coast Guard (USCG), American Petroleum Institute (API), Department of Transportation (DOT), Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), American Society for Testing and Materials (ASTM), American National Standards Institute (ANSI), and others.

§130.486. Oil and Gas Production II (One Credit).

- (a) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Oil and Gas Production I. Students shall be awarded one credit for successful completion of this course.

(b) Introduction.

- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
- (2) The Energy Career Cluster focuses on Texas's diverse economic landscape, geography and natural resources, including renewable energy potential, transportation system, labor force, and leadership in environmental research.
- (3) In Oil and Gas Production II, students will gain knowledge of the specific requirements for entry into post-secondary education and employment in the petroleum industry; research and discuss petroleum economics; research and discuss the modes of transportation in the petroleum industry; research and discuss environmental, health, and safety concerns; research and discuss different energy sources; and prepare for industry certification. To prepare for careers in oil and gas production, students must attain academic skills and knowledge, acquire technical knowledge and skills related to oil and gas production and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.
- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (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.

(c) Knowledge and skills.

- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the oil and gas production field;
 - (B) identify careers in oil and gas production with required aptitudes in science, technology, engineering, mathematics, language arts, and/or social studies;
 - (C) apply technology skills to create an electronic portfolio of skills and abilities;
 - (D) apply competencies related to resources, information, interpersonal skills, problem solving, critical thinking, and systems of operation;
 - (E) demonstrate knowledge of personal and occupational safety, health, environmental regulations, and first-aid policy in the workplace; and
 - (F) analyze employers' expectations, including appropriate work habits, ethical conduct, legal responsibilities, and good citizenship skills.
- (2) The student researches and discusses the modes of transportation and environmental, health, and safety concerns. The student is expected to:
 - (A) describe evolution of transportation in the petroleum industry;
 - (B) research and access the various ground methods of transportation;
 - (C) survey health and safety policies, procedures, regulations, and practices as they relate to transportation in the petroleum industry;
 - (D) research and discuss petroleum economics;
 - (E) compare marketing, sales, and distribution of petroleum products;
 - (F) identify supply chain businesses that create new supplies of oil and gas;
 - (G) identify supply creation companies and how they operate;

- (H) discuss the factors in investment decision making; and
- (I) calculate rates of return to evaluate prospects.
- (3) The student researches the different methods of disposing of oil and gas waste and methods of cleanup. The student is expected to:
 - (A) discuss the disposal methods of exploration and production wastes;
 - (B) identify cleanup methods for blowouts and spills; and
 - (C) identify refining processes that minimize environmental impact.
- (4) The student researches and identifies the different energy sources and priorities for the oil and gas industry. The student is expected to:
 - (A) research the petroleum industry to identify renewable energy sources;
 - (B) present the challenges and priorities of the petroleum industry;
 - (C) research the critical technologies needed in the future; and
 - (D) research the nontechnical solutions to energy needs.

§130.487. Oil and Gas Production III (One Credit).

- (a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Oil and Gas Production II. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Energy Career Cluster focuses on Texas's diverse economic landscape, geography and natural resources, including renewable energy potential, transportation system, labor force, and leadership in environmental research.
 - (3) In Oil and Gas Production III, students will gain knowledge of hydraulic and pneumatic systems and skill requirements to work in oil and gas and related industries. Students complete an advance core curriculum that includes hydraulic and pneumatic systems involved in oil and gas production. This program is designed to train students in all areas of down and mid-stream operation skills.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the oil and gas production field;
 - (B) identify careers in oil and gas production with required aptitudes in science, technology, engineering, mathematics, language arts, and/or social studies;
 - (C) apply technology skills to create an electronic portfolio of skills and abilities;
 - (D) apply competencies related to resources, information, interpersonal skills, problem solving, critical thinking, and systems of operation;

- (E) demonstrate knowledge of personal and occupational safety, health, environmental regulations, and first-aid policy in the workplace; and
 - (F) analyze employers' expectations, including appropriate work habits, ethical conduct, legal responsibilities, and good citizenship skills.
- (2) The student identifies the importance of oil field hydraulics and its contributions to the oil and gas industry. The student is expected to:
- (A) identify companies that contributed to oil field hydraulics and fracturing and discuss those contributions;
 - (B) explain the history of hydraulic fracturing and its importance to the oil field industry and the process of producing wells in North America;
 - (C) describe the impact of hydraulics on energy in North America; and
 - (D) explain the impact on new oil and natural gas production in North America as it relates to technology.
- (3) The student demonstrates an understanding of pneumatics and hydraulics and their significance and application in the petroleum engineering industry. The student is expected to:
- (A) describe and define the basic functional components of the pneumatic system and the function of a pneumatic schematic;
 - (B) explain pneumatic pressure and identify its unit of measure during application procedures;
 - (C) explain the importance of a hydraulic system and identify the hydraulic system's five basic components (hydraulic pump, control valves, actuators, reservoir, and accumulators), including the hydraulic system's significance in the petroleum engineering industry; and
 - (D) define hydraulics and identify its unit of measure during application procedures.
- (4) The student explains and demonstrates the six pneumatic safety rules and the importance of the rules in the petroleum industry. The student is expected to:
- (A) explain the six pneumatic safety rules, including wearing safety glasses when building and operating pneumatics, keeping fingers clear of piston rods, never blowing compressed air at anyone, not turning the main air supply on until a circuit is connected, turning the air off if air is leaking from a joint, and turning the air off before altering a circuit;
 - (B) demonstrate safety precaution measures in pneumatics and discuss the importance of safety equipment during this process; and
 - (C) demonstrate and explain the importance of a pressure regulator in pneumatics, including the historical significance.
- (5) The student demonstrates an understanding of basic cylinder circuits and pneumatic cylinder circuits and their significance and applications in the petroleum engineering industry. The student is expected to:
- (A) explain the functions of the operation of a double acting pneumatic cylinder and each of its functions;
 - (B) describe the operation of five-way three-position directional control valves (DCV);
 - (C) describe the function of a pneumatic quick-connect fitting; and
 - (D) demonstrate how to safely connect the pneumatic circuit with a quick-connect fitting.
- (6) The student understands the impact of a hydraulic schematic in oil field applications. The student is expected to:

- (A) describe ISO symbols and appropriately use them to draw a hydraulic schematic; and
- (B) create a hydraulic schematic.
- (7) The student identifies the principles of hydraulic pressure and flow and discusses the basic hydraulic cylinder circuits and their application. The student is expected to:
 - (A) calculate the force output of an extending cylinder and the retraction force of a cylinder;
 - (B) explain the relevance of Pascal's Law to hydraulics;
 - (C) identify and discuss hydraulic motors and pumps; and
 - (D) identify hydraulic cylinders and their impact on single and double acting circuits.

§130.488. Oil and Gas Production IV (One Credit).

- (a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Oil and Gas Production III. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction.
 - (1) Career and technical education instruction provides content alignment with challenging academic standards and relevant knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Energy Career Cluster focuses on Texas's diverse economic landscape, geography and natural resources, including renewable energy potential, transportation system, labor force, and leadership in environmental research.
 - (3) Oil and Gas Production IV is designed to extend training for future petroleum engineering technicians in all areas of down and mid-stream operations. Students complete an intense core curriculum in areas that include hydrocarbon safety, drilling, petroleum geology, oil and gas exploration and production, reservoir operations, well head completions, petroleum data management operations and analysis, natural gas production, and economics. In conjunction with this course, students employ the latest computer software in engineering and petroleum operations, data mining, and geological mapping.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the oil and gas production field;
 - (B) identify careers in oil and gas production with required aptitudes in science, technology, engineering, mathematics, language arts, and/or social studies;
 - (C) apply technology skills to create an electronic portfolio of skills and abilities;
 - (D) apply competencies related to resources, information, interpersonal skills, problem solving, critical thinking, and systems of operation;
 - (E) demonstrate knowledge of personal and occupational safety, health, environmental regulations, and first-aid policy in the workplace; and
 - (F) analyze employers' expectations, including appropriate work habits, ethical conduct, legal responsibilities, and good citizenship skills.

- (2) The student explains the phases of well construction. The student is expected to:
- (A) describe the function of the well completion phase and the different hole tests used in well completions;
 - (B) design the completion of the reservoir using technology such as computer designing software;
 - (C) describe the open hole completion and sand control completion processes; and
 - (D) describe conventional completions and their components and how they relate to production tubing.
- (3) The student explains the concepts of safety in well completions and indicates tools and procedures for completing a drilled wellbore. The student is expected to:
- (A) research health and safety standards for the workplace and environment such as Standards and Wireline Operations and Procedures and Occupational Safety and Health Administration (OSHA) and standards provided by professional organizations in the oil and gas industry such as the American Chemical Society, American Institute of Chemical Engineers, Center for the Advancement of Process Technology, Gulf Coast Process Technology Alliance, and American Petroleum Institute (API);
 - (B) identify well completion tools and equipment and their use during each well completion phase; and
 - (C) analyze the cost of safety during well completions.
- (4) The student explains the concepts of hydraulic fracturing and its role during the well completion phase. The student is expected to:
- (A) describe how the generic well design and drilling mud systems impact drilling;
 - (B) interpret ways in which generic platform wells, cuttings disposal routes, and drilling fluid design impact the generic well design; and
 - (C) evaluate the significance of reservoir formations.
- (5) The student discusses the potential hazards and possible solutions of well and equipment testing. The student is expected to:
- (A) evaluate potential hazards and formulate a safety plan that covers safety guidelines and equipment, including first-aid and safety uniforms;
 - (B) describe and accurately measure the flow of oil, gas, and water in real time;
 - (C) ensure precautions and measures are considered during the surface well testing; and
 - (D) discuss the importance of knowing the surrounding environment when well testing.
- (6) The student researches the different types of coring and core analysis used in well completions and how they play an important role in well completion. The student is expected to:
- (A) describe the role of coring and core analysis in well completions;
 - (B) identify the relationship between the factors such as core analysis and well logging that play an active role in well completions;
 - (C) explain well logging and its importance in formation evaluation;
 - (D) research different methods of formation testing by acquiring core samples;
 - (E) research drill stem testing;
 - (F) explain drill stem tests and their importance in measuring the flow of oil and gas in well completions; and
 - (G) evaluate the cost of completion operations for well completion.

§130.489. Introduction to Process Technology (One Credit).

- (a) General requirements. This course is recommended for students in Grades 11 and 12. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Energy Career Cluster focuses on Texas's diverse economic landscape, geography and natural resources, including renewable energy potential, transportation system, labor force, and leadership in environmental research.
 - (3) In Introduction to Process Technology, students will learn the social significance and workforce impact of process technology in industry and the opportunities available at various levels of education and training in industries using process technology.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) demonstrate skills related to health and safety in the workplace as specified by appropriate government regulations;
 - (B) demonstrate the standards required in the workplace such as interviewing skills, flexibility, willingness to learn new skills and acquire knowledge, self-discipline, self-worth, positive attitude, and integrity in a work situation;
 - (C) collaborate with others to solve problems;
 - (D) identify employers' work expectations; and
 - (E) research, evaluate, and apply various time-management techniques to develop work schedules.
 - (2) The student understands common definitions, terminology, and the basic foundations related to process technology. The student is expected to:
 - (A) describe the types of industry utilizing process technology and identify fields related to process technology;
 - (B) identify and describe the career opportunities in process technology, pathways to career development, and certification requirements of industries utilizing process technology, including job responsibilities, typical work schedules, and career opportunities;
 - (C) demonstrate the use of content such as technical concepts and vocabulary when analyzing information and following directions;
 - (D) identify currently emerging issues in process technology; and
 - (E) identify principles of instruments and instrument technology used in industrial process technology.
 - (3) The student identifies and discusses types of industrial piping, valves, and basic process equipment. The student is expected to:
 - (A) discuss the basics of piping, valves, and equipment used in industry; and

- (B) demonstrate the ability to read and interpret the various types of industrial drawings, diagrams, and data sheets related to industrial piping, valves, and equipment.
- (4) The student identifies and discusses the types of industrial electrical equipment and instrumentation used in process technology. The student is expected to:
 - (A) demonstrate the ability to read and interpret the various types of industrial drawings, diagrams, charts, and data sheets related to industrial electrical equipment;
 - (B) interpret industry standard circuit schematics;
 - (C) identify areas where quality, reliability, and safety can be integrated into a product; and
 - (D) describe the principles of electricity as applied in industrial process technology.
- (5) The student discusses safety issues related to industrial process technology. The student is expected to:
 - (A) describe the safety, health, and environmental concerns and requirements for industries using process technology along with the history that led to modern standards;
 - (B) analyze and execute safety guidelines as described in various manuals, instructions, and regulations;
 - (C) describe the implications of negligent or improper maintenance;
 - (D) discuss and demonstrate how precision measuring instruments are used in industrial process technology; and
 - (E) research agencies that govern safety in industrial process technology, including their authority and requirements.
- (6) The student demonstrates understanding of basic industrial mathematics. The student is expected to:
 - (A) perform common computations required in industrial process technology using mastered calculator skills;
 - (B) determine when to convert between fractions, decimals, whole numbers, and percentages mentally, on paper, or with a calculator when required in industrial process technology;
 - (C) identify and quantify causes and effects of uncertainties in measured data;
 - (D) demonstrate how exponents, symbols, and the order of operations are used to solve real world word problems commonly seen in process technology;
 - (E) determine appropriate formulas to compute cross sections, surface areas, and volumes of geometric figures such as circles, squares, and cylinders;
 - (F) estimate measurements and solve application problems involving industry drawings and data sheets using consistent units for all measurements and computation;
 - (G) describe and discuss how to use scientific notation and International System (SI) units to gather and record data with accuracy and precision;
 - (H) organize and evaluate data and make inferences from data, including the use of tables, charts, and graphs;
 - (I) determine a dimension of an object given a scaled drawing having no dimensions; and
 - (J) represent and solve problems involving proportional relationships, including conversions between measurement systems using multiplication by a given constant factor such as unit rate.
- (7) The student applies concepts of critical thinking and problem solving. The student is expected to:
 - (A) analyze elements of a problem to develop innovative solutions;

- (B) critically analyze information to determine value to the problem-solving task;
 - (C) analyze a variety of problem-solving strategies and critical-thinking skills; and
 - (D) conduct technical research to gather information necessary for decision making.
- (8) The student applies comprehensive knowledge in a simulation environment to demonstrate the mastery of the concepts covered in this course. The student is expected to:
- (A) represent or simulate a portion of a process system by generating an appropriate drawing, diagram, or data sheet;
 - (B) demonstrate how to achieve a specific goal with the use of a simple mockup of a process system;
 - (C) execute a simple mockup of a process system to achieve a specified goal;
 - (D) demonstrate appropriate safety equipment selection for use in a variety of assigned tasks;
 - (E) identify and apply mathematical operations to complete calculations and specified computations, including unit conversions for a simulated process system;
 - (F) explain how visual depictions, data readouts, and trends in a computer-based process simulator relate to actual valves, piping, equipment, electrical gear, and instrumentation in a process system; and
 - (G) develop critical-thinking skills using simulations to identify and solve problems associated with process technology.
- (9) The student presents conclusions, research findings, and designs using a variety of media throughout the course. The student is expected to:
- (A) discuss and critique the validity of conclusions supported by the data through various methods such as lab reports, labeled drawings, graphic organizers, journals, summaries, oral reports, and technology-based reports; and
 - (B) record, express, and manipulate relationships among data using graphs, charts, and equations.

§130.490. Foundations of Energy (One Credit).

- (a) General requirements This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of the course.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and success in current or emerging energy professions.
 - (2) The Energy Career Cluster focuses on Texas's diverse economic landscape, geography and natural resources, including renewable energy potential, transportation system, labor force, and leadership in environmental research.
 - (3) In Foundations of Energy, students will conduct laboratory and field investigations, use scientific practices during investigations, and make informed decisions using critical thinking and scientific problem solving. Various systems will be described in terms of energy. Students will study a variety of topics that include energy transformation, the law of conservation of energy, energy efficiency, interrelationships among energy resources and society, and sources and flow of energy through the production, transmission, processing, and use of energy. Students will apply these concepts and perform investigations and experiments at least 40% of the time using safe practices.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

- (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.
- (c) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
- (A) evaluate the importance of dressing appropriately, speaking politely, and conducting oneself in a manner appropriate for the profession;
 - (B) cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;
 - (C) present written and oral communication in a clear, concise, and effective manner;
 - (D) demonstrate time-management skills by prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results;
 - (E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed;
 - (F) discuss and exhibit teamwork and leadership skills necessary for the workplace;
 - (G) define and demonstrate effective problem-solving skills; and
 - (H) apply computer-based skills and other technologies relevant to the energy industry.
- (2) The student analyzes current and future career opportunities in the energy sector, including oil and gas exploration and production, refining and chemical processing, and renewable energy. The student is expected to:
- (A) evaluate energy systems and identify careers within those systems;
 - (B) examine past market and employment trends in the energy sector;
 - (C) discuss current issues in energy production and predict future needs and employment opportunities in this field;
 - (D) identify career development, education, credentialing, and entrepreneurship opportunities in the energy sector; and
 - (E) apply competencies related to resources, information, and systems of operation in the energy sector.
- (3) The student conducts laboratory and field investigations using safe, environmentally appropriate, and ethical practices. The student is expected to:
- (A) demonstrate safe practices during laboratory and field investigations;
 - (B) use a wide variety of additional course apparatuses, equipment, techniques, and procedures as appropriate such as satellite imagery and other remote sensing data, Geographic Information Systems (GIS), Global Positioning System (GPS), scientific probes, microscopes, telescopes, modern video and image libraries, weather stations, fossil and rock kits, tectonic plate models, and planetary globes;
 - (C) engage in meaningful hands-on, minds-on conceptual activities in the areas of energy; and
 - (D) demonstrate an understanding of the use and conservation of resources and proper disposal or recycling of materials.
- (4) The student uses critical thinking and problem solving to make informed decisions within and outside the classroom. The student is expected to:

- (A) communicate and present valid conclusions from energy information extracted from various sources such as current events, news reports, published journal articles, and marketing materials;
 - (B) explain the impacts of energy discoveries by a variety of historical and contemporary scientists and entrepreneurs on current societal attitudes;
 - (C) compare advantages and disadvantages in the use of the various energy sources; and
 - (D) distinguish between scientific decision making (scientific methods) and ethical and social decisions that involve science (the application of scientific information).
- (5) The student presents conclusions, research findings, and designs using a variety of media throughout the course. The student is expected to:
- (A) develop written and oral presentation skills related to energy issues and solutions by researching and describing the history of energy production in Texas and contributions of scientists and entrepreneurs; and
 - (B) develop data retrieval and analysis skills related to energy production and use by researching information about energy sources, including renewable and non-renewable sources, and energy efficiency and how each source is used to produce electrical energy.
- (6) The student examines and explains concepts and procedures related to energy. The student is expected to:
- (A) identify general purposes for energy, including transportation, light, cooking, heating or cooling, entertainment, and cleaning;
 - (B) explain and demonstrate transformations among various energy forms, including potential, kinetic, chemical, mechanical, electrical, and light energy;
 - (C) analyze the role of gravity in transforming energy;
 - (D) investigate and calculate the relationship between work, potential energy, and kinetic energy;
 - (E) examine various types of energy transfer mechanisms, determine the original form of energy and what form that energy is being transformed into, and use examples to analyze and calculate the relationships among work, kinetic energy, and potential energy;
 - (F) describe and apply the law of conservation of energy; and
 - (G) use basic calorimetry to determine the amount of energy stored in substances such as coal.
- (7) The student understands the basics of fluid mechanics related to energy discovery, production, and transportation. The student is expected to:
- (A) identify fluids used as fuels, including liquids and gases;
 - (B) identify fluids used in the discovery, production, and transportation of energy sources;
 - (C) explain capillary action and relate it to energy production; and
 - (D) explain, using formulas, how pressure and temperature affect the behavior of fluids.
- (8) The student understands how and where energy is produced and identifies Texas energy resources. The student is expected to:
- (A) research the location of energy resources and power production plants in Texas;
 - (B) compile information on the history of energy production in Texas and describe its past and current importance to the U.S. economy;
 - (C) investigate the role of technology in the future development of energy usage;

- (D) identify ways to conserve energy;
 - (E) map the major sources of energy used in Texas;
 - (F) assess the impact of the various energy sources on the economy in Texas;
 - (G) analyze how supply and demand impacts Texas's economy in relation to energy; and
 - (H) compare and contrast the impact of energy sources and supply and demand in Texas with national and global data.
- (9) The student investigates how energy resources such as water, oil, and natural gas are stored underground in rock formations. The student is expected to:
- (A) assess the properties and geological histories of rocks and rock formations that enable energy storage;
 - (B) determine the physical properties of permeability and porosity of rock formations and relate these properties to the amount of water, oil, and natural gas held in these formations;
 - (C) explain how aquifers function and locate major aquifers in Texas; and
 - (D) investigate how innovations such as hydraulic fracturing and high-power transmission lines have made massive energy resources such as oil, gas, wind, and electricity available in Texas.
- (10) The student knows differences between renewable and non-renewable resources. The student is expected to:
- (A) identify and describe various renewable and non-renewable resources;
 - (B) describe and compare the energy efficiency of renewable and non-renewable energy derived from natural and alternative sources such as oil, natural gas, coal, nuclear, solar, geothermal, hydroelectric, and wind;
 - (C) examine the benefits and hazards of using renewable and non-renewable energy sources;
 - (D) research methods by which benefits can be increased and hazards reduced in the use of renewable and non-renewable energy sources;
 - (E) examine different viewpoints of an energy source regarding availability, cost, potential pollution, impact to plant and animal habitat, and sustainability;
 - (F) analyze an energy source's relative availability and renewability and discuss how these factors inform decision making regarding a source's use; and
 - (G) analyze changing social perspectives and how they can influence scientific practices.
- (11) The student knows how energy impacts the student's life and the role energy plays in international relations, the environment, standards of living, and the economy. The student is expected to:
- (A) analyze the impact energy has on the environment;
 - (B) research and discuss the ethical and social issues surrounding Earth's energy resources;
 - (C) analyze the advantages and disadvantages of an energy source's long-term use;
 - (D) explain the relationship between energy and quality of life;
 - (E) research and describe the connection between energy production, transmission, processing, and marketing; and
 - (F) analyze the impact and effectiveness of the measures taken by the United States and other countries to use energy to reduce greenhouse gases, improve water and air quality, and extend life expectancy.

- (12) The student investigates extended learning experiences such as career and technical student organizations and area energy museums and displays. The student is expected to:
 - (A) identify a minimum of three energy professionals for potential speaking invitations either in person or via the Internet;
 - (B) research and describe an energy-related organization such as a museum or local business; and
 - (C) compare educational requirements for different energy industry jobs in Texas.

§130.491. Petrochemical Safety, Health, and Environment (One Credit).

- (a) General requirements. The course is recommended for students in Grades 11 and 12. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Energy Career Cluster focuses on Texas's diverse economic landscape, geography and natural resources, including renewable energy potential, transportation system, labor force, and leadership in environmental research.
 - (3) Petrochemical Safety, Health, and Environment addresses the shortage of process technology operators/technicians by educating students on the safety rules, regulations, and operations of the petrochemical process technology operator. Students enrolled in this course will learn about the knowledge and skills required in occupational safety, health, and environment as well as the governing regulatory authorities and the legal aspects of the industry in order to maintain a safe work environment.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (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.
- (c) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) research the three major roles of safety, health, and environment as it pertains to process technology operators/technicians;
 - (B) describe the role of process technicians in relation to safety, health, and environmental issues;
 - (C) identify the importance of safety, health, and environment as they relate to the performance of all job tasks and regulatory compliance issues within the industries, including, but not limited to, petrochemical plants, refineries, oil and gas production, and power generation; and
 - (D) explain the importance of interpreting the safety, health, and environmental procedures standards, requirements, and regulations as a process technology operator/technician.
 - (2) The student examines compliance standards to ensure safe work practices as they relate to safety, health, and environmental regulations. The student is expected to:
 - (A) identify the legal governing agencies and describe regulatory requirements as they apply to the petrochemical industry, its employees, and the community;

- (B) identify specific state and federal regulations and the related specific tasks performed by process technology operators/technicians;
 - (C) identify safety programs used in the gulf coast area;
 - (D) determine types of administrative controls and permitting systems to ensure safe work practices, especially as the controls relate to confined spaces and log-out and tag-out (LOTO);
 - (E) demonstrate the proper usage of typical safety equipment and systems used in local plants;
 - (F) describe how engineering controls are designed to allow process technology operators/technicians to operate equipment with system safeguards;
 - (G) describe the different types of personal protective equipment (PPE), including fire resistant clothing (FRC), hard hats, safety shoes, hearing protection, safety glasses, and acid suits;
 - (H) evaluate the types of monitors that measure exposure ratings for noise, heat, and radiation;
 - (I) describe the different types of respiratory protection according to their levels of protection, including air purifying, air supply, escape packs, and self-contained breathing apparatus (SCBA); and
 - (J) identify the types of monitoring instruments that process operators/technicians use to monitor the atmosphere, oxygen content, explosive atmosphere, and toxicity.
- (3) The student summarizes the environmental requirements that are designed to safeguard society. The student is expected to:
- (A) describe the types of spills and releases and the environmental factors that can impact them;
 - (B) identify specific systems that are in place to mitigate or prevent hazards to the environment and to individuals, including safe disposal of hazardous materials;
 - (C) identify the regulatory governmental agencies, including Occupational Safety and Health Administration (OSHA), Mining Safety and Health Administration (MSHA), Texas Commission on Environmental Quality (TCEQ), and the Environmental Protection Agency (EPA), that protect our safety, health, and environment;
 - (D) identify the Hazard Communication (HAZCOM) program and its components, including written Emergency Response Plans (ERPs), labeling containers that contain hazardous chemicals, and Safety Data Sheets (SDS) for hazardous chemicals produced or imported;
 - (E) describe the different types of hazards, including fire and explosions, ergonomic, biological, and blood borne pathogens; and
 - (F) describe the Maritime Security Act (MARSEC), which protects against terroristic threats.
- (4) The student describes equipment and energy and work surface hazards. The student is expected to:
- (A) define the types of equipment and energy and work surface hazards, including electrical, rotating equipment, thermal, elevation/heights/fall protection, chemical, slip and trips, and machine guarding;
 - (B) identify hazards as they pertain to construction, vehicles, weather, and security, and describe how to protect the point of access and the site, including contractors who might have limited safety knowledge, new equipment installation, traffic control, and training on heavy machinery; and

- (C) determine how weather conditions can adversely impact safety at a petrochemical plant or other process industry, including heat stress, hurricanes, freeze precautions, adverse weather conditions, lightning, and wind.
- (5) The student identifies environmental pollutants as well as regulations to protect the environment. The student is expected to:
 - (A) describe environmental pollutants, including toxic chemicals;
 - (B) identify the Material Safety Data Sheet (MSDS) manual list of the hazardous and toxic chemicals for process control sites;
 - (C) summarize the EPA petition process for approval of chemicals created by a plant;
 - (D) determine the permissions that must be acquired before site production begins, including a toxicology report such as a Chemical Inventory Management System (CIMS) for a local plant; and
 - (E) describe the types of environmental controls that are in place to protect the environment such as monitoring and air and water permits.

Amendments to *Proclamation 2021* of the State Board of Education Advertising for Bids on Instructional Materials

January 31, 2020

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 amend *Proclamation 2021* to reflect revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption of Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials adopted by the SBOE in November 2019. *Proclamation 2021* calls for instructional materials for prekindergarten.

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 2021* was issued by the SBOE in June 2019. The SBOE adopted revisions to 19 TAC Chapter 66, State Adoption of Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials in November 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: A revised adoption cycle for instructional materials was approved by the SBOE in January 2012. The cycle was adjusted in July 2017. The SBOE most recently revised the adoption cycle in September 2019.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include the availability of instructional materials aligned to new and revised standards in the year in which new and revised standards are implemented.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve proposed amendments to *Proclamation 2021* of the State Board of Education Advertising for Bids for Instructional Materials.

Staff Members Responsible:

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

Separate Exhibit: Proposed Amendments to *Proclamation 2021*

Update on Texas Essential Knowledge and Skills (TEKS) Review

January 31, 2020

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

SUMMARY: This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS). The item also provides the opportunity for the board to provide additional guidance to TEKS and ELPS review work groups.

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 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.

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

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

At the June 2019 SBOE meeting, the board held a work session to discuss updating the TEKS and instructional materials review and adoption schedule. At the September 2019 meeting, the board approved the schedule through the 2028-2029 school year.

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

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

The SBOE began the review of the English Language Proficiency Standards (ELPS) in early 2019, in accordance with the SBOE's approved TEKS and instructional materials review schedule. Applications to serve on ELPS review work groups were posted on the TEA website in December 2018. Also in December 2018, TEA distributed a survey to collect information from educators regarding the review and revision of the ELPS.

In preparation for the review and revision of the health education TEKS, the board in September 2017 approved a request for the commissioner to convene a group of experts to develop a study to provide guidance for the development of revised health education TEKS. At that time, the SBOE also approved parameters for the recommendations of the commissioner's committee to include a framework for what the strands should be for Kindergarten-Grade 12, distinctions regarding grade levels and/or grade bands at which health concepts are most appropriately taught, and a summary of all statutory requirements related to health education and suggestions regarding the most appropriate way to integrate those requirements into the framework. In 2018, TEA convened a group of experts to develop recommendations to address the SBOE's charge related to the health education TEKS. This health education advisory committee drafted a response to the SBOE's charge, and the response was submitted to the commissioner of education. Based on the response, the commissioner of education provided recommendations to the SBOE at the June 2019 meeting.

The review of the health education TEKS is taking place concurrently with the review of the physical education TEKS. In March 2019, applications to serve on the health education and physical education TEKS review work groups were posted on the TEA website. At the April meeting, SBOE members were asked to designate content advisors for the health education and physical education TEKS reviews. Names of content advisors were due May 1, 2019. In May 2019, TEA distributed surveys to collect information from educators regarding the review and revision of the health education and physical education TEKS. TEA staff provided applications for the health education and physical education review work groups to SBOE members on a monthly basis from June to December 2019.

The SBOE will begin the review of the science TEKS in early 2020, in accordance with the SBOE's approved TEKS and instructional materials review schedule. Applications to serve on the science TEKS review work groups were posted on the TEA website in November 2019. In December 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the TEKS for science. TEA staff provided applications for the science TEKS review work groups in December 2019 and January 2020.

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

Staff Member Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Proposed New 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts
(First Reading and Filing Authorization)**

January 31, 2020

**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 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts, to identify provisions of the Texas Education Code (TEC) that are not applicable to the special-purpose school districts operated by Texas Tech University and The University of Texas at Austin.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.351.

TEC, §11.351, permits the State Board of Education (SBOE) to establish a special-purpose school district for the education of students in special situations whose educational needs are not adequately met by regular school districts. The board is also permitted to impose duties or limitations on the school district as necessary for the special purpose of the district.

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 2020-2021 school year. The earlier effective date would allow the special purpose districts to begin planning for implementation before the beginning of the 2020-2021 school year.

PREVIOUS BOARD ACTION: The SBOE approved the Texas Tech University Independent Study by Correspondence High School Program in September 1993. The SBOE approved The University of Texas High School program in November 1998. For both special purpose districts, the SBOE established the following conditions: no state funds shall be used to support the program; transcripts awarded to students enrolled in the program shall be consistent with the Academic Achievement Record required by the TAC; courses offered shall be consistent with courses required by the TAC; requirements for a high school diploma shall be consistent with the state graduation requirements and with exit-level assessment requirements in the TAC; state required testing will be implemented in accordance with existing rules and schedules; and other SBOE rules for curriculum shall be applicable as appropriate. A discussion item regarding the special-purpose districts was presented to the committee at its November 2019 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The 86th Texas Legislature, 2019, passed House Bill 3, which entitled a special-purpose school district operated by Texas Tech University or The University of Texas at Austin to funding under TEC, Chapter 48. If Texas Tech University or The University of Texas at Austin receives state funding for a school year, the special-purpose district may not charge tuition or fees to students enrolled in the district who are residents of Texas for that school year, other than fees authorized under the TEC.

The proposed new section would specify duties or limitations to be imposed on the special-purpose school districts if they opt to receive state funding.

The attachment to this item reflects the text of proposed new §61.101 for consideration by the SBOE for first reading and filing authorization.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would create a new regulation. The new rule would identify provisions of the TEC that are not applicable to the special-purpose school districts operated by Texas Tech University and The University of Texas at Austin.

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 clarify which provisions of the TEC are not applicable to the special-purpose school districts operated by Texas Tech University and The University of Texas at Austin. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 6, 2020, and ends April 10, 2020. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2020 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 March 6, 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed new 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Attachment:

Text of Proposed New 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 61. School Districts

Subchapter B. Special Purpose School Districts

§61.101. Applicability of State Law for Special Purpose School Districts.

The following provisions of the Texas Education Code (TEC) do not apply to the special purpose school districts operated by Texas Tech University or The University of Texas at Austin:

- (1) TEC, Chapter 13, relating to the creation, consolidation, and abolition of a district;
- (2) TEC, Chapter 18, relating to the Job Corps diploma program;
- (3) TEC, Chapter 19, relating to schools in the Texas Department of Criminal Justice;
- (4) TEC, Chapter 30; relating to state and regional programs and services;
- (5) TEC, Chapter 30A, relating to the state virtual school network;
- (6) TEC, Chapter 31, relating to instructional materials;
- (7) TEC, Chapter 32, Subchapter A, relating to the powers and duties of the State Board of Education regarding electronic instructional technology and computer-related equipment;
- (8) TEC, Chapter 33:
 - (A) Subchapter E, relating to the Communities In Schools program; and
 - (B) Subchapter G, relating to the Expanded Learning Opportunities Council;
- (9) TEC, Chapter 34, relating to transportation;
- (10) TEC, Chapter 37:
 - (A) Subchapter A, relating to alternative settings for behavior management;
 - (B) Subchapter B, relating to school-community guidance centers; and
 - (C) Subchapter D, relating to the protection of buildings and grounds;
- (11) TEC, Chapter 38:
 - (A) Subchapter B, relating to school-based health centers;
 - (B) Subchapter D, relating to the prevention, treatment, and oversight of concussions affecting student athletes; and
 - (C) Subchapter E, relating to the maintenance and administration of epinephrine auto-injectors and asthma medicine;
- (12) TEC, Chapter 42, Subchapter C, relating to special allotments under the Foundation School Program;
- (13) TEC, Chapter 43, relating to the Permanent School Fund and Available School Fund;
- (14) TEC, Chapter 46, relating to assistance with instructional facilities and payment of existing debt;
- (15) TEC, Chapter 47, relating to the tax reduction and excellence in education fund; and
- (16) TEC, Chapter 49, relating to options for local revenue levels in excess of entitlement.

Discussion of *Proclamation 2022* of the State Board of Education Advertising for Bids on Instructional Materials

January 31, 2020

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

SUMMARY: This item provides an opportunity for the State Board of Education (SBOE) to discuss the schedule of events and instructional materials to be included in *Proclamation 2022*. Instructional materials submitted in response to *Proclamation 2022* would be scheduled for adoption by the SBOE in November 2021.

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 2010* was issued by the SBOE in November 2007. *Proclamation 2011* was issued by the SBOE in May 2008. In May 2010, the board voted to postpone *Proclamation 2012* indefinitely. In its place, the board issued a Request for Supplemental Science Materials for science, grades 5–8, Biology, Chemistry, Integrated Physics and Chemistry (IPC), and Physics. *Proclamation 2014* was issued by the SBOE in April 2012. *Proclamation 2015* was issued by the SBOE in April 2013. At the July 2014 meeting, the board took action to delay the effective date of *Proclamation 2016* for one calendar year and to combine the subject areas that were scheduled to be included in *Proclamation 2016* with those that were scheduled to be included in *Proclamation 2017*. *Proclamation 2017* was issued by the SBOE in April 2015. *Proclamation 2018* was issued by the SBOE in November 2016. *Proclamation 2019* was issued by the SBOE in April 2017. *Proclamation 2020* was issued by the SBOE in April 2018. *Proclamation 2021* was issued by the SBOE in June 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: A revised adoption cycle for instructional materials was approved by the SBOE in January 2012. The cycle was adjusted in July 2017. The SBOE most recently revised the adoption cycle in September 2019.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include the availability of instructional materials aligned to new and revised standards in the year in which new and revised standards are implemented.

Staff Members Responsible:

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

Attachment: [Text of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, §66.27, Proclamation, Public Notice, and Schedule for Adopting Instructional Materials](#)

Separate Exhibit: Draft of *Proclamation 2022* of the State Board of Education Advertising for Bids on Instructional Materials

ATTACHMENT
Text of 19 TAC

Chapter 66. State Adoption and Distribution of Instructional Materials

Subchapter B. State Adoption of Instructional Materials

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

- (a) Texas Education Code (TEC), §31.002, defines instructional materials as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book; supplementary materials; a combination of a book, workbook, and supplementary materials; computer software; magnetic media; DVD; CD-ROM; computer courseware; on-line services; or an electronic medium or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.
- (b) Upon the adoption of revised Texas essential knowledge and skills (TEKS), the State Board of Education (SBOE) shall conduct an investigation to determine the extent of the revisions and whether revisions have created a need for new instructional materials.
- (c) The SBOE shall issue a proclamation calling for instructional materials according to the review and adoption cycle adopted by the SBOE if the investigation required in subsection (b) of this section results in the determination that a proclamation is necessary. The proclamation shall serve as notice to all publishers and to the public that bids to furnish new materials to the state are being invited and shall call for:
 - (1) new instructional materials aligned to all of the TEKS for a specific subject and grade level or course(s) and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage;
 - (2) supplemental material aligned to new or expanded TEKS for a specific subject and grade level or course(s) and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage;
 - (3) new information demonstrating alignment of current instructional materials to the revised TEKS for a specific subject and grade level or course(s) and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage; or
 - (4) any combination of the calls described by paragraphs (1)-(3) of this subsection.
- (d) The essential knowledge and skills adopted in this title effective in the year in which instructional materials are intended to be made available in classrooms are the SBOE's official rule governing essential knowledge and skills that shall be used to evaluate instructional materials submitted for consideration under the corresponding proclamation.
- (e) The essential knowledge and skills that will be used to evaluate instructional materials submitted for consideration under a proclamation and a copy of each proclamation issued by the SBOE may be accessed from the Texas Education Agency website and are available for examination during regular office hours, 8:00 a.m. to 5:00 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.
- (f) Proclamations calling for supplemental materials or new information only shall be issued at least 12 months before the scheduled adoption of instructional materials. Proclamations that include a call for complete new materials to cover all of the TEKS shall be issued at least 18 months before the scheduled adoption of the new instructional materials.

- (g) Each proclamation shall contain the following:
- (1) information about and reference to essential knowledge and skills in each subject for which bids are being invited;
 - (2) the requirement that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic pre-adoption sample of the instructional materials as required by the TEC, §31.027(a) and (b), and may not submit a print sample copy;
 - (3) the requirement that electronic samples include a word search feature;
 - (4) the requirement that publishers file with the Texas Education Agency (TEA) print samples, electronic samples in an open file format or closed format, or galley proofs for use by state review panels;
 - (5) the student enrollment of the courses or grade levels called for, to the extent that it is available, for the school year prior to the year in which the proclamation is issued;
 - (6) specifications for providing computerized files to produce braille versions of adopted instructional materials;
 - (7) specifications for ensuring that electronic instructional materials are fully accessible to students with disabilities;
 - (8) a schedule of adoption procedures; and
 - (9) an option for the submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (h) The proclamation shall require the instructional materials submissions to cover:
- (1) content essential knowledge and skills for the subject area and grade level or course for which the materials are intended:
 - (A) at least once in the student text narrative; and
 - (B) once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; and
 - (2) process essential knowledge and skills:
 - (A) at least once in the student text narrative and once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; or
 - (B) twice in an end-of-section review exercise, an end-of-chapter activity, or a unit test.
- (i) A draft copy of the proclamation shall be provided to each member of the SBOE and posted on the TEA website, and the TEA shall solicit input regarding the draft proclamation prior to its scheduled adoption by the SBOE. Any revisions recommended as a result of input from publishers shall be presented to the SBOE along with the subsequent draft of the proclamation.
- (j) If the SBOE determines that good cause as defined by the SBOE exists, the SBOE may adopt an emergency, supplementary, or revised proclamation without complying with the timelines and other requirements of this section.
- (k) The SBOE may issue a proclamation for instructional materials eligible for midcycle review. The midcycle adoption process shall follow the same procedures as the regular adoption except to the extent specified in this subsection.
- (1) The midcycle proclamation shall include a fee not to exceed \$10,000 for each program or system of instructional materials intended for a certain subject area and grade level or course submitted

for midcycle review. Publishers participating in the midcycle review process are responsible for all expenses incurred by their participation.

- (2) A publisher who intends to offer instructional materials for midcycle review shall commit to provide the instructional materials to school districts in the manner specified by the publisher. The manner in which instructional materials are provided may include:
 - (A) providing the instructional materials to any district in a regional education service center area identified by the publisher; or
 - (B) providing a certain maximum number of instructional materials specified by the publisher.
- (3) The publisher of instructional materials submitted for midcycle review shall enter into a contract with the SBOE for a term that ends at the same time as any contract entered into by the SBOE for instructional materials for the same subject and grade level.
- (4) The publisher of instructional materials submitted for midcycle review is not required to provide samples to education service centers or school districts as specified in the TEC, §31.027.
- (5) The publisher of instructional materials submitted for midcycle review shall make available one electronic examination copy of each submitted instructional materials product, including materials intended for teacher use and ancillaries, to each SBOE member upon that member's request, beginning on the date in the adoption schedule when publishers file their samples at the TEA. The state does not guarantee return of these SBOE-requested materials.

Discussion of Character Traits Instruction

January 29, 2020

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

SUMMARY: This item provides the opportunity for the board to discuss the integration of positive character traits into the Texas Essential Knowledge and Skills (TEKS) for kindergarten through grade 12 in accordance with House Bill (HB) 1026, 86th Texas Legislature, 2019.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 29.906 as amended by HB 1026, 86th Texas Legislature, 2019.

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, §29.906, as amended by HB 1026, 86th Texas Legislature, 2019, requires the SBOE to integrate positive character traits into the essential knowledge and skills adopted for kindergarten through grade 12, as appropriate.

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, rules regarding the integration of character education instruction may be presented for consideration by the SBOE at a future meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2019, the 86th Texas Legislature passed HB 1026, requiring the SBOE to integrate positive character traits into the essential knowledge and skills adopted for kindergarten through grade 12, as appropriate. The legislation requires the SBOE to include the following positive character education traits in the standards: courage; trustworthiness, including honesty, reliability, punctuality, and loyalty; integrity; respect and courtesy; responsibility, including accountability, diligence, perseverance, and self-control; fairness, including justice and freedom from prejudice; caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity; good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; school pride; and gratitude. The legislation also requires school districts and open-enrollment charter schools to adopt a character education program that includes the required positive character traits.

This item presents an opportunity for the committee to discuss how to integrate, as appropriate positive character traits into the essential knowledge and skills adopted for kindergarten through grade 12.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Division Director, Curriculum

Discussion of Perkins Reauthorization and State Plan

January 29, 2020

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

SUMMARY: This item provides the opportunity for the committee to hear an update on the reauthorization of federal Perkins funding and the four-year career and technical education plan for the state of Texas in compliance with the reauthorization.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.109.

TEC, §7.109 designates the State Board of Education (SBOE) as the State Board for Career and Technology Education. The commissioner is the executive officer through whom the State Board for Career and Technology Education shall carry out its policies and enforce its rules.

TEC, §7.109(d) permits the State Board for Career and Technology Education to allocate funds appropriated to the board by the legislature or federal funds received by the board under the Carl D. Perkins Vocational Education Act (20 U.S.C. Section 2301 et seq.) or other federal law to an institution or program approved by the State Board of Education, the Texas Higher Education Coordinating Board, or another state agency specified by law.

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

FUTURE ACTION EXPECTED: The board will be asked to approve the four-year career and technical education plan for the state of Texas at the April 2020 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: On July 31, 2018, the president signed the *Strengthening Career and Technical Education for the 21st Century Act* into law. Commonly referred to as Perkins V, Section 122 (a) of the law requires each state to prepare and submit to the United States Department of Education Secretary a State plan for a four-year period, except that, during the first fiscal year following the enactment of the Act, each eligible agency may fulfill its obligation by submitting a one-year transition plan. In April 2019, the SBOE approved the Texas Perkins V Transition Plan.

The requirements in the Perkins Act support a renewed vision of career and technical education (CTE) programs for the 21st century. The Act envisions that all students will achieve challenging academic, technical, and employability skills and be prepared for high-skill, high-wage, and in-demand occupations in current or emerging professions. The Act provides an increased focus on the academic achievement of career and technical education students, alignment with regional labor market needs, and improves state and local accountability, and strengthens the connections between secondary and postsecondary education.

The required state plan narrative includes seven key areas: planning, coordination, and collaboration prior to state plan submission; program administration; provision of services to special populations; accountability and evaluation; financial requirements; and EDGAR certifications and other assurances. The four-year career and technical education plan must be

approved by the SBOE in order to meet the April 2020 submission deadline set by the United States Department of Education.

Staff Members Responsible:

Heather Justice, Director, College, Career, and Military Preparation

Separate Exhibit: Four-year Career and Technical Education State Plan

Discussion of Pending Litigation

January 29, 2020

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

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

Cases to be discussed may include:

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

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

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

BOARD RESPONSE: Board may advise and comment.

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

FUTURE ACTION EXPECTED: Continued briefing on procedural developments.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: None.

Staff Member Responsible:

Von Byer, General Counsel, Legal Services

COMMITTEE ON INSTRUCTION

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter C, Other Provisions, §74.26, Award of Credit
(Second Reading and Final Adoption)**

January 31, 2020

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit. The proposed amendment would update the rule to clarify that a district may award credit proportionately for successful completion of half of a course regardless of the time duration of the course. No changes are recommended since approved for first reading.

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

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

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.

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

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date would allow districts to award credit proportionately for successful completion of half of a course regardless of the time duration of the course beginning in the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.26 effective September 1, 1996. The SBOE last amended the rule effective November 24, 2015. The SBOE approved for first reading and filing authorization the proposed amendment to 19 TAC §74.26 at the November 2019 meeting.

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

At the January-February 2018 SBOE meeting, the board approved for second reading and final adoption revisions to the award of credit for International Baccalaureate (IB) courses for 19 TAC Chapters 110, 111, 112, and 114. At the April 2018 SBOE meeting, the board approved for second reading and final

adoption revisions to the award of credit for Advanced Placement (AP) and IB courses for 19 TAC Chapters 113, 118, and 126.

A discussion item regarding 19 TAC §74.26 was included on the agenda for the Committee on Instruction during the September 2019 SBOE meeting. At that time, the committee instructed staff to prepare a proposal to update the rule to clarify that districts may award credit proportionately for successful completion of half of a course regardless of the time duration of the course for consideration by the committee and the board. At the November 2019 meeting, the board approved for first reading and filing authorization the proposed amendment to 19 TAC §74.26.

The attachment to this item reflects the text of the proposed amendment to 19 TAC §74.26 for consideration by the SBOE. The proposed amendment would update the rule to clarify that a district may award credit proportionately for successful completion of half of a course regardless of the time duration of the course. No changes are recommended since approved for first reading.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by allowing districts to award credits

proportionately to students who have completed half of a course and who are in the process of completing a course for high school graduation requirements regardless of the duration of the course.

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

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

The proposal would provide districts flexibility to award credits proportionately to students for successful completion of half of a course regardless of the time duration of the course. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no new data and reporting impact.

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

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

PUBLIC COMMENTS: Following the November 2019 SBOE meeting, notice of the proposed amendment to 19 TAC §74.26 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began December 20, 2019, and ended January 24, 2020. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the January 2020 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2020 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 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit; and

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment:

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

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.26. Award of Credit.

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

Proposed Amendments to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013
(Second Reading and Final Adoption)

January 31, 2020

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013, to revise the Texas Essential Knowledge and Skills (TEKS) for music to align with current International Baccalaureate (IB) course offerings in music. No changes are recommended since approved for first reading.

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 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.

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 amendments is August 1, 2020. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement these amendments when they begin their school year.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for fine arts effective September 1, 1998. Amendments to the fine arts TEKS were last adopted effective July 28, 2013.

The SBOE approved revisions to IB courses in 19 TAC Chapters 110, 111, 112, and 114 for second reading and final adoption at the January-February 2018 meeting. The SBOE approved revisions to Advanced Placement (AP) and IB courses in 19 TAC Chapters 112, 113, 118, and 126 for second reading

and final adoption at the April 2018 meeting. The board aligned the rules with additional course offerings by the International Baccalaureate Organization and updated the amount of credit available for IB and AP courses. At the January-February 2019 meeting, the SBOE approved proposed new 19 TAC §117.327 and §117.328, IB Film Standard Level and IB Film Higher Level, for second reading and final adoption. The courses became effective August 26, 2019.

A discussion item regarding 19 TAC Chapter 117, Subchapter C, was included on the agenda for the Committee on Instruction during the September 2019 SBOE meeting. At that time, the committee requested that staff prepare proposed amendments to address award of credit for IB music courses. At the November 2019 SBOE meeting, the board approved for first reading and filing authorization proposed amendments to 19 TAC §§117.312, 117.313, and 117.314.

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

At the April 2018 meeting, the SBOE approved for second reading and final adoption proposed revisions to align the TEKS in science, social studies, economics, and technology applications with additional IB course offerings and update the amount of credit available for both IB and AP courses in these subject areas. The SBOE's approval included the addition of nine IB courses to SBOE rules and updates to the amount of credit available for seven AP and IB courses currently in rule. The revisions became effective August 27, 2018.

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

The attachment to this item reflects the text of proposed revisions to 19 TAC §§117.312, 117.313, and 117.314 for consideration by the SBOE for second reading and final adoption. The proposed amendments would update the high school music TEKS to align with current IB course offerings in music.

No changes are recommended since approved for first reading.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by including language that would align the existing TEKS for music with current IB course offerings in music.

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

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

The proposal would provide students enrolled in IB music courses more flexibility to fulfill credit requirements for graduation. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no new data and reporting impact.

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

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

PUBLIC COMMENTS: Following the November 2019 SBOE meeting, notice of proposed amendments to 19 TAC §§117.312, 117.313, and 117.314 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began December 20, 2019, and ended January 24, 2020. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the January 2020 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2020 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed amendments to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013; and

Make an affirmative finding that immediate adoption of the proposed amendments to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013, is necessary and shall have an effective date of August 1, 2020. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

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

Attachment:

Text of Proposed Amendments to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013

ATTACHMENT
Text of Proposed Amendments to 19 TAC

Chapter 117. Texas Essential Knowledge and Skills for Fine Arts

Subchapter C. High School

§117.312. Music, Level III (One Credit), Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Band III, Choir III, Orchestra III, Jazz Ensemble III, Jazz Improvisation III, Instrumental Ensemble III, Vocal Ensemble III, World Music Ensemble III, Applied Music III, Mariachi III, Piano III, Guitar III, ~~and~~ Harp III, International Baccalaureate (IB) Music Standard Level (SL), or IB Music Higher Level (HL) (one credit per course). The recommended prerequisite for IB Music SL is one credit in music. The prerequisite for all other Music, Level III music courses is one credit of Music, Level II in the corresponding discipline.
- (b)-(c) (No change.)

§117.313. Music, Level IV (One Credit), Adopted 2013.

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Band IV, Choir IV, Orchestra IV, Jazz Ensemble IV, Jazz Improvisation IV, Instrumental Ensemble IV, Vocal Ensemble IV, World Music Ensemble IV, Applied Music IV, Mariachi IV, Piano IV, Guitar IV, ~~and~~ Harp IV, International Baccalaureate (IB) Music Standard Level (SL), or IB Music Higher Level (HL) (one credit per course). The prerequisite for all Music, Level IV courses is one credit of Music, Level III in the corresponding discipline.
- (b)-(c) (No change.)

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

- (a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Music Theory I-II; Music Appreciation I-II; Music Business I-II; Music Composition I-II; Music Production I-II; Music and Media Communications I-II; or College Board Advanced Placement (AP) Music Theory [~~International Baccalaureate (IB) Music, Standard Level (SL); and IB Music, Higher Level (HL)~~]. There are no prerequisites for Music Study Level I courses [~~however, the prerequisite for IB Music, SL and IB Music, HL is one credit of any Music, Level II course~~]. Students may take Music Studies with different course content for a maximum of three credits.
- (b)-(c) (No change.)

Proposed Repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, §§110.30-110.34, and Subchapter D, Other High School English Language Arts and Reading Courses, §110.85, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, §§128.30-128.32
(First Reading and Filing Authorization)

January 31, 2020

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, §§110.30-110.34, and Subchapter D, Other High School English Language Arts and Reading Courses, §110.85, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, §§128.30-128.32. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) adopted to be effective in 2009 for high school English and Spanish language arts and reading and English as a second language and related implementation language that will be superseded by new 19 TAC §§110.35-110.39 and §§128.33-128.35 beginning with the 2020-2021 school year.

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 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.

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 repeals is August 1, 2020. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for English language arts and reading and Spanish language arts and reading and English as a second language effective September 1, 1998. Amendments to the TEKS for English language arts and reading were adopted effective September 4,

2008, and August 22, 2011. Amendments to the TEKS for Spanish language arts and reading and English as a second language were adopted effective November 26, 2008. In April 2014, the board began the review and revision of the English and Spanish language arts and reading TEKS. At the April 2017 meeting, the SBOE approved for second reading and final adoption proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, and Subchapter B, Middle School, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, and Subchapter B, Middle School, with an implementation date of the 2019-2020 school year. At the June 2017 SBOE meeting, the board approved for second reading and final adoption proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, with an implementation date of the 2020-2021 school year.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2017, the SBOE adopted revisions to the English and Spanish language arts and reading and English as a second language TEKS. The revised TEKS for high school are scheduled to be implemented beginning with the 2020-2021 school year.

With the implementation of the revised English and Spanish language arts and reading TEKS for high school scheduled for the 2020-2021 school year, the current TEKS in 19 TAC §§110.30-110.34, 110.85, and §§128.30-128.32 are no longer needed and may now be repealed.

The proposed rule action was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that only those TEKS applicable for the 2020-2021 school year are included in the TAC to assist educators with planning and to avoid confusion.

The text of 19 TAC §§110.30-110.34 and 110.85 proposed for repeal can be found on the TEA website at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>. The text of 19 TAC §§128.30-128.32 proposed for repeal can be found on the TEA website at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would repeal existing regulations by removing rules that will be superseded beginning with the 2020-2021 school year.

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

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would remove language that will be superseded by new rules beginning with the 2020-2021 school year to avoid confusion. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 6, 2020, and ends April 10, 2020. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2020 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 March 6, 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

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

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, §§110.30-110.34, and Subchapter D, Other High School English Language Arts and Reading Courses, §110.85, and Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, §§128.30-128.32.

Staff Members Responsible:

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

**Adoption of Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations
(Adoption of Review)**

January 31, 2020

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations. The rules being reviewed establish procedures for the adoption, purchase, and distribution of instructional materials.

STATUTORY AUTHORITY: The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 66, Subchapters A-C, is the Texas Education Code (TEC), §§7.102(c)(23), 31.002, 31.003, 31.023, 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

The Texas Government Code, §2001.039, requires all state agencies to review their rules at least once every four years.

The TEC, §7.102(c)(23), requires the SBOE to adopt and purchase or license instructional materials as provided by the TEC, Chapter 31, and adopt rules required by that chapter.

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

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

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

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

supplemental instructional material and requires the material to comply with the review and adoption cycle provisions.

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

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

PREVIOUS BOARD ACTION: The review of 19 TAC Chapter 66, Subchapters A, B, and C, was presented to the Committee on Instruction at the November 2019 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Rules in 19 TAC Chapter 66, Subchapter A, outline general provisions for instructional materials such as manufacturing standards and specifications and administrative penalties for violations of statute. Subchapter B addresses the adoption of instructional materials, covering topics such as proclamations, public notice, and schedules for adopting instructional materials; requirements for publisher participation; procedures for handling of samples and public access to samples; public comment on instructional materials; adding content during panel review and during the public comment period; and updates to adopted instructional materials. Subchapter C specifies requirements for publishers to provide each school district with certain information about materials submitted for adoption and outlines the district's responsibility in selecting and maintaining instructional materials. The SBOE maintains authority to adopt rules on instructional materials; therefore, the need for the rules in Subchapters A-C remains.

A separate item in this agenda presents a one-time procedural action to 19 TAC §66.28, Requirements for Publisher Participation.

PUBLIC COMMENTS: The Texas Education Agency (TEA) filed the proposed review of 19 TAC Chapter 66, Subchapters A, B, and C, with the Texas Register following the November 2019 SBOE meeting. The public comment period on the proposed review began December 20, 2019, and ended January 24, 2020. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBOE during the January 2020 meeting. The SBOE will take registered oral and written comments on the proposed review at the committee meeting in January 2020 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Adopt the review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations.

Staff Members Responsible:

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

Attachment: Text of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations

ATTACHMENT
Text of 19 TAC

Chapter 66. State Adoption and Distribution of Instructional Materials

Subchapter A. General Provisions

§66.4. Requirement for Registers.

- (a) A register shall be kept by the commissioner of education and appropriate staff of the Texas Education Agency (TEA) to record all personal contacts with publishers, their representatives, agents, authors, consultants, editors, depositories, or any other person who has received or expects to receive any money, thing of value, or financial benefit for an appearance; or contact regarding any instructional materials submitted and being considered for State Board of Education (SBOE) approval.
- (b) Publishers shall file with the commissioner of education, on or before a date specified in the schedule of adoption procedures in each proclamation, a register indicating all visits, meetings, or contacts with SBOE members, including the date, time, location, and purpose of the communication.

Statutory Authority: The provisions of this §66.4 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.030, and 31.151.

Source: The provisions of this §66.4 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective May 5, 2016, 41 TexReg 3137.

§66.10. Procedures Governing Violations of Statutes--Official Complaints.

- (a) An official complaint alleging a violation of the Texas Education Code (TEC), §31.151, or a rule implementing that section, for an instructional material adopted by the State Board of Education (SBOE) shall be filed with the commissioner of education. An official complaint shall be made on a form prescribed by the commissioner of education.
- (b) The complaint form shall require:
 - (1) a citation to the specific provision under the TEC, §31.151, or rule for which a violation is alleged;
 - (2) identification of the publisher or manufacturer responsible for the alleged violation;
 - (3) facts showing that a likely violation has occurred such as identification of the particular instructional material and page number where each alleged error occurs; and
 - (4) signature and contact information of the person complaining of the alleged violation.
- (c) If a complainant fails to submit a properly completed complaint form after being given an opportunity to make corrections, the allegations will not be reviewed by the commissioner of education and will not be submitted to the SBOE.
- (d) An allegation of a factual error in instructional materials currently under consideration by the SBOE for adoption may not be submitted as an official complaint but must be submitted to the SBOE in accordance with relevant provisions in this chapter.
- (e) After investigating an official complaint or an allegation brought forward by the Texas Education Agency (TEA) staff, the commissioner of education shall recommend to the SBOE in writing whether to hold a hearing concerning an administrative penalty under the TEC, §31.151.
- (f) The commissioner of education shall provide the recommendation to the complainant, if any; the publisher or manufacturer accused of the alleged violation; and members of the SBOE.
- (g) If the SBOE receives a recommendation under subsection (f) of this section, the SBOE chair may include the item for consideration on a future SBOE agenda. If the item is placed on the agenda, TEA staff will present the recommendation.

- (h) Upon a vote by the SBOE that a hearing shall be held to determine whether a penalty should be assessed, a hearing will be heard before the State Office of Administrative Hearing in accordance with Chapter 157 of this title (relating to Hearings and Appeals). The SBOE shall request either the commissioner of education or the Attorney General to present the case before the State Office of Administrative Hearings.
- (i) If the parties before the State Office of Administrative Hearings come to an agreement for settling the case, the issue of whether the agreement should be accepted will be placed on a future SBOE agenda.

Statutory Authority: The provisions of this §66.10 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.030, and 31.151.

Source: The provisions of this §66.10 adopted to be effective May 5, 2016, 41 TexReg 3137.

§66.15. Administrative Penalty.

- (a) Under the Texas Education Code (TEC), §31.151(b), the State Board of Education (SBOE) may assess a reasonable administrative penalty against a publisher or manufacturer found in violation of a provision of the TEC, §31.151(a). The SBOE shall assess an administrative penalty under this section only for a violation based upon an instructional material adopted by the SBOE. An administrative penalty shall be assessed only after the SBOE has granted the publisher or manufacturer a hearing in accordance with the TEC, §31.151; the Administrative Procedure Act; Chapter 157, Subchapter A, of this title (relating to General Provisions for Hearings Before the State Board of Education); and this chapter.
- (b) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(1), or a rule implementing that provision, including assessing an administrative penalty against a publisher or manufacturer who offers an instructional material in this state at a higher price than that offered to any other state, public school, or school district in the United States. A publisher or manufacturer does not violate this provision if within 60 days of the sale at a higher price, the publisher or manufacturer provides a refund in the incremental amount of the lower price compared to the purchase price to all Texas public schools that previously purchased the same instructional material at a higher price and enters into a written agreement with the Texas Education Agency (TEA) to offer the instructional material at the lower price to any Texas public school. An action under this subsection may only be taken for differential pricing that occurs between the time when a public school may start entering orders for a particular school year until the time when a public school may start entering orders for the subsequent school year.
- (c) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(2), or a rule implementing that provision. A publisher or manufacturer does not violate this provision if within 60 days of the sale at a lower price, the publisher or manufacturer provides a refund in the incremental amount of the lower price compared to the original purchase price to all Texas public schools that previously purchased the same instructional material. An action under this subsection may only be taken for differential pricing that occurs between the time when a public school may start entering orders for a particular school year until the time when a public school may start entering orders for the subsequent school year.
- (d) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(3), or a rule implementing that provision. A publisher or manufacturer does not violate this provision if within 60 days of dissemination of instructional materials or ancillary items free of charge, the publisher or manufacturer provides a refund of the purchase to all Texas public schools that previously purchased the same instructional material and enters into a written agreement with the TEA that the ancillary items will be provided free of charge if any Texas public school buys the instructional material at issue.
- (e) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(4), or a rule implementing that provision. A publisher or manufacturer does not violate this provision if within 60 days of dissemination of instructional materials of higher quality, the publisher or manufacturer provides new copies of the higher quality instructional material at no charge or, with the public school consent, a refund equivalent to the price of the lower quality material to all Texas public schools that previously purchased the same instructional material.

- (f) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(4) or (9), or a rule implementing those provisions, including:
- (1) an administrative penalty for selling instructional materials with factual errors. The SBOE may assess an administrative penalty against a publisher or manufacturer of instructional materials who sells instructional materials that have been adopted by the SBOE and contain factual errors unless, within 60 days of knowledge of the factual error, the publisher or manufacturer corrects the factual error, including revising web-based instructional materials, providing corrective materials to public schools that have received material containing the factual error, and ensuring no further distribution of materials occurs without correction of the error; or
 - (2) an administrative penalty for failure to correct factual errors. The SBOE may assess an administrative penalty against a publisher or manufacturer who fails to correct a factual error, including:
 - (A) failure to correct a factual error identified in the list of corrections submitted by a publisher under §66.28(c)(11) of this title (relating to Requirements for Publisher Participation);
 - (B) failure to correct a factual error identified in the report of the commissioner of education under §66.63(e) of this title (relating to Report of the Commissioner of Education) and required by the SBOE; or
 - (C) failure to correct a factual error identified and required by the SBOE prior to the adoption of the instructional material.
- (g) For purposes of this section:
- (1) a factual error shall be defined as a verified error of fact or any error that would interfere with student learning. The context, including the intended student audience and grade level appropriateness, shall be considered;
 - (2) a factual error repeated in a single item or contained in both the student and teacher components of instructional material shall be counted once for the purpose of determining penalties. An identical error in materials with multiple components and formats shall be counted as one error; and
 - (3) a penalty may be assessed for failure to correct a factual error identified in the list of corrections submitted by a publisher under §66.28(c)(11) of this title or for failure to correct a factual error identified in the report of the commissioner of education under §66.63(a) of this title and required by the SBOE. The publisher shall identify errata in an appropriate manner.
- (h) For purposes of subsection (f)(2) of this section, a penalty of \$5,000 shall be assessed for each failure to correct a factual error:
- (1) after the deadline established in the proclamation by which publishers must have submitted corrected samples of adopted instructional materials for violations of subsection (f)(2)(A) of this section; or
 - (2) prior to distribution to public schools after the SBOE has identified the factual error for violations of subsection (f)(2)(B) and (C) of this section.
- (i) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(5), or a rule implementing those provisions.
- (j) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(6), (7), or (8), or a rule implementing those provisions, including:
- (1) a penalty for failure to deliver adopted instructional materials, including teacher components, in a timely manner or in the quantities the school district or open-enrollment charter school is eligible to receive as specified in the publisher's bid; and

- (2) a penalty for failure to deliver adopted instructional materials, including teacher components, in accordance with provisions in the contracts if the failure extends beyond 45 days.
- (k) The SBOE may assess an administrative penalty against a publisher or manufacturer who fails to maintain a website or provide a suitable alternative for conveying the information in the website, or who otherwise fails to meet the requirements of §66.29 of this title (relating to Websites in State-Adopted Instructional Materials).
- (l) The SBOE may, if circumstances warrant, waive or vary penalties contained in this section for first or subsequent violations based on the seriousness of the violation, any history of a previous violation or violations, the amount necessary to deter a future violation, any effort to correct the violation, and any other matter justice requires.
- (m) Each affected publisher shall issue credit to the TEA in the amount of any penalty imposed under the provisions of this section. When circumstances warrant it, the TEA is authorized to require payment of penalties in cash within ten days. Each affected publisher who pays a fine for failure to deliver adopted instructional materials in a timely manner will not be subject to the liquidated damages provision in the publisher's contract for the same failure to deliver adopted instructional materials in a timely manner.
- (n) All administrative penalties shall be credited to the public schools instructional materials allotment funds under the TEC, §31.0212.

Statutory Authority: The provisions of this §66.15 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.030, and 31.151.

Source: The provisions of this §66.15 adopted to be effective May 5, 2016, 41 TexReg 3137.

Subchapter B. State Adoption of Instructional Materials

§66.21. Review and Adoption Cycle.

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

materials for a subject is sufficiently current. Estimated expenditures and historical or expected legislative appropriations shall be considered when determining placement of subjects in the cycle.

- (4) The adoption cycle for subjects in the enrichment curriculum shall be organized so that placement of a subject in the cycle is based on the need for up-to-date materials that align to revised Texas essential knowledge and skills or the addition of new courses. Estimated expenditures and historical or expected legislative appropriations shall be considered when determining placement of subjects in the cycle.

Statutory Authority: The provisions of this §66.21 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.21 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 21, 2014, 39 TexReg 3855; amended to be effective May 5, 2016, 41 TexReg 3137.

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

- (a) Texas Education Code (TEC), §31.002, defines instructional materials as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book; supplementary materials; a combination of a book, workbook, and supplementary materials; computer software; magnetic media; DVD; CD-ROM; computer courseware; on-line services; or an electronic medium or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.
- (b) Upon the adoption of revised Texas essential knowledge and skills (TEKS), the State Board of Education (SBOE) shall conduct an investigation to determine the extent of the revisions and whether revisions have created a need for new instructional materials.
- (c) The SBOE shall issue a proclamation calling for instructional materials according to the review and adoption cycle adopted by the SBOE if the investigation required in subsection (b) of this section results in the determination that a proclamation is necessary. The proclamation shall serve as notice to all publishers and to the public that bids to furnish new materials to the state are being invited and shall call for:
 - (1) new instructional materials aligned to all of the TEKS for a specific subject and grade level or course(s) and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage;
 - (2) supplemental material aligned to new or expanded TEKS for a specific subject and grade level or course(s) and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage;
 - (3) new information demonstrating alignment of current instructional materials to the revised TEKS for a specific subject and grade level or course(s) and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage; or
 - (4) any combination of the calls described by paragraphs (1)-(3) of this subsection.
- (d) The essential knowledge and skills adopted in this title effective in the year in which instructional materials are intended to be made available in classrooms are the SBOE's official rule governing essential knowledge and skills that shall be used to evaluate instructional materials submitted for consideration under the corresponding proclamation.
- (e) The essential knowledge and skills that will be used to evaluate instructional materials submitted for consideration under a proclamation and a copy of each proclamation issued by the SBOE may be accessed

from the Texas Education Agency website and are available for examination during regular office hours, 8:00 a.m. to 5:00 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

- (f) Proclamations calling for supplemental materials or new information only shall be issued at least 12 months before the scheduled adoption of instructional materials. Proclamations that include a call for complete new materials to cover all of the TEKS shall be issued at least 18 months before the scheduled adoption of the new instructional materials.
- (g) Each proclamation shall contain the following:
 - (1) information about and reference to essential knowledge and skills in each subject for which bids are being invited;
 - (2) the requirement that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic pre-adoption sample of the instructional materials as required by the TEC, §31.027(a) and (b), and may not submit a print sample copy;
 - (3) the requirement that electronic samples include a word search feature;
 - (4) the requirement that publishers file with the Texas Education Agency (TEA) print samples, electronic samples in an open file format or closed format, or galley proofs for use by state review panels;
 - (5) the student enrollment of the courses or grade levels called for, to the extent that it is available, for the school year prior to the year in which the proclamation is issued;
 - (6) specifications for providing computerized files to produce braille versions of adopted instructional materials;
 - (7) specifications for ensuring that electronic instructional materials are fully accessible to students with disabilities;
 - (8) a schedule of adoption procedures; and
 - (9) an option for the submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (h) The proclamation shall require the instructional materials submissions to cover:
 - (1) content essential knowledge and skills for the subject area and grade level or course for which the materials are intended:
 - (A) at least once in the student text narrative; and
 - (B) once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; and
 - (2) process essential knowledge and skills:
 - (A) at least once in the student text narrative and once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; or
 - (B) twice in an end-of-section review exercise, an end-of-chapter activity, or a unit test.
- (i) A draft copy of the proclamation shall be provided to each member of the SBOE and posted on the TEA website, and the TEA shall solicit input regarding the draft proclamation prior to its scheduled adoption by the SBOE. Any revisions recommended as a result of input from publishers shall be presented to the SBOE along with the subsequent draft of the proclamation.
- (j) If the SBOE determines that good cause as defined by the SBOE exists, the SBOE may adopt an emergency, supplementary, or revised proclamation without complying with the timelines and other requirements of this section.

- (k) The SBOE may issue a proclamation for instructional materials eligible for midcycle review. The midcycle adoption process shall follow the same procedures as the regular adoption except to the extent specified in this subsection.
- (1) The midcycle proclamation shall include a fee not to exceed \$10,000 for each program or system of instructional materials intended for a certain subject area and grade level or course submitted for midcycle review. Publishers participating in the midcycle review process are responsible for all expenses incurred by their participation.
 - (2) A publisher who intends to offer instructional materials for midcycle review shall commit to provide the instructional materials to school districts in the manner specified by the publisher. The manner in which instructional materials are provided may include:
 - (A) providing the instructional materials to any district in a regional education service center area identified by the publisher; or
 - (B) providing a certain maximum number of instructional materials specified by the publisher.
 - (3) The publisher of instructional materials submitted for midcycle review shall enter into a contract with the SBOE for a term that ends at the same time as any contract entered into by the SBOE for instructional materials for the same subject and grade level.
 - (4) The publisher of instructional materials submitted for midcycle review is not required to provide samples to education service centers or school districts as specified in the TEC, §31.027.
 - (5) The publisher of instructional materials submitted for midcycle review shall make available one electronic examination copy of each submitted instructional materials product, including materials intended for teacher use and ancillaries, to each SBOE member upon that member's request, beginning on the date in the adoption schedule when publishers file their samples at the TEA. The state does not guarantee return of these SBOE-requested materials.

Statutory Authority: The provisions of this §66.27 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.27 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective September 1, 1997, 22 TexReg 3779; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective October 12, 2006, 31 TexReg 8354; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

§66.28. Requirements for Publisher Participation.

- (a) A publisher who intends to offer instructional materials for review shall comply with product standards and specifications.
 - (1) Hard copy instructional materials adopted by the State Board of Education (SBOE) shall comply with the standards in the latest edition of Manufacturing Standards and Specifications for Textbooks approved by the National Advisory Commission on Textbook Specifications, as applicable. If the commissioner of education determines that good cause exists, the commissioner may approve an exception for a specific portion or portions of this requirement.
 - (2) A publisher who offers electronic instructional materials must provide a report for each electronic component that verifies that the components follow Web Content Accessibility (WCAG) 2.0 AA standards and technical standards required by the Federal Rehabilitation Act, Section 508. The report must be prepared by an independent third party and be based on an audit testing the accessibility of a random sampling of pages as outlined in each proclamation. The number of pages to be audited to meet the requirements in the proclamation shall be determined by the publisher.
 - (3) A publisher who provides access to materials to students with disabilities through an alternate format shall include a link to that material on the entrance page of the main product.

- (4) Materials delivered online shall meet minimum web-based standards.
 - (5) A publisher shall file a statement certifying instructional materials submitted for consideration will meet applicable product standards and specifications if adopted. Each statement must be made in a format designated by the commissioner of education, signed by a company official, and filed on or before the deadline specified in the schedule of adoption procedures in each proclamation.
 - (6) If, during the contract period, the commissioner of education determines that any adopted instructional materials have faulty manufacturing characteristics or are made of inferior materials, the materials shall be replaced by the publisher without cost to the state.
 - (7) A publisher of adopted instructional materials shall make available samples that meet the requirements of this subsection to an SBOE member upon that member's request, beginning on the date the publishers are required to submit their samples to the Texas Education Agency (TEA).
- (b) A publisher who intends to offer instructional materials for adoption shall submit a statement of intent to bid on or before the date specified in the schedule of adoption procedures.
- (1) The statement of intent to bid shall be submitted in a format designated by the commissioner of education.
 - (2) A publisher shall indicate in the statement of intent to bid the percentage of Texas essential knowledge and skills that the publisher believes are sufficiently covered in each instructional materials submission.
 - (3) A publisher shall specify hardware and system requirements needed to review any item included in an instructional materials submission.
 - (4) Additions to a publisher's statement of intent to bid shall not be accepted after the deadline for filing statements of intent to bid, except as allowed in the schedule of adoption procedures included in a proclamation.
 - (5) A publisher who intends to offer instructional materials for midcycle review shall submit a statement of intent to bid and price information on or before the date specified in the schedule of adoption procedures under midcycle review. The statement of intent to bid must:
 - (A) specify the manner in which instructional materials will be provided to school districts as specified in §66.27(k)(2) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials); and
 - (B) include payment of the fee for review of instructional materials submitted for midcycle review.
- (c) A publisher who intends to offer instructional materials for review shall comply with the following requirements for providing pre-adoption samples.
- (1) Complete electronic samples of student and teacher components of instructional materials shall be provided to the TEA and the 20 regional education service centers (ESCs) on or before the date specified in the schedule of adoption procedures in a proclamation. Samples submitted for review shall be complete versions of the final product and must include all content intended to be in the final product, not just the content identified in the correlations. Samples of electronic products must be fully functional for review purposes and meet any other specifications identified in the proclamation. The original sample submission must remain unchanged through the entire review and adoption process, though updated samples can be added to the publisher's submission. These samples are copyrighted by the publisher and are not to be downloaded for use in classrooms or for any purpose other than public review.
 - (2) The TEA may request additional samples if they are needed. These samples shall be available for public review. Publishers of instructional content accessed through the internet shall provide appropriate information, such as locator and login information and passwords, required to ensure public access to their programs throughout the review period.

- (3) If the commissioner of education determines that good cause exists, the commissioner may extend the deadline for filing samples with ESCs. At its discretion, the SBOE may remove from consideration any materials proposed for adoption that were not properly supplied to the ESCs, the TEA, or SBOE members.
- (4) A publisher shall provide a complete description of all student and teacher components of an instructional materials submission along with the required electronic sample.
- (5) On request of a school district, a publisher shall provide an electronic sample of submitted instructional materials and may also provide print sample copies. A publisher of prekindergarten materials is not required to submit electronic samples of adopted prekindergarten instructional materials. Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering.
- (6) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.
- (7) One sample copy of each student and teacher component of an instructional materials submission shall be provided for each member of the appropriate state review panel in accordance with instructions provided by the TEA. Publishers have the option to file with the TEA print samples, electronic samples in an open file format or closed format, or galley proofs. An electronic sample of print instructional materials must be offered in a format that simulates the print or "view only" version and that does not contain links to external sources. To ensure that the evaluations of state review panel members are limited to student and teacher components submitted for adoption, publishers shall not provide ancillary materials or descriptions of ancillary materials to state review panel members.
- (8) On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for review with essential knowledge and skills required by the proclamation. Correlations shall be provided for materials designed for student use and materials designed for teacher use and must identify evidence of each student expectation addressed in the ways specified in §66.27(h) of this title. Correlations shall be submitted in a format designated by the commissioner of education.
- (9) The TEA, ESCs, and participating publishing companies shall work together to ensure that hardware or special equipment necessary for review of any item included in a student and/or teacher component of an instructional materials submission is available in each ESC. Participating publishers may be required to lend such hardware or special equipment to any member of a state review panel who does not have access to the necessary hardware or special equipment.
- (10) A publisher shall provide a list of all corrections required to be made to each student and teacher component of an instructional materials submission to bring them into compliance with applicable laws, rules, or the proclamation. The list must be in a format designated by the commissioner of education and filed on or before the deadline specified in the schedule of adoption procedures. If no corrections are necessary, the publisher shall file a statement to that effect in a format designated by the commissioner of education on or before the deadline in the schedule for submitting the list of corrections. On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.
- (11) One complete electronic sample copy in an open file format or closed format of each student and teacher component of adopted instructional materials that incorporate all corrections required by the SBOE shall be filed with the commissioner of education on or before the date specified in the schedule of adoption procedures. The complete sample copies filed with the TEA must be representative of the final program. In addition, each publisher shall file an affidavit signed by an official of the company verifying that all corrections required by the commissioner of education and SBOE have been made.

- (12) Publishers participating in the adoption process are responsible for all expenses incurred by their participation. The state does not guarantee return of sample instructional materials.
- (d) A publisher who intends to offer instructional materials for adoption shall comply with the following bid requirements.
 - (1) Publishers shall file official bids with the commissioner of education according to the schedule of adoption procedures and in a manner designated by the commissioner.
 - (2) The official bid price of an instructional materials submission may exceed the price included with the statement of intent to bid filed under subsection (b) of this section.
 - (3) The official bid filed by a publisher shall include separate prices for each item included in an instructional materials submission. A publisher shall guarantee that individual items included in the student and/or teacher component are available for local purchase at the individual prices listed for the entire contract period.
 - (4) A publisher may submit supplemental bids with new package options or lower prices for existing packages or components according to the schedule of adoption procedures included in the proclamation. Supplemental bids may not be submitted for prices higher than were provided in the initial bids.
 - (5) Each instructional material or ancillary material that is offered as part of a bundle must also be available for purchase individually.
- (e) A publisher who intends to offer instructional materials for adoption shall comply with the following additional requirements.
 - (1) A publisher shall submit to the TEA a signed affidavit including the following:
 - (A) certification that each individual whose name is listed as an author or contributor of the instructional materials contributed to the development of the instructional materials; and
 - (B) a general description of each author's or contributor's involvement in the development of the instructional materials.
 - (2) Student materials offered for possible adoption may include consumable components in subjects and grade levels in which consumable materials are not specifically called for in the proclamation. In such cases, publishers must meet the following conditions.
 - (A) The per student price of the materials must include the cost of replacement copies of consumable student components for the full term of the adoption and contract, including any extensions of the contract terms, but for no more than 12 years. The offer must be set forth in the publisher's official bid.
 - (B) The publisher's official bid shall contain a clear explanation of the terms of the sale, including the publisher's agreement to supply consumable student materials for the duration of the contract and extensions as noted in subparagraph (A) of this paragraph.
 - (C) The publisher and the school district shall determine the manner in which consumable student materials are supplied beyond the initial order year.
- (f) A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of the TEA.
- (g) A publisher or author may not solicit input, directly or indirectly, on new or revised content from a member of the state review panel for a product the panelist reviewed while the product is being considered or even after the product has been adopted or rejected.
- (h) A publisher who intends to offer instructional materials for adoption shall comply with additional requirements included in a proclamation related to submission of instructional materials for adoption.

Statutory Authority: The provisions of this §66.28 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.28 adopted to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

§66.29. Websites in State-Adopted Instructional Materials.

- (a) This section applies only to a website that is a component used to address Texas essential knowledge and skills as part of a state-adopted product.
- (b) A publisher shall monitor, update, and maintain any in-house and third party electronic, web-based, or online products furnished as part of the instructional materials specified in the contract for the period determined by the State Board of Education (SBOE).
- (c) If, at any time during the contract period, the commissioner of education determines in a hearing that electronic, web-based, or online instructional materials furnished and supplied under the terms of a contract have faulty manufacturing characteristics or display dated or inferior information that is not in alignment with the Texas essential knowledge and skills that were in place at the time of the materials' original adoption, the instructional materials or information shall be replaced with complying materials or information by the publishers without cost to the state.
- (d) Electronic, web-based, or online instructional materials may not be altered in any way that would remove or change content that was used to qualify the product for adoption in the curriculum without prior SBOE approval.
- (e) The publisher may not allow advertising of any type to be placed in or associated with the materials.
- (f) The publisher may not add any Internet links to the materials without the approval of the commissioner of education, will not redirect any user accessing the web-based or online instructional materials to other Internet or electronic sites that are not directly related to the content, and may not collect any information about the user or computer accessing the materials that would allow determination of personal information, including email addresses, without a fully executed data-sharing agreement between the publisher and the local school district that protects user data and limits its use to permitted educational purposes only.

Statutory Authority: The provisions of this §66.29 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.29 adopted to be effective May 5, 2016, 41 TexReg 3137.

§66.30. State Review Panels: Eligibility and Appointment.

- (a) The commissioner of education shall determine the number of review panels needed to review instructional materials under consideration for adoption, the number of persons to serve on each panel, and, subject to this section, the process for selecting panel members.
- (b) As determined by this section, panel members shall serve with the advice and consent of the member from whose district the panel member resides.
- (c) The commissioner of education shall solicit nominations for possible appointees to state review panels from the State Board of Education (SBOE), school districts, open-enrollment charter schools, and educational organizations in the state. Nominations may be accepted from any Texas resident. Nominations shall not be made by or accepted from any publishers; hardware or software providers; authors; depositories; agents for publishers, hardware or software providers, authors, or depositories; or any person who holds any official position with a publisher, hardware or software provider, author, depository, or agent.
- (d) A person nominated to serve on a state review panel shall disclose in any nomination or application, in a manner designated by the commissioner of education, his or her residence and whether currently or at any time in the 36 months preceding the appointment the person:

- (1) was employed by or received funds from any individual or entity affiliated with a publishing company involved in or connected to the adoption of instructional materials;
 - (2) owned or controlled any interest valued at more than \$5,000 in a privately owned publishing company or an entity receiving funds from a publishing company involved in or connected to the adoption of instructional materials or had direct ownership of stock of a publicly traded company involved in or connected to the adoption of instructional materials; or
 - (3) was employed by an institution of higher education that has submitted open education resource instructional materials or is a publisher of instructional materials.
- (e) The commissioner of education shall propose appointments to state review panels that, to the extent possible, as determined by the commissioner, include the following:
- (1) individuals nominated by SBOE members;
 - (2) individuals representing a diverse mixture of gender, race, and SBOE districts;
 - (3) a majority of members with content expertise and experience;
 - (4) academic experts in each subject area for which instructional materials are being considered, giving priority to content-relevant educators and professors; and
 - (5) educators, parents, business and industry representatives, and employers.
- (f) For purposes of this section, an "academic expert" is a person who:
- (1) is a public school teacher with at least ten years of classroom teaching experience; or
 - (2) has at least a master's degree in the subject area; or
 - (3) is a professor at an accredited four-year institution of higher education in Texas.
- (g) The commissioner of education shall notify the SBOE of the proposed appointments. The commissioner shall assign each appointee to the SBOE district in which he or she resides.
- (h) An SBOE member may reject the proposed appointment of a panel member representing that member's SBOE district by notifying the commissioner via electronic mail within seven days of receiving the proposed appointment list. Failure to reject a proposed appointment within seven days constitutes consent for the appointment.
- (i) After close of the seven-day period under subsection (h) of this section, the commissioner may propose additional members if necessary. The commissioner shall provide to the SBOE member who represents the district of residence for each additional proposed panel member the opportunity for review of additional members in accordance with the time period and rejection rules under subsection (h) of this section. The SBOE shall be notified of finalized appointments made by the commissioner of education to state review panels. The final list of appointees, their roles, and who nominated them shall be given to each member of the SBOE no later than the first public meeting following the finalization of the panels.
- (j) The commissioner of education shall inform nominees who are not appointed to a state review panel that all members of the public may review instructional materials and give input during the public comment period.
- (k) The role of each appointee shall be designated by the commissioner of education and disclosed to all appointees on each panel.
- (l) Members of a state review panel may be removed at the discretion of the commissioner of education at any time prior to the completion of the review.

Statutory Authority: The provisions of this §66.30 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.30 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective May 21, 2014, 39 TexReg 3855; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

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

- (a) State review panel members shall participate in training that includes at least the following:
 - (1) the responsibilities of a state review panel member;
 - (2) statutes and rules pertaining to the state adoption process;
 - (3) essential knowledge and skills specified for subjects and grades or courses included in the proclamation;
 - (4) clear and consistent guidelines for determining Texas essential knowledge and skills (TEKS) coverage within the instructional materials;
 - (5) identifying factual errors;
 - (6) the schedule of adoption procedures;
 - (7) instruction in the use of technology appropriate to media submitted for adoption; and
 - (8) regulatory requirements, including the Government Code, §572.051 (relating to Standards of Conduct), and the Texas Penal Code, §36.02 (relating to Bribery). Copies of the statutes mentioned in this section shall be supplied to each state review panel member.

- (b) The duties of the members of a state review panel are to:
 - (1) evaluate all instructional materials submitted for review assigned to the panel to determine if essential knowledge and skills are covered in the instructional materials intended for student use and the instructional materials intended for teacher use. All portions of instructional materials must be reviewed by at least two panel members for the purpose of this review. Nothing in this rule shall be construed to contravene the Texas Education Code (TEC), §28.004(e)(5), which makes coverage of contraception and condom use optional in both the student and teacher editions of health instructional materials. Coverage must be identified as described in §66.27(h) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials) to be considered complete. The requirements to be met in evaluating coverage of essential knowledge and skills shall include the following.
 - (A) State review panel members must participate in a team during the review and reach a consensus, or a simple majority if the panel members are unable to reach consensus, to determine whether the TEKS have been covered sufficiently in the instructional materials.
 - (B) A publisher's citation for coverage of any specific student expectation may be accepted only if it provides one of the following:
 - (i) an opportunity for the teacher to teach the component of the knowledge or skill in the teacher material;
 - (ii) an opportunity for the student to learn the component of the knowledge or skill in the student material or the teacher material; or
 - (iii) an opportunity for the student to demonstrate the component of the knowledge or practice the component of the skill in the student material or the teacher material.
 - (C) Student expectations are not considered covered if only included in side bars, captions, or questions at the end of a section or chapter.
 - (D) Each student expectation must be clearly evident in the instructional materials to ensure sufficient coverage.
 - (E) Student expectations that contain the word "including" reference content that must be covered in instructional materials, while those containing the phrase "such as" are intended as possible illustrative examples and are not required to be covered in instructional materials;

- (2) submit a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role, to the commissioner of education indicating which TEKS are and are not covered in each product assigned to be evaluated by the state review panel;
 - (3) if applicable, submit a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role, to the commissioner of education indicating which English language proficiency standards required for any specific product as established by the proclamation are and are not covered in each product assigned to be evaluated by the state review panel;
 - (4) submit to the commissioner of education a list of all factual errors in instructional materials discovered during the review conducted by the state review panel through the submission of a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role;
 - (5) as appropriate for a subject area and/or grade level, ascertain that instructional materials submitted for review do not contain content that clearly conflicts with the stated purpose of the TEC, §28.002(h); and
 - (6) at the conclusion of the review process, certify to the SBOE compliance with subsection (a) of this section and with this subsection.
- (c) State review panel members shall not accept meals, entertainment, gifts, or gratuities in any form from SBOE members; publishers, authors, or depositories; agents for publishers, authors, or depositories; any person who holds any official position with publishers, authors, depositories, or agents; or any person or organization interested in influencing the selection of instructional materials.
 - (d) Before presenting a final report to the commissioner of education, state review panel members shall be given an opportunity to request a meeting with a publisher to obtain responses to questions regarding instructional materials being evaluated by the state review panel. Questions shall be provided to publishers in advance of the meeting.
 - (e) State review panel members shall be afforded the opportunity to collaborate with other panel members during the official virtual and face-to-face reviews to discuss coverage of TEKS, errors, components, or any other aspect of instructional materials being evaluated. A member of a state review panel shall not discuss with other members of the panel the instructional materials being reviewed, except during official virtual and face-to-face reviews.
 - (f) State review panel members shall not discuss instructional materials being evaluated with a member of the State Board of Education (SBOE) or with any party having a financial interest in the adoption of instructional materials prior to the conclusion of the review. The review is considered to have concluded on the date that the list of instructional materials recommended for adoption is posted on the Texas Education Agency (TEA) website.
 - (g) SBOE members may attend review panel meetings but may not discuss materials under review with state review panel members.
 - (h) State review panel members shall observe a no-contact period that shall begin with the initial communication regarding possible appointment to a state review panel and end when the final report showing the findings of the review panels is posted on the TEA website. During this period, state review panel members shall not have direct or indirect communication with any person having an interest in the adoption process regarding content of instructional materials under evaluation by the panel.
 - (i) The restrictions in subsections (e)-(h) of this section are not intended to prohibit members of the state review panels from seeking advice from educators, experts, or parents regarding the meaning or intent of the student expectations that the materials must cover.
 - (j) The restrictions in subsections (e)-(h) of this section are not intended to prohibit members of the state review panels from providing public testimony to the SBOE either at a public hearing or in any regularly scheduled meeting in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).

- (k) State review panel members shall report immediately to the commissioner of education any communication or attempted communication by any person not officially involved in the review process regarding instructional materials being evaluated by the panel.
- (l) State review panel members participating in the face-to-face review shall affix their signatures to all reports to the commissioner of education. State review panel members participating in the virtual review shall submit their reports electronically through email accounts owned by the review panel members, which will serve as their electronic signatures.
- (m) Members of each state review panel may be required to be present at the SBOE meeting at which instructional materials are adopted.

Statutory Authority: The provisions of this §66.36 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.36 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective October 12, 2006, 31 TexReg 8354; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective March 13, 2014, 39 TexReg 1709; amended to be effective May 5, 2016, 41 TexReg 3137.

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

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

Statutory Authority: The provisions of this §66.39 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.39 adopted to be effective May 5, 2016, 41 TexReg 3137.

§66.41. Adding Content During the Panel Review.

- (a) A publisher may add or edit content to instructional materials during the review and adoption process only to allow the materials to:
 - (1) meet the Texas essential knowledge and skills (TEKS) coverage percentage the publisher had specified on the correlation document submitted for that instructional product;
 - (2) meet 100% of the English language proficiency standards (ELPS) designated for the subject and grade for which the instructional product is intended; and

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

Statutory Authority: The provisions of this §66.41 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.41 adopted to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

§66.42. Public Comment on Instructional Materials.

- (a) Any resident of Texas may submit written comments for, against, or about any instructional materials submitted for adoption.
 - (1) Written comments shall be submitted to the commissioner of education in a format designated by the commissioner on or before the deadlines specified in the schedule of adoption procedures.
 - (2) Alleged factual errors shall be submitted to the commissioner of education in a format designated by the commissioner on or before the deadlines specified in the schedule of adoption procedures.
 - (3) Copies of written comments and lists of reported alleged factual errors shall be posted on the Texas Education Agency (TEA) website and provided to the State Board of Education (SBOE) and participating publishers.
- (b) The SBOE shall hold a hearing on instructional materials submitted for review during a regularly scheduled meeting prior to the meeting at which the SBOE will vote to adopt instructional materials.
 - (1) Testimony at the hearing shall be accepted from Texas residents and non-residents with priority given to Texas residents. Copies of written testimony provided at the hearing shall be distributed to SBOE members and to publishers with materials under consideration. Persons who wish to testify must register in accordance with registration procedures in the SBOE Operating Rules, §2.10 (relating to Oral Public Testimony in Connection with Regular Board and Committee Meetings). The SBOE may limit the time available for each person to testify in an effort to hear from everyone who has registered to testify. Persons will also be allowed to register to testify at the hearing, but priority will be given to those persons who registered prior to the deadline, in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).

- (2) Oral responses to testimony at the hearing may be made by official representatives of publishing companies.
 - (3) An archived recording of the hearing shall be provided on the TEA website.
 - (4) All written publisher responses to comments or public testimony provided at the hearing shall be posted to the TEA website within five working days of their receipt.
- (c) Public comment on instructional materials not adopted by the SBOE on the date specified in the schedule of adoption procedures shall be accepted according to the SBOE Operating Rules, §2.10.

Statutory Authority: The provisions of this §66.42 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.42 adopted to be effective May 5, 2016, 41 TexReg 3137.

§66.43. Adding Content During the Public Comment Period.

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

Statutory Authority: The provisions of this §66.43 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.43 adopted to be effective May 5, 2016, 41 TexReg 3137.

§66.63. Report of the Commissioner of Education.

- (a) State review panels appointed by the commissioner of education shall review all instructional materials submitted for consideration for adoption. The commissioner shall prepare a preliminary report on instructional materials under consideration for adoption that includes the following:
 - (1) the findings of the review panels regarding Texas essential knowledge and skills (TEKS) and English language proficiency standards (ELPS) coverage; and
 - (2) alleged factual errors identified by state review panels.
- (b) The preliminary report will be provided to publishers participating in the review process. According to the schedule of adoption procedures, a publisher whose product meets one of the criteria in subsection (d) of this section shall be given an opportunity for a show-cause hearing if the publisher elects to protest the commissioner's preliminary report.
- (c) The show-cause hearing is a formal opportunity for a publisher to present evidence that the preliminary report does not accurately reflect the extent to which the content provided to the state review panels addresses the required TEKS and/or designated ELPS. The show-cause hearing is not a forum to address complaints alleging procedural irregularities or violations of statutes or rules.

- (d) To be eligible for a show-cause hearing, a product must meet the requirements of §66.41(b) of this title (relating to Adding Content During the Panel Review) regarding eligibility to provide new content and, upon completion of the final review, be identified as meeting:
 - (1) at least 95% of the TEKS coverage percentage indicated by the publisher on the correlation document for that product; or
 - (2) less than 50% of the TEKS for the subject and grade for which the product is intended and/or less than 100% of the ELPS designated for the subject and grade for which the product is intended.
- (e) Upon the conclusion of the period of time designated for show-cause hearings, the commissioner of education shall submit to the State Board of Education (SBOE) a final report regarding TEKS and ELPS coverage, alleged factual errors identified by either the publisher or the review panel, and information regarding whether a publisher on the list has refused to rebid instructional materials according to §66.72 of this title (relating to Contracts).

Statutory Authority: The provisions of this §66.63 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.63 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective March 13, 2014, 39 TexReg 1709; amended to be effective May 5, 2016, 41 TexReg 3137.

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

- (a) The State Board of Education (SBOE) shall either adopt or reject each submitted instructional material in accordance with the Texas Education Code (TEC), §31.024.
- (b) The SBOE shall adopt instructional materials in accordance with the TEC, §31.023. Instructional materials may be adopted only if:
 - (1) they meet at least 50% of the Texas essential knowledge and skills (TEKS) when the SBOE calls for materials as specified in §66.27(c)(1) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials) or meet requirements of the proclamation when the SBOE calls for materials as specified in §66.27(c)(2) or (3) of this title for the subject and grade level or course(s) in materials designed for student use and materials designed for teacher use. In determining the percentage of the TEKS covered by instructional materials, each student expectation shall count as an independent element of the TEKS;
 - (2) the publisher has agreed to ensure that they meet the established physical specifications adopted by the SBOE prior to making materials available for use in districts;
 - (3) they are free from factual errors, including significant grammatical or punctuation errors that have been determined to impede student learning, or the publisher has agreed to correct any identified factual errors or grammatical or punctuation errors that have been determined to impede student learning, prior to making them available for use in districts and charter schools;
 - (4) they are deemed to be suitable for the subject area and grade level;
 - (5) they have been reviewed by academic experts in the subject and grade level; and
 - (6) they receive approval by majority vote of the SBOE.
- (c) No instructional material may be adopted that contains content that clearly conflicts with the stated purpose of the TEC, §28.002(h).
- (d) Instructional materials submitted for review may be rejected by majority vote of the SBOE in accordance with the TEC, §31.024.

- (e) A publisher may withdraw from the adoption process at any time prior to execution of a contract with the SBOE for any reason by providing notification in writing to the commissioner of education. Notification of withdrawal is final and irrevocable.
- (f) The commissioner may remove materials from the adopted list if the publisher fails to meet deadlines established in the schedule of adoption procedures.

Statutory Authority: The provisions of this §66.66 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.66 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective September 1, 1997, 22 TexReg 3779; amended to be effective October 12, 2006, 31 TexReg 8354; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective March 13, 2014, 39 TexReg 1709; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

§66.67. Adoption of Open Education Resource Instructional Materials.

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

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

Statutory Authority: The provisions of this §66.67 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.67 adopted to be effective April 27, 2010, 35 TexReg 3257; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

§66.72. Contracts.

- (a) The state contract shall not be changed or modified without approval of the Texas Education Agency (TEA) legal counsel.
- (b) Contracts shall be sent to the publishers for signature. Signed contracts returned by the publishers shall be signed by the chair of the State Board of Education (SBOE) and attested to by the commissioner of education. Properly signed and attested contracts shall be filed with the TEA.
- (c) The publisher of instructional materials adopted by the SBOE shall:
 - (1) enter into a contract with the SBOE for a term not to exceed eight years and that ends at the same time as any contract entered into by the SBOE for other instructional materials for the same subject and grade level; and
 - (2) commit to provide the instructional materials in the manner specified by the publisher in the statement of intent to bid in §66.28(b) of this title (relating to Requirements for Publisher Participation).
- (d) A publisher of adopted materials may add post-contractual bids to its contract in response to identified needs of districts.
- (e) The commissioner of education shall annually review contracts for instructional materials and identify those that should be renewed.
- (f) The SBOE shall renew existing contracts upon determining that the renewal would be in the best interest of the state and after considering the following factors:

- (1) placement of subject areas in the review and adoption cycle;
 - (2) availability and projected cost of new instructional materials;
 - (3) willingness of publishers to renew contracts; and
 - (4) cost of instructional materials under a renewal contract.
- (g) Publishers awarded new contracts shall be prepared to make the adopted instructional materials available for at least one extended contract period of not more than four years at prices that are mutually agreeable to publishers and to the commissioner of education. The SBOE may consider refusing to award future contracts to a publisher who, after receiving written notice to do so, refuses to rebid instructional materials at least one time. Failure of a publisher to negotiate an acceptable price for an extended contract shall not be considered failure to rebid instructional materials.
- (h) Contracts with publishers are subject to all provisions of the Texas Education Code (TEC), Chapter 31.
- (i) The SBOE may execute a contract for the printing of open education resource instructional materials on the adopted list that allows a school district or an open-enrollment charter school to requisition printed copies of open education resource instructional materials as provided by the TEC, §31.103.

Statutory Authority: The provisions of this §66.72 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.72 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective August 15, 1999, 24 TexReg 5699; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

§66.73. Delivery of Adopted Instructional Materials.

- (a) Each publisher is required to have adopted instructional materials in stock and available for distribution to school districts throughout the entire adoption period. A back order is defined as adopted instructional material not in stock when ordered and not available for delivery to school districts or open-enrollment charter schools on the specified shipment date. Upon request, the commissioner of education shall report the number of back-ordered materials by publisher to the State Board of Education (SBOE).
- (b) Each publisher shall guarantee delivery of instructional materials at least ten business days before the opening day of school of the year for which the instructional materials are ordered if the instructional materials have been ordered by a date specified in the publisher's contract with the Texas Education Agency.
- (c) Each publisher with instructional materials on back order shall notify affected school districts of the expected ship dates for each title on back order.

Statutory Authority: The provisions of this §66.73 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.73 adopted to be effective May 5, 2016, 41 TexReg 3137.

§66.75. Updates to Adopted Instructional Materials.

- (a) A publisher may submit a request to the commissioner of education for approval to substitute an updated edition of state-adopted instructional materials. A publisher requesting approval of a new edition shall provide the request in writing in a manner designated by the commissioner of education that includes an explanation of the reason for the update. The request must be accompanied by an electronic sample and a correlation document that meets all the requirements of the correlation document provided for the initial review. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the Texas Education Agency (TEA) website for a minimum of seven calendar days prior to approval.
- (b) Requests for approval of the updated edition shall provide that there will be no additional cost to the state.

- (c) Publishers submitting requests for approval of content updates must certify in writing that the new material meets the applicable essential knowledge and skills and is free from factual errors.
- (d) With prior commissioner approval, publishers may, at any time, make changes that do not affect the product's Texas essential knowledge and skills coverage or its coverage of Texas Education Code, §28.002(h), as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. Requests for approval of updates to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner of education to confirm the changes do not affect Texas essential knowledge and skills coverage or coverage of TEC, §28.002(h). Responses from the commissioner of education to update requests shall be provided within 30 days after receipt of the request. If no action has been taken by the end of the 30 days, the request is deemed approved. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the TEA website for a minimum of seven calendar days prior to approval.
- (e) All requests for updates involving content used in determining the product's eligibility for adoption must be approved by the State Board of Education (SBOE) prior to their introduction into state-adopted instructional materials. Requests must be submitted in a format designated by the commissioner and must include correlations to applicable student expectations. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the TEA website for a minimum of seven calendar days prior to approval. The SBOE may assess penalties as allowed by law against publishers who fail to obtain approval for updates to such content in state-adopted instructional materials prior to delivery of the materials to school districts.
- (f) Publishers must agree to supply the previous version of state-adopted instructional materials to school districts that choose to continue using the previous version during the duration of the original contract. This subsection does not apply to online instructional materials.
- (g) A publisher of instructional materials may provide alternative formats for use by school districts if:
 - (1) the content is identical to SBOE-approved content;
 - (2) the alternative formats include the identical revisions and updates as the original product; and
 - (3) the cost to the state and school is equal to or less than the cost of the original product.
- (h) Alternative formats may be developed and introduced at a time when the subject or grade level is not scheduled in the cycle to be considered for at least two years, in conformance with the procedures for adoption of other state-adopted materials.
- (i) Publishers must notify the commissioner of education in writing if they are providing SBOE-approved products in alternative formats.
- (j) Publishers are responsible for informing districts of the availability of the alternative formats and for accurate fulfillment of orders for them.
- (k) The commissioner of education may add alternative formats of SBOE-approved products to the list of adopted products available to school districts.
- (l) Publishers of SBOE-adopted instructional materials may, at any time, without seeking approval from the SBOE or the commissioner of education, make technical enhancements or improvements that do not add or change content, provided the enhancements do not change the technical requirements for districts to continue to be able to access the materials in the same manner as originally submitted.

Statutory Authority: The provisions of this §66.75 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.75 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective August 15, 1999, 24 TexReg 5699; amended to be effective October 12, 2006, 31 TexReg 8354; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended

to be effective May 21, 2014, 39 TexReg 3855; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

§66.81. Ancillary Materials.

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

Statutory Authority: The provisions of this §66.81 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.

Source: The provisions of this §66.81 adopted to be effective March 13, 2014, 39 TexReg 1709; amended to be effective May 5, 2016, 41 TexReg 3137.

Subchapter C. Local Operations

§66.101. Sample Copies of Instructional Materials for School Districts.

- (a) According to the schedule of adoption procedures, a publisher shall provide each school district and open-enrollment charter school with information that fully describes instructional materials submitted for adoption. Descriptive information provided to each school district or open-enrollment charter school shall be identical to the descriptive information provided to the Texas Education Agency and education service centers.
- (b) Upon request by the instructional materials coordinator of a school district or open-enrollment charter school, a publisher shall provide one complete electronic sample in an open file format or closed format of adopted instructional materials. Samples of learning systems and electronic, visual, or auditory media may be provided in demonstration or representative format. Samples of instructional materials provided to school districts shall be labeled "Sample Copy - Not for Classroom Use." Samples to schools are not required for materials submitted for midcycle review, as specified in §66.27 of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials).
- (c) Samples supplied to school districts shall be provided and distributed at the expense of the publisher. No state or local funds shall be expended to purchase, distribute, or ship sample materials. Publishers may make arrangements with school districts or open-enrollment charter schools to retrieve samples after local selections are completed, but the state does not guarantee return of sample instructional materials.

Statutory Authority: The provisions of this §66.101 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.

Source: The provisions of this §66.101 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137.

§66.104. Selection of Instructional Materials by School Districts.

- (a) Each local board of trustees of a school district or governing body of an open-enrollment charter school shall select instructional materials in an open meeting as required by Texas Government Code, Chapter 551, including public notice.

- (b) A school district or an open-enrollment charter school may requisition instructional materials on the list adopted under the Texas Education Code, §31.023, for grades above the grade level in which the student is enrolled.
- (c) Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled.
- (d) School districts or open-enrollment charter schools shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials.

Statutory Authority: The provisions of this §66.104 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.

Source: The provisions of this §66.104 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective October 12, 2006, 31 TexReg 8358; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137.

§66.105. Certification by School Districts.

- (a) Prior to the beginning of each school year, each school district and open-enrollment charter school shall submit to the State Board of Education (SBOE) and commissioner of education certification that for each subject in the required curriculum under the Texas Education Code, §28.002, other than physical education, and each grade level, the district or charter school provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE. The certification shall be submitted in a format approved by the commissioner of education and can be based on both state-adopted and non-state-adopted materials.
- (b) The certifications shall be ratified by local school boards of trustees or governing bodies in public, noticed meetings.

Statutory Authority: The provisions of this §66.105 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.

Source: The provisions of this §66.105 adopted to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137.

§66.107. Local Responsibility.

- (a) Each school district or open-enrollment charter school shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by, and delivered to, the district. The results of the inventory shall be recorded in the district's files.
- (b) All instructional materials owned by the district or charter school must be turned in to the school at the end of the school year or when a student withdraws from school.
- (c) The board of trustees of a school district or governing body of a charter school may not require an employee of the district or charter school to pay for instructional materials or instructional technology that is stolen, misplaced, or not returned by a student.
- (d) The board of trustees of a school district shall require the employee responsible for ordering instructional materials to complete Texas Education Agency-developed training in the use of the technology and instructional materials allotment and the use of the instructional materials ordering system known as EMAT. Training shall be completed prior to ordering instructional materials for the first time and again each time the district or charter school is notified by the Texas Education Agency that the training has been updated. The school district or charter shall maintain documentation of the completion of the required training.

Statutory Authority: The provisions of this §66.107 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.

Source: The provisions of this §66.107 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective September 1, 1998, 24 TexReg 7779; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective October 12, 2006, 31 TexReg 8358; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.

Approval of Substitution of Instructional Materials for Origo Education

January 31, 2020

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: Origo Education is requesting approval to substitute new editions for six of its adopted products for math: *Stepping Stones Student Journal Kindergarten*, *Stepping Stones Student Journal Grade 1*, *Stepping Stones Student Journal Grade 2*, *Stepping Stones Student Journal Grade 3*, *Stepping Stones Student Journal Grade 4*, and *Stepping Stones Student Journal Grade 5*. The substitutions have been reviewed by agency staff and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel.

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

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

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

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

PREVIOUS BOARD ACTION: Math instructional materials from Origo Education were adopted in November 2013 under *Proclamation 2014*.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Administrative Code §66.75 permits a publisher to submit a request for approval to substitute an updated edition of state-adopted instructional materials. This section also requires that all requests for updates involving content in state-adopted instructional materials be approved by the SBOE prior to their introduction into state-adopted instructional materials.

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

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the request from Origo Education to substitute *Stepping Stones Student Journal Kindergarten*, *Stepping Stones Student Journal Grade 1*, *Stepping Stones Student Journal Grade 2*, *Stepping Stones Student Journal Grade 3*, *Stepping Stones Student Journal Grade 4*, and *Stepping Stones Student Journal Grade 5* adopted in November 2013 under *Proclamation 2014*.

Staff Members Responsible:

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

Separate Exhibit: Origo Education Substitution Request

Proposed Approval of Innovative Courses

January 31, 2020

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

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.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.27, Innovative Courses and Programs, to be effective September 1, 1996, with amendments to be effective September 1, 1998, and December 25, 2007. In November 2019, the SBOE adopted additional amendments to 19 TAC §74.27 to be effective December 25, 2019.

From May 1998 through July 2003, the SBOE approved a total of 45 new innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum through the annual approval process. In May 2004, July 2007, July 2009, January 2011, January 2012, January 2013, and July 2014 the SBOE approved the renewal of innovative courses in addition to approving new courses. In April 2005, April 2006, May 2008, May 2010, and April 2014 the SBOE approved renewal of innovative courses. In July 2010, the SBOE approved one new course. In April 2015, the SBOE approved for a period of five years three expiring course series submitted for renewal. In April 2016, the SBOE approved one new course for a period of three years and one new course for a one-year period. The SBOE approved for a period of five years each the renewal of three expiring innovative courses in November 2016. At the January-February 2017 meeting, the SBOE approved for renewal two expiring innovative courses for a period of five years, and at the April 2017 SBOE meeting, the SBOE approved for renewal three additional courses for a period of five years each. At the June 2017 SBOE meeting, the SBOE approved two new courses for a period of five years each. At the April 2018 SBOE meeting, the SBOE approved one new course for a period of five years. At the January-February 2019 SBOE meeting, the SBOE renewed one course for a period of three years and granted one course a one-year extension. At the April 2019 SBOE meeting, the board approved for renewal two courses for a period of three years and one course for a period of five years. At the June 2019 SBOE meeting, the board approved renewal of one course for a period of three years and one new course for a period of two years.

BACKGROUND INFORMATION AND JUSTIFICATION: After the board adopted new rules concerning graduation requirements, the experimental courses previously approved were phased out as of August 31, 1998. As a result of the adoption of the Texas Essential Knowledge and Skills (TEKS), districts now submit new requests for innovative course approval for courses that do not have TEKS.

The process outlined in 19 TAC §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.

A brief description of the courses submitted for SBOE review and consideration will be provided to SBOE members at the January 2020 meeting. If approved, the recommended effective date for the courses would be August 1, 2020. With the approval of the local board of trustees, the courses would be available for school districts' use beginning with the 2020-2021 school year.

PUBLIC BENEFIT AND COST TO PERSONS: Students would have access to courses that meet local district needs.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum as shown in the separate exhibit.

Staff Members Responsible:

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

Attachment: Text of 19 TAC §74.27, Innovative Courses and Programs

Separate Exhibit: Innovative Courses Recommended for Approval
(to be provided at the January 2020 SBOE meeting)

ATTACHMENT

Text of 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.27. Innovative Courses and Programs.

- (a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.
 - (1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
 - (2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.
 - (3) Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.
 - (4) To request approval from the SBOE or the commissioner of education, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:
 - (A) a description of the course and its essential knowledge and skills;
 - (B) the rationale and justification for the request in terms of student need;
 - (C) data that demonstrates successful implementation or piloting of the course;
 - (D) 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.
 - (5) To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.
 - (6) With the approval of the local board of trustees, a school district may offer, without modifications, any state-approved innovative course.
- (b) An ethnic studies course that has been approved by the commissioner as an innovative course shall be presented to the SBOE for discussion and consideration for inclusion in the TEKS.

- (1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be presented to the SBOE for consideration.
- (2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b) shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

**Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description
of a Required Secondary Curriculum**

January 30, 2020

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

SUMMARY: This item provides an opportunity for the committee to discuss proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum. The proposed amendments would update the rules to align with recent legislation and changes to the technology applications and career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS).

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), as amended by Senate Bill (SB) 11, 86th Texas Legislature, 2019, and House Bill (HB) 18, 86th Texas Legislature, 2019.

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

TEC, §28.002(a), as amended by SB 11 and HB 18, 86th Texas Legislature, 2019, identifies the subjects of the required curriculum.

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

FUTURE ACTION EXPECTED: At the direction of the committee, the proposed amendments to 19 TAC §74.1 and §74.3 will be presented for first reading and filing authorization at a future meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The 86th Texas Legislature, 2019, passed HB 963, which required the SBOE no later than March 1, 2020, to amend its rules in order to consolidate the TEKS for high school for technology application courses with the TEKS for CTE courses and to eliminate duplicative courses. A discussion item regarding 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, was presented to the Committee of the Full Board at the November 2019 SBOE meeting. With the update to the courses for technology applications and the addition of a new CTE career cluster in energy, the SBOE will need to align the courses that districts and charter schools are required to make available to students.

Additionally, SB 11, 86th Texas Legislature, 2019, and HB 18, 86th Texas Legislature, 2019, amended the required curriculum in TEC, §28.002, to add suicide prevention to the topics included in health education. The statutory changes also clarify that health education must include physical health, including the importance of proper nutrition and exercise, and mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making.

The attachment to this item reflects the text of proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum, to align the required secondary curriculum with the changes to the technology applications and CTE TEKS and to reflect recent legislation.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment: Text of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum

ATTACHMENT
Text of Proposed Amendments to 19 TAC
Chapter 74. Curriculum Requirements
Subchapter A. Required Curriculum

§74.1. Essential Knowledge and Skills.

- (a) A school district that offers kindergarten through Grade 12 must offer the following 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, geography, and economics, with emphasis on the free enterprise system and its benefits; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on : ~~[the importance of proper nutrition and exercise;]~~
 - (i) physical health, including the importance of proper nutrition and exercise;
 - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
 - (C) physical education;
 - (D) fine arts;
 - (E) career and technical 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) A school district must provide instruction in the essential knowledge and skills of the appropriate grade levels in the foundation and enrichment curriculum as specified in paragraphs (1)-(12) ~~[(1)-(13)]~~ of this subsection. A school district may add elements at its discretion but must not delete or omit instruction in the foundation and enrichment curriculum specified in subsection (a) of this section.
- (1) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading) : ~~[(1)]~~
 - (2) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) : ~~[(2)]~~
 - (3) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science) : ~~[(3)]~~
 - (4) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies) : ~~[(4)]~~

- (5) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English) . [§]
- (6) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education) . [§]
- (7) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education) . [§]
- (8) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts) . [§]
- ~~(9) Chapter 118 of this title (relating to Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits);~~
- (9) ~~(10)~~ Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications) . [§]
- (10) ~~(11)~~ Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development) . [§]
- (11) ~~(12)~~ Chapter 128 of this title (relating to Texas Essential Knowledge and Skills for Spanish Language Arts and English as a Second Language) . ~~and~~
- (12) ~~(13)~~ Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education).

§74.3. Description of a Required Secondary Curriculum.

- (a) (No change.)
- (b) Secondary Grades 9-12.
 - (1) A school district that offers Grades 9-12 must provide instruction in the required curriculum as specified in §74.1 of this title. The district must ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards.
 - (2) The school district must offer the courses listed in this paragraph and maintain evidence that students have the opportunity to take these courses:
 - (A) English language arts--English I, II, III, and IV and at least one additional advanced English course;
 - (B) mathematics--Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications;
 - (C) science--Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering. The requirement to offer two additional courses may be reduced to one by the commissioner of education upon application of a school district with a total high school enrollment of less than 500 students. Science courses shall include at least 40% hands-on laboratory investigations and field work using appropriate scientific inquiry;
 - (D) social studies--United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, and Economics with Emphasis on the Free Enterprise System and Its Benefits;

- (E) physical education--at least two courses selected from Foundations of Personal Fitness, Adventure/Outdoor Education, Aerobic Activities, or Team or Individual Sports;
 - (F) fine arts--courses selected from at least two of the four fine arts areas (art, music, theatre, and dance)--Art I, II, III, IV; Music I, II, III, IV; Theatre I, II, III, IV; or Dance I, II, III, IV;
 - (G) career and technical education--coherent sequences of courses selected from at least three of the following seventeen ~~sixteen~~ career clusters:
 - (i) Agriculture, Food, and Natural Resources;
 - (ii) Architecture and Construction;
 - (iii) Arts, Audio/Video Technology, and Communications;
 - (iv) Business Management and Administration;
 - (v) Education and Training;
 - (vi) Finance;
 - (vii) Government and Public Administration;
 - (viii) Health Science;
 - (ix) Hospitality and Tourism;
 - (x) Human Services;
 - (xi) Information Technology;
 - (xii) Law, Public Safety, Corrections, and Security;
 - (xiii) Manufacturing;
 - (xiv) Marketing;
 - (xv) Science, Technology, Engineering, and Mathematics; and
 - (xvi) Transportation, Distribution, and Logistics; and
 - (xvii) Energy;
 - (H) languages other than English--Levels I, II, and III or higher of the same language;
 - (I) technology applications-- Computer Science I and Computer Science II or Advanced Placement (AP) Computer Science and at least two courses selected from Computer Science III, Digital Art and Animation, Digital Communications in the 21st Century, Digital Design and Media Production, Digital Forensics, Digital Video and Audio Design, Discrete Mathematics for Computer Science, Fundamentals of Computer Science, Game Programming and Design, Independent Study in Evolving/Emerging Technologies, Independent Study in Technology Applications, Mobile Application Development, Robotics Programming and Design, 3-D Modeling and Animation, Web Communications, Web Design, and Web Game Development; and
 - (J) speech--Communication Applications.
- (3) Districts may offer additional courses from the complete list of courses approved by the State Board of Education to satisfy graduation requirements as referenced in this chapter.
- (4) The school district must provide each student the opportunity to participate in all courses listed in subsection (b)(2) of this section. The district must provide students the opportunity each year to select courses in which they intend to participate from a list that includes all courses required to be offered in subsection (b)(2) of this section. If the school district will not offer the required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. A school district must teach a course that is specifically required for high

school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, the district must either teach the course every year or employ options described in Subchapter C of this chapter (relating to Other Provisions) to enable students to earn credit for the course and must maintain evidence that it is employing those options.

- (5) For students entering Grade 9 beginning with the 2007-2008 school year, districts must ensure that one or more courses offered in the required curriculum for the recommended and advanced high school programs include a research writing component.

- (c) (No change.)

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

**Proposed Repeal of 19 TAC Chapter 105, Foundation School Program,
Subchapter B, Use of State Funds
(First Reading and Filing Authorization)**

January 31, 2020

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

SUMMARY: This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 105, Foundation School Program, Subchapter B, Use of State Funds, §105.11, Maximum Allowable Indirect Cost, and §105.12, Basic Allotment. The proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to maximum allowable indirect costs and the basic allotment for the Foundation School Program (FSP).

STATUTORY AUTHORITY: Texas Education Code (TEC), §48.004, as transferred, redesignated, and amended by HB 3, 86th Texas Legislature, 2019.

TEC, §48.004, as transferred, redesignated, and amended by HB 3, 86th Texas Legislature, 2019, requires the commissioner to adopt rules, take actions, and require reports necessary to implement and administer the FSP.

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 repeal is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date will implement legislation in a timely manner by removing provisions for which statutory authority no longer exists.

PREVIOUS BOARD ACTION: The SBOE adopted §105.11 effective September 1, 1996, and last amended the section effective December 26, 2011. The SBOE adopted §105.12 effective October 10, 1999.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 105.11 establishes the limits that may be expended from special allotments on indirect costs related to compensatory education, bilingual education, special language programs, and special education.

Section 105.12 explains the authorized use of state aid for acquisitions, renovation, repairs, and maintenance of facilities.

HB 3, 86th Texas Legislature, 2019, renumbered TEC, §42.004, to §48.004. The renumbered statute was amended to remove the SBOE's rulemaking authority related to maximum allowable indirect costs and the basic allotment for the FSP. The repeal of the rules is necessary since statutory authority no longer exists.

The proposed rule action was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures.

Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that provisions for which statutory authority no longer exists are removed from the TAC in a timely manner.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would repeal an existing regulation. Section 105.11 and §105.12 would be repealed to implement HB 3, 86th Texas Legislature, 2019, which removed the SBOE's rulemaking authority related to maximum allowable indirect costs and the basic allotment for the FSP.

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

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would implement legislation by removing rules for which statutory authority no longer exists. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: 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 March 6, 2020, and ends April 10, 2020. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2020 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 March 6, 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

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

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter B, Use of State Funds.

Staff Members Responsible:

David Marx, Director, Financial Compliance

Sara Kohn, Assistant Director, Forecasting and Fiscal Analysis

Thomas Heil, Financial Analyst, Forecasting and Fiscal Analysis

Attachment: Text of Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter B, Use of State Funds

ATTACHMENT
Text of Proposed Repeal of 19 TAC

Chapter 105. Foundation School Program

Subchapter B. Use of State Funds

§105.11. Maximum Allowable Indirect Cost.

- ~~(a) No more than 48% of each school district's Foundation School Program (FSP) special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to the following programs: compensatory education, bilingual education and special language programs, and special education. No more than 45% of each school district's FSP special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to gifted and talented education programs. No more than 42% of each school district's FSP special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to career and technical education programs. Indirect costs may be attributed to the following expenditure function codes: 34—Student Transportation; 41—General Administration; 81—Facilities Acquisition and Construction; and the Function 90 series of the general fund, as defined in the Texas Education Agency publication, Financial Accountability System Resource Guide.~~
- ~~(b) For the 2012-2013 school year and each year thereafter, a school district may choose to use a greater indirect cost allotment under the Texas Education Code, §§42.151, 42.153, 42.154, and 42.156, to the extent the school district receives less funding per weighted student in state and local maintenance and operations revenue than in the 2011-2012 school year. The commissioner of education shall develop a methodology for a school district to make a determination under this section and may require any information necessary to implement this subsection. The commissioner's methodology must limit the percentage increase in allowable indirect cost to no more than the percentage decrease in state and local maintenance and operations revenue from the 2011-2012 school year.~~

§105.12. Basic Allotment.

~~[A school district may use state aid received pursuant to the Texas Education Code (TEC), Chapter 42, Subchapter B, and indirect costs as defined in §105.11 of this title (relating to Maximum Allowable Indirect Cost) for any lawful purpose, including operations and using, purchasing, or acquiring real property or land; improving real property; constructing or equipping buildings; renovating real property; repairing real property; or maintaining real property. A school district may fund obligations from state aid received pursuant to the TEC, Chapter 42, Subchapter B, including reduction of bond tax by deposit into the district debt service fund, lease purchase agreements, and public property finance contracts authorized under the Local Government Code, §271.004 and §271.005; time warrants issued pursuant to the TEC, §45.103; maintenance notes issued pursuant to the TEC, §45.108; and contracts issued pursuant to the TEC, §44.901.]~~

Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.23, School District Independent Audits and Agreed-Upon Procedures

January 30, 2020

**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 B, Texas Education Agency Audit Functions, §109.23, School District Independent Audits and Agreed-Upon Procedures. The proposed amendment would reflect changes by House Bill (HB) 1520, 86th Texas Legislature, 2019, that eliminated the requirement for out-of-state certified public accountancy (CPA) firms to be licensed in Texas.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(32), 44.001, 44.007, 44.008, and 44.010.

TEC, §7.102(c)(32), authorizes the State Board of Education (SBOE) to adopt rules concerning school district fiscal account audits and budgets.

TEC, §44.007, requires each school district to annually submit to Texas Education Agency (TEA) a report of its revenues and expenditures for the preceding fiscal year and authorizes the SBOE to prescribe the management, cost accounting, and financial information format to enable the board to monitor the funding process and determine educational system costs.

TEC, §44.008, authorizes the SBOE to establish the format and minimum requirements of the independent audit of school district fiscal accounts.

TEC, §44.010, requires the school district budgets, fiscal reports, and audit reports filed with TEA to be reviewed and analyzed by TEA to determine whether all legal requirements have been met and to collect fiscal data needed in preparing school fiscal reports for the governor and the legislature.

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

FUTURE ACTION EXPECTED: The proposed amendment to 19 TAC §109.23 will be presented for first reading and filing authorization at the April 2020 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: HB 1520, 86th Texas Legislature, 2019, updated Texas Occupations Code, §901.461, to eliminate the requirement for out-of-state CPA firms to be licensed in Texas. The amended statute took effect September 1, 2019.

The proposed amendment to §109.23 would reflect the changes to Texas Occupations Code, §901.461. Subsection (d)(1)(A) would be modified to allow an independent auditor hired by a school district to be associated with a CPA firm that has a current valid license issued by a state licensing agency from another state.

Staff Members Responsible:

David Marx, Director, Financial Compliance

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.23, School District Independent Audits and Agreed-Upon Procedures

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 109. Budgeting, Accounting, and Auditing

Subchapter B. Texas Education Agency Audit Functions

§109.23. School District Independent Audits and Agreed-Upon Procedures.

- (a) A school district, governmental charter school, open-enrollment charter school, nonprofit service provider, county education district, or regional education service center must file with the Texas Education Agency (TEA) an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by the TEA, including review of auditors' working papers, in accordance with the Financial Accountability System Resource Guide, as adopted by reference in §109.41 of this title (relating to Financial Accountability System Resource Guide).
- (b) The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.
- (c) Auditors from the TEA must review independent audit reports. The commissioner's designee must resolve audit findings.
- (d) The district or other educational entity must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.
 - (1) The independent auditor must:
 - (A) be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy or a state licensing agency from another state ;
 - (B) be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under the Texas Education Code, §44.008; and
 - (C) adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the US Government Accountability Office, as amended.
 - (2) The CPA firm must:
 - (A) be a member of the AICPA Governmental Audit Quality Center (GAQC);
 - (B) adhere to GAQC's membership requirements; and
 - (C) collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:
 - (i) Texas public school district environment; ~~or~~
 - (ii) public sector; or
 - (iii) nonprofit sector.
- (e) If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the standards required as stated in subsection (d) of this section, the division may require the district or other educational entity to change its audit firm.
- (f) To the extent that this section conflicts with any other rule regarding audits of school districts and other educational entities by independent auditors and the TEA, this section controls.

Review of Permanent School Fund Securities Transactions and the Investment Portfolio

January 30, 2020

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

SUMMARY: Investment staff will report on the transactions executed during the months of October and November 2019 in the investment portfolio of the Texas Permanent School Fund.

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

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

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

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

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

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

Staff Members Responsible:

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

**Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund
for the Months of October and November 2019**

January 31, 2020

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

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

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

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

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

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

PREVIOUS BOARD ACTION: At the November 2019 meeting, the board approved purchases in the amount of \$1,419,631,578 and sales in the amount of \$1,401,730,654, conducted in the investment portfolio of the Permanent School Fund for the months of August through September 2019.

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

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

PUBLIC COMMENTS: None

Staff Members Responsible:

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

**Annual Reporting Requirement of the Internally Managed Permanent School Fund
Investment Portfolio**

January 30, 2020

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

SUMMARY: This item provides an opportunity for the Executive Administrator and Chief Investment Officer of the Permanent School Fund to report on various items required by 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund.

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.

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

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

FUTURE ACTION EXPECTED: This is a recurring report given annually to the committee. Based on the date presented, the committee will provide guidance to the investment staff as appropriate.

BACKGROUND INFORMATION AND JUSTIFICATION: Specific actions that the committee must accomplish are outlined in 19 TAC Chapter 33. This chapter also outlines specific reporting requirements and representations that must be made to the committee.

Staff Members Responsible:

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

**Review of the Study of the Permanent School Fund Distributions as defined in House Bill 4388,
86th Legislature, 2019**

January 30, 2019

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

SUMMARY: This item provides an opportunity for the board to discuss the study on the Permanent School Fund (PSF) Distributions as defined in House Bill (HB) 4388, 86th Legislature, 2019.

STATUTORY AUTHORITY: House Bill [\(HB\) 4388, Section 5\(b\)](#), 86th Legislature, 2019.

HB 4388, 86th Legislature, requires that the Texas Education Agency (TEA) in consultation with the General Land Office, conduct a study regarding distributions from the PSF to the Available School Fund. Section 5 provides certain items that the study must consider and allows the TEA to contract for investment management expertise for the purpose of preparing and completing the study. Section 5 further provides that no later than June 1, 2020, the TEA shall prepare and submit a report regarding the results of the study to the Governor, the State Board of Education, the Legislative Budget Board, the Lieutenant Governor, the Speaker of the House of the Representatives, and each legislative standing committee with primary jurisdiction over public education.

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: HB 4388, Section 5, requires the TEA to conduct a study regarding Permanent School Fund distributions and allows for the agency to contract for investment management expertise for the study. The agency plans to issue a Request for Qualifications for investment advisory services for this purpose.

PUBLIC BENEFIT: Additional information about the distributions of the Permanent School Fund will be available for the public to review.

PUBLIC COMMENTS: None

Staff Members Responsible:

Andrea Winkler, Director of Operational Support, Strategic Initiatives Division

Third Quarter 2019 Permanent School Fund Performance Report

January 30, 2020

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

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

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

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

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

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

FUTURE ACTION EXPECTED: None

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

Staff Members Responsible:

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

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
(Second Reading and Final Adoption)

January 31, 2020

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

SUMMARY: This item presents for second reading and final adoption proposed amendments to 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. The proposed amendments would reorganize references to the Permanent School Fund (PSF) distribution policy, include references to new authority and duties assigned by the 86th Texas Legislature, 2019, and address permissible fixed income investments. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §5\(a\) and \(f\)](#); Texas Education Code (TEC), [§43.001](#); and [§43.0052](#), as added by House Bill (HB) 4388, 86th Texas Legislature, 2019; and Texas Natural Resources Code (NRC), [§32.012](#), as amended by Senate Bill (SB) 608, 86th Texas Legislature, 2019; [§32.0161](#), as added by SB 608, 86th Texas Legislature, 2019; and [§32.068](#) and [§51.414](#), as added by HB 4388, 86th Texas Legislature, 2019.

Texas Constitution, Article VII, §5(a), authorizes the State Board of Education (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, §43.0052, as added by HB 4388, 86th Texas Legislature, 2019, and Texas Natural Resources Code, §32.068 and §51.414, as added by HB 4388, created the Liquid Account within the PSF to be managed by the SBOE and require the SBOE and School Land Board to send quarterly investment and financial reports to the other.

Texas Natural Resources Code, §32.012, as amended by SB 608, 86th Texas Legislature, 2019, and §32.0161, as added by SB 608, require the SBOE to submit to the governor a list of six nominees for each of two positions on the School Land Board and requires the SBOE and the School Land Board to hold a joint annual public meeting to discuss the PSF.

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 amendments is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date would allow the rules to align with statute as soon as possible.

PREVIOUS BOARD ACTION: The SBOE adopted rules in Chapter 33 effective September 1, 1996. The proposed rules were last revised by the SBOE as follows. Sections 33.10, 33.40, and 33.55 were amended effective June 4, 2012. Sections 33.15 and 33.20 were amended effective September 1, 2018. Sections 33.25, 33.30, 33.35, and 33.60 were amended effective August 21, 2016. Section 33.45 was amended effective March 31, 2004. At the November 2019 meeting, the SBOE approved the proposed amendments to 19 TAC Chapter 33, Subchapter A, for first reading and filing authorization.

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

Legislation from the 86th Texas Legislature, 2019, made changes to the TEC and the Texas Natural Resources Code that impact the PSF and the SBOE's authority and duties related to the PSF. This item provides an opportunity for the committee to discuss the legislation and approve for second reading and final adoption necessary changes to Chapter 33.

The proposed amendment to §33.10, Purposes of Texas Permanent School Fund Assets and the Statement of Investment Policy, would specify that one objective of the PSF distribution policy is to maintain the value of assets per student after adjusting for inflation, as stated in 19 TAC §33.15.

The proposed amendments to §33.15, Objectives; §33.20, Responsible Parties and Their Duties; §33.30, Standards of Performance; and §33.60, Performance and Review Procedures, would implement SB 608 and HB 4388, 86th Texas Legislature, 2019, by accounting for the creation of the Liquid Account within the PSF and the requirement that the SBOE and School Land Board send quarterly investment and financial reports to one other.

The proposed amendment to §33.25, Permissible and Restricted Investments and General Guidelines for Investment Managers, would allow for specific uses of U.S. Treasury futures and the acquisition of a limited percentage of speculative-grade rated securities in the fixed income portfolio to enhance portfolio management abilities.

The proposed amendment to §33.35, Guidelines for the Custodian and the Securities Lending Agent, would remove a reference to a credit ratings firm that is no longer providing the services.

No changes are recommended since approved for first reading.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand the rules by adding provisions in alignment with recent statutory changes. The new provisions address the SBOE's responsibilities in relation to the PSF.

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

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

The proposed amendments would update and clarify provisions supporting the management and investment of the PSF. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no new data and reporting impact.

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

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

PUBLIC COMMENTS: Following the November 2019 SBOE meeting, notice of proposed amendments to 19 TAC Chapter 33, Subchapter A, was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began December 20, 2019, and ended January 24,

2020. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE during the January 2020 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2020 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed 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; and

Make an affirmative finding that immediate adoption of 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, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

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

Attachment: Text of 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

ATTACHMENT
Text of 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

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

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

§33.15. Objectives.

- (a) Investment objectives.
- (1) Investment objectives have been formulated based on the following considerations:
 - (A) the anticipated financial needs of the Texas public free school system in light of expected future contributions to the Texas Permanent School Fund (PSF);
 - (B) the need to preserve capital;
 - (C) the risk tolerance set by the State Board of Education (SBOE) and the need for diversification;
 - (D) observations about historical rates of return on various asset classes;
 - (E) assumptions about current and projected capital market and general economic conditions and expected levels of inflation;
 - (F) the need to maintain liquidity in the PSF Liquid Account;
 - (G) [~~(F)~~] the need to invest according to the prudent person rule; and

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

determined by the SBOE, while maintaining an acceptable risk level compared to that of the composite benchmark index.

- (6) The rate of return objective of each asset class in which the PSF is invested, other than the short-term cash fund, shall be to earn, over time, an average annual average rate of return that meets or exceeds that of a representative benchmark index for such asset class in U.S. dollars, combining dividends, capital appreciation, income, and interest income, as applicable, while maintaining an acceptable risk level compared to that of the representative benchmark index.
- (7) The objective of the short-term cash fund shall be to provide liquidity for the timely payment of security transactions, while earning a competitive return. The expected return, over time, shall meet or exceed that of the representative benchmark index, while maintaining an acceptable risk level compared to that of the representative benchmark index.
- (8) The objective of the PSF Liquid Account shall be to maintain liquidity for the needs of the School Land Board while earning a competitive return. The expected return, over time, shall meet or exceed that of the representative benchmark index while maintaining an acceptable risk level compared to that of the representative benchmark index.
- (9) [~~8~~] Notwithstanding the risk parameters specified in paragraphs (4)-(6) of this subsection, consideration shall be given to marginal risk variances exceeding the representative benchmark indices if returns are commensurate with the risk levels of the respective portfolios.

(d) Asset allocation policy.

- (1) The SBOE shall adopt and implement a strategic asset allocation plan based on a well diversified, balanced investment approach that uses a broad range of asset classes indicated by the following characteristics of the PSF:
 - (A) the long-term nature of the PSF;
 - (B) the spending policy of the PSF;
 - (C) the relatively low liquidity requirements of the PSF;
 - (D) the investment preferences and risk tolerance of the SBOE;
 - (E) the liquidity mandates under the Texas Natural Resources Code, Chapter 51, Subchapter I;
 - (F) [~~E~~] the rate of return objectives; and
 - (G) [~~F~~] the diversification objectives of the PSF, specified in the Texas Constitution, Article VII, §5(d), the Texas Education Code, Chapter 43, and the provisions of this chapter.
- (2) The strategic asset allocation plan shall contain guideline percentages, at market value of the total fund's assets, to be invested in various asset classes. The guideline percentages will include both a target percentage and an acceptable strategic range for each asset class, recognizing that the target mix may not be attainable at a specific point in time since actual asset allocation will be dictated by current and anticipated market conditions, as well as the overall directions of the SBOE.
- (3) The SBOE Committee on School Finance/Permanent School Fund, with the advice of the PSF investment staff, shall review the provisions of this section at least annually and, as needed, rebalance the assets of the portfolio according to the asset allocation rebalancing procedure specified in the PSF Investment Procedures Manual. The SBOE Committee on School Finance/Permanent School Fund shall consider the industry diversification and the percentage allocation within the following asset classes:
 - (A) domestic equities;
 - (B) international equities;
 - (C) emerging market equities;
 - (D) domestic fixed income;

- (E) emerging market debt local currency;
 - (F) real estate;
 - (G) private equity;
 - (H) absolute return;
 - (I) real return;
 - (J) risk parity;
 - (K) cash; and
 - (L) other asset classes as approved by the SBOE.
- (4) To the extent practicable, investments shall not exceed the strategic ranges the SBOE establishes for each asset class, recognizing the inability to actively reduce allocations to certain asset classes.
 - (5) Periodically, the SBOE shall allocate segments of the total fund to each investment manager and specify guidelines, investment objectives, and standards of performance that apply to those assets.

§33.20. Responsible Parties and Their Duties.

- (a) The Texas Constitution, Article VII, §§1-8, ~~establish~~ establishes the Available School Fund, the Texas Permanent School Fund (PSF), and the State Board of Education (SBOE), and ~~specify~~ specifies the standard of care SBOE members must exercise in managing PSF assets. In addition, the constitution directs the legislature to establish suitable provisions for supporting and maintaining an efficient public free school system, defines the composition of the PSF and the Available School Fund, and requires the SBOE to set aside sufficient funds to provide free instructional materials for the use of children attending the public free schools of this state.
- (b) The Texas Natural Resources Code, Chapter 51, Subchapter I, creates the PSF Liquid Account within the PSF to be invested in liquid assets and managed by the SBOE in the same manner it manages the PSF.
- (c) ~~(b)~~ The SBOE shall be responsible for overseeing all aspects of the PSF and may contract with any of the following parties, whose duties and responsibilities are as follows.
 - (1) An external investment manager is a Person the SBOE retains by contract to manage and invest a portion of the PSF assets under specified guidelines.
 - (2) A custodian is an organization, normally a financial company, the SBOE retains to safe keep, and provide accurate and timely reports of, PSF assets.
 - (3) A consultant is a Person the SBOE retains to advise the SBOE on PSF matters based on professional expertise.
 - (4) Investment Counsel is a Person retained under criteria specified in the PSF Investment Procedures Manual to advise PSF investment staff and the SBOE Committee on School Finance/Permanent School Fund within the policy framework established by the SBOE. Investment Counsel may be assigned such tasks as asset allocation reviews, manager searches, performance analysis, recommendations on spending policy, performance reporting, and benchmarking and research related to the management of PSF assets, with any such assigned tasks to be performed in consultation with PSF staff.
 - (5) A performance measurement consultant is a Person retained to provide the SBOE Committee on School Finance/Permanent School Fund an analysis of the PSF portfolio performance. The outside portfolio performance measurement service firm shall perform the analysis on a quarterly or as-needed basis. Quarterly reports shall be distributed to each member of the SBOE Committee on School Finance/Permanent School Fund and Investment Counsel, and a representative of the firm shall be available as necessary to brief the committee.
 - (6) The State Auditor's Office is an independent state agency that performs an annual financial audit of the Texas Education Agency (TEA) at the direction of the Texas Legislature. The financial

audit, conducted according to generally accepted auditing standards, is designed to test compliance with generally accepted accounting principles. The state auditor performs tests of the transactions of the PSF Investment Office as part of this annual audit, including compliance with governing statutes and SBOE policies and directives. The TEA Internal Audit Division will participate in the audit process by participating in entrance and exit conferences, being provided copies of all reports and management letters furnished by the external auditor, and having access to the external auditor's audit programs and working papers.

- (7) The SBOE may retain independent external auditors to review the PSF accounts annually or on an as-needed basis. The TEA Internal Audit Division will participate in the audit process by participating in entrance and exit conferences, being provided copies of all reports and management letters furnished by the external auditor, and having access to the external auditor's audit programs and working papers.
- (d) ~~(e)~~ The SBOE shall meet on a regular or as-needed basis to conduct the affairs of the PSF.
- (e) ~~(d)~~ In case of emergency or urgent public necessity, the SBOE Committee on School Finance/Permanent School Fund or the SBOE, as appropriate, may hold an emergency meeting under the Texas Government Code, §551.045.
- (f) ~~(e)~~ The SBOE shall have the following exclusive duties:
- (1) determining the strategic asset allocation mix between asset classes based on the attending economic conditions and the PSF goals and objectives including determining the separate asset allocation for the PSF Liquid Account based on the specific goals and objectives for investing the PSF Liquid Account ;
 - (2) ratifying all investment transactions pertaining to the purchase, sale, or reinvestment of assets by all internal and external investment managers for the current reporting period;
 - (3) appointing members to the SBOE Investment Advisory Committee;
 - (4) approving the selection of, and all contracts with, external investment managers, financial advisors, Investment Counsel, financial or other consultants, or other external professionals retained to help the SBOE invest PSF assets;
 - (5) approving the selection of, and the performance measurement contract with, a well-recognized and reputable firm retained to evaluate and analyze PSF investment results. The service shall compare investment results to the written investment objectives of the SBOE and also compare the investment of the PSF with the investment of other public and private funds against market indices and by managerial style;
 - (6) setting policies, objectives, and guidelines for investing PSF assets; ~~and~~
 - (7) submitting a list of six nominees for any vacant position on the School Land Board to the Texas Governor for consideration; and
 - (8) ~~(7)~~ representing the PSF to the state.
- (g) ~~(f)~~ The SBOE may establish committees to administer the affairs of the PSF. The duties and responsibilities of any committee established shall be specified in the PSF Investment Procedures Manual.
- (h) ~~(g)~~ The PSF shall have an executive administrator, with a staff to be adjusted as necessary, who functions directly with the SBOE through the SBOE Committee on School Finance/Permanent School Fund concerning investment matters, and who functions as part of the internal operation under the commissioner of education. At all times, the PSF executive administrator and staff shall invest PSF assets as directed by the SBOE according to the Texas Constitution and all other applicable Texas statutes, as amended, and SBOE rules governing the operation of the PSF. The PSF staff shall:
- (1) administer the PSF, including investing and managing assets and contracting in connection therewith, according to SBOE goals and objectives;
 - (2) execute all directives, policies, and procedures from the SBOE and the SBOE Committee on School Finance/Permanent School Fund;

- (3) keep records and provide a continuous and accurate accounting of all PSF transactions, revenues, and expenses and provide reports on the status of the PSF portfolio;
 - (4) advise any officials, investment firms, or other interested parties about the powers, limitations, and prohibitions regarding PSF investments that have been placed on the SBOE or PSF investment staff by statutes, attorney general opinions and court decisions, or by SBOE policies and operating procedures;
 - (5) continuously research all internally managed securities held by the PSF and report to the SBOE Committee on School Finance/Permanent School Fund and the SBOE any information requested, including reports and statistics on the PSF, for the purpose of administering the PSF;
 - (6) establish and maintain a procedures manual that implements this section to be approved by the SBOE;
 - (7) make recommendations regarding investment and policy matters to the SBOE Committee on School Finance/Permanent School Fund and the SBOE, except for formal recommendations for benchmarks for internally managed PSF asset classes, which duties the Committee will assign to an appropriate third party who will present such recommendations after consultation with PSF staff; and
 - (8) establish and maintain accounting policies and internal control procedures concerning all receipts, disbursements and investments of the PSF, according to the procedures adopted by the SBOE.
- (i) The SBOE delegates to the SBOE Committee on School Finance/Permanent School Fund, to which it has delegated certain powers and duties relating to the investment of the PSF, the responsibility of representing the SBOE at the joint annual meeting between the School Land Board and the SBOE under Texas Natural Resources Code, §32.0161. The chairs of the SBOE and the SBOE Committee on School Finance/Permanent School Fund shall be responsible for coordinating the joint annual meeting between the School Land Board and the SBOE.

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

- (a) Permissible investments. Any investment that satisfies the prudence standard, is consistent with the Fund's investment policy and portfolio objectives, and is used in executing investment strategies approved by the State Board of Education (SBOE).
- (b) Prohibited transactions and restrictions. Except as provided in subsection (a) of this section or as approved or delegated by the SBOE, the following prohibited transactions and restrictions apply to all Texas Permanent School Fund (PSF) investment managers with respect to the investment or handling of PSF assets, except as otherwise noted:
 - (1) short sales of any kind except for U.S. Treasury futures for purposes of hedging fixed income portfolios ;
 - (2) purchasing letter or restricted stock;
 - (3) buying or selling on margin;
 - (4) engaging in purchasing or writing options or similar transactions;
 - ~~(5) purchasing or selling futures on commodities contracts;~~
 - (5) ~~(6)~~ borrowing by pledging or otherwise encumbering PSF assets;
 - (6) ~~(7)~~ purchasing the equity or debt securities of the PSF investment manager's own organization or an affiliated organization;
 - (7) ~~(8)~~ engaging in any purchasing transaction, after which the cumulative market value of common stock in a single corporation exceeds 2.5% of the PSF total market value or 5.0% of the manager's total portfolio market value;

- (8) ~~(9)~~ engaging in any purchasing transaction, after which the cumulative number of shares of common stock in a single corporation held by the PSF exceeds 5.0% of the outstanding voting stock of that issuer;
- (9) ~~(10)~~ engaging in any purchasing transaction, after which the cumulative market value of fixed income securities or cash equivalent securities in a single corporation (excluding the U.S. government, its federal agencies, and government sponsored enterprises) exceeds 2.5% of the PSF total market value or 5.0% of the investment manager's total portfolio market value with the PSF;
- (10) ~~(11)~~ purchasing tax exempt bonds;
- (11) ~~(12)~~ purchasing guaranteed investment contracts (GICs) from an insurance company or bank investment contracts (BICs) from a bank not rated at least AAA by Standard & Poor's or Moody's;
- (12) ~~(13)~~ purchasing any publicly traded fixed income security not rated investment grade by Standard & Poor's (BBB-), Moody's (Baa3), or Fitch (BBB-), subject to the provisions of the PSF Investment Procedures Manual and the following restrictions:
- (A) when ratings are provided by the three rating agencies, the middle rating shall be used;
 - (B) when ratings are provided by two ratings agencies, the lower rating is used; or
 - (C) when a rating is provided by one rating agency, the sole rating is used;
- (13) ~~(14)~~ purchasing short-term money market instruments rated below A-1 by Standard & Poor's or P-1 by Moody's;
- (14) ~~(15)~~ engaging in any transaction that results in unrelated business taxable income (excluding current holdings);
- (15) ~~(16)~~ engaging in any transaction considered a "prohibited transaction" under the Internal Revenue Code or the Employee Retirement Income Security Act (ERISA);
- (16) ~~(17)~~ purchasing precious metals or other commodities;
- (17) ~~(18)~~ engaging in any transaction that would leverage a manager's position;
- (18) ~~(19)~~ lending securities owned by the PSF, but held in custody by another party, such as a bank custodian, to any other party for any purpose, unless lending securities according to a separate written agreement the SBOE approved; and
- (19) ~~(20)~~ purchasing fixed income securities without a stated par value amount due at maturity.
- (c) General guidelines for investment managers.
- (1) Each investment manager retained to manage a portion of PSF assets shall be aware of, and operate within, the provisions of this chapter and all applicable Texas statutes.
 - (2) As fiduciaries of the PSF, investment managers shall discharge their duties solely in the interests of the PSF according to the prudent expert rule, engaging in activities that include the following.
 - (A) Diversification. Each manager's portfolio should be appropriately diversified within its applicable asset class.
 - (B) Securities trading.
 - (i) Each manager shall send copies of each transaction record to the PSF investment staff and custodians.
 - (ii) Each manager shall be required to reconcile the accounts under management on a monthly basis with the PSF investment staff and custodians.
 - (iii) Each manager shall be responsible for complying fully with PSF policies for trading securities and selecting brokerage firms, as specified in §33.40 of this title (relating to Trading and Brokerage Policy). In particular, the emphasis of security trading shall be on best execution; that is, the highest proceeds to the

PSF and the lowest costs, net of all transaction expenses. Placing orders shall be based on the financial viability of the brokerage firm and the assurance of prompt and efficient execution.

- (iv) The SBOE shall require each external manager to indemnify the PSF for all failed trades not due to the negligence of the PSF or its custodian in instances where the selection of the broker dealer is not in compliance with §33.40 of this title (relating to Trading and Brokerage Policy).

(C) Acknowledgments in writing.

- (i) Each external investment manager retained by the PSF must be a person, firm, or corporation registered as an investment adviser under the Investment Adviser Act of 1940, a bank as defined in the Act, or an insurance company qualified to do business in more than one state, and must acknowledge its fiduciary responsibility in writing. A firm registered with the Securities and Exchange Commission (SEC) must annually provide a copy of its Form ADV, Section II.
- (ii) The SBOE may require each external manager to obtain coverage for errors and omissions in an amount set by the SBOE, but the coverage shall be at least the greater of \$500,000 or 1.0% of the assets managed, not exceeding \$10 million. The coverage should be specific as to the assets of the PSF. The manager shall annually provide evidence in writing of the existence of the coverage.
- (iii) Each external manager may be required by the SBOE to obtain fidelity bonds, fiduciary liability insurance, or both.
- (iv) Each manager shall acknowledge in writing receiving a copy of, and agreeing to comply with, the provisions of this chapter.

(D) Discretionary investment authority. Subject to the provisions of this chapter, any investment manager of marketable securities or other investments, retained by the PSF, shall have full discretionary investment authority over the assets for which the manager is responsible. Specialist advisors and investment managers retained for alternative asset investments may have a varying degree of discretionary authority, which will be outlined in contract documentation.

(d) Reporting procedures for investment managers. The investment manager shall:

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

§33.30. Standards of Performance.

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

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

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

- (1) A custodian shall have the following responsibilities regarding the segments of the funds for which the custodian is responsible.
 - (A) Provide complete custody and depository services for the designated accounts.
 - (B) Provide for investment of any cash on a daily basis to avoid uninvested amounts.
 - (C) Implement the investment actions in a timely and effective manner as directed by the investment managers.
 - (D) Collect all realizable income and principal and properly report the information on the periodic statements to the Texas Permanent School Fund (PSF) investment staff, the investment managers, or other appropriate parties.
 - (E) Provide monthly and annual accounting statements, as well as on-line, real-time accounting, that includes all transactions. Accounting shall be based on accurate security values for cost and market value and provided within a time frame acceptable to the State Board of Education (SBOE).
 - (F) Report to the PSF investment staff situations in which security pricing is either not possible or subject to considerable uncertainty.
 - (G) Distribute all proxy voting materials in a timely manner.
 - (H) Provide research and assistance to the SBOE and the PSF investment staff on all issues related to accounting and administration.
 - (I) Confirm that the depth of resources and personnel associated with the designated funds are comparable to those of the nation's leading custodial banks.
- (2) A securities lending agent for the PSF shall have the following responsibilities.
 - (A) Provide complete transaction reporting for the designated funds.
 - (B) Provide a monthly accounting, as well as on-line, real-time accounting for securities lending transactions, based on accurate security values.
 - (C) Report to the PSF investment staff any irregular situation that is outside the standard of practice for securities lending or inconsistent with the provisions of the securities lending agreement.

- (D) Implement a securities lending program for the PSF in a manner that does not impair any rights of the PSF by virtue of PSF ownership in securities.
- (E) As requested, provide research and assistance to the SBOE and the PSF investment staff on all issues related to accounting and administration.
- (F) Provide indemnification to the PSF satisfactory to the SBOE in the event of default on securities lending transactions.
- (G) Fully disclose all revenues and other fees associated with the securities lending program.
- (H) Comply with restrictions on types of securities lending transactions or eligible investments of cash collateral or any other restrictions imposed by the SBOE or the PSF investment staff. Unless the SBOE gives its written approval, the following guidelines apply to the PSF Securities Lending Program. Cash collateral reinvestment guidelines must meet the following standards.
 - (i) Permissible investments.
 - (I) U.S. Government and U.S. Agencies, under the following criteria:
 - (-a-) any security issued by or fully guaranteed as to payment of principal and interest by the U.S. Government or a U.S. Government Agency or sponsored Agency, and eligible for transfer via Federal Reserve Bank book entry, Depository Trust Company book entry, and/or Participants Trust Company book entry;
 - (-b-) maximum 397-day maturity on fixed rate;
 - (-c-) maximum three-year maturity on floating rate, with maximum reset period of 94 days and use a standard repricing index such as London InterBank Offered Rate (LIBOR), Federal Funds, Treasury Bills, or commercial paper; and
 - (-d-) no maximum dollar limit.
 - (II) Bank obligations, under the following criteria:
 - (-a-) time deposits with maximum 60-day maturity on fixed rate or three-year maturity for floating rate, with maximum reset period of 60 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper;
 - (-b-) negotiable Certificates of Deposit with maximum 397-day maturity on fixed rate or three-year maturity for floating rate, with maximum reset period of 94 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper;
 - (-c-) bank notes with maximum 397-day maturity on fixed rate or three-year maturity on floating rate, with maximum reset period of 94 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper;
 - (-d-) bankers acceptances with maximum 45-day maturity;
 - (-e-) issued by banks with at least \$25 billion in assets and, for floating rate bank obligations with a maturity greater than 397 days, a long-term rating of AA2 and AA by Moody's Investor Service and Standard & Poor's Corporation at time of purchase; and, for fixed rate or floating rate bank obligations with a remaining maturity of 397 days or less, a short-term rating of "Tier 1" as defined in clause (ii)(IV) of this

subparagraph or, for such bank obligations without a short-term rating, an issuer rating of Tier 1. In addition, placements can be made in branches within the following countries:

- (-1-) Canada;
 - (-2-) France;
 - (-3-) United Kingdom; and
 - (-4-) United States; and
- (-f-) dollar limit maximum per institution of 5.0% of investment portfolio at time of purchase.
- (III) Commercial paper, under the following criteria:
- (-a-) dollar limit maximum per issuer of 5.0% of investment portfolio at time of purchase including any other obligations of that issuer as established in subclause (II)(-d-) of this clause. If backed 100% by bank Letter of Credit, then dollar limit is applied against the issuing bank;
 - (-b-) must be rated "Tier 1" as defined in clause (ii)(IV) of this subparagraph; and
 - (-c-) maximum 397-day maturity.
- (IV) Asset backed commercial paper, under the following criteria:
- (-a-) dollar limit maximum per issuer of 5.0% of investment portfolio;
 - (-b-) must be rated "Tier 1" as defined in clause (ii)(IV) of this subparagraph; and
 - (-c-) maximum 397-day maturity.
- (V) Asset backed securities, under the following criteria:
- (-a-) maximum 397-day weighted average life on fixed rate;
 - (-b-) maximum three-year weighted average life on floating rate, with maximum reset period of 94 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper; and
 - (-c-) rated Aaa and AAA by Moody's Investor Service and Standard & Poor's Corporation at time of purchase. One AAA rating may suffice if only rated by one Nationally Recognized Securities Rating Organization (NRSRO).
- (VI) Corporate debt (other than commercial paper), under the following criteria:
- (-a-) must be senior debt;
 - (-b-) maximum 397-day maturity on fixed rate;
 - (-c-) maximum three-year maturity on floating rate, with maximum reset period of 94 days and use a standard repricing index such as LIBOR, Federal Funds, Treasury Bills, or commercial paper;
 - (-d-) for floating rate corporate obligations with a maturity greater than 397 days, a long-term rating of AA2 and AA by Moody's

Investor Service and Standard & Poor's Corporation at time of purchase; and, for fixed rate or floating rate corporate obligations with a remaining maturity of 397 days or less, a short-term rating of "Tier 1" as defined in clause (ii)(IV) of this subparagraph or, for such corporate obligations without a short-term rating, an issuer rating of Tier 1; and

- (-e-) dollar limit maximum per issuer of 5.0% of investment portfolio at time of purchase, including any other obligations of that issuer.

(VII) Reverse repurchase agreements, under the following criteria:

- (-a-) counterparty must be "Tier 1" rated as defined in clause (ii)(IV) of this subparagraph for fixed rate and AA2 and AA by Moody's Investor Service and Standard & Poor's Corporation for floating rate or be a "Primary Dealer" in Government Securities as per the New York Federal Reserve Bank;
- (-b-) underlying collateral may be any security permitted for direct investment;
- (-c-) lending agent or a third party custodian must hold collateral under tri-party agreement;
- (-d-) collateral must be marked to market daily and maintained at the following margin levels $\frac{1}{2}$
 - (-1-) U.S. Government, U.S. Government Agency, sponsored Agency, International Organization at 100%;
 - (-2-) Certificate of Deposits, Bankers Acceptance, bank notes, commercial paper at 102% under one year to maturity and rated at least "Tier 1" as defined in clause (ii)(IV) of this subparagraph; and
 - (-3-) corporate debt (other than commercial paper) at 105% rated at least AA2/AA or better by Moody's Investor Service and Standard & Poor's Corporation at time of purchase;
- (-e-) due to daily margin maintenance, dollar limits and maturity limits of underlying collateral are waived, except with respect to the maturity limit in subclause (II)(-d-) of this clause;
- (-f-) maximum 180-day maturity; and
- (-g-) dollar limit for total reverse repurchase agreements is the greater of \$300 million or 15% of value of cash collateral portfolio with one counterparty at time of purchase.

(VIII) Foreign sovereign debt, under the following criteria:

- (-a-) any security issued by or fully guaranteed as to payment of principal and interest by a foreign government whose sovereign debt is rated AA2/AA or better by Moody's Investor Service and Standard & Poor's Corporation at time of purchase. Securities must be delivered to Lending Agent or a third party under a Tri-Party agreement;

- (-b-) dollar limit maximum per issuer or guarantor of 2.5% of investment portfolio; and
 - (-c-) maximum maturity of 397 days.
 - (IX) Short Term Investment Fund (STIF) and/or Registered Mutual Funds, under the following criteria:
 - (-a-) funds must comprise investments similar to those that would otherwise be approved for securities lending investment under the provisions of this subparagraph, not invest in derivatives, and not re-hypothecate assets;
 - (-b-) lender must approve each fund in writing and only upon receipt of offering documents and qualified letter; and
 - (-c-) fund must have an objective of a constant share price of one dollar.
- (ii) Investment parameters.
 - (I) Maximum weighted average maturity of investment portfolio must be 180 days.
 - (II) Maximum weighted average interest rate exposure of investment portfolio must be 60 days.
 - (III) All investments must be U.S. dollar-denominated.
 - (IV) "Tier 1" credit quality is defined as the highest short-term rating category by the following NRSROs:
 - (-a-) Standard & Poor's;
 - (-b-) Moody's Investors Service; and
 - (-c-) Fitch Investors Service ; ~~and~~
 - ~~(-d-) Duff & Phelps, LLC.~~
 - (V) At time of purchase all investments must be rated in the highest short-term numerical category by at least two NRSROs, one of which must be either Standard & Poor's or Moody's Investors Service.
 - (VI) Issuer's ratings cannot be on negative credit watch at the time of purchase.
 - (VII) Interest and principal only (IO, PO) stripped mortgages are not permitted.
 - (VIII) Mortgage backed securities are not permitted.
 - (IX) Complex derivative or structured securities, including, but not limited to the following are not permitted:
 - (-a-) inverse floating rate notes;
 - (-b-) defined range floating rate notes;
 - (-c-) trigger notes; and
 - (-d-) set-up notes.
- (I) Provide a copy of the investment policy governing the custodian's securities lending program, as amended, to the PSF investment staff.
- (J) Confirm that the depth of resources and personnel associated with the designated funds are comparable to those of the nation's leading securities lending agents.

§33.60. Performance and Review Procedures.

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

- (1) Performance measurements. The SBOE Committee on School Finance/Permanent School Fund shall review the quarterly performance of each portfolio of the PSF in terms of the provisions of this chapter. The investment performance review shall include comparisons with representative benchmark indices, a broad universe of investment managers, and the consumer price index. A time-weighted return formula (which minimizes the effect of contributions and withdrawals) shall be used for investment return analysis. The review also may include quarterly performance analysis and comparisons of retained firms. The services of an outside, independent consulting firm that provides performance measurement and evaluation shall be retained.
- (2) Meeting and reports. Upon request, the SBOE Committee on School Finance/Permanent School Fund shall meet with the PSF investment managers and custodian to review their responsibilities, the PSF portfolio, and investment results in terms of the provisions of this chapter.
- (3) Reports to the School Land Board. Each quarter, the SBOE shall provide the School Land Board a financial report on the portion of the PSF assets and funds for which the SBOE is responsible in accordance with Texas Natural Resources Code, §43.0052.
- (4) ~~(3)~~ Review and modification of investment policy statement. The SBOE Committee on School Finance/Permanent School Fund shall review the provisions of this chapter at least once a year to determine if modifications are necessary or desirable. Upon approval by the SBOE, any modifications shall be promptly reported to all investment managers and other responsible parties.
- (5) ~~(4)~~ Compliance with this chapter and Texas statutes. Annually, the SBOE Committee on School Finance/Permanent School Fund shall confirm that the PSF and each of its managed portfolios have complied with the provisions of this chapter concerning exclusions imposed by the SBOE, proxy voting, and trading and brokerage selection.
- (6) ~~(5)~~ Significant events. The SBOE must be notified promptly if any of the following events occur within the custodian or external investment manager organizations:
 - (A) any event that is likely to adversely impact to a significant degree the management, professionalism, integrity, or financial position of the custodian or investment manager. A custodian must report the loss of an account of \$500 million or more. An investment manager must report the loss of an account of \$25 million or more;
 - (B) a loss of one or more key people;
 - (C) a significant change in investment philosophy;
 - (D) the addition of a new portfolio manager on the sponsor's account;
 - (E) a change in ownership or control, through any means, of the custodian or investment manager; or
 - (F) any violation of policy.

Discussion of 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, §33.25, Permissible and Restricted Investments and General Guidelines for Investment Managers

January 30, 2020

**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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.25, Permissible and Restricted Investments and General Guidelines for Investment Managers. The proposed amendment would address guidelines for investment managers related to permissible fixed income investments.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §5\(a\) and \(f\)](#); and Texas Education Code (TEC), [§43.001](#).

Texas Constitution, Article VII, §5(a), authorizes the State Board of Education (SBOE) to make distributions from the Permanent School Fund (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.

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

FUTURE ACTION EXPECTED: The proposed amendment to 19 TAC §33.25 will be presented for first reading and filing authorization at a future SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 33.25 outlines permissible and restricted investments of the PSF and the general guidelines for investment managers.

This item will allow the committee to discuss and consider further proposed changes to guidelines for investment managers in addition to the proposed amendment to §33.25 presented for second reading and final adoption as a separate item in this agenda.

Staff Members Responsible:

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

Review of the Private Equity Asset Class for the Permanent School Fund

January 30, 2020

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

SUMMARY: This item provides an opportunity for the committee to review the private equity asset class.

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.

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

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

PREVIOUS BOARD ACTION: At the June 2019 meeting, the board reaffirmed the Permanent School Fund Long-Term Strategic Asset Allocation Plan with an allocation of 13% to the private equity asset class.

BACKGROUND INFORMATION AND JUSTIFICATION: None

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

PUBLIC COMMENTS: None

Staff Members Responsible:

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

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

January 30, 2020

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

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

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

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

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

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

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Members Responsible:

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

COMMITTEE ON SCHOOL INITIATIVES

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

January 31, 2020

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

SUMMARY: This item provides an opportunity for board consideration of two reappointments to the board of trustees of the Boys Ranch Independent School District. The reappointments are necessary due to the expiration of the term of office for two board members.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

TEC, §11.352 authorizes the State Board of Education to appoint school board members in special purpose school districts.

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

PREVIOUS BOARD ACTION: No previous board action has occurred on this item.

BACKGROUND INFORMATION AND JUSTIFICATION: The State Board of Education is statutorily authorized to appoint board members for independent school districts created under its former authority to establish school districts. Trustees so appointed shall hold office until their successors are appointed and qualified.

The following process is followed when selecting a board member for the Boys Ranch Independent School District Board of Trustee:

- Trustee submits notice of resignation to the school board president.
- School board president advises the chief executive officer (CEO) of Cal Farley's Boys Ranch of resignation and potential replacements.
- CEO of Cal Farley's considers potential candidates based on their general understanding of the mission of Cal Farley's and the purpose of the Boys Ranch Independent School District, as well as experience in non-profit business, social services, and/or education.
- CEO of Cal Farley's discusses potential candidates with the BRISD school board president, and they come to an agreement on a suitable candidate.
- CEO interviews and discusses potential appointment with the trustee candidate.
- Assuming the candidate desires the position, CEO of Cal Farley's submits recommended candidate to the State Board of Education.

Recently, Mr. Dan Adams, president and chief executive officer of Cal Farley's Boys Ranch, has notified the commissioner of two vacancies which exists on the board of trustees of the Boys Ranch Independent School District. The vacancies are due to the expiration of the terms of Mr. George Owen and Mr. Mark Strother. The CEO has requested that Mr. George Owen and Mr. Mark Strother be reappointed to fill the vacancies. Supporting documentation on the recommended candidate is included.

FISCAL IMPACT: No fiscal impact to the state will occur.

PUBLIC BENEFIT AND COST TO PERSONS: Both the public and the students will benefit by having a qualified individual appointed to the board of trustees.

PROCEDURAL AND REPORTING IMPLICATIONS: No procedural or reporting implications exist.

PUBLIC COMMENTS: No public comments are presented.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Mr. Dan Adams recommendation, approve the reappointments of Mr. George Owen and Mr. Mark Strother to serve a two-year term of office, from January 31, 2020 to January 31, 2022, on the Boys Ranch Independent School District Board of Trustees.

Staff Member Responsible:

Jason Hewitt, Director of Monitors & Conservators, Special Investigations

Attachment: Correspondence from Mr. Dan Adams, President and Chief Executive Officer of Cal Farley's Boys Ranch, which includes biographical information and supporting material for the nominees



December 9, 2019

Ms. Laura Gaines (550-001)
Sanction Monitoring
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Laura,

We have enclosed correspondence from Cal Farley's Boys Ranch President and CEO, Dan Adams, to Commissioner Morath requesting the re-appointment of **George Owen** and **Mark Strother** to the Cal Farley's Boys Ranch Independent School District Board of Trustees at the **January 2020** meeting of the State Board of Education.

Also enclosed are Mr. Owen's and Mr. Strother's required background checks from Texas Health and Human Services, their resumes, and signed and dated "Statement to Accompany" forms.

Once again, it was a pleasure to meet you through email, and we appreciate your assistance in processing this request for presentation at the **January 2020** State Board of Education meeting. If you have any questions or require additional information, please call me at 806-322-2643 or email at sandrasargus@calfarley.org.

Sincerely,

Sandra Sargus
Executive Assistant to the
President and Chief Executive Officer

SJS

Enclosures



BOYS RANCH
FOUNDED BY CAL FARLEY

December 9, 2019

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

Dear Mr. Morath:

In my current capacity as President and Chief Executive Officer of Cal Farley's Boys Ranch, I request that the State Board of Education, at its **January 2020** meeting, re-appoint **Mr. George Owen** and **Mr. Mark Strother** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Mr. Owen and Mr. Strother are qualified under Texas law and meet all requirements.

Mr. Owen's and Mr. Strother's resumes are enclosed, along with their signed statements expressing willingness to accept the re-appointment and serve in full adherence to the state-established standards for school board members and certifying that the biographical information is true and correct. Also enclosed are required background checks.

I understand the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power is limited to duty as defined by statutes relating to the process of appointing members to the BRISD Board of Trustees. I also certify that the membership composition of the BRISD Board of Trustees is in full compliance with the provisions of the Texas Education Code, section 11.352. I further certify that the role of the BRISD superintendent is in full compliance with the provisions of the Texas Education Code, section 11.201.

Should you have any questions, please contact me at 806-322-2609 or via e-mail at danadams@calfarley.org.

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

Sincerely,


Dan Adams
President and Chief Executive Officer

Enclosures

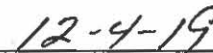
DA:sjs

STATEMENT TO ACCOMPANY
BOYS RANCH INDEPENDENT SCHOOL DISTRICT
SCHOOL BOARD TRUSTEE RE-APPOINTMENT REQUEST
FOR
GEORGE OWEN

I, **George Owen**, verify that I am qualified under the general school laws of Texas to be a Boys Ranch Independent School District School Board Trustee. I certify that the attached biographical information is true and correct. I am willing to accept the re-appointment as Boys Ranch Independent School District 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.



George Owen



(Date)

**George R. Owen
P. O. Box 68
Boys Ranch, Texas 79010**

Work Experience

**Director Environmental Services Department
Boys Ranch, Texas
October 2005 – Present**

**Primary Houseparent – Anderson Home
Boys Ranch, Texas
July 2001 – October 2005**

**Alternate Houseparent – Jefferies Home
Boys Ranch, Texas
May 1999 – July 2001**

**Store Manager – Van Winkles IGA
Artesia, Alamogordo and Belen, New Mexico
June 1995 – May 1999**

**Assistant Store Manager – Van Winkles IGA
Portales, New Mexico
August 1989 – June 1995**

**Grocery Department Manager – Jaynes Group (Quality Plus)
Clovis, New Mexico
January 1988 – August 1989**

**Produce Department Manager – Jaynes Group (Quality Plus)
Clovis, New Mexico
November 1987 – January 1989**

**Milk Plant Employee – Safeway Milk Plant
Clovis, New Mexico
April 1987 – November 1987**

**Store Manager – Roden-Smith, Inc. (Drug/Gift Store)
Clovis, New Mexico
June 1985 – April 1987**

**Owner/Manager – Hometown Foods, Inc.
Portales, New Mexico
September 1979 – May 1985**

**Assistant Manager – Safeway Stores, Inc.
Clovis, New Mexico
June 1973 – September 1979**

**Stocker/Clerk – Safeway Stores, Inc.
Clovis, New Mexico
December 1972 – June 1973**



TEXAS

Health and Human Services

Background Check Request Confirmation

Currently logged in as: [boysranch](#) [\[Logout\]](#)

Request Background Check

Please verify that the information you have entered is accurate by checking the person's social security card and/or driver license. If a new person is being hired you must have received the DPS and Central Registry name-based results prior to allowing the person to provide direct care or have direct access to children in care. You must also have received the results of a fingerprint check, if required, unless you are experiencing a staff shortage and the results of the name-based check do not preclude a person from present. In these circumstances, you must have fingerprint results completed within 30 days. A \$2 fee must be paid for each request submitted. Payment must be sent along with Form 2988-A, Child Care Fee Schedule , to: **DFPS, Accounting Division E-672, P.O. Box 149030, Austin, TX. 78714-9030.**

If you are sure the information is correct to the best of your knowledge, you may submit the request by pressing the Confirm Request button below. You may wish to print this page for your records.

Operation Name: **Cal Farley's Boys Ranch**
Operation Number: **1639**
E-mail Address: **dianaevans@calfarley.org**

Type of check: **Recurring**
FBI Check Required: **Yes**
Name: **George Robert Owen**
SSN: **[REDACTED]**
ID Type: **Driver's License**
ID #: **18690045**
ID State: **Texas**
Date of Birth: **08/17/1954**
Gender: **Male**
Address: **PO BOX 68
BOYS RANCH, TX 79010 -0068**
Address Validation Status: **Validated**
Email

Person's Contact Method for Fingerprint Scheduling:

Email: **georgeowen@calfarley.org**

Home Phone #: **(806) 683-3966**

Person's role at operation: **Staff**

Other Cities of Residence in Texas:

Out-of-State Residence in the US in the Last 5 Years:

Previous Address:

Date of Hire: **05/26/1999**

Will this person be paid or is this person currently paid by the operation in the role selected?: **Yes**

Ethnicity: **Not Hispanic**

Race: American Indian/Alaskan Native Asian Black Native Hawaiian/Pacific Islander White Unable to Determine

Alternate Names:

By checking the preceding box, you verify that you are the director, owner, or operator of the child care facility submitting this request, and that you have verified (by looking at the person's social security card and/or driver's license/state-issued ID) that the information on this form contains no willful misrepresentation and that the information given is true and complete to the best of your knowledge. You understand that the Department may contact others and, at any time, seek proof of any information contained here. You understand that any willful misrepresentation or failure to provide identifying information within the stated time limit is a cause for denial of the application or revocation of your license, registration or listing.

Confirm Request

Diana Evans

From: CLASSPROJECT@dfps.state.tx.us
Sent: Friday, January 5, 2018 1:06 PM
To: Diana Evans
Subject: [BULK] #1639 Cal Farley's Boys Ranch - DFPS Fingerprint Check Not Required

This is a system-generated mail. Please do not respond to this e-mail address.

01/05/2018

Cal Farley's Boys Ranch
Operation #1639

After researching the background check request that your operation submitted on Gerorge Owen (DOB:08/17/1954), we have determined that a valid FBI fingerprint check result is already on file for this person. Therefore, this person does not need to be fingerprinted at this time.

NOTICE REGARDING FOSTER AND/OR ADOPTIVE CAREGIVERS: Upon further research, we may determine that this person needs to submit new fingerprints. We will notify you if we determine that this person must submit new fingerprints.

Background checks are conducted in compliance with Child Care Licensing minimum standards, rules, and other Texas and federal law.

If you have additional questions, please contact your CBCU representative or visit our Frequently Asked Questions at: http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/faqs.asp. If you are unsure who your CBCU representative is, you may find this information on the CBCU webpage at http://www.dfps.state.tx.us/background_checks.asp or contact the CBCU Support Line at: 1-800-645-7549.

Thank you,

Department of Family and Protective Services

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Friday, January 5, 2018 1:32 PM
To: Diana Evans
Subject: [BULK] #1639 Cal Farley's Boys Ranch - Cleared DPS Criminal History Check

This is a system-generated mail. Please do not respond to this email address.

01/05/2018

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: DPS

A name-based background check that the Texas Department of Public Safety (DPS) conducted using its criminal history database indicates that the person listed below is cleared of any criminal history in Texas as of the date of this email:

George Robert Owen
Alternate Names:
George Robert Owen

Additional Information:

Other background check requests may still be pending for this person. You must receive notification of the results for each type of check requested for this person before the background check is considered complete. In addition to this DPS criminal history result, these types of checks include:

- A Department of Family and Protective Services (DFPS) Central Registry abuse/neglect history check, generated for all background check requests
- An FBI fingerprint-based criminal history check, if your operation requested one for this person

This background check has been conducted in compliance with, and as required by, Child Care Licensing minimum standards, rules, and other Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 05/14/2003
CAL FARLEY'S BOYS RANCH on 05/05/2005
CAL FARLEY'S BOYS RANCH on 05/02/2007
CAL FARLEY'S BOYS RANCH on 04/30/2009
CAL FARLEY'S BOYS RANCH on 04/28/2011
CAL FARLEY'S BOYS RANCH on 04/26/2013
CAL FARLEY'S BOYS RANCH on 01/08/2014

CAL FARLEY'S BOYS RANCH on 01/06/2016
CAL FARLEY'S BOYS RANCH on 01/05/2018

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your DFPS Public Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or Centralized Background Check Unit (CBCU) representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

Thank you,

Department of Family and Protective Services

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Saturday, January 6, 2018 10:57 AM
To: Diana Evans
Subject: [BULK] #1639 Cal Farley's Boys Ranch - Cleared FBI Criminal History Check

This is a system-generated mail. Please do not respond to this email address.

01/06/2018

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: FBI

A fingerprint-based background check against the Federal Bureau of Investigation (FBI) criminal history database indicates that the person listed below is cleared of any criminal history as of the date of this email:

George Robert Owen
Alternate Names:
George Robert Owen

Additional Information:

Other background check requests may still be pending for this person. You must receive notification of the results for each type of check requested for this person before the background check is considered complete. In addition to this FBI criminal history result, these types of checks include:

- A Department of Family and Protective Services (DFPS) Central Registry abuse/neglect history check
- A Texas Department of Public Safety (DPS) name-based criminal history check, generated for all background check requests

This background check has been conducted in compliance with, and as required by, Child Care Licensing minimum standards, rules, and other Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 05/14/2003
CAL FARLEY'S BOYS RANCH on 05/05/2005
CAL FARLEY'S BOYS RANCH on 05/02/2007
CAL FARLEY'S BOYS RANCH on 04/30/2009
CAL FARLEY'S BOYS RANCH on 04/28/2011
CAL FARLEY'S BOYS RANCH on 04/26/2013
CAL FARLEY'S BOYS RANCH on 01/08/2014
CAL FARLEY'S BOYS RANCH on 01/06/2016
CAL FARLEY'S BOYS RANCH on 01/05/2018

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your DFPS Public Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or Centralized Background Check Unit (CBCU) representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

NOTICE: DFPS will notify you if it determines at a later date that this individual must submit new fingerprints.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

**Thank you,
Department of Family and Protective Services**

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Tuesday, January 9, 2018 5:33 AM
To: Diana Evans
Subject: [BULK] #1639 Cal Farley's Boys Ranch - Cleared DFPS Central Registry Check

This is a system-generated mail. Please do not respond to this email address.

01/09/2018

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: Central Registry

The Texas Department of Family and Protective Services (DFPS) completed its check of its Central Registry abuse/neglect history database on the person listed below. As of the date of this email, this person does not have Central Registry history in Texas that would preclude the person from being present in a child care operation while children are in care:

George Robert Owen
Alternate Names:
George Robert Owen

Additional Information:

Other background check requests may still be pending for this person. You must receive notification of the results for each type of check requested for this person before the background check is considered complete. In addition to this DPS criminal history result, these types of checks include:

- A Texas Department of Public Safety (DPS) name-based criminal history check, generated for all background check requests
- An FBI fingerprint-based criminal history check, if your operation requested one for this person

This background check has been conducted in compliance with Child Care Licensing minimum standards, rules, and other Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 05/14/2003
CAL FARLEY'S BOYS RANCH on 05/05/2005
CAL FARLEY'S BOYS RANCH on 05/02/2007
CAL FARLEY'S BOYS RANCH on 04/30/2009
CAL FARLEY'S BOYS RANCH on 04/28/2011
CAL FARLEY'S BOYS RANCH on 04/26/2013

CAL FARLEY'S BOYS RANCH on 01/08/2014
CAL FARLEY'S BOYS RANCH on 01/06/2016
CAL FARLEY'S BOYS RANCH on 01/05/2018

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your DFPS Public Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or Centralized Background Check Unit (CBCU) representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.


If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.


If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

**Thank you,
Department of Family and Protective Services**

STATEMENT TO ACCOMPANY
BOYS RANCH INDEPENDENT SCHOOL DISTRICT
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST
FOR
MARK STROTHER

I, **Mark Strother**, 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.


Mark Strother (signature)


Date

MARK STROTHER

EXPERIENCE **Cal Farley's - Amarillo, Texas - April 2002 to present**
Executive Vice President and Chief Operating Officer (2009 - present)

- Responsible for all aspects of residential childcare operations at Cal Farley's including youth program design, implementation and evaluation, provision of training and related activities.
- Responsible for all aspects of the physical campus of Cal Farley's Boys Ranch.
- Responsible for CF Learning an international network of professionals, leaders and educators in the youth work field.
- Responsible for Information Technology for the entire Cal Farley's organization.

Director of Program Development, Training, and Program Evaluation (2002 - 2009)

- Facilitate in the development of new programs and services and in the redesign of existing ones.
- Train and supervise the training of youth workers, social workers, and support staff for the entire agency.
- Facilitate the evaluation of program and service outcomes.
- Facilitate Continuous Quality Improvement initiatives.

Lee & Beulah Moor Children's Home - El Paso, Texas - March 1992 to April 2002

- Responsible for residential youth programs.

EDUCATION **MASTER OF ARTS IN EDUCATION - UNIVERSITY OF PHOENIX - SANTA TERESA, NEW MEXICO**
BACHELORS DEGREE IN BUSINESS - UNIVERSITY OF PHOENIX - SANTA TERESA, NEW MEXICO

LEADERSHIP **Currently serving on the Board of Directors for CYC-Net.**
An international association serving Child and Youth Care Workers.
2011-2013 President of the Board for the American Re-ED Association



TEXAS

Health and Human Services

Background Check Request Confirmation

Currently logged in as: [boysranch](#) [\[Logout\]](#)

Request Background Check

Please verify that the information you have entered is accurate by checking the person's social security card and/or driver license. **If a new person is being hired you must have received the DPS and Central Registry name-based results prior to allowing the person to provide direct care or have direct access to children in care. You must also have received the results of a fingerprint check, if required, unless you are experiencing a staff shortage and the results of the name-based check do not preclude a person from present. In these circumstances, you must have fingerprint results completed within 30 days.** A \$2 fee must be paid for each request submitted. Payment must be sent along with [Form 2988-A, Child Care Fee Schedule](#) , to: **DFPS, Accounting Division E-672, P.O. Box 149030, Austin, TX. 78714-9030.**

If you are sure the information is correct to the best of your knowledge, you may submit the request by pressing the Confirm Request button below. You may wish to print this page for your records.

Operation Name: **Cal Farley's Boys Ranch**
 Operation Number: **1639**
 E-mail Address: **dianaevans@calfarley.org**

Type of check: **Recurring**
 FBI Check Required: **Yes**
 Name: **Mark Allen Strother**
 SSN: **[REDACTED]**
 ID Type: **Driver's License**
 ID #: **03181967**
 ID State: **Texas**
 Date of Birth: **05/10/1957**
 Gender: **Male**
 Address: **PO BOX 1
BOYS RANCH, TX 79010 -0001**
 Address Validation Status: **Validated**
 Email

Person's Contact Method for Fingerprint Scheduling:

Email: markstrother@calfarley.org

Home Phone #: (806) 683-5479

Person's role at operation: Licensed administrator

Other Cities of Residence in Texas: El Paso, Waco, Pecos, Odessa, Big Spring, Lubbock

Out-of-State Residence in the US in the Last 5 Years:

Previous Address:

Date of Hire: 04/02/2002

Will this person be paid or is this person currently paid by the operation in the role selected?: Yes

Ethnicity: Not Hispanic

Race: American Indian/Alaskan Native Asian Black Native Hawaiian/Pacific Islander White Unable to Determine

Alternate Names:

By checking the preceding box, you verify that you are the director, owner, or operator of the child care facility submitting this request, and that you have verified (by looking at the person's social security card and/or driver's license/state-issued ID) that the information on this form contains no willful misrepresentation and that the information given is true and complete to the best of your knowledge. You understand that the Department may contact others and, at any time, seek proof of any information contained here. You understand that any willful misrepresentation or failure to provide identifying information within the stated time limit is a cause for denial of the application or revocation of your license, registration or listing.

Confirm Request

Diana Evans

From: CLASSPROJECT@dfps.state.tx.us
Sent: Thursday, November 16, 2017 10:07 AM
To: Diana Evans
Subject: [BULK] #1639 Cal Farley's Boys Ranch - DFPS Fingerprint Check Not Required

This is a system-generated mail. Please do not respond to this e-mail address.

11/16/2017

**Cal Farley's Boys Ranch
Operation #1639**

After researching the background check request that your operation submitted on Mark Strother (DOB:05/10/1957), we have determined that a valid FBI fingerprint check result is already on file for this person. Therefore, this person does not need to be fingerprinted at this time.

NOTICE REGARDING FOSTER AND/OR ADOPTIVE CAREGIVERS: Upon further research, we may determine that this person needs to submit new fingerprints. We will notify you if we determine that this person must submit new fingerprints.

Background checks are conducted in compliance with Child Care Licensing minimum standards, rules, and other Texas and federal law.

If you have additional questions, please contact your CBCU representative or visit our Frequently Asked Questions at: http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/faqs.asp. If you are unsure who your CBCU representative is, you may find this information on the CBCU webpage at http://www.dfps.state.tx.us/background_checks.asp or contact the CBCU Support Line at: 1-800-645-7549.

Thank you,

Department of Family and Protective Services

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Thursday, November 16, 2017 10:24 AM
To: Diana Evans
Subject: [BULK] #1639 Cal Farley's Boys Ranch - Cleared DPS Criminal History Check

This is a system-generated mail. Please do not respond to this email address.

11/16/2017

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: DPS

A name-based background check that the Texas Department of Public Safety (DPS) conducted using its criminal history database indicates that the person listed below is cleared of any criminal history in Texas as of the date of this email:

Mark Allen Strother

Additional Information:

Other background check requests may still be pending for this person. You must receive notification of the results for each type of check requested for this person before the background check is considered complete. In addition to this DPS criminal history result, these types of checks include:

- A Department of Family and Protective Services (DFPS) Central Registry abuse/neglect history check, generated for all background check requests
- An FBI fingerprint-based criminal history check, if your operation requested one for this person

This background check has been conducted in compliance with, and as required by, Child Care Licensing minimum standards, rules, and other Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 12/01/2005
CAL FARLEY'S BOYS RANCH on 11/26/2007
CAL FARLEY'S BOYS RANCH on 11/23/2009
CAL FARLEY'S BOYS RANCH on 11/22/2011
CAL FARLEY'S BOYS RANCH on 11/20/2013
CAL FARLEY'S BOYS RANCH on 11/17/2015
CAL FARLEY'S BOYS RANCH on 11/16/2017
CAL FARLEY'S FAMILY PROGRAM on 01/30/2004

CAL FARLEY'S FAMILY PROGRAM on 02/12/2004
LICENSED CHILD CARE ADMINISTRATORS on 12/05/2013
LICENSED CHILD CARE ADMINISTRATORS on 12/01/2015

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your DFPS Public Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or Centralized Background Check Unit (CBCU) representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

Thank you,

Department of Family and Protective Services

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Friday, November 17, 2017 2:05 AM
To: Diana Evans
Subject: [BULK] #1639 Cal Farley's Boys Ranch - Cleared FBI Criminal History Check

This is a system-generated mail. Please do not respond to this email address.

11/17/2017

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: FBI

A fingerprint-based background check against the Federal Bureau of Investigation (FBI) criminal history database indicates that the person listed below is cleared of any criminal history as of the date of this email:

Mark Allen Strother

Additional Information:

Other background check requests may still be pending for this person. You must receive notification of the results for each type of check requested for this person before the background check is considered complete. In addition to this FBI criminal history result, these types of checks include:

- A Department of Family and Protective Services (DFPS) Central Registry abuse/neglect history check
- A Texas Department of Public Safety (DPS) name-based criminal history check, generated for all background check requests

This background check has been conducted in compliance with, and as required by, Child Care Licensing minimum standards, rules, and other Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 12/01/2005
CAL FARLEY'S BOYS RANCH on 11/26/2007
CAL FARLEY'S BOYS RANCH on 11/23/2009
CAL FARLEY'S BOYS RANCH on 11/22/2011
CAL FARLEY'S BOYS RANCH on 11/20/2013
CAL FARLEY'S BOYS RANCH on 11/17/2015
CAL FARLEY'S BOYS RANCH on 11/16/2017
CAL FARLEY'S FAMILY PROGRAM on 01/30/2004
CAL FARLEY'S FAMILY PROGRAM on 02/12/2004
LICENSED CHILD CARE ADMINISTRATORS on 12/05/2013
LICENSED CHILD CARE ADMINISTRATORS on 12/01/2015

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your DFPS Public Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or Centralized Background Check Unit (CBCU) representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

NOTICE: DFPS will notify you if it determines at a later date that this individual must submit new fingerprints.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

**Thank you,
Department of Family and Protective Services**

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Saturday, November 18, 2017 12:16 AM
To: Diana Evans
Subject: [BULK] #1639 Cal Farley's Boys Ranch - Cleared DFPS Central Registry Check

This is a system-generated mail. Please do not respond to this email address.

11/18/2017

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: Central Registry

The Texas Department of Family and Protective Services (DFPS) completed its check of its Central Registry abuse/neglect history database on the person listed below. As of the date of this email, this person does not have Central Registry history in Texas that would preclude the person from being present in a child care operation while children are in care:

Mark Allen Strother

Additional Information:

Other background check requests may still be pending for this person. You must receive notification of the results for each type of check requested for this person before the background check is considered complete. In addition to this DPS criminal history result, these types of checks include:

- A Texas Department of Public Safety (DPS) name-based criminal history check, generated for all background check requests
- An FBI fingerprint-based criminal history check, if your operation requested one for this person

This background check has been conducted in compliance with Child Care Licensing minimum standards, rules, and other Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 12/01/2005
CAL FARLEY'S BOYS RANCH on 11/26/2007
CAL FARLEY'S BOYS RANCH on 11/23/2009
CAL FARLEY'S BOYS RANCH on 11/22/2011
CAL FARLEY'S BOYS RANCH on 11/20/2013
CAL FARLEY'S BOYS RANCH on 11/17/2015
CAL FARLEY'S BOYS RANCH on 11/16/2017
CAL FARLEY'S FAMILY PROGRAM on 01/30/2004

CAL FARLEY'S FAMILY PROGRAM on 02/12/2004
LICENSED CHILD CARE ADMINISTRATORS on 12/05/2013
LICENSED CHILD CARE ADMINISTRATORS on 12/01/2015

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your DFPS Public Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or Centralized Background Check Unit (CBCU) representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

**Thank you,
Department of Family and Protective Services**

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

January 31, 2020

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

SUMMARY: This item provides an opportunity for board consideration of three reappointments to the board of trustees of the Randolph Field Independent School District. The reappointments are necessary due to the expiration of the term of office for the board members.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

TEC, §11.352 authorizes the State Board of Education to appoint school board members in special purpose school districts.

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

PREVIOUS BOARD ACTION: No previous board action has occurred on this item.

BACKGROUND INFORMATION AND JUSTIFICATION: The State Board of Education is statutorily authorized to appoint board members for military reservation independent school districts. 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 on one of these boards, the base commander notifies the commissioner of education of such in compliance with TEC, §11.352. Vacancies are widely advertised through base newspapers, email and other electronic means. Interested individuals then submit resumes and other documents verifying that they qualify to hold the position and would accept it if appointed.

The commanding officer appoints a nomination panel of at least three members who review the application packages, interview the candidates, and evaluate the candidates. The panel's recommendations are then forwarded to the commanding officer for consideration. The commanding officer is required by 19 TAC §61.2 to provide at least three nominations to the State Board of Education. The nominations may or may not be ranked in order of preference. All nominees must be qualified under the general school laws of Texas and live or be employed on the military reservation.

Colonel, United States Air Force, Jeffrey F. Carter, Commander of the 502d Security Forces Group, has notified the commissioner of three vacancies which exists on the board of trustees of the Randolph Field Independent School District due to the expiration of the term of Ms. Vanessa Bowden, Mr. Jimmy Cornelius, and Mr. William Morrison. Colonel Carter has provided three nominees for the vacancy and has recommended the re-appointment of Ms. Vanessa Bowden, Mr. Jimmy Cornelius, and Mr. William Morrison to fill the expiring terms.

FISCAL IMPACT: No fiscal impact to the state will occur.

PUBLIC BENEFIT AND COST TO PERSONS: Both the public and the students will benefit by having qualified individuals appointed to the board of trustees.

PROCEDURAL AND REPORTING IMPLICATIONS: No procedural or reporting implications exist.

PUBLIC COMMENTS: No public comments are presented.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Colonel Jeffrey F. Carter's recommendation, approve the re-appointment of Ms. Vanessa Bowden, Mr. Jimmy Cornelius, and Mr. William Morrison to serve a term of office, from January 31, 2020 to January 31, 2022, on the Randolph Field Independent School District Board of Trustees.

Staff Member Responsible:

Jason Hewitt, Director, Monitors and Conservators

Attachment: Correspondence from the Colonel which includes biographical information and supporting materials for each nominee



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



11 December 2019

MEMORANDUM FOR MR. MIKE MORATH
Commissioner, Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701

FROM: 502 SFG/CC
1 Washington Circle, Suite #2
JBSA-Randolph, TX 78150-4560

SUBJECT: Reappointment of Vanessa Bowden, Jimmy Cornelius and William Morrison to the Randolph Field Independent School District (RFISD) Board of Trustees

1. I would like to respectfully request the reappointment of Ms. Vanessa Bowden, Mr. Jimmy Cornelius and Mr. William Morrison to the Randolph Field Independent School District (RFISD) Board of Trustees. Enclosed are the resumes of my nominees, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. The remaining nominees, in order of preference are, Mr. Bertell Francois, Ms. Kassandra Hall, Mr. Terry Wise, Mr. Mike Bell, Mr. Steven Green and Mr. Marvin Strange.
3. All nominees are qualified under the general school laws of Texas and either live or work on JBSA-Randolph. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
4. I recognize the power of the Board of Trustees to govern and manage the operations of the RFISD and recognize that my role as the executive agent of JBSA-Randolph is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
5. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Angela Green at (210) 652-3081.

CARTER.JEFFREY.F.1062602992
Y.F.1062602992

Digitally signed by
CARTER.JEFFREY.F.1062602992
Date: 2019.12.13 08:57:22
-06'00'

JEFFREY F. CARTER, Colonel, USAF
Commander, 502d Security Forces Group

9 Attachments:

1. Ms. Vanessa Bowden's Resume
2. Mr. Jimmy Cornelius's Resume
3. Mr. William Morrison's Resume
4. Mr. Bertell Francois's Resume
5. Ms. Kassandra Hall's Resume
6. Mr. Terry Wise's Resume
7. Mr. Mike Bell's Resume
8. Mr. Steven Green's Resume
9. Mr. Marvin Strange's Resume



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: VANESSA RM BOWDEN

Residential Address: 1 F STREET SUITE 3

JBSA-RANDOLPH AFB TX 78150

Physical Address of Employer:

1 F STREET SUITE 3

JBSA-RANDOLPH AFB TX 78150

Board of Trustees Location Applying For: RANDOLPH FIELD ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

BOWDEN.VANESSA.R Digitally signed by
M.1106518587 BOWDEN.VANESSA.R M.1106518587
Date: 2019.11.22 07:44:06 -06'00'

Signature of Applicant

VANESSA RM BOWDEN

Printed Name of Applicant

22 NOV 2019

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.***

Vanessa RM Bowden

16203 Canyon Shadow

San Antonio, TX 78232 US

Evening Phone: 210-387-8905 - Ext:

Day Phone: 210-387-8905 - Ext:

Email: vic3000@prodigy.net

Availability:

Job Type: Permanent

Work Schedule: Full-Time

Work Experience:

Department of Air Force

1 F Street Suite 2

Randolph AFB, TX 78150 United States

08/2019-Present

Hours per week: 40

Series: 0343 Pay Plan: GS Grade: 13

Education and Accessions Program Analyst

Duties, Accomplishments and Related Skills:

conducts data call activities associated with the AAD program—identifies quota requirements from career field managers (CFMs), Air University (AU), Air Force Institute Technology (AFIT), US Air Force Academy (USAFA), and PCE course owners. Prioritizes predetermined resources against the field's stated requirements, distributes the notional to the field for review, and suspense changes as required. Notes changes based on validation of current and anticipated AAD and PCE inventory, Unit Manning Document requirements, and proof of hiring shortfalls. Develops strategic plans considering operational and support personnel requirements. Programs out-year AAD and PCE budget and quota allocations. Works closely with AETC stakeholders; conducts analysis to assess utilization of AAD and PCE users. Evaluates and advises on accessions program across AETC, AFPC and AFRS. Develops cost benefit analysis and impacts on enlisted and officer initial skills programs. Advises on potential benefits of automation to improve efficiency of accessions, supporting enlisted and officer initial skills training. Identifies non-standard or emerging operational requirements, assess impact on assigned programs, and develops recommendations. Relying on available data, searches a variety of sources to select the information appropriate to the task, taking care to verify the relevancy, adequacy, sustainability, attainability, accuracy, and completeness of the information and recommendations. Develops and coordinates program evaluation plans, procedures, and methodology. Develops or recommends modification to system or programs around doctrine and concepts of operation. Provides advice and assistance to other organizations, to MAJCOMs, and agencies in assigned areas of responsibility. Participates in strategic planning to improve organizational direction. Analyzes problems

discovered in prior studies or actual operations and negotiates with and/or advises higher levels of management on the feasibility of different approaches which provide a basis for better planning of operations and better use of resources

02/2014 – 08/2019

Hours per week: 40

Series: 1750 Pay Plan: GS Grade: 12

Instructional Systems Specialist (This is a federal job)

Duties, Accomplishments and Related Skills:

Serves as the command focal point administering, analyzing and evaluating sister service ITRO and consolidated (Army, Navy, DINFOS, METC, and DEOMI) and DoD program requirements. Programs enlisted, officer, and supplemental out-year AF requirements in sister service training. Responsible for programming long range strategic training requirements and total support for all assigned programming and instructional programs. AF representative for procuring training requirements at Army's Training Requirements Arbitration Panels (TRAPs) and annual Structure Manning Decision Reviews (SMDRs) and Navy's Student Input Planning (SIP) process. Coordinates and advocates AF TRAPs request as well as attends SMDRs to codify the Air Force requirements for sister service training. Ensures AF-required training allocations are properly allocated to meet warfighter requirements. Plans total support for initial skills and supplemental sister service training requirements. Serves as requirement management authority ensuring sustainment in Air Force Specialty Codes. Determines the support requirements for time and resources available, projected schedules, and relationship to the objectives of the sister service training program in accordance with Air Force priorities. Reviews enlisted, officer, and advanced and supplemental programmed technical training (PTT) documents to ensure user requirements fall within the programmed guidance letter (PGL) baselines. Provides oversight of procedures for the AF to capture additional training requirements and informs users. Coordinates with each user to ensure accurate accountability and tracking of AF seats in sister service courses. Reviews, advises and present statistics for future Air Force training needs and develop plans that satisfy Officer initial skills outyear training requirements. Determines the requirements for specific courses and their relative priority in light of time and resources available, projected schedule, and relationship to the objectives of a total training program. Determines when current policies, practices and procedures are inadequate and proposes changes. Coordinates with HAF, MAJCOMs, HQ Army and HQ Navy POCs, 2AF, and TRG to establish and implement programming and related instructional services activities associated with sister service training requirements and officer initial skills training.

Supervisor: Jennifer Lloyd (210-652-5106)

Okay to contact this Supervisor: Yes

US Air Force Reserves

375 W Street Suite 1

Randolph AFB, TX 78150 United States

05/1997 - 12/2016

Salary: 550.00 USD Per Month

Hours per week: 16

Base Education and Training Manager (BETM)

Duties, Accomplishments and Related Skills:

As base education training manager (BETM), reviewed, approved/disapproved, and coordinated enlisted formal training course training plans. Documented training using Air Force training record (AFTR) and Training Business Area (TBA). Organized education and training programs to achieve educational goals and mission requirements.

Implemented policies. Presented recommendations and follow up on unresolved or questionable training/upgrade concerns. Managed Career Field Education and Training Plans (CFETPs) for 23 different Air Force specialty codes (AFSCs). Served as an Advisor for Community College of the Air Force (CCAF). Maintained contact with CCAF to resolve issues. Knowledge of accreditation requirements. Ensured enrollees were actively pursuing CCAF degree. Maintained records of course attendance, withdrawals, completions and costs. Advised on individual education and training progress. Provided statistical reports on programs and operations. Administered comprehensive and timely surveys to obtain meaningful feedback from students, graduates, their supervisors, and instructors. Performed training needs analysis.

Motivated peers and team members to improve methods with customer needs in mind.

Developed training materials and testing procedures. Conducted training classes.

Monitored progress, identified problem areas, determined causes, recommended corrective action, and provided counsel. Implemented policies relative to mission assignment.

Provided educational service support to wing, base, and units. Provided assistance in program areas. Managed tuition assistance for wing. Managed and trained

21 training managers in areas of upgrade training, school dates requirements, new course requirements, AFOCD/AFECD changes. Implemented training policies and procedures.

Facilitated for Non Commission Officer Leadership Development Course.

Supervisor: Steven Badowski (210-9458199)

Okay to contact this Supervisor: Yes

Department of Air Force

151 J Street

Randolph AFB, TX 78150 United States

04/2011 - 02/2014

Salary: 73,300.00 USD Per Year

Hours per week: 40

Series: 1750 **Pay Plan:** GS **Grade:** 12

Chief, Training Analysis Flight (This is a federal job)

Duties, Accomplishments and Related Skills:

Served as Chief and primary Training System Requirements Analysis functional advisor to the squadron commander and director on training requirements and resources. Ensured AETC and using commands were appraised of training program progress, issues, and concerns, while minimizing impact to the acquisition schedule. Knowledge of training administration, policies, and procedures. Planned and executed support activities related to current missions within constraints of budget and customer requirements. Analyzed interrelated issues of effectiveness, efficiency, and productivity. Developed recommendations to solve problems and applied program management principles to guide program accomplishment through the various phases of the acquisition cycle. Served as member of the assigned System Program Office (SPO) Training Integrated Product Team (IPT) and monitored the progress on training systems and coordinated MAJCOM training requirements for meeting training system program objectives. Consulted with curriculum designers, course writers, instructors and subject-matter specialists to develop training system suited for computer assisted instruction, special training devices and equipment such as simulators, test equipment and mockups. Assisted in formulation of policies and procedures to implement the latest instructional systems development concepts and integrated emerging technologies into the process. Supervised seven personnel.

Supervisor: LTC Maurice Azar (210-652-5229)

Okay to contact this Supervisor: Yes

Department of Army

Ft Sam

San Antonio, TX 78230 United States

10/2008 - 04/2011

Hours per week: 40

Series: 1750 **Pay Plan:** GS **Grade:** 11

Instructional Systems Specialist (This is a federal job)

Duties, Accomplishments and Related Skills:

As training manager (TM) for Army Medical Department (AMEDD), developed curriculum using the Systems Approach to Training (SAT) process, managed training, resources, and instructors for five courses. Conducted needs analysis studies to identify and verify training problems or needs. Managed course development, working closely with SMEs, course directors and instructors. Examined the current threat, doctrine, leader development, organization, geographical location of units, resource constraints, personnel turbulence, type of unit, new systems, and associated factors. Designed, developed, and administered needs survey instruments in conjunction with subject matter experts. Managed training and non-training solutions, and advantages and disadvantages of each using extensive planning and organization of information for Inter-service Training Review Organization (ITRO) Programs and Medical Education Training Command

(METC). Briefed leaders on program policies and budget, and advised them of program issues. Researched issues, requirements and policy for all Services, US Coast Guard, and Health care. Reviewed ITRO and METC policies and made appropriate recommendations on both internal/external feedback to leaders for DoD implementation. Reviewed and coordinated medical enlisted training course training plans. Continuously monitored the technical training programs for efficiency and cost effectiveness of DoD processes. Presented findings, recommendations, and proposals to supervisor by conducting briefings or writing decision papers. Produced self-contained training products using technical training, instructional methods, and training technologies. Tested validated statistics, comparative studies of student progress and observation of instructional methods including the use of training devices, equipment and facilities to accurately and effectively evaluate educational and training programs. Evaluate all aspects of education and training programs to include administration, policies, procedures, curricula, instructional materials and techniques, and made recommendations to improve quality of instruction and training products/materials. Advised and assisted staff in planning, creating, evaluating, validating, and updating educational material in support of training programs/system initiatives.

Supervisor: Sergeant Major Stevens (210-808-1250)

Okay to contact this Supervisor: Yes

Department of Air Force

1 F Street

Randolph AFB, TX 78150 United States

09/2005 - 10/2008

Hours per week: 40

Series: 1750 **Pay Plan:** GS **Grade:** 11

Instructional Systems Developer (This is a federal job)

Duties, Accomplishments and Related Skills:

Developed, reviewed, and revised instructional materials including content, style, and format. Researched, planned, developed, and reviewed education and training programs for total support including personnel, equipment, facilities, and budget. Performed editing, proofreading, and rewriting for clear and concise written messages. Reviewed, analyzed, and summarized critiques and developed after action reports with recommendations for corrective actions. Developed and evaluated instructional effectiveness and educational materials for consistency with course objectives, teaching soundness, and conformity to policy and requirements. Reviewed, edited, and corrected forms and test documentation for conformance with recognized test and measurement principles. Developed objective tests and other instruments to measure student achievement and the adequacy of education and training programs. Used a systems approach to plan, develop, and coordinate components of instruction. Instructed Air Force courses. Served as instructor and curriculum developer. Provided subject matter expertise during planning, development, preparation, and validation of electronic and

paper-based courseware. Designed, developed, conducted, and evaluated training courses used to support the training of members of the faculty including civilian and military members. Conducted workshops and other training sessions or special courses for a variety of personnel. Recommended and reviewed appropriate professional and technical books, manuals, journals, regulations, videotapes and other multimedia materials. Performed appropriate reviews and effective evaluations of recommended test items. Prepared and conducted instruction in educational topics to include, but not limited to, teaching techniques, methods of instruction, lesson plan preparation, instructional objectives, test construction, student counseling, classroom management and control, instructional technology, course design, and systems approach to training development, audiovisual support. Knowledge of a wide array of media and methods to deliver training. Familiar with OTA and MiPDS. Served as a training instructor for technical training squadron.

Supervisor: Todd Fore ((210)652-4475)

Okay to contact this Supervisor: Yes

San Antonio ISD

Foster Road

San Antonio, TX 78236 United States

01/2000 - 09/2005

Salary: 40,000.00 USD Per Year

Hours per week: 40

Educator

Duties, Accomplishments and Related Skills:

Provided guidance which promotes educational development and achievement of obtainable goals. Maintained accurate records in compliance with local and state policies. Prepared appropriate lesson plans using curriculum guides. Administered and managed the classroom activities so that acceptable behavior and effective involvement was encouraged. Initiated and implement training for child development. Used a variety of programs, approaches and materials to meet individual goals. Demonstrated explicit instruction in skills, strategies, tasks, procedures, and thinking. Evaluated testing materials and methods. Complied with state, district and school regulations, and policies. Used informal and formal assessment to continually monitor each child's progress. Revised plans to reflect changes in goals. Worked with others on staff to plan and evaluate programs. Developed instructional plans. Interpreted and explained new and existing policies and programs. Communicated effectively with students, parents, and administrators. Followed Individual Educational Plans for students with Special Needs. Provided proper care and security of equipment and property. Used spreadsheets, Windows 98 and Internet.

Supervisor: Stacey Lewis (210-333-1771)

Okay to contact this Supervisor: Yes

Education:

Community College of the Air Force Maxwell AFB, AL United States
Associate's Degree 04/2005

Credits Earned: 64 Semester hours

Major: Education and Training

U TX San Antonio San Antonio, TX United States

Master's Degree 11/2005

GPA: 3.50 of a maximum 4.00

Credits Earned: 37 Semester hours

Major: Education

U TX San Antonio San Antonio, TX United States

Bachelor's Degree 12/1999

GPA: 3.17 of a maximum 4.0

Credits Earned: 156 Semester hours

Major: Education

Relevant Coursework, Licenses and Certifications:

TX Certified Teacher



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Jimmy D. Cornelius

Residential Address: 61 Main Circle, Suite 1

JBSA Randolph

Texas

78105

Physical Address of Employer:

61 Main Circle, Suite 1

JBSA Randolph

Texas

78105

Board of Trustees Location Applying For: Randolph Field ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

CORNELIUS.JIMMY.D. Digitally signed by
CORNELIUS.JIMMY.D.1135590440
Date: 2019.09.05 11:06:31 -05'00'
1135590440

4 September 2019

Signature of Applicant

Date

Jimmy D. Cornelius

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.

RFISD SCHOOL BOARD TRUSTEE APPLICATION

1. Personal Data:

- a. Name/rank: **Jimmy D. Cornelius/SMSgt (Ret) GS-7**
- b. Address: **7619 Bismarck Lake, Converse, Texas 78109**
- c. Phone: **Work (210) 652-9979; Home (210) 437-3143; Cell (210) 872-0969**
- d. If military, date assigned to Randolph AFB: **January 1989-January 1996.**
TAFMSD: 27 + years
- e. Qualification: **Military retired grade: SMSgt/Date: 31 July 2006, Civilian: GS-7,**
26 May 2009-Current HQ AETC/JA.

f. Children in RFISD: **From August 1989 to January 1996 my wife and I had our children enrolled in RFISD. Our oldest daughter, Michelle, graduated in 1995. She was in the band and was co-drum major her junior year. We moved to Dyess AFB, Texas, during January 1996. When we moved, our son, Kevin, was a junior. He played football "#55" and was in the band. Our youngest daughter, Deanna, was a freshman and she was also active in the band. Both Kevin and Deanna had been "roadies" for the high school band while they were in Jr. High.**

2. Status

a. Education: **Associate Degrees in Police Science and Paralegal Studies; Bachelors of Science in Occupational Education-Criminal Justice.**

b. Professional or personal experience that would be an asset to you as a school board trustee: **I have had the privilege of being on the Board of Trustees for RFISD during the last eight years. Since August 2011 until present, I have completed close to 275 hours of continuing education through the Texas and the National Associations of School Boards. I believe the more I learn about the intricacies of procedures, rules, and laws governing schools and school boards, the better trustee I become. This translates to making things better for our students who are always our focus. Under my tenure as Board President we adopted and implemented board procedures that provide an opportunity for members to remain consistent with RFISD's values and beliefs. We altered our transfer policy from being more restrictive to less restrictive which provided for student growth from 1,100 to over 1,400 students. Our current high school was built and work was begun and completed on our gym and cafetorium.**

Our children were in six different school districts in three states and one foreign country. With the experiences I've gained with the Air Force and the different schools our children have encountered, I feel I bring a wide variety of experience and knowledge to the District. We have ridden many band buses and worked many hours in the concession stand. In fact,

I was the Band Boosters President when the current concession stand was built. We retired here and live next to the base. This is our home and as such I am a stable member. I worked with the school and the administration as a parent volunteer and also in my professional capacity as a Security Policeman in the 1990s, and from August 2011 to now with positive results. I believe I can continue to do so if I am selected to continue to be a School Board Trustee of RFISD.

3. Supervisor/reference:

a. Name/rank: Jason S. Robertson, Colonel

b. Address: HQ AETC Staff Judge Advocate, 61 Main Circle Suite 1,
Joint Base San Antonio Randolph TX 78150

c. Phone: (210) 652-4511

4. Why do you want to serve as a school board member? To continue helping make RFISD the best possible district it can be. Giving the children/students a quality education is what being a board member is all about. Over the years RFISD has set a very high educational and moral standard. We focus on learning vs. teaching. Our District has received an "A" rating for the last two years. Each of our three campuses have also received an "A" as well. I want to help continue this noble tradition. It has been and is an exciting time to be a trustee for RFISD as we have built new facilities and are developing plans for a new Elementary School to be built (federal funding has been approved). These changes have allowed more students to have the Randolph experience. During my tenure as a RFISD Trustee (president for four years), we hired a Superintendent, have given employees raises, renovated the football stands, currently renovating the old cafeteria into a multi-purpose building with a large testing/meeting room, built a high school and a gym/cafetorium, purchased and buried new fuel tanks, built a transportation (Bus Barn) facility and a new addition to our middle school. We have torn down the old high school and constructed two parking lots and two parent pickup loops. We have renovated the old maintenance building and turned it into a home for our Jr. ROTC Wing to include class rooms, a firing range, and a place to practice marching, rifle drills, lockers and changing rooms for both female and male cadets. Also, the Student Services personnel are sharing the Jr. ROTC facility. All the while we continue to budget for employee retention stipends to retain and recruit our high quality teachers and staff. During this year Mr. Johnson (our superintendent) and I worked with State Legislatures and Senators in getting RFISD even with and potentially higher per ratio of students' average daily attendance than the other two military schools in San Antonio. This is slated to increase our revenue from IMPAC Aid by as much as \$2.3M annually. This along with the Texas funds for mandated raises has allowed the Board to give everyone across RFISD a 5% raise. The District has implemented a loyalty stipend for employees. They are given a monetary award for every five years a person has been in the District.

5. My Biography is attached for the 502d Security and Readiness Group Commander.



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: William Fosdick Morrison II

Residential Address: 2 East Park

Universal City

Texas

78148

Physical Address of Employer:

2 East Park

Universal City

Texas

78148

Board of Trustees Location Applying For: Randolph Field ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

William F. Morrison II

Signature of Applicant

25 Nov 19

Date

William F. Morrison 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.

William F. Morrison II

Universal City, TX

571.221.2565

williamfmorrison2@gmail.com

www.linkedin.com/in/williamfmorrison2

PROFESSIONAL SUMMARY

Transformational servant-leader with Talent Management and Human Capital Development experience. A trusted advisor and strategic leader possessing a comprehensive background in operations management, customer service, workforce development, and process improvement. Possess extensive knowledge in team leadership and team building, risk mitigation, inter-personal communication, and directing talent management functions to include strategic planning and policy development. Areas of expertise include:

- Executive Leadership
- Project Management
- Team Building
- Problem Solving
- Education and Development
- Process Improvement
- Resource Management
- Customer Service
- Recruiting

TEACHING, YOUTH ENGAGEMENT, AND HUMAN CAPITAL DEVELOPMENT EXPERIENCE

Trustee, Randolph Field Independent School District Board of Trustees, TX, February 20 17 – present

- Provided critical oversight of elementary and secondary school programs and procedures to maintain high levels of academic distinction, student achievement, and 99%+ graduation rates by advocating for career and college ready programs and community engagement with all stakeholders
- Drove increased communication, visibility, and awareness of the district's strategic goals by having them placed on the district website and ensuring each campus provided detailed explanations on how each goal was met
- Established close ties and communication protocols between the board and district as it moves toward a District of Innovation, which allows the district flexibility in the school calendar, daily start/stop times, class size, teacher certifications, probationary periods, professional development, teacher appraisals, and student attendance
- Balanced sound fiscal oversight on the district's \$19M budget process and campus improvement/construction plans

Military Representative, State of Hawai'i Board of Education, HI, July 2011 – July 2013

- Translated military community concerns as senior United States Pacific Command military representative to the Hawai'i Board of Education (BoE), which oversees the only statewide educational system in the country and the ninth-largest school district in the country with 256 public schools, 34 charter schools that educates over 180,000 students, and highest number of military dependent children per capita in the nation
- Improved ties between state and federal education stakeholders championing the educational needs of 25K military children and providing oversight of \$175K in annual Federal Impact Aid
- Eased transition impacts of military children in/out of Hawai'ian public schools by providing executable inputs to the BoE's strategic plan, the implementation of Common Core and the Interstate Compact, and state-wide testing

Command Representative, Advisory Council on Dependents Education, July 2011 – November 2012

- Traveled to Department of Defense Education Activities (DoDEA) schools as a member of this Congressional-mandated advisory council, identifying challenges and potential solutions to staffing and curriculum and disseminating best practices throughout the DoDEA school system
- Led a team of educators that visited DoDEA schools in Japan, looking at five key leverage points: guarantee challenging, engaging, and intentional instruction; ensure curricular pathways to success; provide whole-child student support; create high-performance school culture; and develop data-driven high-reliability systems
- Led team of educators on a visit to DoDEA schools in Europe, reviewing at the current use of technology to identify potential opportunities to create a truly 21st century learning environment throughout DoDEA school

Executive Co-Chair, Joint Venture Education Forum, July 2011 – November 2012 (The Joint Venture Education Forum, or JVEF, was a partnership of 158 military units, public schools, community organizations, and state legislators who had a combined goal of supporting the 25K military dependents attending Hawaiian schools.)

- Authored major changes to the JVEF by-laws, better aligning JVEF to match the Hawai'i Department of Education's 2018 Strategic Plan, focusing on College and Career ready students and lifelong learners
- Completed detailed audit of \$59M in Congressional earmarks designated between 2000 and 2010 for new playgrounds, textbooks, technology, transition, citizenship programs, and support to math, science, language arts, fine arts, and robotics classes
- Determined which of the 59 grant submissions, worth \$3.6 million, would receive support from the last Congressional appropriation worth \$800,000--selected the top 19 grants that had the biggest impact on transition and resiliency programs; 21st century and on-line learning; and Science, Technology, Engineering, and Mathematic classes and Advanced Placement courses

Youth Sports / Student-focused Programs, multiple years

- Assistant basketball coach, Joint Base Pearl Harbor-Hickam Youth Sports, assistant flag football coach, Joint Base San Antonio-Randolph Youth Sports, assistant flag football coach, *i9 Sports*, and assistant coach for a Texas Select football team in Cibolo, Texas
- Member of the Randolph High School Athletic Booster Club supporting team spirit, the annual sports banquet, and funding-raising events
- Volunteered to chaperoned a Randolph High School JROTC over-night field trip to the USS Lexington, ensuring the safety and security of 80+ cadets
- Supported Randolph High School Class of 2020 Project Graduation committee by running the most successful senior class heritage project in 4 years and helping with three fund-raising event

Significant Talent Management and Human Capital Development Experiences, United States Air Force

- Shaped new developmental education selection procedures, transforming how 1,500 mid-management leaders were nominated and selected to over 80 year-long professional educational programs and fellowships
- Spearheaded generational changes to assignment philosophies for 270,000 personnel, enhancing links between past experiences, current skills, and required competencies, while also growing assignment opportunities by 20%
- Devised and executed an institutionally-focused centralized human capital development board, changing a decade old selection model on how mid-managers were identified and matched for future educational programs
- Resurrected Ability to Survive and Operate awareness by designing an in-depth, multifaceted, and benchmarked training plan, preparing 130 personnel in under 2 months for an inspector general operational readiness test
- Provided one-on-one tutoring and orchestrated four Staff Delegation tours, increasing the operational knowledge and leadership skills of 20 Congressional Staffers
- Developed curriculum and executed a 4-day leadership and resource management courses, providing 20 junior leaders with the tools necessary for future advancement
- Surpassed command training standards by instituting a monthly open book test program that incorporated all associated command and control directives, contributing to a higher understanding of command and control tenants and controller execution

EDUCATION & TRAINING

Civilian Education:

Master of Arts degree in History, University of Colorado, Colorado Springs, CO
Bachelor of Arts degree in History, University of Pittsburgh, Pittsburgh, PA

Board of Trustee Training:

Team of Six, Randolph Field ISD, TX (2017, 2018, 2019)
86th Legislative Update, Educational Service Center 20, San Antonio, TX



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Bertell Francois

Residential Address: 200 Dove Run

Cibolo

Texas

78108

Physical Address of Employer:

200 Dove Run

Cibolo

Texas

78108

Board of Trustees Location Applying For: Randolph Field ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

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- 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.

Bertell Francois Digitally signed by Bertell Francois
Date: 2019.12.03 12:46:03 -06'00'

Signature of Applicant

Date

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.

BERTELL FRANCOIS
(307) 256-8392 bfran6383@gmail.com

Summary- Detail oriented administrative assistant with strong customer service skills, who excels at prioritizing, completing multiple tasks simultaneously, and following through to achieve project goals. Excellent communication skills (oral and written) focused and highly organized with proven strengths in leading people and employee relations.

Experience

Advising Team Support Specialist

January 2017 – August 2017

Alamo Colleges, Northeast Lakeview College

- Provided high quality administrative and clerical support to students in the college connection, advising and enrollment process in collaboration with staff and faculty
- Generated reports to support department initiatives and needs; scanned, indexed, filed students' records
- Proficient in all data input requirements and report generation in Alamo Colleges Banner system
- Contacted students to schedule/follow up on advising activities, specifically academic probation/dismissal issues
- Critical component in New Student Orientation process; prepared group advising cards, assigned rooms and advisors for approximately 120 new students on a weekly basis
- Managed advising schedule for 12 advisors—ensured adequate coverage was available to meet students' needs
- Disseminated registration/payment information, reviewed status/holds/outstanding balances for course registration
- Provided student-centered service and engaged in continuous quality enhancements
- Supervised four work study students on a daily basis

Admin Services Specialist

March 2015 – January 2017

Alamo Colleges, St. Philip's College

- Coordinated office procedures and implemented quality processes in a student-centered environment supporting college entry, progression and completion of educational goals
- Performed office/administrative duties such as receiving/responding to correspondence, greeting visitors, responding to telephone calls and in-person requests from students, faculty, and external agencies
- Answered questions regarding college admissions, course availability/registration, tuition/fees and various general information inquiries
- Communicated with students through email, phone and face-to-face, to assess and address their needs
- Delivered documents such as Military Verification Forms, Deferment requests, and Tuition Assistance Forms to appropriate agencies for processing, ensuring students' educational progress was uninterrupted
- Briefed students on use of ACES, college application process, and Alamo Enroll checklist procedures
- Evening Operations Monitor; maintained assigned classrooms and equipment, coordinated with faculty and students to ensure classroom climate was conducive to learning
- Ensured classroom policies and regulations were adhered to in accordance with school guidelines and procedures

Volunteer-Military & Family Readiness Center

October 2013 – March 2015

Joint Base San Antonio-Randolph

- Performed assorted clerical/administrative duties to include answering phone calls, taking messages, making appointments, and providing vital information to active duty military, dependents, and retirees regarding transition assistance, financial aid, and several other family readiness issues
- Greeted customers/assessed their needs and directed them to proper staff members for prompt service
- Consistently met goals by utilizing my multitasking abilities and prioritizing tasks based on deadlines, and level of importance yielding successful project completions
- Implemented and administered Military and Family Readiness Center core programs of, transition, relocation, family, and other work/life services and activities provided to military members, retirees, Department of Defense (DoD) civilian members, and their families
- Assisted in assessment and referral of families in need with continuing work/life services that included, financial, education and personal family counseling and intervention
- Instrumental in the development of marketing and public relations campaigns and media to ensure target populations were informed of services and activities
- Ensured availability of technology-based resources to maximize customer access to a full spectrum of resources to meet life-cycle needs

BERTELL FRANCOIS
(307) 256-8392 bfran6383@gmail.com

- Developed relocation packages for issuance to Airmen and their families projected for permanent change of station to JBSA-Randolph; offered valuable information necessary for smooth transition

Community Service Coordinator

October 2011 - June 2012

Office of Youth Alternatives, Cheyenne, WY

- Facilitated self-growth/life skills group sessions to at-risk youths to assist them in preparation for future life goals
- Completed documents to assess juveniles' progress; teamed with courts to gauge program's success
- Counseled youths on personal accountability, worth to self and worth to community
- Organized team-building exercises and introduced skills for vocational success

U.S. Air Force

Security Forces Manager

June 2008 - August 2011

Columbus, MS/Kunsan, Republic of Korea/Goodfellow, TX

- Prepared routine and advanced correspondence and reports for the protection of base populace by maximizing force protection activities, including installation security, antiterrorism, and law enforcement operations
- Provided support services to individuals and/or families during deployments, mobilizations, local and national emergencies/disasters and evacuations
- Directed personnel resource activities, interpreted/enforced policies and applicable directives
- Developed plans for personnel utilization, facilities, supplies and equipment procurement/maintenance
- Used experience and judgment to provide a strategic vision on force protection requirements during peacetime and contingency operations

First Sergeant

June 1997 - May 2008

Brooks AFB, TX/ F.E. Warren AFB, WY

- Managed clerical and administrative support activities for 550 person enlisted force
- Performed clerical and administrative duties to include promotion/demotion actions, adverse actions, leaves/TDYs; knowledgeable of office programs such as Word, Power Point, Excel, Access and Outlook
- Maintained contacts/relationships with professional associations, base agencies and others to enhance and deliver comprehensive support services that included, financial, education and personal family counseling and intervention
- Gathered data, compiled statistics and prepared reports concerning community needs for the development of new support services generated by Installation Community Action Information Board
- Performed assessments and referrals of individuals and families in need of continuing work/life services to the Military and Family Readiness Center
- Assisted military members in processing documents for transition to civilian status due to end of active duty commitment or medical separation
- Communicated regularly with medical treatment facilities, legal office representatives and transition authorities regarding eligibility and benefits of active duty members
- Scheduled appointments for members with base agencies in accordance with Air Force Instructions and pertinent directives to ensure smooth and timely transition from military to civilian status
- Counseled members on personal, financial and professional matters, assisted in adapting to military environment and adjusting to organization and duty assignments

Education

- Bachelor of Science, Human Resource Mgmt. (Summa Cum Laude), Columbia Southern University
- Associates Degree in Human Resource Mgmt., Community College of the Air Force
- Associates Degree in Criminal Justice, Community College of the Air Force

Relevant Skills and Training

- Council for Adult and Experiential Learning- Level 1
- Principles of Customer Service Training
- Microsoft Suite Skills including Outlook, Word, Excel, Access, Publisher, PowerPoint



Joint Base San Antonio Statement of Eligibility

Applicant FullName:

Kassandra Hall

Residential Address:

400 Gate wood Chase

Cibolo Tx, 78108

Physical Address of Employer: 301 B. Street West

Board of Trustees Location Applying For: School Liaison

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.

HALL.KASSANDRA.F. Digitally signed by
1120839469 HALL.KASSANDRA.F.1120839469
Date: 2019.12.02 12:03:03 -06'00'

Signature of Applicant
Kassandra Hall

Date 2 Dec 2019

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.

Kassandra Hall

400 Gatewood Chase
Cibolo, TX 78108 US
DSN: 487-7437 - Ext:
Day Phone: 9402249790 - Ext:
Email: kassandra.hall@us.af.mil

Availability:**Job Type:** Permanent, Telework**Work Schedule:** Full-Time

Work Experience:**Department of Defense**

301 B Street West
Randolph AFB, TX 78150 United States

10/2009 - Present**Hours per week:** 40**Series:** 1702 **Pay Plan:** GS **Grade:** 09**Education Technician** (This is a federal job)**Duties, Accomplishments and Related Skills:****SUMMARY OF SKILLS:**

Accomplished civilian professional with 10 plus years of experience in Education and Training. Knowledge of current education benefits and programs available to service members. Ability to clearly communicate to senior/leadership both orally and written. Has outstanding customer service skills, and able to handle multiple assignments in highly pressured situations. Proven success in planning and problem solving in challenging office environments. Accustomed to working in a fast-paced environment and successfully handling several responsibilities simultaneously. Ability to administer career-related education programs.

Supervisor: Laurie Murphy (210-652-5965)**Okay to contact this Supervisor:** Contact me first

Department of Defense

301 B Street West
Randolph AFB,
Randolph AFB, TX 78150 United States

10/2009 - Present**Hours per week:** 40**Series:** 1702 **Pay Plan:** GS **Grade:** 09**Education Technician** (This is a federal job)**Duties, Accomplishments and Related Skills:**

Counsels individuals on the up to date information concerning their Community College of the Air Force (CCAF) degree and career development opportunities. Guide military members their families and civilians in making optimistic education choices. Recognize student issues, evaluate student request and determine suitable means for resolution. Manage all student records in the Air Force Automated Education Management System (AFAEMS) in compliance with established procedures and regulations. Provide guidance to students in developing goals and plans, and determine appropriate options in determining individual needs or wants. Advise students on policies and procedures prior to a first time military tuition assistance request. Serves as the contracting officer's

representative for Non-Personal Services contracts. Conducts Newcomers and Informed Decision briefings twice a month to groups or units to discuss available educational programs, tuition assistance and Veterans Affairs (VA) benefits. Serves as the Test Control Officer(TCO) for military testing programs. Maintained, stored and safeguard all testing material. Evaluated and approved testing material for accuracy and to ensure material is within guideline. Plans and direct College Fairs once a year for JBSA Randolph and the local community. Designs and establishes marketing and public relations strategies to promote education programs and service for the military. Develops relationships with various universities and surrounding schools.

Supervisor: Laurie Murphy (210-652-5964)

Okay to contact this Supervisor: Contact me first

Department of Defense

Randolph AFB

Randolph AFB, TX 78150 United States

04/2008 - 10/2009

Hours per week: 40

Series: 1702 **Pay Plan:** GS **Grade:** 07

Education Technician (This is a federal job)

Duties, Accomplishments and Related Skills:

Plans and directs semi-annual CCAF graduation ceremonies in cooperation with Lackland Air Force Base and Fort Sam Houston. Serves as the Test Control Officer to administer DLPT/CLEP/DANTE/DLAB and Professional Military exams to military, civilians and their family members to provide appropriate guidance in the interpretation of a variety of test. Communicate with students via e-mail or phone regularly with updated information. Ensures that education provided to the students from various universities are recognized by an Accredited Institution, that is recognized by the U.S. Department of Education. Serves as the contracting officer for non-personal services contracts to ensuring that the statement of understanding for services is in compliance with standards and contract provisions. Ensure Airmen are counseled on Air Force guidance prior to a first Mil TA request on a specific education goal. Process requests for Air Force Tuition Assistance for Military and Civilian personnel or Command Training Requirement funds as appropriate. Performs tasks involving budget execution by compiling resource data and other financial management reports. Responsible for obtaining statistical data and preparing all education reports and status requests to include the Education Services Annual Report.

Supervisor: Karen Lachet (210-652-5964)

Okay to contact this Supervisor: Contact me first

Education:

Ashford University Clinton, IA United States

Master's Degree 12/2011

GPA: 4.0 of a maximum 4.0

Major: Organizational Management **Minor:** Human Resource Management

Ashford University Clinton, IA United States

Bachelor's Degree 05/2010

GPA: 3.14 of a maximum 4.0

Major: Organization Management **Minor:** Psychology

Job Related Training:

Jan 2014 National Training for Counselors and Mentors
July 2011 Education Technician/Counselor PDI
Oct 2009 Building Effective Team Relationships
Oct 2006 Education Technician/Counselor PDI
July 2001 Child Care Certificate



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Terry A. Wise

Residential Address: 261 Nomad Lane

Cibolo

Texas

78108

Physical Address of Employer:

261 Nomad Lane

Cibolo

Texas

78108

Board of Trustees Location Applying For: RFISD

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.

WISE.TERRY.A.10391 28159
Digitally signed by
WISE.TERRY.A.1039128159
Date: 2019.12.02 12:11:51 -06'00'

Signature of Applicant

Terry A. Wise

Printed Name of Applicant

2 Dec 2019

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.

Mr. Terry Allen Wise
261 Nomad Lane
Cibolo, TX 78108 United States
Mobile: 210-861-6037
Email: twise1965@yahoo.com
Job Type: Permanent
Work Schedule: Full-Time

Desired locations:
United States - TX - San Antonio

Work Experience:
USAF
Randolph AFB
Universal City, TX 78150 United States

03/2018 - Present
Hours per week: 40
Series: 0101 **Pay Plan:** GS **Grade:** 11
Community Readiness Consultant (This is a federal job)
Duties, Accomplishments and Related Skills:

PROGRAM MANAGEMENT

- M&FRC subject matter expert for program areas of Career Assistance, Transition Assistance Program (TAP), information and referral/marketing.
- Managed core compliance areas in accordance with Department of Defense (DoD), Air Force and other federal guidance, regulations, and laws; established budget and goals for each program and evaluated service effectiveness through AFFirst database and client management system.
- Assisted management analysis, strategic planning functions, researching and developing data and preparing letters, studies, directives, and reports for all aspects of the M&FRC; recommending changes or improvements in organization, staffing, work methods, and procedures.
- Assisted clients in meeting goals for personal financial readiness, emergency financial assistance, career assistance, volunteer assessment/placement/recognition, relocation, pre-separation counseling, transition assistance, deployment readiness/resources by providing consultation/education/referral/follow up.
- Trained and assisted other team members when needed or as directed which improved overall program effectiveness.

INFORMATION AND REFERRAL

- Interpreted and applied compliance measures of key programs including Wounded Warrior, Transition Assistance, Personal and Work Life, Employment, Relocations, Readiness and Information and Referral.
- Coordinated work/life services and activities provided to military members, retirees, DoD civilians, and their families.
- Collaborated w/leadership at all levels to anticipate/meet work/life and related needs of clients.
- Served as Casualty/SBP expert during absence of employees for four months. Program never missed a beat.
- Managed the Career Network client data base; e-mail distribution list notices of jobs and answered questions.

Supervisor: Kathleen Moree (210-652-5321)

Okay to contact this Supervisor: Yes

Military & Family Readiness Center

JBSA Randolph AFB

Randolph AFB San Antonio, TX 78150 United States

07/2014 - 03/2018

Hours per week: 45

Series: 0101 **Pay Plan:** GS **Grade:** 11

Exceptional Family Member Program Coordinator (This is a federal job)

Duties, Accomplishments and Related Skills:

PROGRAM MANAGEMENT

- Conducted management analysis, strategic planning functions, researched and developed data, prepared letters, studies, directives, and reports for all aspects of the Exceptional Family Member Program (EFMP); recommended changes or improvements in organization, staffing, work methods, and procedures.
- Trained and assisted new employees and team members on Military and Family Readiness processes and procedures to improve overall program effectiveness.
- Oversaw \$250K resource budget, ensured the Military and Family Readiness Center had the necessary equipment to carry out its mission.
- Established, implemented, and maintained the EFMP in coordination with installation policies and components for active duty sponsors of family members who have physical, developmental, emotional, or intellectual impairments and/or disabilities.
- Chaired and attended various committees that establish and maintain cooperative relationships among those components in order to ensure delivery of integrated program services.
- Ensured relocating families with special needs children were referred to the appropriate educational and medical care providers.
- Assisted in preparing the Annual EFMP assessment guide and monitored installation compliance with Air Force Instructions and Regulations and distributed appropriately.
- Gained funding and support to create excursions that provided EFMP families various activities throughout the greater San Antonio area including SeaWorld, Aquariums, and sensory friendly movies.
- Provided consultation and advice to Medical Treatment Facilities, the Air Force Personnel Center, and the Air Force Exception Family Member Program Manager throughout the Special Needs Identification and Assignment Coordination process.
- Conducted monthly EFMP orientations, as well as educational and training sessions to locate family members who show indications of the requirement for specialized medical care, therapy, developmental services, or special education.
- Completed program assessments, identified training deficiencies and provided appropriate training.

INFORMATION AND REFERRAL

- Performed administrative functions associated with the training, education and outreach program plans. Collected, analyzed, and maintained training, education and outreach materials, including: listings of services and resources, information on the command outreach concept and plan, reports, and surveys.
- Assisted with developing EFMP information and education program to include on and off base publicity, marketing plans, awareness briefings for command, unit, and community organizations.
- Established public relation strategies to ensure target populations are informed of services and activities.
- Monitored compliance with public laws mandating education and related services to individuals with

impairment or disabilities.

- Ensured EFMP group education, one-on-one consultation and information and referral contacts and services are entered and counted in AFFirst.
- Assessed needs and provided continuing work/life services to all levels of leadership, organizations and serviced populations within assigned units.
- Provided senior leaders direction and oversight to issues that impact the health of the EFMP.

Supervisor: Kathleen Moree (210-652-5321)

Okay to contact this Supervisor: Yes

Airman and Family Readiness Center (A&FRC)

Ramstein AB

Ramstein AB, Rheinland-Pfalz Germany

10/2012 - 04/2014

Salary: 56,000.00 USD Per Year

Hours per week: 45

Series: 0101 **Pay Plan:** GS **Grade:** 11

Community Readiness Consultant (This is a federal job)

Duties, Accomplishments and Related Skills:

TRANSITION ASSISTANCE PROGRAM

- Ensured 100% of transitioning members were notified of mandated Pre-Separation Counseling and TAP GPS requirement; tracked scheduling and compliance with congressionally mandated requirements.
- Conducted Pre-Separation Counseling in groups and through personal consultation.
- Presented Transition Overview and MOC Crosswalk materials as part of TAP GPS; adhered to mandated course guidelines, utilizing a variety of instructional aides to accommodate different learning styles.
- Reviewed each service members resume and other course materials at conclusion of TAP GPS, ensuring compliance with career readiness standards.
- Collaborated with 86th Air Base Public Affairs to produce media segment on new Transition Assistance Program benefits and requirements. Provided information for written article and commentary for news media story.

EMPLOYMENT AND CAREER ASSISTANCE

- Reviewed, researched, updated and streamlined lesson plans for resume writing and interview prep, Federal Employment and other employment assistance workshops.
- Created operating procedures, slide presentations, instructional aids and handouts for monthly classroom presentations and personal consultation's.
- Planned, organized and executed 2 bi-annual Employment and Volunteer Fairs. Recruiting efforts increased employer participation from average of 15 to 25+ attendees from average of 100 to 175+.
- Averaged 200+ personal consultations per annum and 2-4 workshop briefings per month on subjects including finding employment, resume review, transition assistance, relocation and personal finance.

INFORMATION AND REFERRAL

- Worked with 86th Force Support Marketing Department to publicize A&FRC workshops and services.
- Personally designed and developed service specific brochures, fliers, posters, and newsletters to disseminate community resource information.

- Provided personal consultations, educational workshops and referral services to a community of over 12,000 military members, DoD civilian employees, and their families.

Supervisor: Chris Lowry (314-480-5100)

Okay to contact this Supervisor: Yes

Army Community Service

Wiesbaden

Wiesbaden Army Air Field, Hessen Germany

02/2011 - 10/2012

Salary: 56,000.00 USD Per Year

Hours per week: 45

Series: 0101 **Pay Plan:** GS **Grade:** 11

Survivor Outreach Services Coordinator (This is a federal job)

Duties, Accomplishments and Related Skills:

PROGRAM MANAGEMENT

- Expanded and improved services to Survivors through extensive training and evaluation of services.
- Provided support services to survivors of Soldiers who have fallen in combat as well as support to the survivors of all Soldiers who have passed while on duty and after retirement.
- Developed data required for use in the management and direction of the Survivor Outreach Program and increased participation rate by 30% in six months.
- Provided short term and long-term case management, (network of providers); Traumatic Event Management, benefits counseling; financial planning; legal assistance; personalized and integrated web-based support; one-stop service provider; service delivery based on specific individual needs; support as long as the Family member wants/needs support.
- Ensured a Financial Counselor and a Benefits Coordinator were available for survivors during any crisis that arose.

INFORMATION AND REFERRAL

- Provided education on the roles and responsibilities of all agencies within our community.
- Served as a holistic multi-agency and multi-component strategy component to centralize casualty operations and decentralize programs and services.
- Analyzed new or proposed legislation and regulations to determine impact on program operations and management.
- Provided awareness education to the military community about the needs of survivors and maintain linkage between survivor and the Army. Member of Strategic Planning group setting the goals for the future of ACS.
- Conducted interviews to establish needs and alleviated concerns of all members.

Supervisor: Jan Meert (3143355254)

Okay to contact this Supervisor: Yes

USAF

52 Force Support Squadron
Spangdahlem Air Base, Rheinland-Pfalz Germany

08/2008 - 02/2011

Hours per week: 45

Series: 0901 Pay Plan: GS Grade: 09

General Legal and Kindred Administration (This is a federal job)

Duties, Accomplishments and Related Skills:

PROGRAM MANAGEMENT

- Provided total advisory services and administered programs related to casualty services, reporting, notification, and assistance to family members. 18+ years' experience in Casualty/SBP arena with complete knowledge of, and skill in applying, concepts, practices and techniques relating to a variety of complex analytical HR military personnel functions sufficient to serve as a technical expert in the application of law to Air Force policies on retiree rights, benefits, entitlements, and obligations.
- Served as the long term support coordinator for survivors of active duty deaths and injuries.
- Facilitated support groups, provided life skills education, assisted survivors in managing applicable lifelong benefits transition milestones, and connected survivors with counseling resources.
- Coordinated with all investigative agencies to verify circumstances surrounding member's death and retrieved documentation for monetary entitlements processing.
- Prepared casualty related message traffic for HQ/AFPC, MAJCOM, and supporting units within established timeframes. In-depth knowledge of military structure, military personnel management, active and retiree benefits and protocol to develop Air Force policies on retirees and annuitant spouses.
- Performed on-call standby duties. Ensured DD Form 93s were updated for all assigned active duty members.
- Counseled on benefits provided by law; explaining the integration of Federal benefits, and assessed the financial condition and long range needs of service members and their families; coordinated with DFAS, ARC, and AFAS for needed assistance.
- Ensured a variety of links were maintained between the Readiness Center, Family Advocacy, Chaplains, Finance, Legal, and Education offices to assist all assigned personnel.
- Briefed TSP issues to survivors, and assisted them in maintaining or transferring monetary benefits as needed.
- Prepared cost analysis and tax benefit computations for retiring members.

INFORMATION AND REFERRAL

- Explained military ID card policies and entitlements, as well as travel regulations of goods to survivors.
- Advised on rights, benefits, and assistance under other federal, state, and local programs as the agency for mortuary, VA benefits and rights of government employment, job training and placement services, VA home loans, and all OSGLI/FEGLI/insurance claims.
- Developed working relationships with a broad range of installation, community and service organizations; planning and coordinating program goals and objectives and presenting outcomes formally/informally; and identifying the needs of fallen Airman while brokering resources to meet their needs.
- Ensured retiring members are motivated toward applying for the Survivors Benefit Plan (SBP). Develops and delivers monthly briefings covering entitlements.
- Serves as liaison with numerous agencies and coordinates efforts to provide and receive current information, to clarify needs, and to ensure accuracy of information provided.
- Ensured each retiree and their NOK are educated on the wide range of options available under federal

programs, and the long range impact associated with their decisions. Wealth of knowledge concerning DoD survivor annuity plans, underlying legislation, and precedent cases sufficient to approve and coordinate proposed policies regarding Air Force administration of the Survivor Benefit Plan.

- Marketed all programs ensuring the most up-to-date information is available to active duty, family members, civilians, and contractors alike.
- Complete knowledge of the American/German healthcare and civil support systems. Briefed/Maintained Casualty/SBP files program IAW federal requirements, and created bi-weekly reports for senior leadership.

Supervisor: Cheryl Kirkwood (6565616422)

Okay to contact this Supervisor: Yes

Education:

Walden University Minneapolis, MN United States

Doctorate 09/2021

GPA: 3.51 of a maximum 4.00

Credits Earned: 77 Semester hours

Major: Human & Social Services

Relevant Coursework, Licenses and Certifications:

Completed 19 classes towards Ph.D. in Human & Social Services. Completed the foundations of graduate study, history and development, human services theory, culture and psychology, ethics and social justice, research and program evaluation, human services and motivation, quantitative and qualitative reasoning and analysis (statistics), social change, leadership, & advocacy for human services professionals, along with human motivation courses. With current timelines set, I will complete the degree in Sep 2021.

University Of Oklahoma Norman, OK United States

Master's Degree 04/2010

GPA: 3.8 of a maximum 4.0

Credits Earned: 36 Semester hours

Major: Human Relations

Embry Riddle University Daytona Beach, FL United States

Bachelor's Degree 09/2007

GPA: 3.21 of a maximum 4.00

Credits Earned: 120 Semester hours

Major: Technical Management

CCAF Maxwell, AL United States

Associate's Degree 08/2001

Credits Earned: 60 Semester hours

Major: Industrial Security

CCAF Maxwell, AL United States

Associate's Degree 06/2001

Credits Earned: 60 Semester hours

Major: Human Resources



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Mike Bell

Residential Address: 555 F Stret West

JBSA Randolph

Texas

78151

Physical Address of Employer:

555 F Stret West

JBSA Randolph

Texas

78151

Board of Trustees Location Applying For: Randolph

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.

BELL.JOHN.M.110432 5978

Digitally signed by
BELL.JOHN.M.1104325978
Date: 2019.12.03 13:33:54 -06'00'

Signature of Applicant

Date

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.

MR. John Michael Bell

19842 Encino Brook
San Antonio, TX 78259 US
Evening Phone: 210-475-3388 - Ext:
Day Phone: 210-859-0671 - Ext:
Email: john.bell.25@us.af.mil

Availability:

Job Type: Permanent

Work Schedule: Full-Time

Desired locations:

United States - TX - San Antonio

Work Experience:

USAF

555 F Street West
Randolph AFB, TX 78150 United States

Work/Life Consultant (This is a federal job)

11/15/2009-Present

Duties, Accomplishments and Related Skills:

CAPABILITIES

- * Articulate effective communicator, facilitator and trainer with over 26 years of experience
- * 8 years' experience in utilizing social services delivery systems; attended over 7 work/life related trainings in the past 6 years
- * Designs, develops and manages numerous forums and briefings within the Airman and Family Readiness Center in regards to improving work/life skills and knowledge
- * Proven problem solver & trouble shooter - ability to assess needs and quickly implement effective alternatives through self-assessments, community assessments and various other tools
- * Certified personal financial counselor with hundreds of clients supported
- * Team focused leader who can take the lead or provide support as a team member
- * Knowledgeable on all available on/off-base referral assets
- * Proven needs assessor with numerous clients assisted on a daily basis for the last 8 years
- * Solid ability to establish marketing and public relations through written articles and presentations

PROFESSIONAL EXPERIENCE

-Assists transitioning personnel and families with employment, finance, and other work/life services. Provides total advisory services and administers comprehensive programs related to social services delivery systems.

- Effectively consults with leaders to ascertain not only their personal needs but also their subordinates in regards to work/life issues; produced 446 service material packets supporting various needs.
- Supported services to individuals impacted by the Turkey non-essential personnel evacuation. Assisted families; ensured smooth evacuation process and tracked services in Air Force Personnel and Accountability System (AFPAAS).
- Gathers data, compiles statistics and subject matter resources and prepares reports concerning community issues including transitioning personnel, career assistance, relocation, air force emergency financial aid, and other work/life services.
- Interviewed 757 clients and evaluated both immediate and long-term needs concerning relocation, transition, career assistance. Assessed the customer's ability to deal with problems and provided resources and alternatives utilizing on/off-base referral agencies and documented services provided in Air Force Family Integrated Results and Statistical Tracking (AFFIRST).
- Maintains contact and relationships with professional associations to include the American Red Cross, Air Force Aid, DFAS, VA, Department of Labor, Texas Workforce Commission, Texas Veterans Commission, and AFPC to better facilitate client assistance.
- Ensured compliance with numerous regulatory requirements and governing directives from congressional mandates, VA, and the Air Force while meeting community needs. Received zero discrepancies during recent compliance inspection.
- Utilizes technology-based resources to maximize client communication in meeting military life-style needs. Ensures on-line information gathering was easily accessible.
- Conducted over 6 Air Force Aid Society self-inspections. Identified discrepancies and prevented deficiencies resulting in ZERO discrepancies.
- Advocate for military families; established and maintained working relationships with Ft Sam Houston, Lackland, as well as guard and reserve units in Dallas and Houston TX, these relationships enabled client satisfaction even at a distance.
- Consistently assesses and measures needs of different aspects of the military community identifying trends/concerns; Developed financial course for young NCOs attending Informed Decision seminars.
- Took on additional role as Air Force Aid Society Officer, broadening knowledge base,

training staff members enabling professional/knowledgeable assistance for military members and their families during crisis situations.

- Experienced in implementing and managing installation work/life services programs; versed in assisting unit leadership establish goals and objectives in accordance with local, state, DOD, and Air Force guidance.

U.S. Air Force
2160 Kenly Ave
San Antonio, TX 78230 United States

09/2009 - 12/2012

Legal Administrative Specialist, Casualty Affairs/Survivor Counselor/ (This is a federal job)

Duties, Accomplishments and Related Skills:

PROFESSIONAL EXPERIENCE

- Worked with personnel and families with Survivor Benefits and other work/life services. Provided total advisory services and administered comprehensive programs related to Casualty Services. Implemented casualty reporting, notification, and assistance programs.

- Provided services to individuals impacted by the Japanese Earthquake and Tsunami. Assisted families with lodging/schools/communication; ensured smooth evacuation process and tracked services in AFPAAS as well as AFFIRST.

- Effectively identified trends, gathered information, compiled statistics and subject matter resources, as well as documented data concerning virtual record of emergency data for over 13,000 assigned military personnel-developed solution to ensure current virtual record of emergency data was on file.

- Counseled 750 clients and evaluated needs after the loss of a family member. Assisted families with problems and provided resources and alternatives utilizing on/off-base referral agencies and documented services provided in Air Force Family Integrated Results and Statistical Tracking.

- Complied with numerous regulatory requirements and governing directives from congressional mandates, VA, and the Air Force. Received an excellent rating during 2012 compliance inspection.

- Conducted marketing strategy and public relations activities through multi-media that were designed to inform the community on various individual and/or family support

services to include an article in the Afterburner.

- Prepared articles/presentations on work/life issues/concerns including survivor benefits. Enabled clients to make an election before their separation date to be more financially secure.

- Detailed by leadership to support additional role in Mortuary Affairs. Assisted mortuary officer, ensured next of kin received all available benefits.

- Led Casualty/Survivor Benefit Program self-inspections. Identified two critical discrepancies and prevented deficiencies resulting in excellent rating during UCI.

- Identified systemic emergency data failure. Briefed solution to senior leaders--caused correction of 339 records throughout the Joint Base San Antonio.

- Initiated services at AF Village to provide in-home assistance to widow/widowers who were physically challenged. Allowed 500+ clients to receive on-site assistance. Received letter of appreciation from Air Force Village director, AF Major General, retired.

- Facilitated A&FRC "Jeopardy" game during several information booths/community outreach programs. Increased family readiness through hands-on interactive tool.

- Charged to be an Air Force Aid Society assistant officer, broadening knowledge base. Provided additional assistance capability for military members and their families in emergency situations.

- Implemented procedure with civilian personnel office that expedited information flow of civilian death notifications. Process increased accuracy and timeliness of notification process.

Supervisor: Margaret Ozuna, Chief Airmen and Family Readiness (210-671-3723)

Okay to contact this Supervisor: Yes

USAF

Fairchild AFB

Fairchild AFB, WA 99011 United States

05/2006 - 10/2008

First Sergeant

Duties, Accomplishments and Related Skills:

- Planned and implemented services and activities for over 250 personnel/ families relating to military lifestyles (deployments, relocation, career planning/transition). Oversaw customer needs from cradle to grave through a self-developed command tracking system.

- Interviewed personnel and their families to evaluate situations to include their ability to deal with problems/stressors. Assessed, counseled, and referred to appropriate agencies both on and off base; provided clarity and options.
 - Assisted with developing goals and plans, educated personnel on referral services and options. Facilitated monthly meetings with military members and spouses to get a pulse on current hot spot issues.
 - Established and maintained effective working relationships with A&FRC, Base Housing, MPF, Finance, CPS and numerous community activities.
 - Marketed and utilized PR activities in order to inform community on various individual and family support services consisting of communication conduits including the key spouse program to ensure all services were being made available to every corner and culture of the installation; re-ignited a helping culture within the unit.
 - Coordinated with civilian company to have over 200 used computers donated to military personnel and their families; base-wide recipients, huge success.
 - Diagnosed challenges associated with yearly six-month deployments. Effectively assisted families coping with the stressors of being separated, financial issues, child care, and home upkeep. Formed teams to support a multitude of personal support services to unit members; lauded by Air Mobility Command.
 - Led airtight squadron key spouse program; bench marked by other units, received annual award from Air Mobility Command.
 - Ensured 250+ personnel complied with requirements and directives through the use of mid-level leaders, squadron web page, and commander's calls. Verified trainers had information and tools to be effective. Awarded best in the Air Force.
- Supervisor:** Lt Col Jeffery Ditlevson - Commander (301-537-2830)
Okay to contact this Supervisor: Yes
-

Education:

Wayland Baptist University Live Oak, TX United States

Master's Degree 02/2017

GPA: 3.9 of a maximum 4.0

Credits Earned: 55 Semester hours

Major: Education **Minor:** Instructor Technology

Relevant Coursework, Licenses and Certifications:

- Instructional Techniques
- Brain Based Learning
- Needs assessment of family members to include exceptional family members
- Learning to Lead
- Adult Learning and Development
- Research Methods in Education
- Classroom Management
- Advanced Desktop Publishing and Digital Communication
- Advanced Multimedia and Marketing
- Advanced Data Management

Southern Illinois University Carbondale, IL United States

Bachelor's Degree 05/2012

GPA: 3.8 of a maximum 4.0

Major: Workforce Education and Development **Honors:** Magna Cum Laude

Relevant Coursework, Licenses and Certifications:

- Foundations of Work Education, 3 Semester Hours
- Training Systems Management, 6 Semester Hours
- Training Proposal and Report Writing, 6 Semester Hours
- Assess Learned Performance, 3 Semester Hours
- Adult learning, 3 Semester Hours
- Career Development, 3 Semester Hours
- Occupational Analysis and Curriculum Development, 3 Semester Hours
- Instructional Methods and Materials, 3 Semester Hours

Job Related Training:

Association for Financial Counseling, Planning and Education Symposium - November 2016

USAF Transition Manager Training - August 2016

Certified Personal Finance Counselor - September 2014

Transition Train the Trainer - August 2014

Transition Military Occupational Code Crosswalk - July 2014

Personal Financial Readiness - June 2013

Airman and Family Readiness Basic Course - June 2013

DOD Pre-Separation Course - August 2013

NOK Notification Training - July 2009

USAF First Sergeant Academy - April 2006

Professional Publications:

Beliefs and Attitudes of Transitioning Military Personnel - Thesis - September 2015

References:

Additional Information:

- Experienced in entire Microsoft Office Suite
- Knowledgeable and experienced with social services delivery systems
- Possess knowledge of comprehensive programs for federal entitlements administered by DOD, VA, and the SSA as they pertain to survivor benefits, casualty services, military transition, social services delivery models and military life insurance programs.
- Familiar with the responsibilities of the DFAS Centers, the VA, and the SSA, and the

ability to resolve problems related to work/life and casualty/SBP operations with these agencies.

- Versed at compiling and reporting data, analyzing statistical data for trends, and making adjustments to programs accordingly.
- Able to communicate effectively with diverse groups of individuals, both orally and in writing, and with a high degree of empathy, tact, and diplomacy in dealing with family members, commanders at all levels, leadership of organizations, program representatives, NOK of deceased persons.
- Vast experience with the knowledge of principals, concepts, techniques, standards, processes, and guides of military personnel management and personnel systems.
- Skilled at fact finding and investigative techniques to gather factual information and to determine the appropriate treatment of matters as they apply to complex work/life issues.
- Consistently performed advisory services for specific requests, conduct interviews and motivate apathetic or negatively inclined individuals to use benefits and services immediately.
- Planned, designed, and coordinated assignments, programs, and policies effectively and independently while in conformance of accepted policies and practices.



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Steven R. Green

Residential Address: 244 F. St. Bldg 902, 3rd Flr,

JBSA Randolph AFB TX 78150

Physical Address of Employer:

244 F. St. Bldg 902, 3rd Flr,

JBSA Randolph AFB TX 78150

Board of Trustees Location Applying For: JBSA Randolph AFB HS

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

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GREEN.STEVEN.R.1119770617
Date: 2019.12.02 07:53:29 -06'00'

12/02/2019

Signature of Applicant

Date

Steven R. Green

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.

Steven R. Green
12709 Sandpiper Dr., Live Oak, Texas 78233
Cell: (210) 381-0759
Email: srgreen9299@gmail.com

Program Analyst – Education Requirements: Oct 2018 - Present Full Time 40Hrs/Wk
HQ Air Education and Training Command
Force Development Resources Division
1 F Street Suite 1
JBSA Randolph AFB, TX 78150

Knowledge of educational theory and methodology with a special emphasis on assessment, program evaluation, and program management to establish program planning guidelines, develop evaluation criteria, analyze results and make recommendations for improvement.

Provides analytical and evaluation methods and techniques for assessing the Air Force Education Requirements Board (AFERB) and the Professional Continuation Education (PCE) programs. Collaborates with HQ Air Staff and HQ Air University program managers to improve organizational effectiveness and efficiency. Contributes to strategy and planning efforts and program development, justifying new initiatives to Air Force senior leaders and other stakeholders as well as executing policy. Directs initiatives and processes within the Air Force to gain buy-in from stakeholders. Coordinates the management of multiple related projects/programs directed toward strategic business and organizational objectives. Directs and works with a set of independent tasks to meet defined objectives that further the Air Force mission. Manages and monitors the use of resources and maximizes their effectiveness for multiple and wide-ranging programs to foster productivity and deliver solutions.

Professional knowledge of principles, methods, practices, and techniques of educational assessment at the post-graduate level.

Serves as the Secretariat Project Manager for the Air Force Education Requirements Board. Collaborates with HQ Air Staff and HQ Air University program managers to effectively and efficiently execute the annual \$9.5M budget to place 650 Air Force Officers in PHD and Master Degree educational programs at the Air Force Institute of Technology and civilian universities in the US and abroad. Revamped the Data Request Excel Spreadsheet and Program Guidance Letter sent to 30 Air Force Functional Managers (General Officer level) and 50+ Career Field Managers (Colonel/O-6/GG15 level) to assist with requesting student quotas. New Data Request Spreadsheet simplified process and ensured Functional Managers and Career Field Managers nominated officers ready to support the Secretary of the Air Force's strategic vision of increasing the number of officers who obtain Science, Technology, Engineering, and Mathematics PHD and Master Degrees to address emerging threats and challenges facing our nation.

Knowledge of force development learning programs, to include knowledge of the mission, functions, educational objectives, and programs to concentrate focus on major aspects of technical training pipelines for initial skills training progression and functional areas.

Serves as the Secretariat Project Manager for the Air Force Professional Continuing Education program. Collaborates with HQ Air Staff and HQ Air University program managers to effectively and efficiently execute the annual \$10.5M budget to fund +4,200 Air Force Officers attendance to continuing education courses in their functional specialty. Revamped the Data

Request Excel Spreadsheet and Program Guidance Letter sent to 30 Air Force Functional Managers (General Officer level) and 50+ Career Field Managers (Colonel/O-6/GG15 level) to assist with requesting student quotas. New Data Request Spreadsheet simplified process and ensured Functional Managers and Career Field Managers nominated officers ready to support the Air Force Chief of Staff vision of developing the officer force to outthink our adversaries. This vision supports the Secretary of Defense 2018 National Defense Strategy to increase the Air Force's ability to fight and win wars of the future.

Knowledge of establish language training program objectives and to assess progress toward its achievement, to include data collection techniques and practices used to extract or obtain a variety of information required for the evaluation of training programs.

Serves as Air University Registrar Education Program Management (AUREPM) system administrator for AFERB data. Responsible for searching existing data sources, gathering and maintaining the data needed, and creating, completing, and reviewing the collection of Advanced Academic Degree (AAD) information. Using the FY20 Program Guidance Letter, created 673 AAD actual quotas. Input data captured position number, Air Force Specialty Code (AFSC), quota type, Academic Specialty Code, and Unit Manning Document (UMD) position of specific organizations. Data input enabled HQ AFPC to advertise 190+ requirements, via the Advanced Academic Degree/Special Experience Exchange Duties (AAD/SPEED) Selection Process Guide, to equip Development Teams with the information needed to select officers and cadets to participate in competitive special programs; providing targeted developmental education and career broadening developmental assignments for officers in eligible careers.

Professional knowledge of principles, methods, practices, and techniques of educational assessment at the post-graduate level.

In partnership with HQ Air Force/A1 and HQ Air University revised/created the AFERB Charter and processing guide. The collective effort captured the purpose, roles and responsibilities, and execution procedures of the AFERB. Additionally, the effort provided Air Force Functional Managers (General Officer level) and Career Field Managers (Colonel/O-6/GG15 level) with AFERB Points of Contact, Graduate Education key player specific responsibilities, relationships diagram as it pertains to the Force Development Council, AFERB sequence of events flowchart, Graduate Education quota management, general overview of Professional Continuing Education (PCE), Air Force priorities as it pertains to PCE, and PCE quota management.

Highly developed skills in articulating clearly and concisely, both orally and in writing, to small and large audiences, up to and including executive-level audiences.

Work closely with the AFERB and PCE administration via ongoing communications with HQ Air Staff and HQ Air University using the Charter and CONOPS to send official AFERB Graduate Education and PCE tasker. Reached out to over 200 key players to include Functional and Career Field Managers in preparation for AFERB Working Group prior to drafting Graduate Education and PCE PGL for final approval by AF/A1D, AF Director of Force Development, DCS, Manpower, Personnel, and Services. Involved in day-to-day circular communications with FMs, CFMs, and AFERB Graduate Education and PCE POCs giving program guidance, answering questions, and/or providing clarity to the official tasker. Additionally, providing key players with guidance on policy and procedures on how to request new course PCE. Through a

series of question and answer sessions with HQ Air Staff and HQ Air University, created a “How to” guide for requesting and routing new PCE courses for approval.

Supervisor: Ms. Jennifer Lloyd, HQ AETC/A3LZ Branch Chief

(210) 652-5106

May Contact: Yes

**Deputy Learning & Development Site Manager (Apr 2016 – Oct 2018) Full Time
40Hrs/Wk**

Air Force Basic Military Training, Airmen’s Week Program

737th Training Support Squadron

JBSA Lackland AFB, Texas 78236

Knowledge of force development learning programs, to include knowledge of the mission, functions, educational objectives, and programs to concentrate focus on major aspects of technical training pipelines for initial skills training progression and functional areas.

Implemented and led a ground-breaking \$6.2M ethics and character development program hailed as one of the “biggest changes to Air Force training in 67 years.” This strategic workforce development program is presented in a blended learning format, utilizes accelerated learning techniques, and has delivered cultural transformation to +124,000 graduates. Ensured delivered training met the needs of the government customer. Drove curriculum development and improvement. Managed and administered instructor certification programs, in addition to coordinating, scheduling, and developing weekly training workshops. Led, scheduled, and monitored performance of 5 managers and 18 facilitators.

Knowledge of educational theory and methodology with a special emphasis on assessment, program evaluation, and program management to establish program planning guidelines, develop evaluation criteria, analyze results and make recommendations for improvement.

Assisted Director of Operations in steering collaboration, developing strategic outlook, and consulting with key stakeholders in a matrixed work environment. Maintained rigorous continuous improvement processes, developed surveys and metrics, analyzed data, performed needs and gap analyses, developed solutions, and provided learning evaluations to improve results. Responsible for gathering and extracting data from multiple sources to look for trends and/or areas of improvement within the Airmen’s Week curriculum. Findings presented to government stakeholders’ ensured content remained relevant to current airmen demographic, enabling facilitators to reach airmen’s affective domain to internalize core values at a higher percentage rate.

Organizational skills and ability to respond positively to the stress and pressures often associated with problem solving in dynamic and complex environments.

Served as gatekeeper between B3H Corporation and the government. Solved problems and addressed customer requests immediately to achieve 100% of deliverables on- schedule with zero deficiencies, surpassing Performance Work Statement requirements; ensured appropriate action for unresolved and/or questionable problems were addressed and followed up. Partnered, planned, scheduled, and strategized with government customer in coordinated PR initiative to help raise awareness of Airmen’s Week and enhance public relations with government leaders and the community abroad.

Supervisor: Mr. Harley Hammond, Director of Operations
(757) 827-4729

May Contact: Yes

Learning & Development Facilitator (Mar 2015 - Apr 2016) Full Time 40Hrs/Wk
Air Force Basic Military Training, Airmen's Week Program
326th Training Squadron
JBSA Lackland AFB, Texas 78236

Highly developed skills in articulating clearly and concisely, both orally and in writing, to small and large audiences, up to and including executive-level audiences.

Assisted in periodic facility and program visits, briefings, and question and answer periods ranging from General Officers, current and former Chief Master Sgts of the Air Force, Wing/Base Commanders, and Command Chiefs (E-9); fortifying a professional relationship for potential reach back for assistance in making the program better. Facilitated 1,674 hours of creative adult learning/highly interactive lessons targeting Affective & Cognitive domains of learning, promoting leadership competencies, professionalism, and institutional core values. Applied open-end communications, behavioral skills and knowledge in conjunction with other technical skills to ensure maximum participation by all airmen. Additionally, provided weekly "Welcome to The Family" large group lecture to 700 – 900 plus airmen weekly totaling +124k, highlighting Air Force strengths and weaknesses. Raised airmen's awareness and emphasized importance of understanding the inherited Air Force issues and their role in helping resolve them.

Supervisor: Mr. Charlie Monk, Site Manager
(210) 848-7484

May Contact: Yes

Customer Service Representative (Mar 2014 - Feb 2015) Full Time 40Hrs/Wk
Headquarters Air Force Personnel Center
JBSA Randolph AFB, TX 78150

Organizational skills and ability to respond positively to the stress and pressures often associated with problem solving in dynamic and complex environments.

Supported Headquarters AF Personnel Center's mission in developing and delivering innovative, customer-focused Total Force support to directors, employees, and families. Performed general administrative tasks in areas of service member's records, education and training, retirement, and classification and training, ensuring strict compliance with regulatory requirements and governing directives were maintained. Through direct phone calls, emails, and the use of the MyPers Customer Experience (CX) application, utilized as an AF/A1 enterprise solution for multiple applications; supported 350+ customers by creating, updating, and publishing knowledge to MyPers. Additionally, CX enabled the ability to use the Case Management Tool for customer incidents and military/civilian processing actions and an analysis tool for service, performance, and feedback.

Supervisor: Mr. Aaron Murphy, Lead Customer Service Representative
(210) 286-3304

May Contact: Yes

**Superintendent, Manpower/Personnel Branch (Mar 2012 - Dec 2013) Full Time 50Hrs/Wk
3SOX1 Functional & Branch Training Manager
Headquarters Air Force Recruiting Services (AFRS),
JBSA Randolph AFB, Texas 78150**

The mission of Air Force Recruiting Service (AFRS) is to inspire, engage and recruit the next generation of Airmen. AFRS recruits quality men and women from a cross-section of America, responsive to the ever-changing needs of the Air Force. The accession of a steady flow of new recruits is essential to maintain a force with the proper distribution of skills. The Air Force recruits the best candidates possible, and then provides them with tough, highly technical training that gives them the right skills to replenish the combat capability of America's Air Force. AFRS accesses more than 31,000 members each year. It places emphasis on recruiting people with no prior military service into one of more than 130 enlisted career opportunities. The command is responsible for accessing 100 percent of the enlisted force, 90 percent of the service's health professions officers, approximately 16 percent of the line officers and 100 percent of Air Force chaplains.

Organizational skills and ability to respond positively to the stress and pressures often associated with problem solving in dynamic and complex environments.

Directly served as a mentor, trainer, and educator in building several strategic level human resources programs and process improvements; enabled 3SOX1 (Personnelist) end users to prioritize issues and develop plans and goals tailored to their department's specific needs and concerns while finding ways to improve quality, timeliness, and efficiency of work. When notified training travel expenses were cut DoD HQ AFRS wide; established a web-based master training plan across the enterprise; enabled web-based training with PowerPoint presentations for one-deep employee positions in 27 geographically separated agencies; saved \$200K in travel cost.

Knowledge of establish language training program objectives and to assess progress toward its achievement, to include data collection techniques and practices used to extract or obtain a variety of information required for the evaluation of training programs.

Advisor to Wing, Group, Squadron commanders, and department members on United States AF, HQ Air Education and Training Command, and HQ AFRS employee program policies and guidance; ensured compliance with regulatory requirements and government directives while enhancing and delivering comprehensive support services to maximize company and department efficiency. Planned and supervised the delivery of 11 unique webinars to 300 users addressing potential work concerns at all levels. Delivered 3SOX1 (Personnelist) and department-specific upgrade and qualification training to HQ AFRS, 3 recruiting companies, and 27 departments via in-house training and webinars. Drove \$38M assignment program upgrade; gathered and compiled data, statistics, and subject matter resources. Assistance provided to Director allowed HQ AFRS to leverage technology, maximizing visibility of 2K+ moves for 30 senior leaders worldwide.

Supervisor: Lt Col Gregory A. Chambers, Chief Manpower & Personnel Branch
(210) 722-9644

May Contact: Yes

**Non-Commissioned Officer in Charge (May 2008 – Mar 2012) Full Time 40Hr/Wk
Safety & Security Manager
AFROTC Detachment 842**

University of Texas, San Antonio, Texas 78249

The mission of Air Force ROTC is to develop leaders of character for tomorrow's Air Force. Air Force Reserve Officer Training Corp (ROTC) is designed to recruit, educate, and commission officer candidates as the Air Force's future leaders through college campus programs around the country. AFROTC detachments are located at 145 host college and university campuses throughout the U.S. and Puerto Rico. Students attending college near Air Force ROTC host institutions can attend classes through 1,100+ separate crosstown enrollment programs or consortium.

Knowledge of establish language training program objectives and to assess progress toward its achievement, to include data collection techniques and practices used to extract or obtain a variety of information required for the evaluation of training programs.

Managed all Human Resources and performance metrics to include over 4K student updates through the Web Intensive New Gains Systems (WINGS), a software database that allow detachments to track the student's academic and cadet life cycle with headquarter level interactions. Additionally, WINGS enabled the ability to direct all pay processes for tuition, fees, subsistence, and textbook funds in excess of \$800K annually; ensured timely payment to alleviate any potential financial hardships for 250+ scholarship and contracted cadets. Managed detachment's security program. Used the Joint Personnel Adjudication System (JPAS), DoD system of record for personnel security, initiated and provided cradle-to-grave assistance for over 100 cases for secret and top secret clearances; ensured all students received permanent job placement and began Advance Skills Training as scheduled.

Highly developed skills in articulating clearly and concisely, both orally and in writing, to small and large audiences, up to and including executive-level audiences.

Counseled and mentored over 2.5K future 2nd Lieutenants with concerns regarding military life, family separation, and potential financial matters resulting from transitioning to Initial Skills Training; proactive approach, knowledge, and preparation assured seamless transition. Facilitated and maintained rapport with regional medical facilities at both JBSA Lankland and Randolph as an alternate means for students to complete commissioning physicals, alleviated potential obstacles, ensured zero delay in scholarship award and or program elimination.

Supervisor: Col Lisa C. Firmin (Ret), Commander

Education

Ashford University

San Diego, CA

Master's Degree

Major: Organizational Management, specialization in Human Resource Management

Graduated: May 2015

GPA: 3.88 out of 4.0

Ashford University
San Diego, CA
Bachelor's Degree
Major: Organizational Management
Graduated: June 2013
Honors: Magna Cum Laude

Community College of the Air Force
Montgomery, AL
Associate Degree
Major: Human Resource Management
Graduated: May 2002



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Marvin S. Strange

Residential Address: 13115 Forum Rd.
Universal City, TX 78148

Physical Address of Employer: 1451 5th Street West H64
JBSA Randolph TX 78150-4509

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.

Marvin S. Strange
Signature of Applicant

3 December 2019
Date

Marvin S. Strange
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.***

MARVIN S. STRANGE
13115 Forum Rd. Universal City, TX 78148
Home (210)566-9456 - Cell (210)452-2482
marvin_strange@sbcglobal.net

SUMMARY: Military veteran and degreed professional experienced with a variety of social services programs ranging from Readiness to Career Counseling. Additionally, knowledgeable and experienced with Relocation and Transition Assistance with a strong background in providing administrative, personnel and computer support with excellence in customer service.

EXPERIENCE

- 2009 - Present **Social Services Assistant/Inspector General Office Automation,**
12th Flying Training Wing, Randolph Air Force Base (AFB), Texas
- Trained in Readiness procedures...manned the Personnel Deployment Line to provide information and referral services to deploying members...
 - Instrumental in helping facilitate monthly Waiting Families Dinners to include assessing families needs and providing key information and referral services
 - Provides military members of all branches and their families with the skills and job search tools to secure employment
 - Key staff member in providing customers up-to-date listings of numerous job search websites...customers departed very well informed
 - Assists customers of all ranks and services along with family members in navigating job search websites...provided vital feedback on applications and resumes
 - Provides names and locations of organizations to assist separating and retiring military members on the process for filing VA medical claims
 - Informs and provides key information to personnel and their family members regarding unemployment compensation...outstanding feedback...customers were able to receive much needed funds during transition
 - Assist active duty, family members and government civilians with pertinent and timely information for relocating to other assignments
 - Ensure customers relocating to Randolph AFB/San Antonio were given necessary information on the local area...made newcomers feel welcome
 - Provides relocation assistance to newly assigned members and their families with much needed household items to ease transition
 - Assist Relocations Specialist with creating a more accurate sign-in log for the bi-weekly Newcomers Orientation...up-to-date and more accurate accountability of attendees
 - Greets customers, assesses their needs and refers to appropriate agency
 - Monitors all incoming requests for Airman and Family Readiness Center workshops and inputs information in the AAFIRST system
 - Receives all incoming phone calls, takes messages and resolves complaints when necessary
 - Assists staff members in preparing official letters, and email correspondence for distribution throughout the installation
 - Provides marketing support for the Airman and Family Readiness Center ensuring monthly calendars, newsletters, flyers and posters are accurate and distributed base-wide...base population informed of key information and events

MARVIN S. STRANGE

2007 - 2008

Administrative & Information Technology Support Technician, Headquarters Air Education and Training Command Randolph AFB, Texas

- Provided administrative, data entry, and clerical support to the Air Force Security Assistance Training Squadron, Training Operations Division.
- Prepared more than 200 International Travel Orders (ITO), authorization, amendment and rescission messages monthly using standard templates, ensuring proper grammar, spelling, punctuation, and formatting for review and routing.
- Created, updated, and performed quality checks on all student ITOs and ITO training approval messages for 20 Country Program Managers.
- Input data, generated reports, verified training quotas, rescheduled student training and managed student training list updates in worldwide student personnel database.
- Efforts ensured international student trainees had timely and accurate documentation to attend assigned training courses. Often exceeding program and unit time-line requirements.
- Electronically filed all ITO messages and related correspondence in unit sharedrive in compliance with government standards.
- Provided Information Technology support for desktop/laptop computers, laserjet printers and scanners for over 100 personnel.
- Troubleshoot network connectivity issues, e-mail access and various problems with Microsoft Office Suite.
- Removed and installed hardware and software. Provided users with proper tools and training to complete daily/weekly files back-up.
- Reset user passwords, created new user network and e-mail accounts. Updated existing user network and e-mail account information.
- Submitted Remedy Tickets to have computers added to and removed from the base domain.
- Ensured unit personnel were briefed on approved/disapproved software.
- Coordinated with Base Software License Manager and Base Information Security Office for government updated and approved software before purchasing.

2006 - 2007

Video Teleconference (VTC) & Teleconference Facilitator/Monitor

- As VTC Facilitator and Monitor, managed the scheduling and monitoring of more than 70 VTCs for Graduate Medical Education and Training worldwide per month; and technical troubleshooting regarding Video Teleconferences and Teleconferences required through Wilford Hall Medical Center and the Directorate of Operations Proffitt Conference Room.
- Troubleshoot connections between point-to-point and multi-point VTC's and Teleconferences on Tandberg and Polycom model VTC equipment. Designed Flow Charts to train all end users on Polycom 8000 Video Conferencing/Teleconference equipment.
- Assisted in establishing higher headquarters usage policies for VTC/Teleconference rooms and equipment.

MARVIN S. STRANGE

- 2004 - 2006** **Certified Workgroup Manager / Client Support Administrator**
- Planned and implemented installation of computer hardware and software for 26 computer systems
 - Extensive knowledge of many software applications to support a broad-based communications agenda involving multi-programs i.e. military leave program, performance reporting, correspondence, staff summary documents etc.
 - As a Certified Workgroup Manager/Client Support Administrator, created required NT Groups for all authorized users (Records Custodians and Chiefs of Office of Records).
 - Served as the Terminal Areas Security Officer, tasked with managing computer security for all assigned computer systems.
- 2003 - 2004** **Chief, Division Information Management, Human Resource C2 System Program Office, Electronic Systems Center, Randolph, AFB, TX.**
- Managed information systems to support a 180+ personnel division, tasked with processing personnel actions that included awards, evaluations, manpower realignment actions, etc.
 - Directed extensive quality control programs that ensured accuracy of personnel updates and processing procedures for materials channeled and distributed both internally and externally.
 - Performed extensive updates using the Personnel Concept III (PC-III) personnel computer database. Additionally managed web pages for the division's intranet.
- 1999 - 2002** **Chief, Information Management Training Wing, NATO AWACS E-3A Component (EUR) Geilenkirchen Air Base, Germany**
- Administered budgets and administrative actions for items that included electronic and written correspondence, NATO Travel Orders, and International Evaluation Reports. Effectively managed the NATO classified document distribution registry.
 - Recipient of numerous commendations for the innovative design and implementation of new and improved information processing strategies.

EDUCATION **BS in Management and Human Resources, Park University, August 2010**

AAS Degree in Information Management, Community College of the Air Force, May 2006.

MIS Training: Security +, 2006
Network + in maintaining a Windows Server 2003 Environment, 2005
Implementing, Managing, and Maintaining Windows Server 2003
Network Infrastructure: Network Services, 2005.
Implementing & Supporting MS Windows XP Professional, 2006
Implementing Windows Server 2003 Network Infrastructure: Network Hosts, 2005

Information Management Training: Client Support Administrator, 2005
Functional Area Records Management (FARM) Training, 2005
Freedom of Information Act Monitor / Privacy Act Monitor Training, 2004

**Proposed Amendments to 19 TAC Chapter 61, School Districts,
Subchapter A, Board of Trustees Relationship
(Second Reading and Final Adoption)**

January 31, 2020

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

SUMMARY: This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship. The proposed amendment to §61.1 would reflect changes made by House Bill (HB) 3 and HB 403, 86th Texas Legislature, 2019, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. The proposed amendment to §61.2 would address the required number of nominees for trustee candidates for military reservation districts.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.159, as amended by HB 403, 86th Texas Legislature, 2019; TEC, §11.185 and §11.186, as added by HB 3, 86th Texas Legislature, 2019; and TEC, §11.352.

TEC, §11.159, as amended by HB 403, 86th Texas Legislature, 2019, requires the SBOE to provide a training course for school board trustees, including one hour of training every two years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

TEC, §11.185 and §11.186, as added by HB 3, 86th Texas Legislature, 2019, requires each district board of trustees to adopt proficiency plans and annual goals for early childhood literacy, mathematics proficiency, and college, career, and military readiness.

TEC, §11.352, grants the SBOE the authority to appoint a board of three or five trustees for each military reservation district.

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

EFFECTIVE DATE: The proposed effective date of the proposed amendments is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date will allow school board trustees to take updated training before the beginning of the 2020-2021 school year.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §61.1 to implement continuing education for board members effective March 1, 1996. The SBOE adopted amendments to 19 TAC §61.1 effective May 7, 2003; December 20, 2010; August 25, 2014; and June 13, 2018.

The SBOE adopted 19 TAC §61.2 for the nomination of trustees for military reservation districts and Boys Ranch Independent School District effective September 1, 1996. The SBOE adopted amendments to 19 TAC §61.2 effective December 20, 2010; and March 7, 2012.

At the November 2019 meeting, the SBOE approved the proposed amendments to 19 TAC §61.1 and §61.2 for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: The TEC, §11.159, Member Training and Orientation, requires the SBOE to provide a training course for school board trustees. Section 61.1, Continuing Education for School Board Members, addresses this statutory requirement. School board trustee training under current SBOE rule includes a local school district orientation session, a basic orientation to the TEC, an annual team-building session with the local school board and the superintendent, specified hours of continuing education based on identified needs, and training on evaluating student academic performance.

HB 403, 86th Texas Legislature, 2019, amended TEC, §11.159, to include a requirement for trustees to receive training regarding sexual abuse, human trafficking, and other maltreatment of children. The proposed amendment to §61.1 would implement this requirement in proposed new subsection (b)(7).

HB 3, 86th Texas Legislature, 2019, added TEC, §11.185 and §11.186, to require each district board of trustees to adopt proficiency plans and annual goals for early childhood literacy, mathematics proficiency, and college, career, and military readiness. The annual goals should be for the subsequent five years to reach quantifiable goals. These plans are to be reviewed each year by the board of trustees and posted on the website of each district and campus. The proposed amendment to §61.1 would implement this requirement in proposed new subsection (b)(6).

In addition, §61.1 would be amended as follows.

The text of subsection (b)(1)-(6) would be reformatted for clarity using language that currently exists in the rule and, in some instances, making non-substantive changes.

Proposed new subsection (b)(1)(E) would specify that the orientation for school board members must include information on the open meetings training required by Texas Government Code, §551.005; the public information training required by Texas Government Code, §552.012; and the cybersecurity training required by Texas Government Code, §2054.5191. This requirement would ensure that school board members are aware of additional training required by statute.

The required provider for the team-building training specified in proposed new subsection (b)(4) would be changed from a registered provider to an authorized provider. This change would ensure that team-building trainings address specific needs of each school board based on the framework for governance leadership described in §61.1(a).

Language would be added in proposed new subsections (c) and (d) to clarify the distinction between a registered and an authorized training provider.

Finally, technical edits would be made throughout §61.1 to conform with the reorganization of the rule.

TEC, §11.352, grants the SBOE the authority to appoint a board of three or five trustees for each military reservation district. Enlisted personnel and officers may be appointed to the school board, but a majority of the trustees must be civilians. The trustees are selected from a list of people provided by the commanding officer of the military reservation. Section 61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District, addresses this statutory requirement.

The proposed amendment to §61.2 would change the minimum number of military-district trustee nominations from three to one. This change would allow for greater flexibility and local control by

making an allowance for specific circumstances for each military reservation district and for the discretion of the commanding officer.

Other technical edits would also be made to §61.2.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation. The amendment to 19 TAC §61.1 would add training in identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children and training in setting campus goals for early childhood literacy and mathematics and college, career, and military readiness to the existing, required trustee training. The proposal would also limit an existing regulation by reducing the number of required military-district trustee nominations.

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 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 proposed amendment would align the rule with statute and support school boards in providing oversight regarding identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children and setting campus goals for early childhood literacy and mathematics and college, career, and military readiness. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no new data and reporting impact.

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

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

PUBLIC COMMENTS: Following the November 2019 SBOE meeting, notice of the proposed amendments to 19 TAC Chapter 61, Subchapter A, was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began on December 20, 2019, and ended January 24, 2020. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the January 2020 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2020 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship; and

Make an affirmative finding that immediate adoption of the proposed amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Jeff Cottrill, Deputy Commissioner, Governance and Accountability
Jason Hewitt, Associate Commissioner, Governance
Drew Howard, Senior Director, Lone Star Governance

Attachment: Text of Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship

ATTACHMENT
Text of Proposed Amendments to 19 TAC

Chapter 61. School Districts

Subchapter A. Board of Trustees Relationship

§61.1. Continuing Education for School Board Members.

- (a) Under the Texas Education Code (TEC), §11.159, the State Board of Education (SBOE) shall adopt a framework for governance leadership to be used in structuring continuing education for school board members. The framework shall be posted to the Texas Education Agency (TEA) website and shall be distributed annually by the president of each board of trustees to all current board members and the superintendent.
- (b) The continuing education required under the TEC, §11.159, applies to each member of an independent school district board of trustees. ~~[The continuing education requirement consists of orientation sessions, an annual team building session with the local board and the superintendent, and specified hours of continuing education based on identified needs. The superintendent's participation in team building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.]~~
- (1) Each school board member of an independent school district shall complete ~~[receive]~~ a local district orientation ~~[and an orientation to the TEC]~~ .
- (A) The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.
- (B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
- (C) The orientation shall be at least three hours in length.
- (D) The orientation shall address local district practices in the following, in addition to topics chosen by the local district:
- (i) curriculum and instruction;
- (ii) business and finance operations;
- (iii) district operations;
- (iv) superintendent evaluation; and
- (v) board member roles and responsibilities.
- (E) Each board member should be made aware of the continuing education requirements of this section and those of the following:
- (i) open meetings act in Texas Government Code, §551.005;
- (ii) public information act in Texas Government Code, §552.012; and
- (iii) cybersecurity in Texas Government Code, §2054.5191.
- (F) The orientation shall be open to any board member who chooses to attend.
- ~~[(A) Each new board member shall participate in a local district orientation session within one year before or 120 days after the board member's election or appointment. The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities. The local district orientation shall be at least three hours in length for each new board member. Any sitting board member may attend~~

~~or participate in the local district orientation. The local district orientation shall address local district practices in the following, in addition to topics chosen by the local district:]~~

~~[(i) — curriculum and instruction;]~~

~~[(ii) — business and finance operations;]~~

~~[(iii) — district operations;]~~

~~[(iv) — superintendent evaluation; and]~~

~~[(v) — board member roles and responsibilities.]~~

~~[(B) — A sitting board member shall receive a basic orientation to the TEC and relevant legal obligations. The orientation shall have special but not exclusive emphasis on statutory provisions related to governing Texas school districts. The orientation shall be delivered by regional education service centers (ESCs) and shall be no less than three hours in length. Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction). A newly elected or appointed board member of an independent school district shall receive the orientation to the TEC within the first 120 days of service. The orientation to the TEC shall be open to any sitting board member who chooses to attend.]~~

~~[(C) — After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall receive an update from an ESC or any registered provider to the basic orientation to the TEC. The update session shall be of sufficient length to familiarize board members with major changes in the code and other relevant legal developments related to school governance. A board member who has attended an ESC basic orientation session that incorporates the most recent legislative changes is not required to attend an update.]~~

~~(2) Each school board member of an independent school district shall complete a basic orientation to the TEC and relevant legal obligations.~~

~~(A) The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.~~

~~(B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.~~

~~(C) The orientation shall be at least three hours in length.~~

~~(D) Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction).~~

~~(E) The orientation shall be provided by a regional education service center (ESC).~~

~~(F) The orientation shall be open to any board member who chooses to attend.~~

~~(3) After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall complete an update to the basic orientation to the TEC.~~

~~(A) The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.~~

~~(B) The update shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.~~

- ~~(C) A board member who has attended an ESC basic orientation session described in paragraph (2) of this subsection that incorporated the most recent legislative changes is not required to attend an update.~~
- ~~(D) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.~~
- ~~(E) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.~~
- ~~(4) The entire board shall participate with their superintendent in a team-building session.~~
 - ~~(A) The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.~~
 - ~~(B) The session shall be held annually.~~
 - ~~(C) The session shall be at least three hours in length.~~
 - ~~(D) The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership described in subsection (a) of this section.~~
 - ~~(E) The assessment of needs shall be based on the framework for governance leadership described in subsection (a) of this section and shall be used to plan continuing education activities for the year for the governance leadership team.~~
 - ~~(F) The team-building session shall be provided by an authorized provider as described in subsection (d) of this section.~~
 - ~~(G) The superintendent's participation in team-building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.~~
- ~~[(2) The entire board, including all board members, shall annually participate with their superintendent in a team-building session facilitated by the ESC or any registered provider. The team-building session shall be at least three hours in length. The purpose of the team building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team. The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership. The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the year for the governance leadership team.]~~
- ~~(5) [(3)] In addition to the continuing education requirements in paragraphs (1) through (4) [and (2)] of this subsection, each board member shall complete [receive] additional continuing education [on an annual basis in fulfillment of assessed needs and] based on the framework for governance leadership described in subsection (a) of this section . [The continuing education sessions may be provided by ESCs or other registered providers.]~~
 - ~~(A) The purpose of continuing education is to address the continuing education needs referenced in paragraph (4) of this subsection.~~
 - ~~(B) The continuing education shall be completed annually.~~
 - ~~(C) [(A)] In a board member's first year of service, he or she shall complete [receive] at least ten hours of continuing education in fulfillment of assessed needs. [Up to five of the required ten hours may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for~~

~~interaction with the instructor. The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (g) of this section.~~

(D) ~~[(B)]~~ Following a board member's first year of service, he or she shall complete ~~[receive]~~ at least five hours of continuing education annually in fulfillment of assessed needs. ~~[A board member may fulfill the five hours of continuing education through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (g) of this section.]~~

(E) ~~[(C)]~~ A board president shall complete ~~[receive]~~ continuing education related to leadership duties of a board president as some portion of the annual requirement.

(F) ~~At least 50% of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.~~

(G) ~~The continuing education shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.~~

(H) ~~The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.~~

(I) ~~The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.~~

(6) ~~[(4)]~~ Each school board member shall complete continuing education ~~[every two years]~~ on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness.

(A) ~~The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in the TEC, §11.1515.~~

(B) ~~The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of TEC, §11.185 and §11.186.~~

(C) ~~[(B)]~~ A candidate for school board may complete the training up to one year before he or she ~~[the candidate]~~ is elected or appointed. ~~A~~ ~~[If a]~~ newly elected or appointed school board member who did not complete this training in the year preceding his or her ~~[the member's]~~ election or appointment ~~[, the member]~~ must complete the training within 120 calendar days after election or appointment. ~~[A returning board member shall complete the training by the second anniversary of the completion of the trustee's previous training.]~~

(D) ~~The continuing education shall be completed every two years.~~

~~[(C)]~~ ~~An authorized provider for training on evaluating student academic performance is a provider who is registered pursuant to subsection (f) of this section and has demonstrated proficiency in the content required by subsection (b)(4)(E) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course and evaluation on the topic, by being certified as a Lone Star Governance coach, through a~~

~~review of the provider's qualifications and course design, or through other means as determined by the commissioner of education.~~

(E) ~~(D)~~ The training ~~[on evaluating student academic performance]~~ shall be at least three hours in length.

(F) ~~(E)~~ The continuing education ~~[training]~~ required by this subsection shall include, at a minimum ~~[, the following]~~ :

(i) instruction in school board behaviors correlated with ~~[to]~~ improved student outcomes with emphasis on : ~~[inputs, outcomes, and collaborative student outcome goal setting;]~~

(I) ~~setting specific, quantifiable student outcome goals; and~~

(II) ~~adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under TEC, Chapter 39;~~

(ii) instruction in progress monitoring ~~practices~~ to improve student outcomes ~~[with emphasis on progress monitoring practices, formative assessments, interim assessments, and summative assessments]~~ ; and

(iii) instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under the TEC, Chapter 39, and the state accountability ~~[rating]~~ system ~~established under the TEC, Chapter 39 .~~

(G) ~~The continuing education shall be provided by an authorized provider as defined by subsection (d) of this section.~~

(H) ~~(F)~~ If the training is attended by an entire school board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements of subsection (b)(4) ~~[(b)(2)]~~ of this section, the training may serve to meet a school board member's obligation to ~~complete~~ ~~[receive]~~ training under subsection (b)(4) and (6) ~~[(b)(2) and (4)]~~ of this section, as long as the training complies with the Texas Open Meetings Act.

~~(7) Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with TEC, §11.159(c)(2).~~

~~(A) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.~~

~~(B) The training shall be completed every two years.~~

~~(C) The training shall be at least one hour in length.~~

~~(D) The training must familiarize board members with the requirements of TEC, §38.004 and §38.0041, and §61.1051 of this title (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).~~

~~(E) The training required by this subsection shall include, at a minimum:~~

~~(i) instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;~~

~~(ii) instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and~~

- (iii) instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.
 - (F) The training sessions shall be provided by a registered provider as defined by subsection (c) of this section.
 - (G) This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
 - (H) The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (c) For the purposes of this section, a registered provider has demonstrated proficiency in the content required for a specific training. A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(3), (5), and (7) of this section.
- (1) The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
 - (2) An updated registration shall be required of a provider of continuing education every three years.
 - (3) A school district that provides continuing education exclusively for its own board members is not required to register.
 - (4) An ESC is not required to register under this subsection.
- (d) An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required in subsection (b)(4) and (6) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course that includes evaluation on the topics and following a review of the provider's qualifications and course design, or through other means as determined by the commissioner.
- (1) A private or professional organization, school district, government agency, college/university, or private consultant may be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
 - (2) An ESC shall be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
 - (3) The authorization process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
 - (4) An updated authorization shall be required of a provider of training every three years.
- (e) ~~(e)~~ No continuing education shall take place during a school board meeting unless that meeting is called expressly for the delivery of board member continuing education. However, continuing education may take place prior to or after a legally called board meeting in accordance with the provisions of the Texas Government Code, §551.001(4).
- (f) ~~(d)~~ An ESC board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members.
- (g) ~~(e)~~ A registration fee shall be determined by ESCs to cover the costs of providing continuing education programs offered by ESCs.
- ~~(f) A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(1)(C) and (2) (4) of this section.]~~

~~[(1) The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.]~~

~~[(2) An updated registration shall be required of a provider of continuing education every three years.]~~

~~[(3) A school district that provides continuing education exclusively for its own board members is not required to register.]~~

~~[(4) An ESC is not required to register under this subsection.]~~

(h) ~~[(g)]~~ For each training described in this section, the ~~[The]~~ provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number.

~~[(h) At least 50% of the continuing education required in subsection (b)(3) of this section shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.]~~

(i) To the extent possible, the entire board shall participate in continuing education programs together.

(j) At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable . The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable . The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

(k) Annually, the SBOE shall commend those local board-superintendent teams that complete [receive] at least eight hours of the continuing education specified in subsection (b)(4) and (5) [(b)(2) and (3)] of this section as an entire board-superintendent team.

(l) Annually, the SBOE shall commend local board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool developed under the TEC, §11.182, or any other tool approved by the commissioner.

§61.2. Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District.

(a) In nominating trustee candidates for military reservation school districts, the commanding officer of the military reservation shall do the following:

(1) submit a list to the commissioner of education with at least one nominee [three nominees] for each vacancy. A majority of the trustees appointed to the school board must be civilian, and all may be civilian. When two or more vacancies occur simultaneously, a list of at least one nominee [three-different nominees] for each vacancy shall be submitted. In cases when the commanding officer wishes to reappoint existing board members, a list of at least one nominee [three nominees] for each vacancy must still be submitted. Nominees not selected for existing vacancies may be resubmitted as candidates for subsequent vacancies. The commanding officer may rank in the order of preference the nominees submitted for each vacancy;

(2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas and lives or is employed on the military reservation;

- (3) submit a copy of a current biographical vita (resume) for each nominee ~~[of the nominees]~~ , with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each nominee that ~~[of the nominees which]~~ expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement that ~~[which]~~ expresses recognition of the powers of the board of trustees to govern and manage the operations of the military reservation school districts;
 - (6) submit a signed statement regarding the governance and management operations of the district that ~~[which]~~ expresses recognition that the role of the commanding officer of the military reservation is limited only to the duty defined by statute in the process for appointing members of the board of trustees; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the Texas Education Code (TEC), §11.352.
- (b) In nominating trustee candidates for the Boys Ranch Independent School District (ISD), the president and chief executive officer of the Cal Farley's Boys Ranch shall do the following:
- (1) submit a name to the commissioner for each vacancy. When two or more vacancies occur simultaneously, a name for each vacancy shall be submitted. In cases when the president and chief executive officer wishes to reappoint existing board members, the name of the existing board member for each vacancy must still be submitted;
 - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas;
 - (3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each of the nominees that ~~[which]~~ expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement that ~~[which]~~ expresses recognition of the powers of the board of trustees to govern and manage the operations of the Boys Ranch ISD;
 - (6) submit a signed statement regarding the governance and management operations of the district that ~~[which]~~ expresses recognition that the role of the superintendent is in full compliance with the provisions of the TEC, §11.201; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the TEC, §11.352.
- (c) A member of a board of trustees appointed under the TEC, §11.352, and this section will serve a term of two years. A member of the board of trustees, who during the period of the term of office resigns from office or experiences a change of status that disqualifies such member for appointment under the provisions of the TEC, shall become ineligible to serve at the time of the change of status. A board vacancy resulting from such resignation or disqualification shall be filled in accordance with the procedures established under the TEC, §11.352, and this section.

Open-Enrollment Charter School Updates on the Generation 25 and Generation 26 Applications

January 30, 2020

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

SUMMARY: The director of the Division of Charter School Administration will present to the Committee on School Initiatives updates on the Generation 25 and Generation 26 Open-Enrollment Charter School Application process.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§12.110](#).

TEC, §12.110 describes the charter school application process.
The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: In 2020 the committee and board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation 25 Subchapter D Open-Enrollment Charter Schools scheduled to open in school year 2021-2022.

In 2021 the committee and board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation 26 Subchapter D Open-Enrollment Charter Schools scheduled to open in school year 2022-2023.

BACKGROUND INFORMATION AND JUSTIFICATION: The State Board of Education is engaged in an ongoing effort to remain abreast of the evolving state-educational landscape and to prepare to address areas that are within its jurisdiction. To that end this item is for discussion of updates pertaining to the Generation 25 application, which was due on January 21, 2020, and the Generation 26 application, which will be developed.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and Systems Support
Joe Siedlecki, Associate Commissioner, Charters and Innovations
Heather Mauzé, Director, Charter School Administration

Attachment: Open-Enrollment Charter School Generation 25 Application Timeline

Open-Enrollment Charter School Generation 25 Application Timeline

Activity	Dates
Request for Application published	October 4, 2019
Information session #1	October 18, 2019
Information session #2	November 1, 2019
Application submission deadline	January 21, 2020
Completion check	January 21 – February 11, 2020
Remedy period	February 11-18, 2020
<i>Determination Notifications sent to applicants:</i> Determination of advancement to external review	February 21, 2020
External review of complete applications	February 28 – May 15, 2020
Additional read window (automatic)	May 20 – June 3, 2020
<i>Notifications sent to applicants:</i> Determination of advancement to capacity interview stage	June 10, 2020
Capacity interviews with representatives from the Texas Education Agency and the State Board of Education	Week of July 27, 2020
Commissioner proposes awards	August 17, 2020
State Board of Education meeting	September 8-11, 2020

Statutorily-Required Rule Review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters

January 30, 2020

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

SUMMARY: Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters. Subchapter A establishes a provision for a State Board member to be designated as the liaison for charter selection for charters proposed under Chapter 12, Subchapter D; charter selection procedures for charters granted under the Texas Education Code (TEC), Chapter 12, Subchapter D; and provisions for a 90-day no-contact requirement. Subchapter B sets forth provisions for adverse action on a home-rule school district charter.

STATUTORY AUTHORITY: The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 100, Subchapter A, is the Texas Education Code (TEC), §12.101. The statutory authority for 19 TAC Chapter 100, Subchapter B, is TEC, §§7.102(c)(8), 12.028, 12.101(b), 12.101(b-0).

The Texas Government Code, §2001.039, requires all state agencies to review their rules at least once every four years.

The TEC, §7.102(c)(8), requires the SBOE to adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by the TEC, Chapter 12.

The TEC, §12.028, requires the SBOE to adopt by rule a procedure to be used for placing on probation or revoking a home-rule school district charter.

The TEC, §12.101(b), requires the SBOE chair to designate a board member to liaise with the commissioner of education for the purpose of coordinating granting of open-enrollment charter schools under this section.

The TEC, §12.101(b-0), requires a majority of the board members present and voting to vote against the commissioner's charter proposals within 90 days of notice, otherwise the charter proposals take effect.

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 100, Subchapters A and B, will be presented to the SBOE for adoption at the April 2020 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The rule in 19 TAC Chapter 100, Subchapter A, addresses the open-enrollment charter selection process outlining the SBOE's coordination, deliberating process, and the no-contact provision required of applicants.

The rule in 19 TAC Chapter 100, Subchapter B, governs adverse action on a home-rule charter district. No home-rule charter districts currently exist, but such a district could be created.

ANTICIPATED REVISIONS TO RULES: No changes to rules in 19 TAC Chapter 100, Subchapters A and B, are anticipated at this time.

PUBLIC COMMENTS: The TEA will file the notice of proposed review of 19 TAC Chapter 100, Subchapters A and B, with the Texas Register following the January 2020 SBOE meeting. The TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 100, Subchapters A and B, continue to exist. The public comment period on the proposed rule review begins March 6, 2020, and ends April 10, 2020. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in April 2020 in accordance with the SBOE board operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and Systems Support
Joe Siedlecki, Associate Commissioner, Charters and Innovations
Heather Mauzé, Director, Charter School Administration

Attachment: Text of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters

**ATTACHMENT
Text of 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 90 days after the commissioner's proposal. The SBOE may veto a proposed application for violation of this subsection.

Subchapter B. Home-Rule School District Charters

§100.201. Adverse Action on a Home-Rule School District Charter.

- (a) The State Board of Education (SBOE) may place on probation or revoke a home-rule school district charter if the SBOE determines that the district:
 - (1) committed a material violation of the charter;
 - (2) failed to satisfy generally accepted accounting standards of fiscal management; or
 - (3) failed to comply with the requirements of the Texas Education Code (TEC), Chapter 12, Subchapter B, or other applicable law or rule.
- (b) The recommendation to place on probation or revoke the charter of a home-rule school district charter shall be made by the Texas Education Agency (TEA) in accordance with 19 TAC §157.11 of this title (relating to Notice of Intent), no fewer than 60 calendar days prior to the meeting of the SBOE at which the recommendation will be considered.
- (c) The TEA shall notify the district before placing on probation or revoking the charter. The notice shall clearly specify the following, either in the notice or by reference to other documents included with the notice:
 - (1) the action sought and the grounds for taking such action;
 - (2) a statement of the legal authority and jurisdiction under which the hearing will be held;
 - (3) a reference to the particular sections of the statutes and rules involved; and
 - (4) the date, time, and place for a hearing on the action sought, which shall be provided to the district and to parents and guardians of district students, if requested in accordance with subsection (e) of this section.
- (d) Notice served on the district shall be notice to parents and guardians of students in the district.

- (e) Within ten calendar days after receiving the notice, the district may request a hearing and submit a written response containing specific answers to each of the findings included in the notice. If a request for hearing and a written response are not submitted within ten calendar days, the recommendations of the TEA on the proposed action shall be submitted to the SBOE for action.
- (f) A hearing held under this section shall be open to the public and must be held at the district unless a different location is agreed to by the district. The hearing shall be held not fewer than ten calendar days from the date the district receives notice and shall be governed by Chapter 157, Subchapter A, of this title (relating to General Provisions for Hearings Before the State Board of Education).
- (g) The administrative law judge may order that testimony and evidence from parents and guardians of students at the charter school be taken via prefiled written testimony under the Texas Government Code, §2001.085.

Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines

January 31, 2020

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines. The proposed amendments would implement House Bill (HB) 3, Senate Bills (SBs) 1230, 1476, and 37, 86th Texas Legislature, 2019, by reflecting new reporting requirements for superintendents, principals, and directors of public schools and private school administrative officers; adding individuals listed on the registry of persons ineligible to work in public schools to the people that must be fired or refused employment by a certified educator; and removing the reference to student loan default as a ground for discipline by the SBEC. The proposed amendments would also make technical changes to improve the readability of provisions and to align citations. The SBEC made changes to the proposed text in response to public comment.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 249, Subchapter B, is the Texas Education Code (TEC), §§21.006(a), (b), (b-1), (b-2), (c), (c-1), (c-2), as amended by HB 3 and SB 1476, 86th Texas Legislature, 2019, (f), (g), (g-1), as added by HB 3 and SB 1476, 86th Texas Legislature, 2019; and (i), as amended by HB 3, 86th Texas Legislature, 2019; 21.0062, as added by SB 1230, 86th Texas Legislature, 2019; 21.007; 21.009(e); 21.031(a); 21.035; 21.041; 21.058; 21.0581; 21.060; 21.105(c); 21.160(c); 21.210(c); 22.082; 22.0831; 22.085, as amended by HB 3, 86th Texas Legislature, 2019; 22.087; 22.092, as added by HB 3, 86th Texas Legislature, 2019; and 22.093, as added by HB 3, 86th Texas Legislature, 2019; Texas Government Code (TGC), §411.090 and §2001.058(e); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b), as amended by SB 1231, 86th Texas Legislature, 2019; Texas Occupations Code (TOC), §§53.021(a), as amended by SB 1342, 86th Texas Legislature, 2019; 53.022 and 53.023, as amended by SB 1342, 86th Texas Legislature, 2019, 53.024, 53.025, 53.051, as amended by SB 1342, 86th Texas Legislature, 2019, 53.052, and 56.003, as amended by SB 37, 86th Texas Legislature, 2019; and the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7926.

TEC, §21.006(a), (b), (c), (c-1), and (c-2), as amended by HB 3 and SB 1476, 86th Texas Legislature, 2019, requires the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center or shared services arrangement to report to the SBEC within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated when there is evidence the educator has engaged in certain misconduct, unless the superintendent or director completes an investigation before the educator resigns or is terminated and determines the educator did not commit the alleged misconduct.

TEC, §21.006(b-2), as amended by HB 3, 86th Texas Legislature, 2019, requires a principal of a school district, district of innovation, or charter school to notify the superintendent within seven days when an educator is terminated or resigns, and there is evidence the educator engaged in misconduct.

TEC, §21.006(f) and (g), give the SBEC rulemaking authority to implement TEC, §21.006.

TEC, §21.006(g-1), as added by HB 3, 86th Texas Legislature, 2019, requires the SBEC to develop and maintain an internet portal through which a superintendent or director can file a report confidentially and securely.

TEC, §21.006(i), as amended by HB 3, 86th Texas Legislature, 2019, gives the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006.

TEC, §21.0062, added by SB 1230, 86th Texas Legislature, 2019, requires the chief administrative officer of a private school to notify the SBEC within seven days when a private school educator resigns before the completion of an investigation or is terminated when there is evidence the educator has engaged in certain misconduct and gives the SBEC rulemaking authority to implement the section.

TEC, §21.007, gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records; requires the SBEC give the educator notice and an opportunity to show cause; requires the SBEC limit the amount of time the notice can appear on the educator's certification; and gives the SBEC rulemaking authority as necessary to implement the provision.

TEC, §21.009(e), states the SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe the administrator employed an applicant despite being aware the applicant had been adjudicated for or convicted of having an inappropriate relationship with a student or minor.

TEC, §21.031(a), charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators.

TEC, §21.035, states Texas Education Agency (TEA) staff provides administrative functions and services for the SBEC and gives the SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification.

TEC, §21.041, authorizes the SBEC to adopt rules as necessary for its own procedures, to regulate educators, specify the requirements for issuance or renewal of educator certificates, administer statutory requirements, provide for educator disciplinary proceedings, and for enforcement of the educator's code of ethics.

TEC, §21.058, requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses.

TEC, §21.0581(a), as amended by SB 1230, 86th Texas Legislature, 2019, gives the SBEC authority to sanction the educator certification of a person who assists another person in obtaining employment at a school district, private school, or open-enrollment charter school when the certified educator knew the other person had previously engaged in sexual misconduct with a minor or student in violation of the law.

TEC, §21.060, sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses.

TEC, §22.082, requires the SBEC to subscribe to the criminal history clearing house and allows the SBEC to obtain any criminal history from any closed case file.

TEC, §22.0831, requires the SBEC to review the criminal history of certified educators and applicants for certification.

TEC, §22.085, as amended by HB 3, 86th Texas Legislature, 2019, requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and to refuse to hire those that have certain criminal history.

TEC, §22.087, requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangements to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearing house.

TEC, §22.092, as added by HB 3, 86th Texas Legislature, 2019, requires school districts, charter schools, districts of innovation, regional education service centers, and shared services arrangements to discharge or refuse to hire any person listed on the registry of persons not eligible for employment in Texas public schools.

TEC, §22.093, as added by HB 3, 86th Texas Legislature, 2019, requires superintendents or directors of school districts, districts of innovation, charter schools, regional education service centers, or shared services arrangements to notify the commissioner of education if an employee resigned or was terminated when there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, or was involved in a romantic relationship with a student or minor.

Texas Government Code (TGC), §411.090, allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator.

TGC, §2001.058(d-1) and (e), sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge.

TFC, §261.308(d) and (e) requires the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC.

TFC, §261.406(a) and (b), as amended by SB 1231, 86th Texas Legislature, 2019, requires the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA.

TOC, §53.021(a), as amended by SB 1342, 86th Texas Legislature, 2019, allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses.

TOC, §53.022, as amended by SB 1342, 86th Texas Legislature, 2019, sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education.

TOC, §53.023, as amended by SB 1342, 86th Texas Legislature, 2019, sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator.

TOC, §53.024, states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, Chapter 2001, Texas Government Code.

TOC, §53.025, gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education.

TOC, §53.051, as amended by SB 1342, 86th Texas Legislature, 2019, requires that the SBEC notify a license holder or applicant after denying, suspending or revoking the certification.

TOC, §53.052, allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies.

TOC, §56.003, as amended by SB 37, 86th Texas Legislature, 2019, prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default.

ESSA, 20 USC, §7926, requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the job-seeker has committed sexual misconduct with a student or minor in violation of the law.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION:

Contract Abandonment

In response to public comment, the SBEC took action to remove the proposed amendment to §249.12, Administrative Denial; Appeal, which would have added a new subsection (b)(7) to allow the SBEC to deny the certificate of a person who has abandoned a TEC, Chapter 21, contract within the past 12 months. The SBEC can use its existing authority under §249.15, Disciplinary Action by State Board for Educator Certification, to place restrictions on the issuance of a new certificate for individuals whose certificates expire before the SBEC is able to effectuate a sanction. Conforming technical edits were also made to §249.12.

House Bill 3, 86th Texas Legislature, 2019

Throughout §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition, and §249.15, Disciplinary Action by State Board for Educator Certification, the proposed amendments would modify "open-enrollment charter school" to read "charter school" to comport with the changes to TEC, Chapter 21, in HB 3, which now includes all forms of charter entities, whether open-enrollment or otherwise.

HB 3 also creates a registry of persons not eligible for employment in Texas public schools and requires superintendents or directors of school districts, districts of innovation, charter schools, regional education service centers, or shared services arrangements to notify the commissioner of education if an employee resigned or was terminated when there is evidence the employee abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with a student or minor. To reflect these new requirements, the proposed amendments would add reporting to the commissioner of education under TEC, §22.093, to the list of required reporting for which an educator can be disciplined if the educator fails to report under §249.15(b)(4). The proposed amendments would also reflect the registry of persons ineligible to work in public schools in §249.15(b)(12), which allows for SBEC to sanction an educator if the educator hires or fails to fire an employee on the register.

HB 3 also modifies the requirements of TEC, §22.085, which sets out the criminal history that requires a school district, charter school, or shared services arrangement to discharge or refuse to hire an employee or applicant, to parallel TEC, §21.058, by including individuals on deferred adjudication community supervision for which a defendant is required to register as a sex offender. To reflect these modifications,

the proposed amendments would add language regarding community supervision to the reference to TEC, §22.085, in §249.15(b)(12).

Senate Bills 1230 and 1476, 86th Texas Legislature, 2019

To implement SB 1230, a proposed amendment to §249.14(d) would reflect the statute's language requiring a "chief administrative officer of a private school" to report to SBEC rather than to the "director of a private school." This semantic change does not change the meaning of the rule, which already required private school heads to report misconduct to the SBEC.

Similarly, to reflect the creation of misconduct reporting requirements for private school chief administrative officers in SB 1230, the proposed amendments would add TEC, §21.0062, to the list of reporting obligations for which the SBEC can discipline a certified educator if the educator fails to comply.

To reflect the requirements of SB 1476 and SB 1230, a proposed amendment to §249.14(d) would allow superintendents and directors of public schools not to report evidence of misconduct if the superintendent or director has completed an investigation before the educator resigned and determined the educator did not engage in misconduct.

Senate Bill 37, 86th Texas Legislature, 2019

To implement SB 37, the proposed amendments would remove a reference to student loan default as grounds for discipline by the SBEC in §249.15(f).

The proposed amendments also include technical edits to remove language regarding sanctions for failing to report from §249.14(d) and (e) because this language is redundant with §249.14(h) and makes §249.14(d) and (e) difficult to read.

The proposed amendments would also make the list of "Priority 1" conduct match in §249.15(b)(9) and §249.14(k)(1). In response to public comment, the SBEC amended §249.15(b)(9)(L) to add a citation to §247.2(3)(H), the provision addressing appropriate educator-student boundaries in the Educators' Code of Ethics.

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: The TEA staff has determined there is no additional fiscal impact on state or local governments and there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal would have 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: 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: 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: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, the proposed rule would limit the requirement that a superintendent or director report educator misconduct to the SBEC by removing the requirement that a superintendent report when the investigation is complete and would exonerate the educator, in accordance with HB 3. The proposed rule would expand the reporting requirements for which the SBEC can sanction an educator if the educator fails to report in compliance with the statutory requirements. The proposed rule would also expand the reporting requirements for chief administrative officers in private schools, in accordance with SB 1230. The proposed rule would expand the reasons for which SBEC may sanction an educator to include hiring or failing to fire someone listed on the registry of persons who are not eligible to be employed under TEC, §22.092, in accordance with HB 3. The proposed rule would repeal the existing regulation that allowed the SBEC to consider sanctioning an educator for student loan default, in accordance with SB 37.

The proposed rule 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 increase or decrease fees paid to the agency, would not create a new regulation; would not increase or decrease the number of individuals subject to the rule's applicability, or would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The public benefit anticipated as a result of the proposal would be improving student safety through enhanced enforceability of the new administrator reporting requirements imposed by the 86th Texas Legislature, 2019. The TEA staff has determined there is no anticipated cost to persons required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impacts that were not directly created by HB 3 or SB 1246.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined the proposal would not require any additional written reports or other paperwork to be completed by a principal or classroom teacher that were not directly required by the 86th Texas Legislature, 2019, through HB 3.

PUBLIC COMMENTS: In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality

Laura Moriaty, Director, SBEC Enforcement

Attachment: Text of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines

Text of Proposed Amendments to 19 TAC

Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

Subchapter B. Enforcement Actions and Guidelines

§249.12. Administrative Denial; Appeal.

- (a) This section applies to administrative denials, as that term is defined in §249.3 of this title (relating to Definitions). This section does not apply to the denial of an application for a certificate that has been permanently revoked, and it does not apply to the failure to issue a certificate because specific certification requirements have not been met.
- (b) The Texas Education Agency (TEA) staff may administratively deny any of the matters set out in subsection (a) of this section based on satisfactory evidence that:
- (1) the person filed a fraudulent application;
 - (2) the person assisted another person in obtaining employment at a school district or open-enrollment charter school, other than by the routine transmission of administrative or personnel files when the person knew that the other person had previously engaged in an inappropriate relationship with a minor or student in violation of the law;
 - (3) the person has committed an act that would make them subject to required revocation under the Texas Education Code [~~(TEC)~~], §21.058;
 - (4) the person has committed an act that would make them subject to mandatory permanent revocation or denial under §249.17(i) of this title (relating to Decision-Making Guidelines);
 - (5) the person has engaged in conduct or committed a crime or an offense that:
 - (A) demonstrates that the person lacks good moral character;
 - (B) demonstrates that the person is unworthy to instruct or to supervise the youth of this state; or
 - (C) constitutes the elements of a crime or offense relating directly to the duties and responsibilities of the education profession; or ~~or~~
 - (6) the person failed to comply with the terms or conditions of an order issued by or on behalf of the State Board for Educator Certification or the TEA staff ~~or~~ ~~or~~
 - ~~(7) TEA staff has previously received a timely report from a school district that the person is subject to sanctions for having abandoned a TEC, Chapter 21, contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c) and less than 12 months has elapsed from the first day that, without district permission, the person failed to appear for work under the contract.~~
- (c) The TEA staff shall provide written notice of the denial and the factual and legal reasons for it to the person whose application or request has been administratively denied. The notice shall be given by registered or certified mail to the address the person has provided in the application or request that is being denied. The person may attempt to show compliance with legal requirements by written submission or by requesting an informal conference, and/or may appeal and request a State Office of Administrative Hearings (SOAH) hearing as hereafter provided. The 30-day deadline to appeal and request a hearing is not tolled during any attempts to show cause.
- (d) The appeal and request for a SOAH hearing of an administrative denial shall be in the form of a petition that complies in content and form with §249.26 of this title (relating to Petition) and 1 Texas Administrative Code, Part 7, §155.301 (relating to Required Form of Pleadings). In order to be referred to the SOAH for a contested case hearing, an appeal petition must be filed with the TEA staff within 30 calendar days after the person received or is deemed to have received written notice of the administrative denial. Unless otherwise proved by the person, the notice shall be deemed to have been received by the

examinee no later than five calendar days after mailing to the most recent address provided by the person. The TEA staff may dismiss an appeal that is not timely filed without further action.

- (e) The TEA staff shall send an answer to the petition to the person appealing an administrative denial and shall refer the petition and answer to the SOAH for a contested case hearing.

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

- (a) The Texas Education Agency (TEA) staff may obtain and investigate information concerning alleged improper conduct by an educator, applicant, examinee, or other person subject to this chapter that would warrant the State Board for Educator Certification (SBEC) denying relief to or taking disciplinary action against the person or certificate.
- (b) Complaints against an educator, applicant, or examinee must be filed in writing.
- (c) The TEA staff may also obtain and act on other information providing grounds for investigation and possible action under this chapter.
- (d) A person who serves as the superintendent of a school district or district of innovation, ~~or~~ the director of a ~~[an open enrollment]~~ charter school, ~~[private school]~~ regional education service center, or shared services arrangement, or the chief administrative officer of a private school may notify the SBEC of any educator misconduct that the person believes in good faith may be subject to sanctions under this chapter and/or Chapter 247 of this title (relating to Educators' Code of Ethics). However, under any of the following circumstances, a person who serves in such a position shall promptly notify the SBEC in writing by filing a report with the TEA staff within seven business days of the date the person either receives a report from a principal under subsection (e) of this section or knew of any of the following [those] circumstances, except if the person is a superintendent or director of a public school and has completed an investigation in accordance with Texas Education Code (TEC), §21.006(c-2), resulting in a determination that the educator did not engage in misconduct [and may be subject to sanctions for failure to do so, pursuant to §249.15(b)(4) of this title (relating to Disciplinary Action by State Board for Educator Certification)] :
 - (1) that an applicant for or a holder of a certificate has a reported criminal history, which the superintendent or director obtained information by a means other than the criminal history clearinghouse established under Texas Government Code, §411.0845;
 - (2) that a certificate holder was terminated from employment and there is evidence that he or she committed any of the following acts:
 - (A) sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor;
 - (B) possessed, transferred, sold, or distributed a controlled substance;
 - (C) illegally transferred, appropriated, or expended school property or funds;
 - (D) attempted by fraudulent or unauthorized means to obtain or to alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or permit or to receive additional compensation associated with a position;
 - (E) committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or
 - (F) solicited or engaged in sexual conduct or a romantic relationship with a student or minor;
 - (3) that a certificate holder has submitted a notice of resignation and that there exists evidence that he or she committed one of the acts specified in paragraph (2) of this subsection.
 - (A) Before accepting an employee's resignation that, under this paragraph, requires a person to notify the SBEC by filing a report with the TEA staff, the person shall inform the certificate holder in writing that such a report will be filed and that sanctions against his or her certificate may result as a consequence.

- (B) A person required to comply with this paragraph shall notify the governing body of the employing school district before filing the report with the TEA staff.
 - (C) A superintendent or director of a school district shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described in paragraph (2)(A) of this subsection despite the educator's resignation from district employment before completion of the investigation; or
 - (4) any other circumstances requiring a report under the TEC [Texas Education Code (TEC)] , §21.006.
- (e) A person who serves as a principal in a school district, a district of innovation, or a ~~an open enrollment~~ charter school must notify the superintendent or director of the school district, district of innovation, or charter school and may be subject to sanctions for failure to do so ~~[, pursuant to §249.15(b)(4) of this title (relating to Disciplinary Action by State Board for Educator Certification),]~~ no later than seven business days after:
- (1) an educator's termination or resignation following an alleged incident of misconduct involving one of the acts described in subsection (d)(2) of this section; or
 - (2) the principal knew about an educator's reported criminal history.
- (f) Pursuant to the TEC, §21.006(b-2), (c), (h), and (i), a report filed under subsections (d) and (e) of this section must include:
- (1) the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator; and
 - (2) the factual circumstances requiring the report and the subject of the report by providing the following available information:
 - (A) name and any aliases; certificate number, if any, or social security number;
 - (B) last known mailing address and home and daytime phone numbers;
 - (C) all available contact information for any alleged victim or victims;
 - (D) name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
 - (E) current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
 - (F) involvement by a law enforcement or other agency, including the name of the agency.
- (g) Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 United States Code, §1232g(a)(4), and the federal regulations interpreting it at 34 Code of Federal Regulations, §99.3, education records that are protected by FERPA must be records that are directly related to a student, and the term "education records" does not include records that relate to a school employee in his or her capacity as a school employee.
- (h) A person who is required to file a report under subsections (d) and (e) of this section but fails to do so timely is subject to sanctions under this chapter.
- (i) If a school district board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under the Texas Code of Criminal Procedure (TCCP), §15.27(a), (a-1), or (b), the board of trustees shall report the failure to the SBEC. If the governing body of a private primary or secondary school learns of a failure by the principal of the school to provide a notice required under the TCCP, §15.27(e), and the principal holds a certificate issued under the TEC, Chapter 21, Subchapter B, the governing body shall report the failure to the SBEC.
- (j) The TEA staff shall not pursue sanctions against an educator who is alleged to have abandoned his or her TEC, Chapter 21, contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), subject to the limitations imposed by the TEC, §21.4021(g), unless the board of trustees of the employing school district:

- (1) submits a written complaint to the TEA staff within 30 calendar days after the effective date of the educator's separation from employment from the school district. For purposes of this section, unless the school district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract;
 - (2) renders a finding that good cause did not exist under the TEC, §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2). This finding constitutes prima facie evidence of the educator's lack of good cause, but is not a conclusive determination; and
 - (3) submits the following required attachments to the written complaint:
 - (A) the educator's resignation letter, if any;
 - (B) the agreement with the educator regarding the effective date of separation from employment, if any;
 - (C) the educator's contract; and
 - (D) school board meeting minutes indicating a finding of "no good cause" (if the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting).
- (k) To efficiently administer and implement the SBEC's purpose under this chapter and the TEC, the TEA staff may set priorities for the investigation of complaints based on the severity and immediacy of the allegations and the likelihood of harm posed by the subject of the investigation. All cases accepted for investigation shall be assigned one of the following priorities.
- (1) Priority 1: conduct that may result in the placement of an investigative notice pursuant to the TEC, §21.007, and subsection (l) of this section because it presents a risk to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague, including, but not limited to, the following:
 - (A) any conduct constituting a felony criminal offense;
 - (B) indecent exposure;
 - (C) public lewdness;
 - (D) child abuse and/or neglect;
 - (E) possession of a weapon on school property;
 - (F) drug offenses occurring on school property;
 - (G) sale to or making alcohol or other drugs available to a student or minor;
 - (H) sale, distribution, or display of harmful material to a student or minor;
 - (I) certificate fraud;
 - (J) state assessment testing violations;
 - (K) deadly conduct; and
 - (L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor.
 - (2) Priority 2: any sanctionable conduct that is not Priority 1 conduct under paragraph (1) of this subsection. An investigative notice will not be placed on an educator's certification records on the basis of an allegation of Priority 2 conduct. The TEA staff may change a case's priority at any time based on information received. Priority 2 conduct includes, but is not limited to, the following:

- (A) any conduct constituting a misdemeanor criminal offense or testing violation that is not Priority 1 conduct;
 - (B) contract abandonment; and
 - (C) code of ethics violations that do not constitute Priority 1 conduct.
- (l) After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a student or minor, as described in subsection (k)(1) of this section, the TEA staff shall immediately place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of such an investigative notice must follow the procedures set forth in subsection (m)(1) of this section. After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff may place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of an investigative notice must follow the procedures set forth in subsection (m)(2) of this section.
- (m) The following procedures must be followed for placing an investigative notice on the educator's certification records.
- (1) At the time of placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a student or minor, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.
 - (A) Within ten calendar days of placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title (relating to Procedures in General).
 - (B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within ten calendar days why the notice should be removed from the educator's certification records.
 - (2) Prior to placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.
 - (A) At least ten calendar days before placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title.
 - (B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within ten calendar days why the notice should not be placed on the educator's certification records.
 - (3) The TEA staff shall determine whether or not to remove or place an investigative notice on the educator's certification records, taking into account the educator's response, if any, to the letter notifying the certificate holder of the investigation.
- (n) An investigative notice is subject to the following time limits.
- (1) An investigative notice may remain on the certification records of a certificate holder for a period not to exceed 240 calendar days.
 - (2) The TEA staff may toll this time limit if information is received indicating that there is a pending criminal or administrative matter related to the alleged act of misconduct that gives rise to the

investigative notice. For purposes of this subsection, a criminal or administrative matter includes an audit by a state or federal agency, an arrest, an investigation, related litigation or other enforcement action brought by a state or federal administrative agency, or a prosecution by a criminal law enforcement agency. Upon receiving notice that the criminal or administrative matter has been resolved the tolling period shall end. As part of its procedure, the TEA staff will attempt to make bimonthly (once every two months) contact with the agency where a related matter is pending to determine whether the related matter has been closed or otherwise resolved.

- (3) The TEA staff may toll this time limit if the matter is referred for a contested case hearing, upon agreement of the parties, or while the matter is pending action by the SBEC on a proposed agreed order.
- (o) The TEA staff shall remove an investigative notice from an educator's certification records:
 - (1) when a case's final disposition occurs within the time limits established in subsection (n) of this section; or
 - (2) when the time limits for an investigative notice have been exceeded, if:
 - (A) the certificate holder has made a written demand to the TEA staff that the investigative notice be removed because the time limits have been exceeded; and
 - (B) the TEA staff has failed to refer the matter to the State Office of Administrative Hearings for a contested case hearing within 30 calendar days from the date of receipt of the written demand to remove the investigative notice.
- (p) Only the TEA staff may file a petition seeking sanctions under §249.15 of this title. Prior to filing a petition, the TEA staff shall mail to the certificate holder affected by written notice of the facts or conduct alleged to warrant the intended action and shall provide the certificate holder an opportunity to show compliance with all requirements of law.

§249.15. Disciplinary Action by State Board for Educator Certification.

- (a) Pursuant to this chapter, the State Board for Educator Certification (SBEC) may take any of the following actions:
 - (1) place restrictions on the issuance, renewal, or holding of a certificate, either indefinitely or for a set term;
 - (2) issue an inscribed or non-inscribed reprimand;
 - (3) suspend a certificate for a set term or issue a probated suspension for a set term;
 - (4) revoke or cancel, which includes accepting the surrender of, a certificate without opportunity for reapplication for a set term or permanently;
 - (5) impose any additional conditions or restrictions upon a certificate that the SBEC deems necessary to facilitate the rehabilitation and professional development of the educator or to protect students, parents of students, school personnel, or school officials; or
 - (6) impose an administrative penalty of \$500-\$10,000 on a superintendent or director who fails to file timely a report required under §249.14(d) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition) or on a principal who fails to timely notify a superintendent or director as required under §249.14(e) of this title under the circumstances and in the manner required by the Texas Education Code (TEC), §21.006.
- (b) The SBEC may take any of the actions listed in subsection (a) of this section based on satisfactory evidence that:
 - (1) the person has conducted school or education activities in violation of law;
 - (2) the person is unworthy to instruct or to supervise the youth of this state;
 - (3) the person has violated a provision of the Educators' Code of Ethics;

- (4) the person has failed to report or has hindered the reporting of child abuse pursuant to the Texas Family Code, §261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by the TEC, §21.006, §21.0062, §22.093, and §249.14(d)-(f) of this title;
- (5) the person has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c);
- (6) the person has failed to cooperate with the Texas Education Agency (TEA) in an investigation;
- (7) the person has failed to provide information required to be provided by §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data);
- (8) the person has violated the security or integrity of any assessment required by the TEC, Chapter 39, Subchapter B, as described in subsection (g) of this section or has committed an act that is a departure from the test administration procedures established by the commissioner of education in Chapter 101 of this title (relating to Assessment);
- (9) the person has committed an act described in §249.14(k)(1) of this title, which constitutes sanctionable Priority 1 conduct, as follows:
 - (A) any conduct constituting a felony criminal offense;
 - (B) indecent exposure;
 - (C) public lewdness;
 - (D) child abuse and/or neglect;
 - (E) possession of a weapon on school property;
 - (F) drug offenses occurring on school property;
 - (G) sale to or making alcohol or other drugs available to a student or minor;
 - (H) sale, distribution, or display of harmful material to a student or minor;
 - (I) certificate fraud;
 - (J) state assessment testing violations;
 - (K) deadly conduct; or
 - (L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries as described in §247.2(3)(H) of this title, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor;
- (10) the person has committed an act that would constitute an offense (without regard to whether there has been a criminal conviction) that is considered to relate directly to the duties and responsibilities of the education profession, as described in §249.16(c) of this title (relating to Eligibility of Persons with Criminal History for a Certificate under Texas Occupations Code, Chapter 53, and Texas Education Code, Chapter 21). Such offenses indicate a threat to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague; interfere with the orderly, efficient, or safe operation of a school district, campus, or activity; or indicate impaired ability or misrepresentation of qualifications to perform the functions of an educator and include, but are not limited to:
 - (A) offenses involving moral turpitude;
 - (B) offenses involving any form of sexual or physical abuse or neglect of a student or minor or other illegal conduct with a student or minor;
 - (C) offenses involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in the Texas Health and Safety Code, Chapter 481;

- (D) offenses involving school property or funds;
 - (E) offenses involving any attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
 - (F) offenses occurring wholly or in part on school property or at a school-sponsored activity; or
 - (G) felony offenses involving driving while intoxicated (DWI);
- (11) the person has intentionally failed to comply with the reporting, notification, and confidentiality requirements specified in the Texas Code of Criminal Procedure, §15.27(a), relating to student arrests, detentions, and juvenile referrals for certain offenses;
 - (12) the person has failed to discharge an employee or to refuse to hire an applicant when the employee or applicant was employed in a public school and on the registry of persons who are not eligible to be employed under TEC, §22.092, when the person knew that the employee or applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with the TEC, §21.009(e), or when the person knew or should have known through a criminal history record information review that the employee or applicant had been placed on community supervision or convicted of an offense in accordance with the TEC, §22.085;
 - (13) the person assisted another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, when the educator knew or had probable cause to believe that such person engaged in an inappropriate relationship with a minor or student;
 - (14) the person is a superintendent of a school district or the chief operating officer of an open-enrollment charter school who falsely or inaccurately certified to the commissioner of education that the district or charter school had complied with the TEC, §22.085; or
 - (15) the person has failed to comply with an order or decision of the SBEC.
- (c) The TEA staff may commence a contested case to take any of the actions listed in subsection (a) of this section by serving a petition to the certificate holder in accordance with this chapter describing the SBEC's intent to issue a sanction and specifying the legal and factual reasons for the sanction. The certificate holder shall have 30 calendar days to file an answer as provided in §249.27 of this title (relating to Answer).
 - (d) Upon the failure of the certificate holder to file a written answer as required by this chapter, the TEA staff may file a request for the issuance of a default judgment from the SBEC imposing the proposed sanction in accordance with §249.35 of this title (relating to Disposition Prior to Hearing; Default).
 - (e) If the certificate holder files a timely answer as provided in this section, the case will be referred to the State Office of Administrative Hearings (SOAH) for hearing in accordance with the SOAH rules; the Texas Government Code, Chapter 2001; and this chapter.
 - (f) The provisions of this section are not exclusive and do not preclude consideration of other grounds or measures available by law to the SBEC or the TEA staff, including ~~[student loan default or]~~ child support arrears. The SBEC may request the Office of the Attorney General to pursue available civil, equitable, or other legal remedies to enforce an order or decision of the SBEC under this chapter.
 - (g) The statewide assessment program as defined by the TEC, Chapter 39, Subchapter B, is a secure testing program.
 - (1) Procedures for maintaining security shall be specified in the appropriate test administration materials.
 - (2) Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials.
 - (3) The contents of each test booklet and answer document are confidential in accordance with the Texas Government Code, Chapter 551, and the Family Educational Rights and Privacy Act of

1974. Individual student performance results are confidential as specified under the TEC, §39.030(b).

- (4) Violation of security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, shall be prohibited. A person who engages in conduct prohibited by this section may be subject to sanction of credentials, including any of the sanctions provided by subsection (a) of this section.
- (5) Charter school test administrators are not required to be certified; however, any irregularity in the administration of any test required by the TEC, Chapter 39, Subchapter B, would cause the charter itself to come under review by the commissioner of education for possible sanctions or revocation, as provided under the TEC, §12.115(a)(4).
- (6) Conduct that violates the security and confidential integrity of a test is evidenced by any departure from the test administration procedures established by the commissioner of education. Conduct of this nature may include, but is not limited to, the following acts and omissions:
 - (A) viewing a test before, during, or after an assessment unless specifically authorized to do so;
 - (B) duplicating secure examination materials;
 - (C) disclosing the contents of any portion of a secure test;
 - (D) providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
 - (E) changing or altering a response or answer of an examinee to a secure test item or prompt;
 - (F) aiding or assisting an examinee with a response or answer to a secure test item or prompt;
 - (G) fraudulently exempting or preventing a student from the administration of a required state assessment;
 - (H) encouraging or assisting an individual to engage in the conduct described in paragraphs (1)-(7) of this subsection; or
 - (I) failing to report to an appropriate authority that an individual has engaged in conduct outlined in paragraphs (1)-(8) of this subsection.
- (7) Any irregularities in test security or confidential integrity may also result in the invalidation of student results.
- (8) The superintendent and campus principal of each school district and chief administrative officer of each charter school and any private school administering the tests as allowed under the TEC, §39.033, shall develop procedures to ensure the security and confidential integrity of the tests specified in the TEC, Chapter 39, Subchapter B, and shall be responsible for notifying the TEA in writing of conduct that violates the security or confidential integrity of a test administered under the TEC, Chapter 39, Subchapter B. A person who fails to report such conduct as required by this subsection may be subject to any of the sanctions provided by subsection (a) of this section.

INFORMATION MATERIALS

STATE BOARD OF EDUCATION OPERATING RULES
(Amended September 13, 2019)

CHAPTER 1. BOARD ORGANIZATION

The statutory citation for this chapter is the Texas Education Code, §7.107.

§1.1. Officers of the Board.

(a) Selection.

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

(b) Duties.

- (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
- (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
- (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

§1.2. Committees of the Board.

- (a) The standing committees of the board and their areas of oversight are:

Committee of the Full Board

1. Public testimony
2. Establishment of essential knowledge and skills (TEKS)
3. Adopt instructional materials

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including procedures concerning dyslexia and related disorders)
3. Instructional materials proclamations
4. Student assessment program implementation

5. General education
6. Education of individuals with disabilities
7. Gifted and talented education
8. Adult education
9. Library standards
10. Texas School for the Blind and Visually Handicapped/Texas School for the Deaf

Committee on School Finance/Permanent School Fund

1. State and federal funding issues
2. Financial budgeting, reporting, and regulation
3. Contract and grant approval
4. Instructional materials financing and operations
5. Review commissioner's annual FSP budget
6. Community education funding
7. Oversight of the Bond Guarantee Program
8. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions

Committee on School Initiatives

1. Long-range plans required by statute
 2. Educational technology and telecommunications
 3. Review and evaluation of charter school applications, revisions, and amendments the commissioner of education proposes to grant
 4. State Board for Educator Certification rules review
 5. School board member training policy
 6. Hearing examiners
 7. Military reservation and special school districts
 8. Extracurricular activities
 9. Home-rule school district probation and revocation
- (b) Amendments to the areas of committee oversight reflecting new or changing board responsibilities may be made during the board's periodic operating rules review or by means of resolution addressing the change in responsibilities should such change occur between the operating rules review.
- (c) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.
- (d) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (e) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The

officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall also consider seniority (total years of service), ethnicity balance, gender balance, and relevant qualifications specific to a committee assignment in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee.

- (f) Ad hoc committees. Ad hoc committees (i.e., task forces) may be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (g) From time to time committees may find it necessary to request legal opinions, comprehensive studies, or reports to be prepared by the staff to aid the committees in their deliberations. To ensure clarity and coordination, all such requests shall be directed to the Division of State Board of Education Support and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request the Attorney General to issue an opinion under Texas Government Code §402.042.

§1.3. Board Member Seating Selection.

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.

CHAPTER 2. MEETINGS

The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.

§2.1. Regular Meetings of the Board.

In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

§2.2. Special Meetings of the Board.

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

§2.3. Open Meetings.

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet.

§2.4. Executive Sessions.

Executive sessions of the board or of board committees are meetings with only board members and persons authorized by law. Executive sessions shall be held in accordance with Texas Government Code, Chapter 551, Open Meetings.

§2.5. Agendas.

- (a) The commissioner of education shall prepare and submit to each member of the board, prior to each meeting, a draft agenda schedule, listing item titles with short summaries of each item. Other than as is provided in subsection (b) and (c), all agenda items are subject to the approval of the chair of the board. Materials supplementing the agenda may be included. Official agendas will be available the day of the board meeting.
- (b) The chairs of the Committee on Instruction, Committee on School Finance/Permanent School Fund, Committee on School Initiatives, and ad hoc committees shall collaborate with the board chair regarding items to be placed on their respective committee agendas. Committee agendas shall include statutorily mandated motions, items assigned to the committee by the board chair, items posted at the discretion of the committee chair and items voted on as set out in subsection (c) below. Committee chairs may post discussion items per their discretion, but action items must be approved by the board chair, subject to the process set out in (c) below.

- (c) Any member of the board may request that a committee chair, other than the Committee of the Full Board, place an item on the agenda of that chair's committee, as either a discussion item or an action item. If the committee chair agrees, the item is placed on the agenda of that chair's committee in accordance with the member's request, subject to the approval of the board chair. If the committee chair denies the member's request, the member may appeal the denial to the board chair. If the board chair denies the request, the member may appeal the denial to the board. If the board approves the request, it is placed on the agenda of the committee to which the request was made at the next meeting of that committee.
- (d) A subject on the agenda that is outside the scope of the board's authority may only be considered by the board or the Committee of the Full Board by a vote of a majority of the membership of the board. The chair, in consultation with Agency legal counsel, shall make a determination of whether an item is outside the scope of the board's authority when preparing the agenda. Any member may move to place an item determined by the chair to be outside the scope of the board's authority on the agenda for a subsequent meeting.

§2.6. Official Transaction of Business.

- (a) The board shall transact official business only when in session with a quorum present. Unless otherwise provided by law, in order for a board action to be final, it must be approved by a majority of the board members present and voting.
- (b) The chair may authorize the board to meet via videoconference call. As required by Government Code §551.127(c), if videoconference calling technology is used, the meeting location where the presiding officer of the meeting is present must be open to the public, except during executive sessions. The chair may limit the number of remote videoconference locations in the interest of decorum and teleconference capacity.
- (c) No posters, props, or other visual displays are allowed by board members within the meeting rooms without permission from the presiding chair.

§2.7. Rules of Order.

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (d) No applause, outburst or other demonstration by any spectator shall be permitted during the public testimony, public hearing or debate portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings.

- (e) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.

§2.8. Minutes.

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved and which carry the original signature of the secretary of the board.

§2.9. Resolutions.

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the Division of State Board of Education Support not less than four weeks prior to the Monday of the week during which the meeting at which the resolution is to be considered. The board shall consider the resolution and any germane amendments at the next meeting following such notice.
- (b) Titles for congratulatory, commendatory or other non-substantive resolutions shall be submitted by the timelines prescribed in this section with resolution text following at date and time consistent with the staff's pre-meeting preparation timeline.
- (c) The board may consider a resolution which expresses an opinion related to specific instructional materials or which expresses concerns as to the appropriateness of specific instructional materials for certain ages or populations. Resolutions considered under this subsection must conform to the following:
 - (1) The resolution shall be submitted in compliance with subsection (a) of this section.
 - (2) Board action on a resolution expressing an opinion related to specific instructional materials may only be considered after final action has been taken concerning placement of the specific instructional materials on the list of adopted instructional materials for use in the public schools of Texas. Board action relative to instructional materials resolutions must take place within 90 days of adoption of the specific instructional materials under 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, §66.66(c).
 - (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
 - (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
 - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner.

- (B) Instructional materials should promote citizenship, patriotism, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears, should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.
 - (i) Instructional materials should present positive aspects of the United States and its heritage.
 - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
 - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
- (C) Instructional materials should not include blatantly offensive language or illustrations.
- (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.
 - (i) Instructional materials should not encourage life-styles deviating from generally accepted standards of society.
 - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
 - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
 - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.

- (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
 - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
 - (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.

(a) General Provisions.

- (1) The board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
- (2) Work session and ad hoc committee meetings are exempt from this requirement.
- (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
- (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.
- (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
- (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

(b) Registration Procedures.

- (1) Individuals may register between the hours of 8 a.m. on the Friday preceding the board meeting and 5 p.m. (Central Time) on the Monday preceding the board meeting on the agency website at <https://tea.texas.gov/PublicTestimonySBOE/>, or by facsimile at (512) 936-4319, or, during normal operating hours, by telephone at (512) 463-9007 or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, room 1-109, Austin, Texas 78701.

- (2) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, mailing address, email address, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if he or she is a lobbyist registered with the Texas Ethics Commission.
 - (3) A person may register himself or herself, and one other person. Organizations may not register more than two persons per item.
 - (4) Those registering online will receive an email confirming the registration during the next business day.
 - (5) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
 - (6) Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.
 - (7) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
 - (8) All speakers shall provide thirty-five (35) collated or stapled copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide thirty-five (35) copies of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.
- (c) Oral Public Testimony to Committees.
- (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.
 - (2) Three minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
 - (3) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee after staff has presented the item.
 - (4) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (d) Oral Public Testimony to the General Meeting of the Board.
- (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section of the agenda.

- (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Three minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
- (3) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author is a lobbyist registered with the Texas Ethics Commission.
- (b) If the written testimony is submitted at the regular board or committee meeting, thirty-five (35) collated or stapled copies shall be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who were unable to attend or to testify at a committee or board meeting due to time constraints may provide thirty-five (35) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.

§2.12. Public Hearings.

- (a) Types of Public Hearings.
 - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
 - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to instructional materials issues. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules. Public hearings regarding the instructional materials adoption process are governed by 19 TAC §66.60.
- (b) Speakers shall preregister in accordance with the procedures set out in §2.10(b).

- (c) The presiding chair shall establish the procedures for conducting the public hearing. These procedures shall include, but are not limited to, the following:
 - (1) Providing for presentations from invited persons or an introduction from staff;
 - (2) Providing that preregistered speakers are heard in order of registration times and dates, or requiring alternating points of view in order of registration times and dates;
 - (3) Establishing time limits for speakers, generally three minutes each;
 - (4) Adjourning the hearing at the end of the allotted time period listed in the agenda item or any extension granted by a vote of the majority of the board or appropriate committee.
- (d) Persons who testify at a public hearing shall bring thirty-five (35) collated or stapled copies of their testimony for distribution to board members and agency executive staff.
- (e) Persons who were unable to testify at a public hearing due to time constraints may provide thirty-five (35) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.
- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers if time constraints may not allow some registered speakers to testify.

§2.13. Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments, prior to the board adoption of any rule. Public comments regarding proposed board rules may be submitted as provided in the notice of proposed rulemaking published in the *Texas Register*. The deadline for submitting public comments is 5:00 p.m. on Friday the week prior to the start of the board meeting. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

CHAPTER 3. TRAVEL AND EXPENSES

The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.

§3.1. Reimbursement of Expenses.

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
 - (1) public transportation (excluding receipts for bus, taxi, or limousine);
 - (2) car rental;
 - (3) lodging; and
 - (4) conference registration fees (which may not include banquets, books, or materials).
- (e) Lodging receipts must show the rate for single occupancy plus tax which will be the maximum reimbursable amount per day for lodging.
- (f) Receipts are not required to claim expenses for meals; however, the General Appropriations Act provides that "none of the funds appropriated under this act for travel expenses may be expended for alcoholic beverages" and no such expenses may be claimed for reimbursement.
- (g) Other official travel expenses which board members may claim include the following when the expenses are required for the conduct of state business:
 - (1) parking fees (including personal vehicles);
 - (3) notary fees for official documents; and
 - (4) wireless connection.

- (h) Board members may not claim reimbursement for expenses such as the following:
 - (1) laundry or other personal items;
 - (2) tips or gratuities of any kind; and
 - (3) alcoholic beverages.
- (i) All claims for reimbursement will be reviewed by agency accounting personnel to ensure compliance with the requirements of the appropriations act, and any appropriate adjustments to claims shall be made by staff.
- (j) A yearly budget shall be established for travel of board members. The budgeted amount would include an allotment of travel funds for board members to attend board meetings and committee meetings, and an allotment for in-district, out-of-district, and out-of-state meetings. An additional allotment shall be budgeted for travel of the chair when representing the State Board of Education at meetings. When there is a change in office during the fiscal year, the travel budget will be reassigned to the new board member.
- (k) A board member may be reimbursed for travel expenses for attending activities other than State Board of Education meetings and committee meetings provided that the board members are in compliance with the following procedures:
 - (1) In-District and Out-of-District Travel. In-district and out-of-district travel is at each member's discretion. Prior approval is not required; however, any travel for which reimbursement is requested must be directly related to the duties and responsibilities of the State Board of Education. Any requests for reimbursement, directly or indirectly related to seeking election to office, will not be allowed.
 - (2) Out-of-State Travel. Prior approval is required by the officers of the board (chair, vice chair, and secretary).
- (l) A board member may be reimbursed for travel expenses incurred while serving on any board, council, or commission or serving in any official board position as an appointee for specific administrative functions when appointed by the State Board of Education or its chair, or subject to approval of the board or its officers of the board.
- (m) None of the funds appropriated in the General Appropriations Act shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

§3.2. Travel Arrangements and Hotel Reservations for State Board of Education Meetings.

- (a) Board members shall be responsible for making their own arrangements for travel to and from board meetings. Agency travel coordinators are available for assistance.
- (b) A Division of State Board of Education Support staff member or his/her designee will make guaranteed hotel reservations for each board member upon request.
- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.
 - (1) An entity making a gift and/or grant under this section may not:
 - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
 - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
 - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
 - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
 - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
 - (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
 - (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
 - (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.

- (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.
- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.
- (1) A charter may not be evaluated using funds under this section unless the commissioner has:
 - (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
 - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
 - (2) The commissioner shall receive, disburse and account for funds accepted by the board.
 - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
 - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
 - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
 - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
 - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
 - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.

- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under §7.102(c)(9). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
- (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.

§4.1. Standards of Conduct and Conflicts of Interest.

- (a) Personal interest in board actions. Whenever a board member has a financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter.
- (b) The Permanent School Fund ethics policy governs the conduct of State Board of Education members with respect to the investment and management of the Permanent School Fund.

§4.2. Press and Public Relations.

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

§4.3. Disclosure of Campaign Contributions and Gifts.

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
 - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
 - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
 - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
 - (2) "contract, grant, or charter" means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open enrollment charter schools.
 - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
 - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
 - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

§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.
- (c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
 - (1) **First Reading and Filing Authorization.** The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
 - (2) **Second Reading and Final Adoption.** If the public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
 - (3) **Withdrawal.** The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
 - (4) **Refiling.** The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law, or
 - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
 - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements.

§5.5. Rulemaking Authority.

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

§5.6. Review of the State Board of Education Rules.

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. If necessary, proposed amendments will be brought to the board following the procedure described in §5.2 of these rules.

§5.7. Filing of Amendments.

A member wishing to amend any Texas Essential Knowledge and Skills (TEKS) being considered by the board for second reading and final adoption shall submit the amendment in writing to the staff no later than noon on the day prior to the final vote on the adoption of the TEKS. All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.

CHAPTER 6. ADVISORY GROUPS

The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.

§6.1. General Provisions.

- (a) The State Board of Education may establish a Committee of Investment Advisors (CIA) to the Permanent School Fund and approve all selected appointments. The CIA shall be composed of not more than 15 members, one appointed by each State Board of Education member, who each have considerable institutional investment expertise and are free from conflicts of interest. The CIA member will closely advise the individual State Board of Education member who appointed the member on all matters relative to the management of the Permanent School Fund as necessary. The CIA may meet in person or via conference call or telephone conference as needed. Duties and responsibilities of the CIA are within the *Texas Permanent School Fund - Investment Procedures Manual*, Section A.2.
- (b) If the board does not establish a CIA, nothing shall prevent a board member from selecting and working with an investment advisor in a manner consistent with federal and state laws and the Investment Procedures Manual.

**Texas Permanent School Fund
Asset Allocation Mix - SBOE
November 30, 2019**

<u>Asset Class</u>	<u>Portfolio</u>	<u>Book Value</u>	<u>Mix</u>	<u>Fair Value</u>	<u>Mix</u>
Equity	Domestic Small-Mid Cap	\$ 1,200,140,170	4.45%	\$ 1,772,622,420	5.05%
	Domestic Large Cap	1,959,196,461	7.27%	4,784,264,408	13.64%
	Total Domestic Equity	<u>3,159,336,631</u>	<u>11.72%</u>	<u>6,556,886,828</u>	<u>18.69%</u>
	International Equity - Blackrock	<u>3,938,387,769</u>	<u>14.61%</u>	<u>5,133,739,328</u>	<u>14.63%</u>
	Navarro Emerging Market Equity	<u>770,737,541</u>	<u>2.86%</u>	<u>949,936,048</u>	<u>2.71%</u>
	Total Emerging Market Equity	<u>770,737,541</u>	<u>2.86%</u>	<u>949,936,048</u>	<u>2.71%</u>
Total Public Market Equity		<u>7,868,461,941</u>	<u>29.19%</u>	<u>12,640,562,204</u>	<u>36.03%</u>
Fixed Income	Domestic Fixed Income	4,197,660,508	15.57%	4,298,541,243	12.25%
	Investec Emerging Market Debt	1,192,564,356	4.42%	1,238,398,100	3.53%
	Ashmore Emerging Market Debt	1,200,217,985	4.45%	1,222,533,583	3.48%
	Total Emerging Market Debt	<u>2,392,782,341</u>	<u>8.87%</u>	<u>2,460,931,683</u>	<u>7.01%</u>
Total Fixed Income		<u>6,590,442,849</u>	<u>24.44%</u>	<u>6,759,472,926</u>	<u>19.26%</u>
Absolute Return	Raven 1	800,000,000	2.97%	1,094,912,230	3.12%
	Raven 4	600,000,000	2.23%	1,024,297,544	2.92%
	Raven 6	353,884,155	1.31%	471,454,633	1.34%
	Raven 7	412,711,614	1.53%	581,222,969	1.66%
	Raven 8	418,586,838	1.55%	482,788,017	1.38%
Total Absolute Return		<u>2,585,182,607</u>	<u>9.59%</u>	<u>3,654,675,393</u>	<u>10.42%</u>
Private Equity	Columbia NB Crossroads Fund L.P.	262,706,479	0.97%	327,751,665	0.93%
	Columbia NB Crossroads Fund II L.P.	372,392,685	1.38%	596,122,071	1.70%
	Columbia NB Crossroads Fund II Tranche C	789,475,506	2.93%	995,590,054	2.84%
	TPSF NB PE Program	814,764,363	3.02%	1,096,167,856	3.12%
	Private Equity Direct	715,772,169	2.66%	824,811,534	2.35%
	Columbia CS Fund, L.P.	256,310,434	0.95%	356,084,916	1.01%
Total Private Equity		<u>3,211,421,636</u>	<u>11.91%</u>	<u>4,196,528,096</u>	<u>11.95%</u>
Real Estate	Direct Real Estate Investments	2,459,988,947	9.13%	2,994,266,325	8.53%
Total Real Estate		<u>2,459,988,947</u>	<u>9.13%</u>	<u>2,994,266,325</u>	<u>8.53%</u>
Risk Parity	AQR Capital Management	846,664,411	3.14%	1,329,265,508	3.79%
	Bridgewater	764,790,629	2.84%	1,257,027,009	3.58%
	Total Risk Parity Strategies	<u>1,611,455,040</u>	<u>5.98%</u>	<u>2,586,292,517</u>	<u>7.37%</u>
Real Return	Real Return - TIPS	1,046,350,713	3.88%	1,074,155,962	3.06%
	Real Return Commodities - Terlingua 1	587,500,000	2.18%	388,037,320	1.11%
	Real Return Commodities - Terlingua 2	575,000,000	2.13%	371,953,793	1.06%
	Real Return Commodities - Terlingua 3	249,241,691	0.92%	244,810,885	0.70%
	Total Real Return	<u>2,458,092,404</u>	<u>9.11%</u>	<u>2,078,957,960</u>	<u>5.93%</u>
Total Unallocated Cash		171,900,231	0.65%	171,900,231	0.51%
Fund Total		<u>26,956,945,655</u>	<u>100.00%</u>	<u>35,082,655,652</u>	<u>100.00%</u>

Notes: The asset classes include cash that has been allocated to the investment portfolios.
Exposure includes fair value of funded investments plus unfunded commitments.

Exposure: Total Private Equity Exposure and Percentage of Fund Total Fair Value 6,643,953,417 18.94%
Total Real Estate Exposure and Percentage of Fund Total Fair Value 4,808,101,270 13.71%

Current State Board of Education approved Strategic Asset Allocation Mix (approved June 15, 2018)

Large Cap U.S. Equity	13.00%	Real Estate	10.00%
Small/Mid Cap U.S. Equity	5.00%	Risk Parity	7.00%
Developed and Emerging Market International Large Cap Equity	14.00%	Real Return-Commodities	3.00%
Emerging Market Equity	3.00%	Real Return-TIPS	3.00%
Domestic Investment Grade Fixed Income	12.00%	Absolute Return	10.00%
Emerging Market Debt (LC)	7.00%	Private Equity	13.00%
			<u>100.00%</u>

2017-2021 Rule Review Plan for State Board of Education Rules

STATE BOARD OF EDUCATION: INFORMATION

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

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

The 2017-2021 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2013-2017 SBOE rule review with the addition of new rules that took effect subsequent to the adoption of that plan. The 2017-2021 plan is the sixth rule review cycle of SBOE rules.

In accordance with Texas Education Code, §28.002(m), the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2017-2021 rule review plan. The TEKS were also exempt from previous rule review plans. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE designed to align the adoption of instructional materials with amendments to the TEKS.

Revisions to Rule Review Plan. The 2017-2021 SBOE rule review plan was approved at the November 2016 SBOE meeting and will appear on an ongoing basis in the information pages of each SBOE agenda until completion.

Any necessary modifications to the plan will appear in the information pages of the SBOE agenda along with the ongoing report.

Rule Review Procedures. Secretary of State rules specify the following two-step review process to implement the rule review requirement in the Texas Government Code, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples. These examples

present the following points: (1) if no amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and no further action will be necessary; and (2) if amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and the amendments will be presented as a separate item under the standard rulemaking process.

Example 1. Rule Review with No Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE	Action item that presents a summary of comments received, if any, from Notice of Proposed Review. The SBOE authorizes filing the Notice of Adopted Review, noting that no changes are being proposed to the rule as a result of the review.
	Texas Register	After the SBOE meeting, staff files Notice of Adopted Review that states the rule will continue to exist without changes (see Attachment II).
END OF REVIEW PROCESS (no item at June SBOE Meeting)		

Example 2. Rule Review with Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies anticipated changes to the rule.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading)	Separate action items are included in the agenda: one that presents comments received, if any, from Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments. The SBOE authorizes filing the Notice of Adopted Review and approves the proposed amendments for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed amendments and the Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed amendments for second reading and final adoption. Item includes a summary of comments, if any, on proposed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule under Review

January SBOE Meeting	SBOE Committee (first reading)	Action item that presents the proposed repeal of rule. SBOE approves proposed repeal for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed repeal of rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files adopted repeal.
END OF REPEAL PROCESS		

Staff Members Responsible:

Cristina De La Fuente-Valadez, Director, Rulemaking

Amanda Gunter, Program Specialist, Rulemaking

Attachment I: 2017-2021 Rule Review Plan for State Board of Education Rules

Attachment II: Sample Notices of Proposed Review and Adopted Review

ATTACHMENT I

2017-2021 Rule Review Plan for State Board of Education Rules (Approved November 2016, Revised January 2019)

Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.

Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE. This review is designed to align the adoption of instructional materials with the amendments to the TEKS.

Review Period: September 2017 - August 2018			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 74. Curriculum Requirements	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2017
	<i>Subchapter B. Graduation Requirements</i>		
	<i>Subchapter C. Other Provisions</i>		
	<i>Subchapter D. Graduation Requirements, Beginning with School Year 2001-2002</i>		
	<i>Subchapter E. Graduation Requirements, Beginning with School Year 2004-2005</i>		
	<i>Subchapter F. Graduation Requirements, Beginning with School Year 2007-2008</i>		
	<i>Subchapter G. Graduation Requirements, Beginning with School Year 2012-2013</i>		
Chapter 105. Foundation School Program	<i>Subchapter A. Definitions</i>	Finance	November 2017
	<i>Subchapter B. Use of State Funds</i>		
Chapter 89. Adaptations for Special Populations	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2018
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
Chapter 61. School Districts	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2018

Review Period: September 2018 – August 2019			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 157. Hearings and Appeals	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	<u>January 2019</u> [September 2018]
	<i>Subchapter D. Independent Hearing Examiners</i>		
Chapter 129. Student Attendance	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2019
	<i>Subchapter B. Student Attendance Accounting</i>		

Review Period: September 2019 – August 2020			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund	<i>Subchapter A. State Board of Education Rules</i>	Finance	September 2019
Chapter 66. State Adoption and Distribution of Instructional Materials	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2019
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
Chapter 100. Charters	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2020
	<i>Subchapter B. Home-Rule School District Charters</i>		

Review Period: September 2020 – August 2021			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 30. Administration	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2020
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
Chapter 101. Assessment	<i>Subchapter A. General Provisions</i>	Assessment	January 2021
	<i>Subchapter B. Implementation of Assessments</i>		
	<i>Subchapter C. Local Option</i>		
Chapter 109. Budgeting, Accounting, and Auditing	<i>Subchapter A. Budgeting, Accounting, Financial Reporting, and Auditing for School Districts</i>	Finance	January 2021
	<i>Subchapter B. Texas Education Agency Audit Functions</i>		
	<i>Subchapter C. Adoptions by Reference</i>		
	<i>Subchapter D. Uniform Bank Bid or Request for Proposal and Depository Contract</i>		

SAMPLES

Attachment II

**Notice of Proposed Review
(Intention to review)**

The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 129, Student Attendance, pursuant to the Texas Government Code, §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 129 are organized under the following subchapters: Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting.

As required by the Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist. The comment period begins with the publication of this notice and must last a minimum of 30 days.

Comments or questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494. Comments may also be submitted electronically to rules@tea.texas.gov.

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

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 129, Subchapters A and B, in the February 12, 2016 issue of the Texas Register (41 TexReg 1131).

The SBOE finds that the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

**Notice of Adopted Review (with changes to rule)
(Readoption with changes)**

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 129, Subchapters A and B, in the February 12, 2016 issue of the Texas Register (41 TexReg 1131).

The SBOE finds that the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review. As part of the review, the SBOE is proposing an amendment to 19 TAC §129.21, which may be found in the Proposed Rules section of this *Texas Register* issue.

January 31, 2020

The Honorable Members of the State Board of Education
1701 North Congress Avenue
Austin, TX 78701-1494

Dear State Board of Education Members:

Under 19 Texas Administrative Code (TAC) §109.21, the commissioner of education is required to report to the State Board of Education at least annually on the progress of each fiscal year's audit plan. In accordance with that section, the following is a description of the status of audit reports and related activities for the agency's 2019 fiscal year, which ended on August 31, 2019.

Organization and Personnel

Duties related to student attendance reviews, annual financial and compliance report (AFR) reviews, special allotment reviews, and financial accountability ratings continued to be administered by the Financial Compliance Division. In addition, the division became responsible for auditing SHARS (School Health and Related Services) and administering all aspects of the State Compensatory Education (SCE) program.

In fiscal 2019, the division continued to advise and partner with districts and charters to ensure that accurate financial and student records were being kept and that they remained in compliance with laws and regulations. The division also continued to review student attendance data and AFRs, and issue financial accountability ratings. Other tasks of the division included reviewing the proper coding of financial data and student data, district depository contracts, work papers of certified public accountants (CPA) who audit school district and charter schools, superintendent severance payments, and financial exigency. The team processed district's fiscal year changes updated the *Student Attendance Accounting Handbook* and completed a rewrite of the *Financial Accountability System Resource Guide* (FASRG) as well.

Because the 86th Legislature was in session, the division provided major analysis on various bills related to school finance. The legislature enacted sweeping changes in laws related to school districts and charter schools, including major modifications to school finance in House Bill 3 (HB 3). Because of the changes of HB 3, the division added audit procedures to three major areas: AFRs, student attendance, and special allotment monitoring. In addition, the division began implementing changes to the SCE program.

Annual Audit Plan and Division Activities

The Financial Compliance Division adhered to the annual audit plan that was provided to the Committee on School Finance/Permanent School Fund in June 2018, with a few exceptions due

to limited resources. The division had turnover in personnel in key positions that are currently being replaced. The division continued to prioritize reviewing and investigating student attendance compliance, reviewing AFRs, issuing financial accountability ratings, reviewing CPA work papers, conducting special allotment monitoring under the new rules, providing training, updating guidance documents, and answering customer questions daily.

The following table summarizes the review activities of the division for the 2019 fiscal year by type. Additional details and a list of other work performed by the division are provided in the attachment.

Activity	Status
Student Attendance	
--Reviews	58 <i>Completed</i> 56 <i>in progress</i>
--Correspondence Investigations	3 <i>Completed</i> 5 <i>in progress</i>
--Charter School Closeout Reviews	1 <i>Completed</i> 0 <i>in progress</i>
SHARS (School Health and Related Services)	
--Audits/Reviews	20 <i>Completed</i> 5 <i>in progress</i>
--Compliant Investigations	4 <i>Completed</i> 3 <i>in progress</i>
Annual Financial and Compliance Report Reviews	1,407 <i>Completed</i>
CPA Work Paper Reviews	0 <i>Completed</i> 11 <i>in progress</i>
Superintendent Severance Payments	34 <i>Completed</i> 7 <i>in progress</i>
TEA Mailbox Questions/Research/Answer	400+ <i>Completed</i>
Fiscal Management Reviews	1 <i>Completed</i> 1 <i>in progress</i>
School First Ratings Issued	1,192 <i>Completed</i>

The division completed 58 reviews of student attendance data, including both desk and compliance reviews. These reviews resulted in the recovery of \$693,293 of taxpayer funds because of the errors that were discovered. In addition, three student attendance investigations were also completed, resulting in the recovery of \$849,071 in funds.

The Texas Education Code (TEC), §44.008(e), requires division staff members to review every public school AFR that has been audited by certified independent auditors. In the reviews, the division uses financial statement data to verify year-end financial data submitted through the Texas Student Data System Public Education Information Management System (TSDS PEIMS). Division staff members identify problems such as inaccurate PEIMS data, noncompliance with laws or rules, insolvency, and potential default on bonded indebtedness. They then communicate with local education agencies regarding required corrective action. In addition, the division reviews electronically submitted AFR information to verify that no sensitive or confidential information was disclosed. During the 2019 fiscal year, the division reviewed and issued letters or reports on 1,407 AFRs.

The division's responsibility for SHARS includes on-site reviews, desk reviews, complaints investigations, trainings, and coordination with the Texas Health and Human Services Commission (HHSC). A total of 20 SHARS audit/reviews were completed and five were still in progress at the end of the fiscal year. In addition, the Financial Compliance Division initiated seven investigation into SHARS complaints and completed five by fiscal year-end.

The division is currently retooling its audit plan for the special allotments. Though this endeavor advanced past the pilot phase during the prior fiscal year, the 86th Legislature made major changes to these programs as part of HB 3. Because the purpose of this audit plan was to review, identify, and correct districts that were out of compliance with spending requirements for these programs, it was necessary to update rules and regulations before continuing to review and advise on the special allotments.

The division's audit plan for fiscal management reviews of school districts and charter schools is also being updated. With the new legislative changes, the reviews will focus on the division's key purpose of compliance. By the end of fiscal year 2019, the division began one review with a new employee training for the job.

The division completed desk reviews of superintendent severance payment disclosures submitted by school districts. These reviews resulted in \$184,313 in reductions in Foundation School Program (FSP) funding. Other severance payments were in compliance with the statutorily required amounts.

The division began work paper reviews of 11 CPAs. Division staff members also checked Texas State Board of Public Accountancy records to determine if each CPA performing audits of school districts and charter schools held a valid license and if the CPA's firm had an unexpired firm license.

In March 2015, 19 TAC §109.23(d)(2)(a) was amended to strengthen the role of the external auditor performing the school district and charter school annual financial audits. Legislative

changes require every CPA firm to be a member of the AICPA Governmental Audit Quality Center and adhere to its quality control criteria.

In accordance with the TEC, §45.208, which relates to school depository contracts and charter school depository information, the division reviewed approximately 1,200 school district depository contract files. These files included surety bonds, extensions, and statements.

A major undertaking for the division was to completely rewrite and consolidate the 11 modules of the FASRG. This project began in fiscal 2016 and was completed in fiscal 2019. The publication of the updated streamlined modules was approved, and they were formally issued in July 2019. The effort put forth by division staff on this successful achievement should be recognized, even though the division is already working on the next update to FASRG to reflect the changes mandated by the 86th Legislature.

The division staff continued to assist newly approved charter schools by going onsite and reviewing the operations of the charter school in the areas of student attendance, business office operations, and highlighting key areas in the SAAH, FASRG, and going through the FIRST indicators in detail.

Division staff members held and participated in several workshops that provided guidance to school district and charter school personnel. Topics covered included supplemental allotment programs, changes to financial reporting standards, changes to student attendance accounting, and new laws on the horizon. Many staff members from the division participated in speed training districts on HB 3 changes.

Division staff members also spent hundreds of hours providing information on statutory and regulatory requirements to charter school officials, district officials, and other individuals by phone and correspondence. Staff members researched and responded to over 400 requests for information received through the division's three mailboxes (financial accountability, school audits, and student attendance accounting).

Additionally, the division made changes to the Financial Integrity Rating System of Texas (FIRST).

Status of Division Reviews and Related Activities

The attached document presents the status of division activities conducted during the 2019 fiscal year. As of August 31, 2019, the adjustments resulting from attendance reviews and correspondence investigations, reviews of charter closeouts, on-site special accreditation investigations, and fiscal management reviews resulted in \$1,726,677 owed to the state.

Respectfully submitted,

David Marx
Director, Financial Compliance Division

Attachment

ATTACHMENT

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
1	CR17-029	169-906	Gold Burg ISD	9/11/2018	\$ -
2	F17-002	057-910	Grand Prairie ISD	9/19/2018	\$ -
3	F17-008	015-911	East Central ISD	9/19/2018	\$ -
4	CR17-028	161-908	Mart ISD	10/10/2018	\$ -
5	DA17-035	133-903	Kerrville ISD	10/26/2018	\$ (103,829.00)
6	DA17-059	240-903	United ISD	10/26/2018	\$ (16,160.00)
7	CR17-030	235-901	Bloomington ISD	10/31/2018	\$ -
8	CR17-031	125-902	Ben Bolt-Palito Blanco ISD	10/31/2018	\$ -
9	CR17-016	236-801	Raven School	11/15/2018	\$ -
10	DA15-025	126-903	Cleburne ISD	11/27/2018	\$ (16,000.00)
11	CR17-023	246-801	Meridian World School LLC	12/11/2018	\$ -
12	CR17-025	044-902	Wellington ISD	12/11/2018	\$ -
13	CR17-027	133-902	Hunt ISD	12/11/2018	\$ -
14	CR17-035	206-902	Richland Springs ISD	12/11/2018	\$ -
15	CR17-032	168-902	Loraine ISD	1/17/2019	\$ -
16	CR17-019	232-901	Knippa ISD	1/23/2019	\$ -
17	CR17-038	156-902	Stanton ISD	1/23/2019	\$ -
18	CR17-034	248-902	Wink-Loving ISD	1/30/2019	\$ -
19	CR17-033	018-903	Morgan ISD	2/8/2019	\$ -
20	CR17-018	101-855	Meyerpark Elementary	2/12/2019	\$ -
21	DA18-046	057-916	Richardson ISD	3/13/2019	\$ -
22	DA18-052	108-807	IDEA Public Schools	3/13/2019	\$ (36,306.00)
23	DA18-038	129-901	Crandall ISD	3/13/2019	\$ (35,841.00)
24	DA18-036	170-908	New Caney ISD	3/13/2019	\$ (55,495.00)
25	DA18-051	177-902	Sweetwater ISD	3/13/2019	\$ (145.00)
26	DA18-011	227-907	Manor ISD	3/13/2019	\$ (22,587.00)
27	CR17-037	066-903	Freer ISD	3/14/2019	\$ -
28	DA18-050	014-801	Richard Milburn Alter High School	3/21/2019	\$ (7,162.00)
29	DA18-033	101-902	Aldine ISD	4/16/2019	\$ (11,704.00)
30	DA18-049	226-903	San Angelo ISD	4/18/2019	\$ (562.00)
31	CR17-040	231-901	McCamey ISD	4/24/2019	\$ -
32	DA18-029	093-904	Navasota ISD	4/29/2019	\$ (172,408.00)
33	CR17-039	055-901	Culberson County-Allamore ISD	4/30/2019	\$ -
34	DA18-043	108-912	La Joya ISD	4/30/2019	\$ (1,283.00)
35	DA18-031	152-901	Lubbock ISD	4/30/2019	\$ (28,814.00)
36	DA18-010	227-904	Pflugerville ISD	4/30/2019	\$ 5,026.00
37	DA18-047	094-902	Schertz-Cibolo-Universal City ISD	5/15/2019	\$ (3,156.00)
38	DA18-048	015-916	Judson ISD	5/30/2019	\$ (7,380.00)
39	DA18-034	057-912	Irving ISD	5/30/2019	\$ (6,514.00)
40	DA18-030	188-901	Amarillo ISD	5/30/2019	\$ (29,941.00)
41	DA18-006	240-903	United ISD	5/30/2019	\$ (1,996.00)
42	DA18-044	105-906	Hays CISD	6/6/2019	\$ (16,512.00)
43	DA18-032	199-901	Rockwall ISD	6/6/2019	\$ (18,982.00)
44	DA18-045	220-902	Birdville ISD	6/6/2019	\$ (11,064.00)

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
45	F17-005	161-914	Waco ISD	6/13/2019	\$ -
46	DA18-009	015-905	Edgewood ISD	6/20/2019	\$ (53,463.00)
47	F19-007	019-907	Texarkana ISD	7/29/2019	\$ -
48	CR17-036	198-905	Hearne ISD	7/30/2019	\$ -
49	F19-003	108-913	Weslaco ISD	8/7/2019	\$ -
50	DA18-041	043-905	Frisco ISD	8/15/2019	\$ (23,435.00)
51	DA18-023	057-837	Kipp Dallas-Fort Worth	8/15/2019	\$ (6,420.00)
52	DA18-020	170-902	Conroe ISD	8/15/2019	\$ (6,993.00)
53	CR19-012	019-911	Red Lick ISD	8/15/2019	\$ -
54	DA18-024	014-803	Priority Charter Schools	8/15/2019	\$ (210.00)
55	DA18-022	057-922	Coppell ISD	8/16/2019	\$ (3,957.00)
56	CR19-014	180-904	Wildorado ISD	8/19/2019	\$ -
57	CR19-010	019-910	Malta ISD	8/26/2019	\$ -
58	CR19-008	236-802	Sam Houston State University Charter School	8/30/2019	\$ -
Total		58	Student Attendance Reviews Completed		\$ (693,293.00)

Item No.	Review No.	County District Number	District Name
1	CR19-001	061-805	Trivium Academy
2	CR19-002	057-850	Pioneer Technology & Arts Academy
3	CR19-003	043-802	Lone Star Language Academy
4	CR19-004	126-801	Kauffman Leadership Academy
5	CR19-005	101-871	A+ Unlimited Potential
6	CR19-006	246-802	Goodwater Montessori School
7	CR19-007	015-838	Compass Rose Academy
8	CR19-008	236-802	Sam Houston State University Charter School
9	CR19-009	058-905	Klondike ISD
10	CR19-010	019-910	Malta ISD
11	CR19-011	165-802	Midland Academy Charter School
12	CR19-012	019-911	Red Lick ISD
13	CR19-013	138-904	Benjamin ISD
14	CR19-014	180-904	Wildorado ISD
15	CR19-015	071-809	Vista Del Futuro Charter School
16	CR19-016	234-905	Martin's Mill ISD
17	CR19-017	101-811	Excel Academy
18	CR19-018	071-804	El Paso Academy
19	CR19-019	022-903	San Vicente ISD
20	CR19-020	223-901	Brownfield ISD
21	CR19-021	102-902	Marshall ISD
22	CR19-022	007-906	Poteet ISD
23	CR19-023	248-901	Kermit ISD
24	CR19-024	015-825	Lighthouse Charter School
25	DA17-060	243-905	Wichita Falls ISD
26	DA18-001	101-912	Houston ISD
27	DA18-002	220-905	Fort Worth ISD
28	DA18-003	046-902	Comal ISD
29	DA18-004	101-919	Spring ISD
30	DA18-005	057-903	Carrollton-Farmers Branch ISD
31	DA18-007	212-905	Tyler ISD
32	DA18-008	043-910	Plano ISD
33	DA18-012	015-915	Northside ISD
34	DA18-013	071-909	Socorro ISD
35	DA18-014	057-909	Garland ISD
36	DA18-014	057-909	Garland ISD
37	DA18-015	015-907	San Antonio ISD
38	DA18-016	101-917	Pasadena ISD
39	DA18-017	220-907	Keller ISD
40	DA18-018	246-909	Round Rock ISD
41	DA18-019	108-904	Edinburg ISD
42	DA18-025	101-903	Alief ISD
43	DA18-026	227-901	Austin ISD
44	DA18-027	061-902	Lewisville ISD

Item No.	Review No.	County District Number	District Name
45	DA18-028	031-901	Brownsville ISD
46	DA18-035	184-903	Weatherford ISD
47	DA18-037	043-914	Wylie ISD
48	DA18-039	071-905	Ysleta ISD
49	DA18-040	101-907	Cypress-Fairbanks ISD
50	DA18-042	057-914	Mesquite ISD
51	F19-001	057-905	Dallas ISD
52	F19-002	100-907	Lumberton ISD
53	F19-004	068-901	Ector County ISD
54	F19-005	244-903	Vernon ISD
55	F19-006	015-910	North East ISD
56	F19-008	101-908	Deer Park ISD
Total		56	Student Attendance Reviews -- In Progress

Item No.	Review No.	County District	District Name	Final Mailed	Final Adjustment
1	CC17-001	043-912	Prosper ISD	11/1/2018	\$ (305,227.00)
2	CC18-001	199-901	Rockwall ISD	6/14/2018	\$ -
3	SI17-002	167-902	Mullin ISD	5/10/2019	\$ (543,844.00)
Total		3	Student Attendance Complaint Investigations Completed		\$ (849,071.00)

Item No.	Review No.	County District Number	District Name
1	CC17-001	043-912	Prosper ISD
2	CC15-001	015-916	Judson ISD
3	CC15-005	031-901	Brownsville ISD
4	CC16-006	233-901	San Felipe-Del Rio CISD
5	CC16-005	240-903	United ISD
Total		5	Student Attendance Investigations -- In Progress

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
1	CO19-001	057-849	Trinity Environmental Academy	7/26/2019	\$ -
Total		1	Student Attendance Charter School Close Outs Completed		\$ -

Item No.	County District Number	District Name	Review Date
1	025-908	Brooksmith ISD	3/14/2019
Total	1	Fiscal Management Reviews Completed	

Item No.	County District Number	District Name
1	243-906	City View ISD
Total	1	Fiscal Management Reviews--<i>In Progress</i>

Item No.	County District Number	District Name	Review Date	Statutory Adjustment
1	137-904	Santa Gertrudis ISD	9/7/2018	\$ -
2	080-901	Mount Vernon ISD	10/10/2018	-
3	074-903	Bonham ISD	10/18/2018	-
4	068-901	Ector County ISD	11/16/2018	(38,284.00)
5	013-903	Pettus ISD	12/20/2018	-
6	188-901	Amarillo ISD	12/4/2018	-
7	083-903	Seminole ISD	4/11/2019	-
8	123-910	Beaumont ISD	4/18/2019	(146,029.86)
9	229-903	Woodville ISD	4/2/2019	-
10	220-914	Kennedale ISD	4/24/2019	-
11	017-901	Borden County ISD	6/25/2019	-
12	083-902	Loop ISD	7/27/2019	-
Total	12	Superintendent's Severance Reviews Completed		\$ (184,313.86)

Item No.	County District Number	District Name
1	249-904	Chico ISD
2	176-901	Burkeville ISD
3	214-901	Rio Grande City CISD
Total	3	Superintendent's Severance Reviews -- In Progress

Item No.	County District Number	District Name	Review Date
1	220-901	Arlington ISD	01/23/19
2	176-901	Burksville ISD	11/21/18
3	220-912	Crowley ISD	03/29/19
4	108-903	Edcouch-Elsa ISD	02/08/19
5	220-905	Fort Worth ISD	11/08/18
6	101-819	Marshall ISD	04/25/19
7	182-903	Mineral Wells ISD	03/29/19
8	093-905	Richards ISD	11/13/18
9	015-907	San Antonio ISD	05/29/19
10	227-901	Austin ISD	11/12/18
11	084-909	Sante Fe ISD	09/24/18
12	015-916	Judson ISD	04/18/19
13	158-906	Van Vleck ISD	08/16/19
14	124-901	Jim Hogg CISD	08/13/19
15	067-904	Gorman ISD	07/09/19
16	143-906	Ezzell ISD	06/05/19
17	152-908	Roosevelt ISD	05/13/19
18	246-908	Liberty Hill ISD	05/20/19
19	061-902	Lewisville ISD	07/09/19
20	220-914	Kennedale ISD	04/29/19
Total	20	SHARS Audit Reviews (onsite/desk) -COMPLETED	

Item No.	County District Number	District Name
1	183-902	Cartheage ISD
2	019-910	Malta ISD
3	020-901	Alvin ISD
4	110-905	Ropes ISD
5	172-902	Daingerfield-Lone Star ISD
Total	5	SHARS Audit Reviews (onsite/desk) -In Progress

Item No.	County District Number	District Name	Review Date
1	108-807	IDEA Public Schools	12/21/18
2	246-913	Leander ISD	01/29/19
3	187-907	Livingston ISD	12/19/18
4	233-901	San Felipe-Del Rio CISD	12/07/18
Total	4	SHARS Complaints -COMPLETED	

Item No.	County District Number	District Name
1	079-901	Lamar ISD
2	152-906	Lubbock-Cooper ISD
3	189-902	Progreso ISD
Total	3	SHARS Complaints -In Progress

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:

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

- (A) holds the land under color of title;
 - (B) holds the land under a chain of title that originated on or before January 1, 1952;
 - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
 - (D) has a deed to the land recorded in the appropriate county; and
 - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
 - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
 - (2) change the mineral reservation in an existing patent.

Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
 - (2) any navigable waterway or related interest owned by a governmental entity; or
 - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 5

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

- (a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:
- (1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:
- (A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or
- (B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and
- (2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.
- (b) The expenses of managing permanent school fund land and investments shall be paid by appropriation from the permanent school fund.
- (c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.

- (d) The legislature by law may provide for using the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed \$750 million or a higher amount authorized by a two-thirds record vote of both houses of the legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled.
- (e) The legislature may appropriate part of the available school fund for administration of a bond guarantee program established under this section.
- (f) Notwithstanding any other provision of this constitution, in managing the assets of the permanent school fund, the State Board of Education may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section [70](#), of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.
- (g) Notwithstanding any other provision of this constitution or of a statute, the General Land Office or an entity other than the State Board of Education that has responsibility for the management of permanent school fund land or other properties may in its sole discretion distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$300 million each year.
- (h) Expired.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0031. PERMANENT SCHOOL FUND ETHICS POLICY.

- (a) In addition to any other requirements provided by law, the State Board of Education shall adopt and enforce an ethics policy that provides standards of conduct relating to the management and investment of the permanent school fund. The ethics policy must include provisions that address the following issues as they apply to the management and investment of the permanent school fund and to persons responsible for managing and investing the fund:
- (1) general ethical standards;
 - (2) conflicts of interest;
 - (3) prohibited transactions and interests;
 - (4) the acceptance of gifts and entertainment;
 - (5) compliance with applicable professional standards;
 - (6) ethics training; and
 - (7) compliance with and enforcement of the ethics policy.
- (b) The ethics policy must include provisions applicable to:
- (1) members of the State Board of Education;
 - (2) the commissioner;
 - (3) employees of the agency; and
 - (4) any person who provides services to the board relating to the management or investment of the permanent school fund.
- (c) Not later than the 45th day before the date on which the board intends to adopt a proposed ethics policy or an amendment to or revision of an adopted ethics policy, the board shall submit a copy of the proposed policy, amendment, or revision to the Texas Ethics Commission and the state auditor for review and comments. The board shall consider any comments from the commission or state auditor before adopting the proposed policy.
- (d) The provisions of the ethics policy that apply to a person who provides services to the board relating to the management or investment of the permanent school fund must be based on the Code of Ethics and the Standards of Professional Conduct prescribed by the Association for Investment Management and Research or other ethics standards adopted by another appropriate professionally recognized entity.
- (e) The board shall ensure that applicable provisions of the ethics policy are included in any contract under which a person provides services to the board relating to the management and investment of the permanent school fund.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0032. CONFLICTS OF INTEREST.

- (a) A member of the State Board of Education, the commissioner, an employee of the agency, or a person who provides services to the board that relate to the management or investment of the permanent school fund who has a business, commercial, or other relationship that could reasonably be expected to diminish the person's independence of judgment in the performance of the person's responsibilities relating to the management or investment of the fund shall disclose the relationship in writing to the board.
- (b) The board or the board's designee shall, in the ethics policy adopted under Section 43.0031, define the kinds of relationships that may create a possible conflict of interest.
- (c) A person who files a statement under Subsection (a) disclosing a possible conflict of interest may not give advice or make decisions about a matter affected by the possible conflict of interest unless the board, after consultation with the general counsel of the agency, expressly waives this prohibition. The board may delegate the authority to waive the prohibition established by this subsection.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0033. REPORTS OF EXPENDITURES.

A consultant, advisor, broker, or other person providing services to the State Board of Education relating to the management and investment of the permanent school fund shall file with the board regularly, as determined by the board, a report that describes in detail any expenditure of more than \$50 made by the person on behalf of:

- (1) a member of the board;
- (2) the commissioner; or
- (3) an employee of the agency or of a nonprofit corporation created under Section 43.006.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0034. FORMS; PUBLIC INFORMATION.

- (a) The board shall prescribe forms for:
 - (1) statements of possible conflicts of interest and waivers of possible conflicts of interest under Section 43.0032; and
 - (2) reports of expenditures under Section 43.0033.
- (b) A statement, waiver, or report described by Subsection (a) is public information.
- (c) The board shall designate an employee of the agency to act as custodian of statements, waivers, and reports described by Subsection (a) for purposes of public disclosure.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.004. WRITTEN INVESTMENT OBJECTIVES; PERFORMANCE EVALUATION.

- (a) The State Board of Education shall develop written investment objectives concerning the investment of the permanent school fund. The objectives may address desired rates of return, risks involved, investment time frames, and any other relevant considerations.

- (b) The board shall employ a well-recognized performance measurement service to evaluate and analyze the investment results of the permanent school fund. The service shall compare investment results with the written investment objectives developed by the board, and shall also compare the investment of the permanent school fund with the investment of other public and private funds.

Every Student Succeeds Act, 20 United States Code (USC), §7926, Prohibition on Aiding and Abetting Sexual Abuse (excerpt):

(a) In general

A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this chapter shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

House Bill 4388
86th Legislature, Regular Session 2019

SECTION 5.

- (a) The legislature finds that the periodic examination of distributions made from the permanent school fund to the available school fund is necessary for the effective management of permanent school fund investments.
- (b) The Texas Education Agency, in consultation with the General Land Office, shall conduct a study regarding distributions from the permanent school fund to the available school fund. The study must:
 - (1) examine historical patterns in the real value of distributions made from all assets and revenues of the permanent school fund and historical patterns in the real value of permanent school fund assets relative to the number of students enrolled in the public education system;
 - (2) analyze the impact of underlying data and methodological assumptions on actual and projected distributions from the permanent school fund;
 - (3) seek input from state government officials involved in public education policy or in the appropriation of state funds to support the public education system;
 - (4) examine current and alternative approaches to balance the needs and interests of present and future beneficiaries of the permanent school fund and the available school fund;
 - (5) develop options to maximize available revenue distributions for the education of students enrolled in the public education system while preserving the permanent school fund for future generations; and
 - (6) consider any other subjects relevant to the purpose of the study.

**NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE C. ADMINISTRATION
CHAPTER 32. SCHOOL LAND BOARD
SUBCHAPTER B. ADMINISTRATIVE PROVISIONS**

NRC, §32.012. MEMBERS OF THE BOARD.

- (a) The board is composed of:
- (1) the commissioner; and
 - (2) four citizens [~~a citizen~~] of the state appointed by the governor with the advice and consent of the senate[~~;~~ and
 - ~~[(3) a citizen of the state appointed by the attorney general with the advice and consent of the senate].~~
- (b) Two citizens appointed by the governor must be selected from lists of nominees submitted by the State Board of Education. The State Board of Education shall submit to the governor a list of six nominees for a vacant position described by this subsection. The governor may request that the State Board of Education submit a second list of six nominees if the governor does not choose to appoint a nominee from the first list.
- ~~(c) At least one of the citizens appointed under Subsection (a) must be a resident of a county with a population of less than 200,000. The governor and the State Board of Education shall collaborate to ensure that the membership of the board complies with this subsection.~~
- ~~(d) [The authority of the attorney general to appoint one of the members of the board, including the authority to make appointments during the recess of the senate, is the same as the authority of the governor to fill vacancies in state offices under the Texas Constitution.~~
- ~~(e)~~ Each appointment made by the governor [~~and the attorney general~~] shall be made in accordance with and subject to the provisions of the Texas Constitution authorizing the filling of vacancies in state offices by appointment of the governor.

NRC, §32.013. TERMS OF APPOINTED MEMBERS.

The appointed members of [~~appointed to~~] the board [~~by the governor and the attorney general~~] serve for terms of two years.

NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE C. ADMINISTRATION
CHAPTER 32. SCHOOL LAND BOARD
SUBCHAPTER C. POWERS AND DUTIES

NRC, §32.068. QUARTERLY REPORTS.

Each quarter, the board shall provide to the State Board of Education a financial report on the portion of the permanent school fund assets and funds for which the board is responsible. The report must include:

- (1) target and actual asset allocations, by asset type, based on fair market value or net asset value;
- (2) investment performance by asset type; and
- (3) benchmarks and benchmark performances.

Added by Acts 2019, 86th Leg., R.S., Ch. 493 (H.B. [4388](#)), Sec. 2, eff. September 1, 2019.

NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE C. ADMINISTRATION
CHAPTER 32. SCHOOL LAND BOARD
SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

NRC, §32.0161. ANNUAL JOINT MEETING.

- (a) The board and the State Board of Education shall hold an annual joint public meeting to discuss the allocation of the assets of the permanent school fund and the investment of the money in the fund.
- (b) Each member of the board must attend the annual joint public meeting, unless the member's absence is excused by majority vote of the board.
- (c) Each member of the State Board of Education must attend the annual joint public meeting, unless the member's absence is excused by majority vote of the State Board of Education. If the State Board of Education delegates powers and duties relating to the investment of the permanent school fund to a committee of the State Board of Education, only a majority of the committee members must attend the meeting.

Added by Acts 2019, 86th Leg., R.S., Ch. 524 (S.B. 608), Sec. 4, eff. September 1, 2019.

NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE D. DISPOSITION OF THE PUBLIC DOMAIN
CHAPTER 51. LAND, TIMBER, AND SURFACE RESOURCES
SUBCHAPTER I. ACQUISITION OF PUBLIC SCHOOL LAND

NRC, §51.414. PERMANENT SCHOOL FUND LIQUID ACCOUNT.

- (a) The permanent school fund liquid account is established as an account in the permanent school fund in the State Treasury to be used by the board and the State Board of Education as provided by this section.
- (b) Each quarter, the board shall hold a meeting and adopt a resolution to release from the real estate special fund account funds designated under Section [51.401](#) that are not being used for a purpose listed in Section [51.402\(a\)](#) and are not required for the board's anticipated cash needs for the 90-day period following the date of the meeting, to be deposited to the credit of the permanent school fund liquid account in the State Treasury.
- (c) The State Board of Education may invest funds in the permanent school fund liquid account. The investments may be made only in liquid assets, in the same manner that the permanent school fund is managed by the State Board of Education.
- (d) Investment income and realized capital gains derived from funds in the permanent school fund liquid account shall be deposited in the State Treasury to the credit of the State Board of Education for investment in the permanent school fund. This subsection does not require a deposit if the market value of the assets held in the permanent school fund liquid account is below cost.
- (e) The State Board of Education may use funds in the permanent school fund liquid account to pay for administrative costs associated with implementing this section, including costs associated with contracts for professional investment management, investment advisory services, or custodial services.
- (f) The board shall provide to the State Board of Education in each quarterly report required by Section [32.068](#) the board's anticipated cash needs for the six-month period following the date of the report, to allow the State Board of Education to ensure that the board's cash needs may be met as provided by Subsection (g).
- (g) Not later than the fifth business day after the date of a request of the board, the State Board of Education shall release from the permanent school fund liquid account funds to be deposited to the credit of the real estate special fund account in the State Treasury in an amount requested by the board.

Added by Acts 2019, 86th Leg., R.S., Ch. 493 (H.B. [4388](#)), Sec. 4, eff. September 1, 2019.

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.102. STATE BOARD OF EDUCATION POWERS AND DUTIES.

- (a) The board may perform only those duties relating to school districts or regional education service centers assigned to the board by the constitution of this state or by this subchapter or another provision of this code.
- (b) The board has the powers and duties provided by Subsection (c), which shall be carried out with the advice and assistance of the commissioner.
- (c)
 - (1) The board shall develop and update a long-range plan for public education.
 - (2) The board may enter into contracts relating to or accept grants for the improvement of educational programs specifically authorized by statute.
 - (3) The board may accept a gift, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution in the manner the board determines.
 - (4) The board shall establish curriculum and graduation requirements.
 - ~~(5) The board shall establish a standard of performance considered satisfactory on student assessment instruments.~~
 - (6) The board may create special-purpose school districts under Chapter [11](#).
 - (7) The board shall provide for a training course for school district trustees under Section [11.159](#).
 - (8) The board shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by Subchapter B, Chapter [12](#), and may place on probation or revoke a home-rule school district charter as provided by that subchapter.
 - ~~(9) The board may grant an open enrollment charter or approve a charter revision as provided by Subchapter D, Chapter [12](#).~~
 - (10) The board shall adopt rules establishing criteria for certifying hearing examiners as provided by Section [21.252](#).
 - (11) The board shall adopt rules to carry out the curriculum required or authorized under Section [28.002](#).
 - (12) The board shall establish guidelines for credit by examination under Section [28.023](#).
 - (13) The board shall adopt transcript forms and standards for differentiating high school programs for purposes of reporting academic achievement under Section [28.025](#).
 - (14) The board shall adopt guidelines for determining financial need for purposes of the Texas Advanced Placement Incentive Program under Subchapter C, Chapter [28](#), and may approve payments as provided by that subchapter.
 - (15) The board shall adopt criteria for identifying gifted and talented students and shall develop and update a state plan for the education of gifted and talented students as required under Subchapter D, Chapter [29](#).
 - (16) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 73, Sec. 2.06(a)(1), eff. September 1, 2013.
 - (17) The board shall adopt rules relating to community education development projects as required under Section [29.257](#).
 - (18) The board may approve the plan to be developed and implemented by the commissioner for the coordination of services to children with disabilities as required under Section [30.001](#).
 - (19) The board shall establish a date by which each school district and state institution shall provide to the commissioner the necessary information to determine the district's share of the cost of the education of a student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as required under Section [30.003](#) and may adopt other rules concerning funding of the education of students enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as authorized under Section [30.003](#).
 - (20) The board shall adopt rules prescribing the form and content of information school districts are required to provide concerning programs offered by state institutions as required under Section [30.004](#).
 - (21) The board shall adopt rules concerning admission of students to the Texas School for the Deaf as required under Section [30.057](#).

- (22) The board shall carry out powers and duties related to regional day school programs for the deaf as provided under Subchapter D, Chapter [30](#).
 - (23) The board shall adopt and purchase or license instructional materials as provided by Chapter [31](#) and adopt rules required by that chapter.
 - (24) The board shall develop and update a long-range plan concerning technology in the public school system as required under Section [32.001](#) and shall adopt rules and policies concerning technology in public schools as provided by Chapter [32](#).
 - (25) The board shall conduct feasibility studies related to the telecommunications capabilities of school districts and regional education service centers as provided by Section [32.033](#).
 - (26) The board shall appoint a board of directors of the center for educational technology under Section [32.034](#).
 - (27) Repealed by Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.
 - (28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section [38.003](#).
 - (29) The board shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
 - (30) The board shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#) [42].
 - (31) The board may invest the permanent school fund within the limits of the authority granted by Section [5](#), Article VII, Texas Constitution, and Chapter 43.
 - (32) The board shall adopt rules concerning school district budgets and audits of school district fiscal accounts as required under Subchapter A, Chapter [44](#).
 - (33) The board shall adopt an annual report on the status of the guaranteed bond program and may adopt rules as necessary for the administration of the program as provided under Subchapter C, Chapter [45](#).
 - (34) The board shall prescribe uniform bid blanks for school districts to use in selecting a depository bank as required under Section [45.206](#).
- (d) The board may adopt rules relating to school districts or regional education service centers only as required to carry out the specific duties assigned to the board by the constitution or under Subsection (c).
 - (e) An action of the board to adopt a rule under this section is effective only if the board includes in the rule's preamble a statement of the specific authority under Subsection (c) to adopt the rule.
 - (f) Except as otherwise provided by this subsection, a rule adopted by the board under this section does not take effect until the beginning of the school year that begins at least 90 days after the date on which the rule was adopted. The rule takes effect earlier if the rule's preamble specifies an earlier effective date and the reason for that earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law; or
 - (B) a state law that specifically refers to this section and expressly requires the adoption of an earlier effective date; or
 - (2) on the affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.109. DESIGNATION AS STATE BOARD FOR CAREER AND TECHNOLOGY EDUCATION.

- (a) The board is also the State Board for Career and Technology Education.
- (b) The commissioner is the executive officer through whom the State Board for Career and Technology Education shall carry out its policies and enforce its rules.
- (c) The State Board for Career and Technology Education may contract with the Texas Higher Education Coordinating Board or any other state agency to assume the leadership role and administrative responsibility of the State Board for Career and Technology Education for state level administration of technical-vocational education programs in public community colleges, public technical institutes, and other eligible public postsecondary institutions in this state.
- (d) The State Board for Career and Technology Education may allocate funds appropriated to the board by the legislature or federal funds received by the board under the Carl D. Perkins Vocational Education Act (20 U.S.C. Section 2301 et seq.) or other federal law to an institution or program approved by the State Board of Education, the Texas Higher Education Coordinating Board, or another state agency specified by law.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 8. REGIONAL EDUCATION SERVICE CENTERS
SUBCHAPTER B. POWERS AND DUTIES

TEC, §8.0531. INSTRUCTIONAL MATERIALS DEVELOPED BY A COLLABORATION OF REGIONAL EDUCATION SERVICE CENTERS.

Notwithstanding any other provision of this subchapter or Section [8.001\(c\)](#), instructional lessons developed as part of a curriculum management system by a regional education service center, acting alone or in collaboration with one or more other regional education service centers, shall be subject to the same review and adoption process as outlined in Section [31.022](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF
INDEPENDENT SCHOOL DISTRICT

TEC, §11.159. MEMBER TRAINING AND ORIENTATION.

- (a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.
- (b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (c) The State Board of Education shall require a trustee to complete every two years at least:
 - (1) three hours of training [~~every two years~~] on evaluating student academic performance; and
 - (2) one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.
- (c-1) The training required by Subsection (c)(1) must be research-based and designed to support the oversight role of the board of trustees under Section 11.1515.
- (c-2) A candidate for trustee may complete the training required by Subsection (c) up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.
- (d) A trustee or candidate for trustee may complete training required under Subsection (c) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate.
- (e) For purposes of this section, "other maltreatment" has the meaning assigned by Section 42.002, Human Resources Code.

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TITLE 2. PUBLIC EDUCATION
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CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF
INDEPENDENT SCHOOL DISTRICT

TEC. §11.185. EARLY CHILDHOOD LITERACY AND MATHEMATICS PROFICIENCY PLANS.

- (a) The board of trustees of each school district shall adopt and post on the district's Internet website early childhood literacy and mathematics proficiency plans that set specific annual goals for the following five school years to reach quantifiable goals for student performance in reading and mathematics at each campus.
- (b) Each plan adopted under Subsection (a) must:
- (1) identify annual goals for students in each group evaluated under the closing the gaps domain under Section 39.053(c)(3);
 - (2) include annual goals for aggregate student growth on the third grade reading or mathematics assessment instrument, as applicable, administered under Section 39.023 or on an alternative assessment instrument determined by the board of trustees;
 - (3) provide for targeted professional development for classroom teachers in kindergarten or first, second, or third grade who are assigned to campuses that the board of trustees identifies as not meeting the plan's goals;
 - (4) assign at least one district-level administrator or employee of the regional education service center for the district's region to:
 - (A) coordinate implementation of the plan; and
 - (B) submit an annual report to the board of trustees on the district's progress toward the goals set under the plan; and
 - (5) be reviewed annually by the board of trustees at a public meeting.
- (c) Each plan adopted under Subsection (a) may set separate goals for students in a bilingual education or special language program under Subchapter B, Chapter 29.
- (d) The professional development provided to classroom teachers under Subsection (b)(3) must, as appropriate, consider the unique needs of students in a bilingual education or special language program under Subchapter B, Chapter 29.
- (e) A school district shall post the annual report described by Subsection (b)(4)(B) on the district's Internet website and on the Internet website, if any, of each campus in the district.

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SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF
INDEPENDENT SCHOOL DISTRICT

TEC, §11.186. COLLEGE, CAREER, AND MILITARY READINESS PLANS.

- (a) The board of trustees of each school district shall adopt college, career, and military readiness plans that set specific annual goals for the following five school years to reach quantifiable goals for measures of student college, career, and military readiness at each campus.
- (b) Each plan adopted under Subsection (a) must:
- (1) identify annual goals for students in each group evaluated under the closing the gaps domain under Section 39.053(c)(3);
 - (2) include annual goals for aggregate student growth on college, career, and military readiness indicators evaluated under the student achievement domain under Section 39.053(c)(1);
 - (3) assign at least one district-level administrator or employee of the regional education service center for the district's region to:
 - (A) coordinate implementation of the plan; and
 - (B) submit an annual report to the board of trustees on the district's progress toward the goals set under the plan; and
 - (4) be reviewed annually by the board of trustees at a public meeting.
- (c) A school district shall post the annual report described by Subsection (b)(3)(B) on the district's Internet website and on the Internet website, if any, of each campus in the district.

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TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

TEC, §11.351. AUTHORITY TO ESTABLISH SPECIAL-PURPOSE SCHOOL DISTRICT.

- (a) On the recommendation of the commissioner and after consulting with the school districts involved and obtaining the approval of a majority of those districts in each affected county in which a proposed school district is located, the State Board of Education may establish a special-purpose school district for the education of students in special situations whose educational needs are not adequately met by regular school districts. The board may impose duties or limitations on the school district as necessary for the special purpose of the district. The board shall exercise the powers as provided by this section relating to the districts established under this section.

- (b) The State Board of Education shall grant to the districts the right to share in the available school fund apportionment and other privileges as are granted to independent and common school districts.

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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 B. HOME-RULE SCHOOL DISTRICT CHARTER

TEC, §12.028. PROCEDURE FOR PLACEMENT ON PROBATION OR REVOCATION.

- (a) The State Board of Education by rule shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter.
- (b) The procedure adopted under Subsection (a) must provide an opportunity for a hearing to the district and to parents of district students. A hearing under this subsection must be held in the 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.
- (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.

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TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER D. OPEN-ENROLLMENT CHARTER SCHOOL

TEC, §12.110. APPLICATION.

- (a) The commissioner shall adopt:
 - (1) an application form and a procedure that must be used to apply for a charter for an open-enrollment charter school; and
 - (2) criteria to use in selecting a program for which to grant a charter.
- (b) The application form must provide for including the information required under Section 12.111 to be contained in a charter.
- (c) As part of the application procedure, the commissioner may require a petition supporting a charter for a school signed by a specified number of parents or guardians of school-age children residing in the area in which a school is proposed or may hold a public hearing to determine parental support for the school.
- (d) The commissioner shall approve or deny an application based on:
 - (1) documented evidence collected through the application review process;
 - (2) merit; and
 - (3) other criteria as adopted by the commissioner, which must include:
 - (A) criteria relating to the capability of the applicant to carry out the responsibilities provided by the charter and the likelihood that the applicant will operate a school of high quality;
 - (B) criteria relating to improving student performance and encouraging innovative programs; and
 - (C) a statement from any school district whose enrollment is likely to be affected by the open-enrollment charter school, including information relating to any financial difficulty that a loss in enrollment may have on the district.
- (e) The commissioner shall give priority to applications that propose an open-enrollment charter school campus to be located in the attendance zone of a school district campus assigned an unacceptable performance rating under Section 39.054 for the two preceding school years.

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TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §21.006. REQUIREMENT TO REPORT MISCONDUCT.

- (a) In this section:
- (1) "Abuse" has the meaning assigned by Section [261.001](#), Family Code, and includes any sexual conduct involving an educator and a student or minor.
 - (2) "Other charter entity" means:
 - (A) a school district operating under a home-rule school district charter adopted under Subchapter B, Chapter [12](#);
 - (B) a campus or campus program operating under a charter granted under Subchapter C, Chapter [12](#); and
 - (C) an entity that contracts to partner with a school district under Section [11.174\(a\)\(2\)](#) to operate a district campus under a charter granted to the entity by the district under Subchapter C, Chapter [12](#).
- (b) In addition to the reporting requirement under Section [261.101](#), Family Code, and except as provided by Subsection (c-2), the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall notify the State Board for Educator Certification if:
- (1) an educator employed by or seeking employment by the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement has a criminal record and the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established under Section [411.0845](#), Government Code;
 - (2) an educator's employment at the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement was terminated and there is evidence that the educator:
 - (A) abused or otherwise committed an unlawful act with a student or minor;
 - (A-1) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;
 - (B) possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter [481](#), Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
 - (C) illegally transferred, appropriated, or expended funds or other property of the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement;
 - (D) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

- (E) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;
 - (3) the educator resigned and there is evidence that the educator engaged in misconduct described by Subdivision (2); or
 - (4) the educator engaged in conduct that violated the assessment instrument security procedures established under Section [39.0301](#).
- (b-1) A superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described by Subsection (b)(2)(A) or (A-1), despite the educator's resignation from employment before completion of the investigation.
- (b-2) The principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus must notify the superintendent or director of the school district, district of innovation, charter school, or other charter entity not later than the seventh business day after the date:
- (1) of an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (b); or
 - (2) the principal knew about an educator's criminal record under Subsection (b)(1).
- (c) Except as provided by Subsection (c-2), the superintendent or director must notify the State Board for Educator Certification by filing a report with the board not later than the seventh business day after the date the superintendent or director receives a report from a principal under Subsection (b-2) or knew about an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (b) or an employee's criminal record under Subsection (b)(1).
- (c-1) The report under Subsection (c):
- (1) must be:
 - (A) in writing; and
 - (B) in a form prescribed by the board; and
 - (2) may be filed through the Internet portal developed and maintained by the State Board for Educator Certification under Subsection (g-1).
- (c-2) A superintendent or director of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement is not required to notify the State Board for Educator Certification or file a report with the board under Subsection (b) or (c) if the superintendent or director:
- (1) completes an investigation into an educator's alleged incident of misconduct described by Subsection (b)(2)(A) or (A-1) before the educator's termination of employment or resignation; and

- (2) determines the educator did not engage in the alleged incident of misconduct described by Subsection (b)(2)(A) or (A-1).
- (d) The superintendent or director shall notify the board of trustees or governing body of the school district, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement and the educator of the filing of the report required by Subsection (c).
- (e) A superintendent, director, or principal of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement who in good faith and while acting in an official capacity files a report with the State Board for Educator Certification under this section or communicates with another superintendent, director, or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed.
- (f) The State Board for Educator Certification shall determine whether to impose sanctions, including an administrative penalty under Subsection (i), against a principal who fails to provide notification to a superintendent or director in violation of Subsection (b-2) or against a superintendent or director who fails to file a report in violation of Subsection (c).
- (g) The State Board for Educator Certification shall propose rules as necessary to implement this section.
- (g-1) The State Board for Educator Certification shall develop and maintain an Internet portal through which a report required under Subsection (c) may be confidentially and securely filed.
- (h) The name of a student or minor who is the victim of abuse or unlawful conduct by an educator must be included in a report filed under this section, but the name of the student or minor is not public information under Chapter [552](#), Government Code.
- (i) If an educator serving as a superintendent or director is required to file a report under Subsection (c) and fails to file the report by the date required by that subsection, or if an educator serving as a principal is required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (b-2) and fails to provide the notice by the date required by that subsection, the State Board for Educator Certification may impose on the educator an administrative penalty of not less than \$500 and not more than \$10,000. The State Board for Educator Certification may not renew the certification of an educator against whom an administrative penalty is imposed under this subsection until the penalty is paid.
- (j) A superintendent or director required to file a report under Subsection (c) commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct. A principal required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (b-2) commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct. An offense under this subsection is a state jail felony.
- (k) The commissioner may review the records of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement to ensure compliance with the requirement to report misconduct under this section.

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TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §21.007. NOTICE ON CERTIFICATION RECORD OF ALLEGED MISCONDUCT.

- (a) In this section, "board" means the State Board for Educator Certification.
- (b) The board shall adopt a procedure for placing a notice of alleged misconduct on an educator's public certification records. The procedure adopted by the board must provide for immediate placement of a notice of alleged misconduct on an educator's public certification records if the alleged misconduct presents a risk to the health, safety, or welfare of a student or minor as determined by the board.
- (c) The board must notify an educator in writing when placing a notice of an alleged incident of misconduct on the public certification records of the educator.
- (d) The board must provide an opportunity for an educator to show cause why the notice should not be placed on the educator's public certification records. The board shall propose rules establishing the length of time that a notice may remain on the educator's public certification records before the board must:
 - (1) initiate a proceeding to impose a sanction on the educator on the basis of the alleged misconduct; or
 - (2) remove the notice from the educator's public certification records.
- (e) If it is determined that the educator has not engaged in the alleged incident of misconduct, the board shall immediately remove the notice from the educator's public certification records.
- (f) The board shall propose rules necessary to administer this section.

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CHAPTER 21. EDUCATORS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §21.009. PRE-EMPLOYMENT AFFIDAVIT.

- a) An applicant for a position described by Section [21.003](#)(a) or (b) with a school district, district of innovation, open-enrollment charter school, private school, regional education service center, or shared services arrangement must submit, using a form adopted by the agency, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.
- (b) An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.
- (c) An applicant is not precluded from being employed based on a disclosed charge if the employing entity determines based on the information disclosed in the affidavit that the charge was false.
- (d) A determination that an employee failed to disclose information required to be disclosed by an applicant under this section is grounds for termination of employment.
- (e) The State Board for Educator Certification may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Section [21.003](#)(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

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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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CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

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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TITLE 2. PUBLIC EDUCATION
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CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

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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CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

**TEC, §21.058. REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT
BASED ON CONVICTION OF OR PLACEMENT ON DEFERRED
ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES.**

- (a) The procedures described by Subsections (b) and (c) apply only:
 - (1) to conviction of or placement on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter [62](#), Code of Criminal Procedure; or
 - (2) to conviction of a felony offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed.
- (b) Notwithstanding Section [21.041](#)(b)(7), not later than the fifth day after the date the board receives notice under Article [42.018](#), Code of Criminal Procedure, of the conviction or placement on deferred adjudication community supervision of a person who holds a certificate under this subchapter, the board shall:
 - (1) revoke the certificate held by the person; and
 - (2) provide to the person, to the agency, and to any school district or open-enrollment charter school employing the person at the time of revocation written notice of:
 - (A) the revocation; and
 - (B) the basis for the revocation.
- (c) A school district or open-enrollment charter school that receives notice under Subsection (b) of the revocation of a certificate issued under this subchapter shall:
 - (1) immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and
 - (2) if the person is employed under a probationary, continuing, or term contract under this chapter, with the approval of the board of trustees or governing body or a designee of the board or governing body:
 - (A) suspend the person without pay;
 - (B) provide the person with written notice that the person's contract is void as provided by Subsection (c-2); and
 - (C) terminate the employment of the person as soon as practicable.
- (c-1) If a school district or open-enrollment charter school becomes aware that a person employed by the district or school under a probationary, continuing, or term contract under this chapter has

been convicted of or received deferred adjudication for a felony offense, and the person is not subject to Subsection (c), the district or school may, with the approval of the board of trustees or governing body or a designee of the board of trustees or governing body:

- (1) suspend the person without pay;
 - (2) provide the person with written notice that the person's contract is void as provided by Subsection (c-2); and
 - (3) terminate the employment of the person as soon as practicable.
- (c-2) A person's probationary, continuing, or term contract is void if, with the approval of the board of trustees or governing body or a designee of the board or governing body, the school district or open-enrollment charter school takes action under Subsection (c)(2)(B) or (c-1)(2).
- (d) A person whose certificate is revoked under Subsection (b) may reapply for a certificate in accordance with board rules.
- (e) Action taken by a school district or open-enrollment charter school under Subsection (c) or (c-1) is not subject to appeal under this chapter, and the notice and hearing requirements of this chapter do not apply to the action.

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SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.060. ELIGIBILITY OF PERSONS CONVICTED OF CERTAIN OFFENSES.

The board may suspend or revoke the certificate or permit held by a person under this subchapter, impose other sanctions against the person, or refuse to issue a certificate or permit to a person under this subchapter if the person has been convicted of a felony or misdemeanor offense relating to the duties and responsibilities of the education profession, including:

- (1) an offense involving moral turpitude;
- (2) an offense involving a form of sexual or physical abuse of a minor or student or other illegal conduct in which the victim is a minor or student;
- (3) a felony offense involving the possession, transfer, sale, or distribution of or conspiracy to possess, transfer, sell, or distribute a controlled substance, as defined by Chapter [481](#), Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
- (4) an offense involving the illegal transfer, appropriation, or use of school district funds or other district property; or
- (5) an offense involving an attempt by fraudulent or unauthorized means to obtain or alter a professional certificate or license issued under this subchapter.

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CHAPTER 21. EDUCATORS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §21.0062. REQUIREMENT TO REPORT MISCONDUCT: PRIVATE SCHOOLS.

- (a) In this section:
- (1) "Abuse" has the meaning assigned by Section [261.001](#), Family Code, and includes any sexual conduct involving a student or minor and private school educator.
 - (2) "Private school educator" means a person employed by or seeking employment in a private school for a position in which the person would be required to hold a certificate issued under Subchapter B if the person were employed by a school district.
- (b) In addition to the reporting requirement under Section [261.101](#), Family Code, the chief administrative officer of a private school shall notify the State Board for Educator Certification if a private school educator:
- (1) has a criminal record and the private school obtained information about the educator's criminal record; or
 - (2) was terminated and there is evidence that the educator:
 - (A) abused or otherwise committed an unlawful act with a student or minor; or
 - (B) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.
- (c) If there is evidence that a private school educator may have engaged in misconduct described by Subsection (b) and the educator resigns from employment before completion of the investigation, the chief administrative officer of the private school shall submit the evidence of misconduct collected to the State Board for Educator Certification.
- (d) The chief administrative officer of the private school must notify the State Board for Educator Certification by filing a report with the board not later than the seventh business day after the date the chief administrative officer knew that a private school educator:
- (1) has a criminal record under Subsection (b)(1); or
 - (2) was terminated following an alleged incident of misconduct described by Subsection (b)(2).
- (e) The report filed under Subsection (d) must be:
- (1) in writing; and
 - (2) in a form prescribed by the board.
- (f) Any person who knows or has reason to believe that a private school educator engaged in the misconduct described by Subsection (b)(2) may file a report with the State Board for Educator Certification under this section.

- (g) A chief administrative officer of a private school or any other person who in good faith files a report with the State Board for Educator Certification under this section or communicates with a chief administrative officer or other administrator of a private school concerning the criminal record of or an alleged incident of misconduct by a private school educator is immune from civil or criminal liability that might otherwise be incurred or imposed.
- (h) The name of a student or minor who is the victim of abuse or unlawful conduct by a private school educator must be included in a report filed under this section, but the name of the student or minor is not public information under Chapter [552](#), Government Code.
- (i) The State Board for Educator Certification shall propose rules as necessary to implement this section.

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SUBCHAPTER C. PROBATIONARY CONTRACTS

TEC, §21.105. RESIGNATIONS UNDER PROBATIONARY CONTRACT.

- (a) A teacher employed under a probationary contract for the following school year may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.
- (b) A teacher employed under a probationary contract may resign, with the consent of the board of trustees or the board's designee, at any other time.
- (c) On written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher employed under a probationary contract who:
 - (1) resigns;
 - (2) fails without good cause to comply with Subsection (a) or (b); and
 - (3) fails to perform the contract.

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SUBCHAPTER D. CONTINUING CONTRACTS

TEC, §21.160. RESIGNATION UNDER CONTINUING CONTRACT.

- (a) A teacher employed under a continuing contract may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at time of mailing.
- (b) A teacher employed under a continuing contract may resign, with the consent of the board of trustees or the board's designee, at any other time.
- (c) On written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a continuing contract that obligates the district to employ the person for the following school year and who:
 - (1) resigns;
 - (2) fails without good cause to comply with Subsection (a) or (b); and
 - (3) fails to perform the contract.

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SUBCHAPTER E. TERM CONTRACTS

TEC, §21.210. RESIGNATION UNDER TERM CONTRACT.

- (a) A teacher employed under a term contract with a school district may relinquish the teaching position and leave the employment of the district at the end of a school year without penalty by filing a written resignation with the board of trustees or the board's designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.
- (b) A teacher employed under a term contract may resign, with the consent of the board of trustees or the board's designee, at any other time.
- (c) On written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a term contract that obligates the district to employ the person for the following school year and who:
 - (1) resigns;
 - (2) fails without good cause to comply with Subsection (a) or (b); and
 - (3) fails to perform the contract.

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SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.0581. REVOCATION FOR ASSISTING PERSON WHO ENGAGED IN SEXUAL MISCONDUCT OBTAIN EMPLOYMENT.

- (a) The board may suspend or revoke a certificate held by a person under this subchapter, impose other sanctions against the person, or refuse to issue a certificate to the person under this subchapter if:
 - (1) the person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and
 - (2) the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

- (b) The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Section [21.055](#) issued to or requested by a person subject to board action under Subsection (a).

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CHAPTER 22. SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
SUBCHAPTER C. CRIMINAL HISTORY RECORDS

**TEC, §22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY STATE BOARD FOR
EDUCATOR CERTIFICATION.**

The State Board for Educator Certification shall subscribe to the criminal history clearinghouse as provided by Section [411.0845](#), Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter [21](#).

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TEC, §22.085. EMPLOYEES AND APPLICANTS CONVICTED OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES.

- (a) A school district, open-enrollment charter school, or shared services arrangement shall discharge or refuse to hire an employee or applicant for employment if the district, school, or shared services arrangement obtains information through a criminal history record information review that the employee or applicant has been:
- (1) convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter [62](#), Code of Criminal Procedure; or
 - (2) convicted of:
 - (A) a felony offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
 - (B) an offense under the laws of another state or federal law that is equivalent to an offense under Subdivision (1) or Paragraph (A).
- (b) Subsection (a) does not apply if the employee or applicant for employment committed an offense under Title 5, Penal Code and:
- (1) the date of the offense is more than 30 years before:
 - (A) the effective date of S.B. No. 9, Acts of the 80th Legislature, Regular Session, 2007, in the case of a person employed by a school district, open-enrollment charter school, or shared services arrangement as of that date; or
 - (B) the date the person's employment will begin, in the case of a person applying for employment with a school district, open-enrollment charter school, or shared services arrangement after the effective date of S.B. No. 9, Acts of the 80th Legislature, Regular Session, 2007; and
 - (2) the employee or applicant for employment satisfied all terms of the court order entered on conviction.
- (c) A school district, open-enrollment charter school, or shared services arrangement may not allow a person who is an employee of or applicant for employment by an entity that contracts with the district, school, or shared services arrangement to serve at the district or school or for the shared services arrangement if the district, school, or shared services arrangement obtains information described by Subsection (a) through a criminal history record information review concerning the employee or applicant. A school district, open-enrollment charter school, or shared services arrangement must ensure that an entity that the district, school, or shared services arrangement contracts with for services has obtained all criminal history record information as required by Section 22.0834 or 22.08341.

- (d) A school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement may discharge an employee if the district or school obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the State Board for Educator Certification or the district, school, service center, or shared services arrangement. An employee discharged under this section is considered to have been discharged for misconduct for purposes of Section [207.044](#), Labor Code.
- (e) The State Board for Educator Certification may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant for employment if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been:
 - (1) convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1); or
 - (2) convicted of an offense described by Subsection (a)(2).
- (f) Each school year, the superintendent of a school district or chief operating officer of an open-enrollment charter school shall certify to the commissioner that the district or school has complied with this section.

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TEC, §22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR CERTIFICATION.

The superintendent of a school district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement shall promptly notify the State Board for Educator Certification in writing if:

- (1) the person obtains or has knowledge of information showing that an applicant for or holder of a certificate issued under Subchapter B, Chapter [21](#), has a reported criminal history; and
- (2) the person obtained the information by a means other than the criminal history clearinghouse established under Section [411.0845](#), Government Code.

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SUBCHAPTER C. CRIMINAL HISTORY RECORDS

TEC, §22.092. REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC SCHOOLS.

- (a) The agency shall maintain and make available through the Internet portal developed and maintained by the agency under Section [22.095](#) a registry of persons who are not eligible to be employed by a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.
- (b) A school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry maintained under this section.
- (c) The registry maintained under this section must list the following persons as not eligible to be employed by public schools:
 - (1) a person determined by the agency under Section [22.0832](#) as a person who would not be eligible for educator certification under Subchapter B, Chapter [21](#);
 - (2) a person determined by the agency to be not eligible for employment based on the person's criminal history record information review, as provided by Section [22.0833](#);
 - (3) a person who is not eligible for employment based on criminal history record information received by the agency under Section [21.058](#)(b);
 - (4) a person whose certification or permit issued under Subchapter B, Chapter [21](#), is revoked by the State Board for Educator Certification on a finding that the person engaged in misconduct described by Section [21.006](#)(b)(2)(A) or (A-1); and
 - (5) a person who is determined by the commissioner under Section [22.094](#) to have engaged in misconduct described by Section [22.093](#)(c)(1)(A) or (B).
- (d) The agency shall provide private schools and public schools equivalent access to the registry maintained under this section.

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SUBCHAPTER C. CRIMINAL HISTORY RECORDS

TEC, §22.093. REQUIREMENT TO REPORT EMPLOYEE MISCONDUCT.

- (a) In this section, "abuse" has the meaning assigned by Section [261.001](#), Family Code, and includes any sexual conduct involving a student or minor.
- (b) This section applies to a person who is employed by a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement and who does not hold a certification or permit issued under Subchapter B, Chapter [21](#).
- (c) In addition to the reporting requirement under Section [261.101](#), Family Code, the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall notify the commissioner if:
 - (1) an employee's employment at the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement was terminated and there is evidence that the employee:
 - (A) abused or otherwise committed an unlawful act with a student or minor; or
 - (B) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor; or
 - (2) the employee resigned and there is evidence that the employee engaged in misconduct described by Subdivision (1).
- (d) A superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall complete an investigation of an employee that involves evidence that the employee may have engaged in misconduct described by Subsection (c)(1)(A) or (B), despite the employee's resignation from employment before completion of the investigation.
- (e) The principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus must notify the superintendent or director of the school district, district of innovation, charter school, or other charter entity not later than the seventh business day after the date of an employee's termination of employment or resignation following an alleged incident of misconduct described by Subsection (c)(1)(A) or (B).
- (f) The superintendent or director must notify the commissioner by filing a report with the commissioner not later than the seventh business day after the date the superintendent or director receives a report from a principal under Subsection (e) or knew about an employee's termination of employment or resignation following an alleged incident of misconduct described by Subsection (c)(1)(A) or (B). The report must be:
 - (1) in writing; and
 - (2) in a form prescribed by the commissioner.

- (g) The superintendent or director shall notify the board of trustees or governing body of the school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement and the employee of the filing of the report required by Subsection (f).
- (h) A superintendent or director who in good faith and while acting in an official capacity files a report with the commissioner under Subsection (f) or a principal who in good faith and while acting in an official capacity notifies a superintendent or director under Subsection (e) is immune from civil or criminal liability that might otherwise be incurred or imposed.
- (i) The commissioner shall refer an educator who fails to file a report in violation of Subsection (f) to the State Board for Educator Certification, and the board shall determine whether to impose sanctions against the educator.
- (j) The name of a student or minor who is the victim of abuse or unlawful conduct by an employee must be included in a report filed under this section, but the name of the student or minor is not public information under Chapter [552](#), Government Code.
- (k) A superintendent or director required to file a report under Subsection (f) commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal an employee's criminal record or alleged incident of misconduct. A principal required to notify a superintendent or director about an employee's alleged incident of misconduct under Subsection (e) commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal an employee's alleged incident of misconduct. An offense under this subsection is a state jail felony.
- (l) The commissioner may review the records of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement to ensure compliance with the requirement to report misconduct under this section.
- (m) The commissioner shall adopt rules as necessary to implement this section.

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TEC, §22.0831. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTIFIED EDUCATORS .

- (a) In this section, "board" means the State Board for Educator Certification.
- (b) This section applies to a person who is an applicant for or holder of a certificate under Subchapter B, Chapter [21](#), and who is employed by or is an applicant for employment by a school district, open-enrollment charter school, or shared services arrangement.
- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (d) The board shall place an educator's certificate on inactive status for failure to comply with a deadline for submitting information required under this section.
- (e) The board may allow a person who is applying for a certificate under Subchapter B, Chapter [21](#), and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.
- (f) The board may propose rules to implement this section, including rules establishing:
 - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
 - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.
- (g) Expired.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

TEC, §28.002. REQUIRED CURRICULUM.

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
- (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on: ~~the importance of proper nutrition and exercise;~~
 - (i) physical health, including the importance of proper nutrition and exercise;
 - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
 - (C) physical education;
 - (D) fine arts;
 - (E) career and technology education;
 - (F) technology applications;
 - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - (H) personal financial literacy.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (b-1) In this section, "common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative.
- (b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.
- (b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).
- (b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.
- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter [31](#) and addressed on the assessment instruments required under Subchapter B, Chapter [39](#). As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.

- (c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.
- (c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).
- (c-3) In adopting the essential knowledge and skills for the technology applications curriculum for kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include coding, computer programming, computational thinking, and cybersecurity. The State Board of Education shall review and revise, as needed, the essential knowledge and skills of the technology applications curriculum every five years to ensure the curriculum:
 - (1) is relevant to student education; and
 - (2) aligns with current or emerging professions.
- (d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:
 - (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
 - (2) is consistent with national physical education standards for:
 - (A) the information that students should learn about physical activity; and
 - (B) the physical activities that students should be able to perform;
 - (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
 - (4) offers students an opportunity to choose among many types of physical activity in which to participate;
 - (5) offers students both cooperative and competitive games;
 - (6) meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section [29.003\(b\)](#) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
 - (7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
 - (8) teaches self-management and movement skills;
 - (9) teaches cooperation, fair play, and responsible participation in physical activity;
 - (10) promotes student participation in physical activity outside of school; and
 - (11) allows physical education classes to be an enjoyable experience for students.

- (e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.
- (f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:
 - (1) be flexible in approving a course for credit for high school graduation under this subsection; and
 - (2) approve courses in cybersecurity for credit for high school graduation under this subsection.
- (g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:
 - (1) includes teacher input;
 - (2) provides district employees with the opportunity to express opinions regarding the initiative; and
 - (3) includes a meeting of the board of trustees of the district at which:
 - (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
 - (B) members of the public and district employees are given the opportunity to comment regarding the initiative.
- (g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:
 - (1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
 - (2) the course or other activity allows students to enter:
 - (A) a career or technology training program in the district's region of the state;
 - (B) an institution of higher education without remediation;
 - (C) an apprenticeship training program; or
 - (D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.
- (g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.
- (g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.
- (h) The State Board of Education and each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of instructional materials. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.

- (i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.
- (j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.
- (k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).
- (l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:
 - (1) any student who is unable to participate in the required physical activity because of illness or disability; and
 - (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.
- (l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.
- (l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).
- (l-3)
 - (1) This subsection may be cited as "Lauren's Law."
 - (2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
 - (A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
 - (B) children at a school-designated function.
- (m) Section [2001.039](#), Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).

- (n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).
- (o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.
- (p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:
 - (1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;
 - (2) address relationship skills, including money management, communication skills, and marriage preparation; and
 - (3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.
- (p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:
 - (1) child development;
 - (2) parenting skills, including child abuse and neglect prevention; and
 - (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
- (p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.
- (p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.
- (q) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(1), eff. September 1, 2014.
- (r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, [causes,] consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in [and] alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse [alcohol] awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based substance abuse [alcohol] awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse [or delay alcohol use] among students, as determined by evaluations that are evidence-based [use valid and reliable measures and that are published in peer reviewed journals].
- (s) In this subsection, "bullying" has the meaning assigned by Section [37.0832](#) and "harassment" has the meaning assigned by Section [37.001](#). In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.
- (t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that

prepares students to communicate in a language other than English in a specific professional, business, or industry environment.

(w) Repealed section 28.002 (w)

~~(w) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of nonmedical use of prescription drugs. The agency shall compile a list of evidence-based prescription drug misuse awareness programs from which a school district may choose a program to use in the district's middle school, junior high school, and high school health curriculums. In this subsection, an "evidence-based prescription drug misuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent nonmedical use of prescription drugs among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.~~

(z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:

(1) "Cyberbullying" has the meaning assigned by Section 37.0832.

(2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND
ACADEMIC ACHIEVEMENT RECORD

TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002](#) (a)(1) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
 - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
 - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
 - (1) four credits in English language arts under Section [28.002](#)(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
 - (2) three credits in mathematics under Section [28.002](#)(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
 - (3) three credits in science under Section [28.002](#)(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
 - (4) three credits in social studies under Section [28.002](#)(a)(1)(D), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history;
 - (5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section [28.002](#)(a)(2)(A);
 - (6) five elective credits;
 - (7) one credit in fine arts under Section [28.002](#)(a)(2)(D); and

- (8) except as provided by Subsection (b-11), one credit in physical education under Section [28.002\(a\)\(2\)\(C\)](#).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:
- (1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1), for an advanced mathematics course under Subsection (b-1)(2), and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section [28.002\(g-1\)](#); and
 - (2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.
- (b-3) In adopting rules for purposes of Subsection (b-2), the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections [39.023\(c\)](#) and [39.025](#).
- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.
- ~~(b-6) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.~~
- ~~(b-6) A school district may allow a student to enroll concurrently in Algebra I and geometry.~~
- (b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section [61.822](#). Notwithstanding Subsection (b-15) or (c) of this section, Section [39.025](#), or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section [61.822](#), as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.
- (b-8) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (b-9) A school district, with the approval of the commissioner, may allow a student to satisfy the fine arts credit required under Subsection (b-1)(7) by participating in a community-based fine arts

program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the essential knowledge and skills identified for fine arts by the State Board of Education under Section [28.002\(c\)](#). The fine arts program may be provided on or off a school campus and outside the regular school day.

- (b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.
- (b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section [28.002\(g-1\)](#), or one academic elective credit for the physical education credit required under Subsection (b-1)(8). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:
 - (1) if the student receives special education services under Subchapter A, Chapter [29](#), the student's admission, review, and dismissal committee;
 - (2) if the student does not receive special education services under Subchapter A, Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or
 - (3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.
- (b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages, including computer coding.
- (b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:
 - (1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and
 - (2) appropriate substitute courses for purposes of this subsection.
- (b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:

- (1) if the student receives special education services under Subchapter A, Chapter [29](#), the student's admission, review, and dismissal committee; or
 - (2) if the student does not receive special education services under Subchapter A, Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.
- (b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:
- (1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);
 - (2) four credits in science, which must include the courses described by Subsection (b-1)(3);
 - (3) the remaining curriculum requirements under Subsection (b-1); and
 - (4) the curriculum requirements for at least one endorsement under Subsection (c-1).
- (b-16) A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.
- (b-17) The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.
- (b-18) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.
- (b-19) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.
- (b-20) The State Board of Education shall adopt rules to include the instruction developed under Section [28.012](#) in one or more courses in the required curriculum for students in grade levels 9 through 12.
- (b-21) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirement for one credit under Subsection (b-1)(5) by successfully completing at an elementary school either a dual language immersion program under Section [28.0051](#) or a course in American Sign Language [at an elementary school].
- (c) A person may receive a diploma if the person is eligible for a diploma under Section [28.0251](#). In other cases, a student may graduate and receive a diploma only if:
- (1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections [28.0256](#) and [Section] [39.025](#); or
 - (2) the student successfully completes an individualized education program developed under Section [29.005](#).

- (c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:
- (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, cybersecurity, and computer coding, engineering, and advanced mathematics;
 - (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
 - (3) public services, which includes courses directly related to health sciences and occupations, mental health, education and training, law enforcement, and culinary arts and hospitality;
 - (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
 - (5) multidisciplinary studies, which allows a student to:
 - (A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and
 - (B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.
- (c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:
- (1) require a student in order to earn any endorsement to successfully complete:
 - (A) four credits in mathematics, which must include:
 - (i) the courses described by Subsection (b-1)(2); and
 - (ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;
 - (B) four credits in science, which must include:
 - (i) the courses described by Subsection (b-1)(3); and
 - (ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and
 - (C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and
 - (2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under

Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.

- (c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.
- (c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.
- (c-5) A student may earn a performance acknowledgment on the student's transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:
 - (1) for outstanding performance:
 - (A) in a dual credit course;
 - (B) in bilingualism and biliteracy;
 - (C) on a college advanced placement test or international baccalaureate examination;
 - (D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - (E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
 - (2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.
- (c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section [28.0258](#). This subsection expires September 1, ~~2019~~ 2023.
- (c-7) Subject to Subsection (c-8), a student who is enrolled in a special education program under Subchapter A, Chapter 29, may earn an endorsement on the student's transcript by:
 - (1) successfully completing, with or without modification of the curriculum:
 - (A) the curriculum requirements identified by the State Board of Education under Subsection (a); and
 - (B) the additional endorsement curriculum requirements prescribed by the State Board of Education under Subsection (c-2); and
 - (2) successfully completing all curriculum requirements for that endorsement adopted by the State Board of Education:
 - (A) without modification of the curriculum; or

(B) with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's admission, review, and dismissal committee.

- (c-8) For purposes of Subsection (c-7), the admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.
- (c-10) In adopting rules under Subsection (c-1), the State Board of Education shall adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.
- (d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section [39.025](#). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- (e) Each school district shall report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly identify whether a student received a diploma or a certificate of coursework completion.
- (e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.
- (e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:
- (1) enrolled in the foundation high school program;
 - (2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and
 - (3) enrolled in a program to earn an endorsement described by Subsection (c-1).
- (e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter [29](#).
- (f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter A, Chapter [29](#), and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).
- (g) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.

- (h) The commissioner by rule shall adopt a transition plan to implement and administer the amendments made by H.B. No. 5, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2014-2015 school year. Under the transition plan, a student who entered the ninth grade before the 2014-2015 school year must be permitted to complete the curriculum requirements required for high school graduation under:
- (1) the foundation high school program, if the student chooses during the 2014-2015 school year to take courses under this program;
 - (2) the minimum high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year;
 - (3) the recommended high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year; or
 - (4) the advanced high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year.
- (h-1) This subsection and Subsection (h) expire September 1, 2018.
- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. [~~In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a].~~]

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER Z. MISCELLANEOUS PROGRAMS

TEC, §29.906. CHARACTER TRAITS INSTRUCTION.

- (a) The State Board of Education shall integrate positive character traits into the essential knowledge and skills adopted for kindergarten through grade 12, as appropriate.
- (b) The State Board of Education must include the following positive character traits:
 - (1) courage;
 - (2) trustworthiness, including honesty, reliability, punctuality, and loyalty;
 - (3) integrity;
 - (4) respect and courtesy;
 - (5) responsibility, including accountability, diligence, perseverance, and self-control;
 - (6) fairness, including justice and freedom from prejudice;
 - (7) caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
 - (8) good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
 - (9) school pride; and
 - (10) gratitude.
- (c) Each school district and open-enrollment charter school must adopt a character education program that includes the positive character traits listed in Subsection (b). In developing or selecting a character education program under this section, a school district shall consult with a committee selected by the district that consists of:
 - (1) parents of district students;
 - (2) educators; and
 - (3) other members of the community, including community leaders.
- (d) This section does not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.
- (e) The agency shall:
 - (1) maintain a list of character education programs that school districts have implemented that meet the criteria under Subsection (b);
 - (2) based on data reported by districts, annually designate as a Character Plus School each school that provides a character education program that:
 - (A) meets the criteria prescribed by Subsection (b); and

- (B) is approved by the committee selected under Subsection (c); and
- (3) include in the report required under Section [39.332](#):
 - (A) based on data reported by districts, the impact of character education programs on student discipline and academic achievement; and
 - (B) other reported data relating to character education programs the agency considers appropriate for inclusion.
- (f) The agency may accept money from federal government and private sources to use in assisting school districts in implementing character education programs that meet the criteria prescribed by Subsection (b).
- (g) The State Board of Education may adopt rules as necessary to implement this section.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC §31.002. DEFINITIONS.

In this chapter:

- (1) "Instructional material" means content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, on-line services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.
- (1-a) "Open education resource instructional material" means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. The term includes state-developed open education resource instructional material purchased under Subchapter B-1.
- (2) "Publisher" includes an on-line service or a developer or distributor of electronic instructional materials.
- (3) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 67(1), eff. July 19, 2011.
- (4) "Technological equipment" means hardware, a device, or equipment necessary for:
 - (A) instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or
 - (B) professional use by a classroom teacher.

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 reviewing and adopting instructional materials, the board shall consider a school district's need for technology as well as instructional materials and in any biennium may limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.
- (h) The board shall include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B. STATE FUNDING, ADOPTION, AND PURCHASE

TEC, §31.023. INSTRUCTIONAL MATERIAL LIST

- (a) For each subject and grade level, the State Board of Education shall adopt a list of instructional materials. The list includes each instructional material submitted for the subject and grade level that meets applicable physical specifications adopted by the State Board of Education and contains material covering at least half of the elements of the essential knowledge and skills of the subject and grade level in the student version of the instructional material, as well as in the teacher version of the instructional material, as determined by the State Board of Education under Section [28.002](#) and adopted under Section [31.024](#).
- (a-1) The State Board of Education shall determine the percentage of the elements of the essential knowledge and skills of the subject and grade level covered by each instructional material submitted. The board's determination under this subsection is final.
- (b) Each instructional material on the list must be:
 - (1) free from factual errors;
 - (2) suitable for the subject and grade level for which the instructional material was submitted; and
 - (3) reviewed by academic experts in the subject and grade level for which the instructional material was submitted.

TEXAS EDUCATION CODE
TITEL 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.035. SUPPLEMENTAL INSTRUCTIONAL MATERIALS.

- (a) Notwithstanding any other provision of this subchapter, the State Board of Education may adopt supplemental instructional materials that are not on the list adopted under Section [31.023](#). The State Board of Education may adopt supplemental instructional material under this section only if the instructional material:
 - (1) contains material covering one or more primary focal points or primary topics of a subject in the required curriculum under Section [28.002](#), as determined by the State Board of Education;
 - (2) is not designed to serve as the sole instructional material for a full course;
 - (3) meets applicable physical specifications adopted by the State Board of Education;
 - (4) is free from factual errors;
 - (5) is suitable for the subject and grade level; and
 - (6) is reviewed by academic experts in the subject and grade level.
- (b) The State Board of Education shall identify the essential knowledge and skills identified under Section [28.002](#) that are covered by supplemental instructional material adopted by the board under this section.
- (c) Supplemental instructional material is subject to the review and adoption cycle provisions, including the midcycle review and adoption cycle provisions, of this subchapter.
- (d) A school district or open-enrollment charter school may requisition supplemental instructional material adopted under this section only if the district or school requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Section [31.023](#) that in combination cover each element of the essential knowledge and skills for the course for which the district or school is requisitioning the supplemental instructional materials.
- (e) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 67(5), eff. July 19, 2011.
- (f) A school district or open-enrollment charter school that requisitions supplemental instructional materials shall certify to the agency that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by the district or school, cover the essential knowledge and skills identified under Section [28.002](#) by the State Board of Education for the subject and grade level for which the district or school is requisitioning the supplemental instructional materials.
- (g) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 67(5), eff. July 19, 2011.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.001. COMPOSITION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.

- (a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:
- (1) all land appropriated for the public schools by the constitution and laws of this state;
 - (2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as defined by Section [88.111](#); and property described by Section [12.128](#);
 - (3) all proceeds from the authorized sale of permanent school fund land;
 - (4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;
 - (5) all investments authorized by Section [43.003](#) of properties belonging to the permanent school fund; and
 - (6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.
- (b) The available school fund, which shall be apportioned annually to each county according to its scholastic population, consists of:
- (1) the distributions to the fund from the permanent school fund as provided by ~~Sections~~ [Section](#) [5\(a\) and \(g\)](#), Article VII, Texas Constitution;
 - (2) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;
 - (3) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and
 - (4) all other appropriations to the available school fund made by the legislature for public school purposes.
- (c) The term "scholastic population" in Subsection (b) or any other law governing the apportionment, distribution, and transfer of the available school fund means all students of school age enrolled in average daily attendance the preceding school year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state.
- (d) Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by ~~Sections~~ [Section](#) [5\(a\) and \(g\)](#), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state technology and instructional materials fund established under Section [31.021](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0052. QUARTERLY REPORTS.

Each quarter, the State Board of Education shall provide to the School Land Board a financial report on the portion of the permanent school fund assets and funds for which the State Board of Education is responsible. The report must include:

- (1) target and actual asset allocations, by asset type, based on fair market value or net asset value;
- (2) investment performance by asset type;
- (3) benchmarks and benchmark performances; and
- (4) costs of implementing and administering the permanent school fund liquid account under Section [51.414](#), Natural Resources Code, including costs associated with contracts for:
 - (A) professional investment management;
 - (B) investment advisory services; and
 - (C) custodial services for the account.

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 44. FISCAL MANAGEMENT
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

TEC, §44.010. REVIEW BY AGENCY.

The budgets, fiscal reports, and audit reports filed with the agency shall be reviewed and analyzed by the staff of the agency to determine whether all legal requirements have been met and to collect fiscal data needed in preparing school fiscal reports for the governor and the legislature.

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 [~~42.004~~]. ADMINISTRATION OF THE PROGRAM.

The commissioner, [~~in accordance with the rules of the State Board of Education,~~] shall adopt rules and take [~~such~~] action and require [~~such~~] reports consistent with this chapter as [~~may be~~] necessary to implement and administer the Foundation School Program.

TEXAS FAMILY CODE
TITLE 5. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-
CHILD RELATIONSHIP
SUBTITLE E. PROTECTION OF THE CHILD
CHAPTER 261. INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT
SUBCHAPTER D. INVESTIGATIONS

TFC, §261.308. SUBMISSION OF INVESTIGATION REPORT.

- (a) The department shall make a complete written report of the investigation.
- (b) Repealed by Acts 2015, 84th Leg., R.S., Ch. 944 , Sec. 86(9), eff. September 1, 2015.
- (c) Repealed by Acts 2015, 84th Leg., R.S., Ch. 944 , Sec. 86(9), eff. September 1, 2015.
- (d) The department shall release information regarding a person alleged to have committed abuse or neglect to persons who have control over the person's access to children, including, as appropriate, the Texas Education Agency, the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, the public school principal or director, the director of the open-enrollment charter school, or the chief executive officer of the private school if the department determines that:
 - (1) the person alleged to have committed abuse or neglect poses a substantial and immediate risk of harm to one or more children outside the family of a child who is the subject of the investigation; and
 - (2) the release of the information is necessary to assist in protecting one or more children from the person alleged to have committed abuse or neglect.
- (e) On request, the department shall release information about a person alleged to have committed abuse or neglect to the State Board for Educator Certification if the board has a reasonable basis for believing that the information is necessary to assist the board in protecting children from the person alleged to have committed abuse or neglect.

TEXAS FAMILY CODE
TITLE 5. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-
CHILD RELATIONSHIP
SUBTITLE E. PROTECTION OF THE CHILD
CHAPTER 261. INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT
SUBCHAPTER E. INVESTIGATIONS OF ABUSE, NEGLECT, OR EXPLOITATION IN CERTAIN
FACILITIES

TFC, §261.406. INVESTIGATIONS IN SCHOOLS.

- (a) On receipt of a report of alleged or suspected abuse or neglect of a child in a public or private school, the department shall perform an investigation as provided by this chapter.
- (b) The department shall send a copy of the completed report of the department's investigation to the Texas Education Agency or, in the case of a private school, the school's chief executive officer. On request, the department shall provide a copy of the completed report of the department's investigation to the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, the public school principal or director, or the chief executive officer of the private school, unless the principal, director, or chief executive officer is alleged to have committed the abuse or neglect, for appropriate action. On request, the department shall provide a copy of the report of investigation to the parent, managing conservator, or legal guardian of a child who is the subject of the investigation and to the person alleged to have committed the abuse or neglect. The report of investigation shall be edited to protect the identity of the persons who made the report of abuse or neglect. Except as otherwise provided by this subsection, Section [261.201\(b\)](#) applies to the release of the report relating to the investigation of abuse or neglect under this section and to the identity of the person who made the report of abuse or neglect.
- (c) Nothing in this section may prevent a law enforcement agency from conducting an investigation of a report made under this section.
- (d) The executive commissioner shall adopt rules necessary to implement this section.

TEXAS GOVERNMENT CODE
TITLE 4. EXECUTIVE BRANCH
SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION
CHAPTER 411. DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS
SUBCHAPTER F. CRIMINAL HISTORY RECORD INFORMATION

TGC, § 411.090. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD FOR EDUCATOR CERTIFICATION.

- (a) The State Board for Educator Certification is entitled to obtain from the department any criminal history record information maintained by the department about a person who has applied to the board for a certificate under Subchapter B, Chapter [21](#), Education Code.
- (b) Criminal history record information obtained by the board in the original form or any subsequent form:
 - (1) may be used only for a purpose related to the issuance, denial, suspension, or cancellation of a certificate issued by the board;
 - (2) may not be released to any person except:
 - (A) the person who is the subject of the information;
 - (B) the Texas Education Agency;
 - (C) a local or regional educational entity as provided by Section [411.097](#); or
 - (D) by court order;
 - (3) is not subject to disclosure as provided by Chapter [552](#); and
 - (4) shall be destroyed by the board after the information is used for the authorized purposes.
- (c) The department shall notify the State Board for Educator Certification of the arrest of any educator, as defined by Section [5.001](#), Education Code, who has fingerprints on file with the department. Any record of the notification and any information contained in the notification is not subject to disclosure as provided by Chapter [552](#).

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE
CHAPTER 2001. ADMINISTRATIVE PROCEDURE
SUBCHAPTER B. RULEMAKING

TGC, §2001.039. AGENCY REVIEW OF EXISTING RULES.

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE
CHAPTER 2001. ADMINISTRATIVE PROCEDURE
SUBCHAPTER C. CONTESTED CASES: GENERAL RIGHTS AND PROCEDURES

TGC, §2001.058. HEARING CONDUCTED BY STATE OFFICE OF ADMINISTRATIVE HEARINGS.

- (a) This section applies only to an administrative law judge employed by the State Office of Administrative Hearings.
- (b) An administrative law judge who conducts a contested case hearing shall consider applicable agency rules or policies in conducting the hearing, but the state agency deciding the case may not supervise the administrative law judge.
- (c) A state agency shall provide the administrative law judge with a written statement of applicable rules or policies.
- (d) A state agency may not attempt to influence the finding of facts or the administrative law judge's application of the law in a contested case except by proper evidence and legal argument.
- (d-1) On making a finding that a party to a contested case has defaulted under the rules of the State Office of Administrative Hearings, the administrative law judge may dismiss the case from the docket of the State Office of Administrative Hearings and remand it to the referring agency for informal disposition under Section [2001.056](#). After the case is dismissed and remanded, the agency may informally dispose of the case by applying its own rules or the procedural rules of the State Office of Administrative Hearings relating to default proceedings. This subsection does not apply to a contested case in which the administrative law judge is authorized to render a final decision.
- (e) A state agency may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative judge, only if the agency determines:
 - (1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies provided under Subsection (c), or prior administrative decisions;
 - (2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or
 - (3) that a technical error in a finding of fact should be changed.

The agency shall state in writing the specific reason and legal basis for a change made under this subsection.

- (e-1) Notwithstanding Subsection (e), a state agency may not vacate or modify an order of an administrative law judge that awards attorney's fees and costs under Section [2001.903](#).
- (f) A state agency by rule may provide that, in a contested case before the agency that concerns licensing in relation to an occupational license and that is not disposed of by stipulation, agreed settlement, or consent order, the administrative law judge shall render the final decision in the

contested case. If a state agency adopts such a rule, the following provisions apply to contested cases covered by the rule:

- (1) the administrative law judge shall render the decision that may become final under Section [2001.144](#) not later than the 60th day after the latter of the date on which the hearing is finally closed or the date by which the judge has ordered all briefs, reply briefs, and other posthearing documents to be filed, and the 60-day period may be extended only with the consent of all parties, including the occupational licensing agency;
- (2) the administrative law judge shall include in the findings of fact and conclusions of law a determination whether the license at issue is primarily a license to engage in an occupation;
- (3) the State Office of Administrative Hearings is the state agency with which a motion for rehearing or a reply to a motion for rehearing is filed under Section [2001.146](#) and is the state agency that acts on the motion or extends a time period under Section [2001.146](#);
- (4) the State Office of Administrative Hearings is the state agency responsible for sending a copy of the decision that may become final under Section [2001.144](#) or an order ruling on a motion for rehearing to the parties, including the occupational licensing agency, in accordance with Section [2001.142](#); and
- (5) the occupational licensing agency and any other party to the contested case is entitled to obtain judicial review of the final decision in accordance with this chapter.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT
CHAPTER 2263. ETHICS AND DISCLOSURE REQUIREMENTS FOR
OUTSIDE FINANCIAL ADVISORS AND SERVICE PROVIDERS

TGC, §2263.004. ETHICS REQUIREMENTS FOR OUTSIDE FINANCIAL ADVISORS OR SERVICE PROVIDERS.

- (a) The governing body of a state governmental entity by rule shall adopt standards of conduct applicable to financial advisors or service providers who are not employees of the state governmental entity, who provide financial services to the state governmental entity or advise the state governmental entity or a member of the governing body of the state governmental entity in connection with the management or investment of state funds, and who:
- (1) may reasonably be expected to receive, directly or indirectly, more than \$10,000 in compensation from the entity during a fiscal year; or
 - (2) render important investment or funds management advice to the entity or a member of the governing body of the entity, as determined by the governing body.
- (b) A contract under which a financial advisor or service provider renders financial services or advice to a state governmental entity or other person as described by Subsection (a) is voidable by the state governmental entity if the financial advisor or service provider violates a standard of conduct adopted under this section.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

TOC, §53.021. AUTHORITY TO REVOKE, SUSPEND, OR DENY LICENSE.

- (a) Subject to Section [53.0231](#), a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of:
- (1) an offense that directly relates to the duties and responsibilities of the licensed occupation;
 - (2) an offense listed in Article [42A.054](#), Code of Criminal Procedure; or
 - (3) a sexually violent offense, as defined by Article [62.001](#), Code of Criminal Procedure.
- (a-1) Subsection (a) does not apply to a person who has been convicted only of an offense punishable as a Class C misdemeanor unless:
- (1) the person is an applicant for or the holder of a license that authorizes the person to possess a firearm; and
 - (2) the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by 18 U.S.C. Section 921.
- (b) A license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.
- (c) Except as provided by Subsections (d) and (e), notwithstanding any other law, a licensing authority may not consider a person to have been convicted of an offense for purposes of this section if, regardless of the statutory authorization:
- (1) the person entered a plea of guilty or nolo contendere;
 - (2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and
 - (3) at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.
- (d) A licensing authority may consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if:
- (1) the person was charged with:
 - (A) any offense described by Article [62.001](#)(5), Code of Criminal Procedure; or
 - (B) an offense other than an offense described by Paragraph (A) if:

- (i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for the license; or
 - (ii) a conviction for the offense would make the person ineligible for the license by operation of law; and
 - (2) after consideration of the factors described by Sections [53.022](#) and [53.023\(a\)](#), the licensing authority determines that:
 - (A) the person may pose a continued threat to public safety; or
 - (B) employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.
- (e) Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide:
 - (1) law enforcement or public health, education, or safety services; or
 - (2) financial services in an industry regulated by a person listed in Section [411.0765\(b\)\(18\)](#), Government Code.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

TOC, §53.022. FACTORS IN DETERMINING WHETHER CONVICTION DIRECTLY RELATES TO OCCUPATION.

In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the following factors:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
- (4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
- (5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

**TOC, §53.023. ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER
AFTER DETERMINING CONVICTION DIRECTLY RELATES TO
OCCUPATION.**

- (a) If a licensing authority determines under Section [53.022](#) that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section [53.021](#):
- (1) the extent and nature of the person's past criminal activity;
 - (2) the age of the person when the crime was committed;
 - (3) the amount of time that has elapsed since the person's last criminal activity;
 - (4) the conduct and work activity of the person before and after the criminal activity;
 - (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;
 - (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
 - (7) other evidence of the person's fitness, including letters of recommendation.
- (b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described by Subsection (a)(7).
- (c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 765 (H.B. [1342](#)), Sec. 12, eff. September 1, 2019.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

TOC, §53.024. PROCEEDINGS GOVERNED BY ADMINISTRATIVE PROCEDURE ACT.

A proceeding before a licensing authority to establish factors required to be considered under this subchapter is governed by Chapter [2001](#), Government Code.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

TOC, §53.025. GUIDELINES.

- (a) Each licensing authority shall issue guidelines relating to the practice of the licensing authority under this chapter. The guidelines must state the reasons a particular crime is considered to relate to a particular license and any other criterion that affects the decisions of the licensing authority.
- (b) A state licensing authority that issues guidelines under this section shall file the guidelines with the secretary of state for publication in the Texas Register.
- (c) A local or county licensing authority that issues guidelines under this section shall post the guidelines at the courthouse for the county in which the licensing authority is located or publish the guidelines in a newspaper having countywide circulation in that county.
- (d) Amendments to the guidelines, if any, shall be issued annually.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER C. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF
LICENSE

TOC, §53.051. NOTICE.

A licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense shall notify the person in writing of:

- (1) the reason for the suspension, revocation, denial, or disqualification, including any factor considered under Section [53.022](#) or [53.023](#) that served as the basis for the suspension, revocation, denial, or disqualification;
- (2) the review procedure provided by Section [53.052](#); and
- (3) the earliest date the person may appeal the action of the licensing authority.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER C. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF
LICENSE

TOC, §53.052. JUDICIAL REVIEW.

- (a) A person whose license has been suspended or revoked or who has been denied a license or the opportunity to take an examination under Section [53.021](#) and who has exhausted the person's administrative appeals may file an action in the district court in the county in which the licensing authority is located for review of the evidence presented to the licensing authority and the decision of the licensing authority.
- (b) The petition for an action under Subsection (a) must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 56. DISCIPLINARY ACTION AGAINST RECIPIENTS OF STUDENT FINANCIAL
ASSISTANCE PROHIBITED

**TOC, §56.003. DISCIPLINARY ACTION IN EVENT OF DEFAULT OR BREACH
PROHIBITED.**

A licensing authority may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract, including by:

- (1) denying the person's application for a license or license renewal;
- (2) suspending the person's license; or
- (3) taking other disciplinary action against the person.

MINUTES

STATE BOARD OF EDUCATION

NOVEMBER 2019

Minutes

State Board of Education

November 15, 2019

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

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

MARTY ROWLEY, Amarillo
Vice Chair of the State Board of
Education
District 15

GEORGINA PÉREZ, El Paso
Secretary of the State Board of
Education
District 1

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

DONNA BAHORICH, Houston
District 6

TOM MAYNARD, Florence
District 10

BARBARA CARGILL, Conroe
District 8

SUE MELTON-MALONE, Robinson
District 14

RUBEN CORTEZ, JR., Brownsville
District 2

KEN MERCER, San Antonio
District 5

AICHA DAVIS, Dallas
District 13

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY, Fort Worth
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

Sue Melton-Malone, chair
Pam Little, vice chair
Aicha Davis
Georgina C. Pérez
Marty Rowley

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard, chair
Lawrence A. Allen, Jr., vice chair
Donna Bahorich
Patricia Hardy
Ken Mercer

SCHOOL INITIATIVES

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

Minutes
State Board of Education
November 15, 2019

The State Board of Education met at 9:05 a.m. on Friday, November 15, 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.; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Absent: Aicha Davis

Student performance

The student performance was provided by Judson High School Mariachi in the Judson Independent School District.

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, September 13, 2019

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the September 13, 2019, meeting of the State Board of Education, as printed.*

1. Resolutions and Presentations

2019 National Geographic GeoBee

The State Board of Education, by unanimous consent, adopted a resolution honoring Nihar Janga as the 2019 National Geographic GeoBee Winner.

(ATTACHMENT 1, page 11)

Public Testimony

Public testimony was provided by the following individuals:

NAME: Peyton Wolcott
AFFILIATION: Self

NAME: MerryLynn Gerstenschlager
AFFILIATION: Self

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.

(Ms. Perez-Diaz was absent for the vote.)

(1) Approval of Costs to Administer the 2019–2020 State-Developed Assessments to Private School Students

(Board agenda page III-7)

(Committee on School Finance/Permanent School Fund)

The State Board of Education approved the per-student costs for administering state assessments to private school students in 2019–2020 as outlined in Attachment 2, page 13.

(2) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of August and September 2019

(Board agenda page III-13)

(Committee on School Finance/Permanent School Fund)

The State Board of Education ratified the purchases and sales for the months of August and September 2019 in the amounts of \$1,419,631,578 and \$1,401,730,654, respectively (Attachment 3, page 17).

(3) Adoption of 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

(Adoption of Review)

(Board agenda page III-14)

(Committee on School Finance/Permanent School Fund)

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

(4) Authorization to Issue a Request for Qualifications for Bond Guarantee Program Counsel for the Permanent School Fund

(Board agenda page III-80)

(Committee on School Finance/Permanent School Fund)

The State Board of Education approved the issuance of the Request for Qualifications for the State Board of Education and the Texas Permanent School Fund: Tax Counsel.

(5) Review of the Permanent School Fund Liquid Account

(Board agenda page III-81)

(Committee on School Finance/Permanent School Fund)

The committee took no action; therefore, this item was removed from the consent agenda.

(6) Recommendation for Appointments to the Fort Sam Houston Independent School District Board of Trustees

(Board agenda page IV-2)
(Committee on School Initiatives)

The State Board of Education, based on Colonel Samuel E. Fiol's recommendation, approved the re-appointment of Ms. Deborah Seabron and the appointments of Mr. Willie White and Ms. Andrea Nicholas to serve a term of office, from November 15, 2019, through November 15, 2021, on the Fort Sam Houston Independent School District Board of Trustees.

(7) Proposed Amendments 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship (First Reading and Filing Authorization)

(Board agenda page IV-51)

The State Board of Education approved for first reading and filing authorization proposed amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, as substituted.

COMMITTEE OF THE FULL BOARD

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)

MOTION: *It was moved by Mr. Rowley 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, as recommended by the Committee of the Full Board.

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Rowley, and carried unanimously that the State Board of Education amend §66.27(b), §66.28(c), and §66.75(c) and (l) to add references to the Texas Prekindergarten Guidelines.*

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

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Rowley, and carried that the State Board of Education amend §66.39 to read as follows:*

(a) Each regional education service center (ESC) executive director shall designate one person to supervise all access to electronic samples of instructional materials.

(g) One electronic final sample of all instructional materials adopted by the State Board of Education shall be retained in each ESC for the entire adoption period for review by interested persons. Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering.

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

VOTE: *A vote was taken on the motion 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, as recommended by the Committee of the Full Board, as amended.

The motion carried unanimously (Attachment 4, page 19).

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

4. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Proclamation 2020
(Board agenda page I-27)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously 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, as recommended by the Committee of the Full Board.

(Ms. Perez-Diaz was absent for the vote.)

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

MOTION AND VOTE: *It was moved by Mr. Rowley and carried 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, as recommended by the Committee of the Full Board.*

(Ms. Perez-Diaz was absent for the vote.)

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

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously 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, as recommended by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously 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, as recommended by the Committee of the Full Board..*

COMMITTEE ON INSTRUCTION

7. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs**
(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 C, Other Provisions, §74.27, Innovative Courses and Programs; and*

Make an affirmative finding that immediate adoption of proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on Instruction (Attachment 5, page 39).

(Ms. Perez-Diaz was absent for the vote.)

8. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit (First Reading and Filing Authorization)**
(Board agenda page II-5)

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, §74.26, Award of Credit, as recommended by the Committee on Instruction.*

(Ms. Perez-Diaz was absent for the vote.)

9. **Proposed Amendments to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013 (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 proposed amendments to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013, as recommended by the Committee on Instruction.*

(Ms. Perez-Diaz was absent for the vote.)

10. **Approval of Update of Instructional Materials for EDUSPARK, Inc.**
(Board agenda page II-13)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve the request from EDUSPARK, Inc., to update Lengua, Ritmo y Cultura Kindergarten; Lengua Ritmo y Cultura 1; Lengua, Ritmo y Cultura 4; and Lengua, Ritmo y Cultura 5, adopted in November 2018 under Proclamation 2019, as recommended by the Committee on Instruction.*

(Ms. Perez-Diaz was absent for the vote.)

11. **Texas Certificate of High School Equivalency**
(Board agenda page II-15)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried that the State Board of Education instruct staff to proceed with the Fiscal Year 2021 renewal of existing contracts with GED Testing Service and Educational Testing Service and to proceed with the competitive procurement process for a Fiscal Year 2022 award, as recommended by the Committee on Instruction.*

(Ms. Perez-Diaz was absent for the vote.)

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

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

(Second Reading and Final Adoption)

(Board agenda page III-2)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes; and Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on School Finance/Permanent School Fund*

(Attachment 6, page 41).

(Ms. Perez-Diaz was absent for the vote.)

13. 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

(First Reading and Filing Authorization)

(Board agenda page III-63)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and*

Approve for first reading and filing authorization 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, as amended and recommended by the Committee on School Finance/Permanent School Fund.

(Ms. Perez-Diaz was absent for the vote.)

14. **Review and Determine the List of Nominees for Appointment to the School Land Board**
(Board agenda page III-82)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education submit the following lists of six nominees to the governor's office for two positions for appointment to the School Land Board:*

List 1

Rebecca Berger (Lavaca)
John Caley (Fort Bend)
Doug Launius (Travis)
Michael Neill (Henderson)
Lee Partridge (Harris)
Robert Scott (Aransas)

List 2

Brad Curlee (Williamson)
Manasseh Durkin (Dallas)
Darrick Eugene (Travis)
Juana Teixeira (El Paso)
James Watt (Dallas)
Todd Williams (Dallas)

COMMITTEE ON SCHOOL INITIATIVES

15. **Review of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**
(Board agenda page IV-63)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on the proposed revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, as recommended by the Committee on School Initiatives.*

16. **Review of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs**
(Board agenda page IV-69)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, as recommended by the Committee on School Initiatives.*

17. **Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**
(Board agenda page IV-82)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, as recommended by the Committee on School Initiatives.*

18. **Review of Proposed Repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate**
(Board agenda page IV-100)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on the proposed repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate, as recommended by the Committee on School Initiatives.*

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

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

Committee on School Finance/Permanent School Fund

Mr. Maynard did not report on the Committee on Finance/Permanent School Fund.

Committee on School Initiatives

Mrs. Cargill did not report on the Committee on School Initiatives.

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

Dr. Ellis 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 10:38 a.m.

Georgina C. Pérez, Secretary

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RESOLUTION

WHEREAS knowledge of the world and the ability to express oneself are important skills for a well-educated person; and

WHEREAS, Nihar Janga, a ninth-grade student at Vandegrift High School in the Leander Independent School District, developed a love for spelling and geography at an early age; and

WHEREAS last May, at the age of 14, Nihar Janga became the first student to win both the National Geographic GeoBee and the Scripps National Spelling Bee; and

WHEREAS Nihar Janga was just 11 years old when in 2016, he became the co-champion of the National Spelling Bee; and

WHEREAS he remains the youngest winner in the Bee’s 92-year history; and

WHEREAS after achieving this honor, he began to focus on geography; and

WHEREAS he entered the GeoBee, which is an academic competition that helps to improve students’ knowledge of geography, world cultures, physical features, history, and earth science; and

WHEREAS more than 120 million students have participated in the National Geographic GeoBee, formerly called the National Geographic Bee, since it began in 1988; and

WHEREAS fierce competition in this year’s championship led to five tiebreaker rounds; and

WHEREAS Nihar Janga took top honors when he correctly answered this question: “More than one-third of Norway’s northernmost county is located on what plateau?” and

WHEREAS if you are struggling for the answer, this Texas student can tell you the answer is the “Finnmark Plateau;” and

WHEREAS his extensive knowledge of the Earth and its people earned Nihar Janga a trip to the Galápagos Islands as part of an expedition aboard the ship, the National Geographic Endeavor II, as well as a \$25,000 college scholarship; and

WHEREAS Nihar Janga joins an elite group of five Texans who have won this prestigious competition; now, therefore, be it

RESOLVED, That the State Board of Education extends its warmest congratulations to Nihar Janga, his family, and school district for a job well done; and be it further

RESOLVED, That the State Board of Education expresses its hope that Nihar Janga will continue his education in such an exemplary manner, bringing honor to himself and his state.

WITNESS our signatures, this fifteenth day of November, two thousand and nineteen, in Austin, Texas.

Keven Ellis, Chair

Georgina C. Pérez, Secretary

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EDUCATIONAL TESTING SERVICE

400 W 15th Street, Suite 700
Austin, TX 78701

PEARSON

400 Center Ridge Dr. Ste E.
Austin, TX 78753

Private School Assessment Costs for 2019–2020

September 18, 2019

Student Assessment Division
Texas Education Agency

Dear Student Assessment Division,

In accordance with the Texas Education Code, Educational Testing Service and Pearson certify that the attached prices per private school student do not exceed the prices for administering the same assessment to a student enrolled in a Texas public school district.

In the 2018-2019 school year there were 4,802 students in 26 private schools that took the State of Texas Assessments of Academic Readiness and Texas English Language Proficiency Assessment System assessments.

Sincerely,

Sarah López Rhame
Texas Program Director
Educational Testing Service

Amanda Pepmiller
Texas Program Manager
Pearson

**Participation of Private Schools
2019 Spring Administrations
State of Texas Assessments of Academic Readiness (STAAR®)**

CDC	Campus Name	STAAR End-of-Course	STAAR Grades 3-8	TELPAS	Grand Total
057602000	Brighter Horizons Academy	234	636	0	870
101604000	Darul Arqam North	78	266	0	344
101605000	Darul Arqam Southwest	0	38	0	38
079150000	Everest Academy	2	296	0	298
043602000	Good Tree Academy	45	232	0	277
220603000	Guidance Academy	0	98	0	98
101614000	Houston Quran Academy	48	220	0	268
057607000	IANT Quranic Academy	66	155	0	221
101607000	Iman Academy SE	33	254	0	287
101299000	Iman Academy SW	65	184	0	249
15203000	Islamic Academy of San Antonio	0	19	15	34
212182000	Islamic Faith Academy	0	12	0	12
057606000	Islamic School of Irving	214	569	0	783
000101000	Madrassat Al Nur	0	40	0	40
057199000	Momentous School	0	154	0	154
079602000	New Millennium Montessori School	0	57	0	57
068300000	Odessa Christian School	7	0	0	7
170601000	Odyssey Learning Academy	0	1	0	1
071603000	Palm Tree Academy	0	16	0	16
057613000	Qalam Collegiate Academy	55	37	0	92
057614000	Radiant STEM Academy	52	212	0	264
043603000	Read Institute of Texas	0	15	0	15
001227000	Renaissance Academy	45	169	0	214
003130000	St. Cyprian's Episcopal School	0	116	0	116
091601000	St. Mary's Catholic School Sherman	12	0	0	12
166601000	St. Paul Lutheran, Thorndale	6	29	0	35
Totals		962	3,825	0	4,802

Recommended Private School Costs for the 2019-2020 School Year
STAAR® and TELPAS

		2018-2019		2019-2020
		# of Students Booklet Count	Cost	Recommended Per Student Charge to Private Schools
STAAR End of Course				
Mathematics	Algebra I	351,354	\$1,611,886.99	\$4.36
English Language Arts	English I	389,774	\$7,220,207.58	\$17.41
	English II	364,120	\$7,220,207.58	\$18.83
Science	Biology	325,119	\$1,494,081.02	\$4.36
Social Studies	U.S. History	286,936	\$1,325,230.69	\$4.36
STAAR Grades 3-8				
Grade 3	Reading	361,843	\$1,525,033.44	\$3.85
	Mathematics			
Grade 3 (Spanish)	Reading	31,939	\$425,044.45	\$7.71
	Mathematics			
Grade 4	Reading	380,045	\$1,505,317.07	\$3.85
	Mathematics	358,804	\$5,910,350.08	\$15.43
	Writing			
Grade 4 (Spanish)	Reading	24,725	\$172,023.22	\$3.85
	Mathematics	25,643	\$625,861.18	\$15.43
	Writing			
Grade 5	Reading	530,181	\$1,462,386.63	\$2.75
	Mathematics			
	Science	377,467	\$1,442,917.91	\$3.82
Grade 5 (Spanish)	Reading	19,789	\$103,974.57	\$3.85
	Mathematics	7,855	\$98,957.43	\$3.85
	Science			
Grade 6	Reading	379,562	\$1,427,088.99	\$3.75
	Mathematics			
Grade 7	Reading	372,216	\$1,425,035.64	\$3.82
	Mathematics			
	Writing	357,262	\$5,562,047.75	\$15.43
Grade 8	Reading	528,416	\$1,522,375.16	\$2.88
	Mathematics			
	Science	359,923	\$2,800,391.09	\$7.72
	Social Studies			
TELPAS				
TELPAS	Grade K/1	201,336	\$1,012,720	\$5.03
	Grade 2	103,092	\$1,034,013	\$10.03
	Grade 3	103,787	\$1,040,984	\$10.03
	Grade 4/5	192,063	\$1,926,392	\$10.03
	Grade 6/7	148,389	\$1,488,342	\$10.03
	Grade 8/9	121,214	\$1,215,776	\$10.03
	Grade 10-12	99,483	\$997,814	\$10.03

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**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For August 1, 2019 through September 30, 2019**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 357,567,809
Public Market Equities	689,819,703
Alternative Investments	372,244,066
TOTAL	\$ 1,419,631,578

Sales/Distributions:

Long Term Fixed Income	\$ 447,370,414
Public Market Equities	686,308,253
Alternative Investments	268,051,987
TOTAL	\$ 1,401,730,654

General Land Office Contributions:

FY 2018 Cumulative August 2018	FY 2019 Cumulative August 2019
\$235,000,000	\$255,000,000
FY 2019 Cumulative September 2018	FY 2020 Cumulative September 2019
\$0	\$0

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$255,000,000 through August 2019 for fiscal year 2019 versus \$235,000,000 through August 2018 for fiscal year 2018, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of August 2019 and September 2019 Permanent School Fund portfolio purchases of \$1,419,631,578 and sales of \$1,401,730,654.

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ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 66. State Adoption and Distribution of Instructional Materials

Subchapter B. State Adoption of Instructional Materials

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

- (a) Texas Education Code (TEC), §31.002, defines instructional materials as content that conveys the essential knowledge and skills of a subject in the ~~public-school~~ ~~[public school]~~ curriculum through a medium or a combination of media for conveying information to a student. The term includes a book; supplementary materials; a combination of a book, workbook, and supplementary materials; computer software; magnetic media; DVD; CD-ROM; computer courseware; online ~~[on-line]~~ services; or an electronic medium or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.
- (b) Upon the adoption of revised Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG), the State Board of Education (SBOE) shall conduct an investigation to determine the extent of the revisions and whether revisions have created a need for new instructional materials.
- (c) The SBOE shall issue a proclamation calling for instructional materials according to the review and adoption cycle adopted by the SBOE if the investigation required in subsection (b) of this section results in the determination that a proclamation is necessary. The proclamation shall serve as notice to all publishers and to the public that bids to furnish new materials to the state are being invited and shall call for:
- (1) new instructional materials aligned to all of the TEKS for a specific subject and grade level or course(s) or to the TPG ~~[Texas Prekindergarten Guidelines (TPG)]~~ and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise ~~[free enterprise]~~ society with appreciation for the basic democratic values of our state and national heritage;
 - (2) supplemental material aligned to new or expanded TEKS for a specific subject and grade level or course(s) or to new or expanded TPG and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise ~~[free enterprise]~~ society with appreciation for the basic democratic values of our state and national heritage;
 - (3) new information demonstrating alignment of current instructional materials to the revised TEKS for a specific subject and grade level or course(s) or the revised TPG and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise ~~[free enterprise]~~ society with appreciation for the basic democratic values of our state and national heritage; or
 - (4) any combination of the calls described by paragraphs (1)-(3) of this subsection.
- (d) The essential knowledge and skills adopted in this title effective in the year in which instructional materials are intended to be made available in classrooms are the SBOE's official rule governing essential knowledge and skills that shall be used to evaluate instructional materials submitted for consideration under the corresponding proclamation.
- (e) The essential knowledge and skills that will be used to evaluate instructional materials submitted for consideration under a proclamation and a copy of each proclamation issued by the SBOE may be accessed from the Texas Education Agency website and are available for examination during regular office hours, 8:00 a.m. to 5:00 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.
- (f) Proclamations calling for supplemental materials or new information only shall be issued at least 12 months before the scheduled adoption of instructional materials. Proclamations that include a call for complete new

materials to cover all of the TEKS or TPG shall be issued at least 18 months before the scheduled adoption of the new instructional materials.

- (g) Each proclamation shall contain the following:
- (1) information about and reference to essential knowledge and skills in each subject for which bids are being invited;
 - (2) the requirement that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic pre-adoption sample of the instructional materials as required by the TEC, §31.027(a) and (b), and may not submit a print sample copy;
 - (3) the requirement that electronic samples include a word search feature;
 - (4) the requirement that publishers file with the Texas Education Agency (TEA) print samples, electronic samples in an open file format or closed format, or galley proofs for use by state review panels;
 - (5) the student enrollment of the courses or grade levels called for, to the extent that it is available, for the school year prior to the year in which the proclamation is issued;
 - (6) specifications for providing computerized files to produce braille versions of adopted instructional materials;
 - (7) specifications for ensuring that electronic instructional materials are fully accessible to students with disabilities;
 - (8) a schedule of adoption procedures; and
 - (9) an option for the submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (h) The proclamation shall require the instructional materials submissions to cover:
- (1) content essential knowledge and skills for the subject area and grade level or course for which the materials are intended:
 - (A) at least once in the student text narrative; and
 - (B) once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; and
 - (2) process essential knowledge and skills:
 - (A) at least once in the student text narrative and once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; or
 - (B) twice in an end-of-section review exercise, an end-of-chapter activity, or a unit test.
- (i) A 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.
- (j) ~~(g)~~ A draft copy of the proclamation shall be provided to each member of the SBOE and posted on the TEA website, and the TEA shall solicit input regarding the draft proclamation prior to its scheduled adoption by the SBOE. Any revisions recommended as a result of input from publishers shall be presented to the SBOE along with the subsequent draft of the proclamation.
- (k) ~~(h)~~ If the SBOE determines that good cause as defined by the SBOE exists, the SBOE may adopt an emergency, supplementary, or revised proclamation without complying with the timelines and other requirements of this section.
- (l) ~~(i)~~ The SBOE may issue a proclamation for instructional materials eligible for midcycle review. The midcycle adoption process shall follow the same procedures as the regular adoption except to the extent specified in this subsection.

- (1) The midcycle proclamation shall include a fee not to exceed \$10,000 for each program or system of instructional materials intended for a certain subject area and grade level or course submitted for midcycle review. Publishers participating in the midcycle review process are responsible for all expenses incurred by their participation.
- (2) A publisher ~~that~~ ~~who~~ intends to offer instructional materials for midcycle review shall commit to provide the instructional materials to school districts in the manner specified by the publisher. The manner in which instructional materials are provided may include:
 - (A) providing the instructional materials to any district in a regional education service center area identified by the publisher; or
 - (B) providing a certain maximum number of instructional materials specified by the publisher.
- (3) The publisher of instructional materials submitted for midcycle review shall enter into a contract with the SBOE for a term that ends at the same time as any contract entered into by the SBOE for instructional materials for the same subject and grade level.
- (4) The publisher of instructional materials submitted for midcycle review is not required to provide samples to education service centers or school districts as specified in the TEC, §31.027.
- (5) The publisher of instructional materials submitted for midcycle review shall make available one electronic examination copy of each submitted instructional materials product, including materials intended for teacher use and ancillaries, to each SBOE member upon that member's request, beginning on the date in the adoption schedule when publishers file their samples at the TEA. The state does not guarantee return of these SBOE-requested materials.

§66.28. Requirements for Publisher Participation.

- (a) A publisher ~~with adopted materials~~ ~~who intends to offer instructional materials for review~~ shall comply with product standards and specifications.
 - (1) Hard copy instructional materials adopted by the State Board of Education (SBOE) shall comply with the standards in the latest edition of Manufacturing Standards and Specifications for Textbooks approved by the National Advisory Commission on Textbook Specifications, as applicable. A publisher shall file a statement certifying instructional materials submitted for consideration will meet applicable product standards and specifications if adopted. Each statement must be made in a format designated by the commissioner of education, signed by a company official, and filed on or before the deadline specified in the schedule of adoption procedures in each proclamation. If the commissioner ~~of education~~ determines that good cause exists, the commissioner may approve an exception for a specific portion or portions of this requirement.
 - (2) A publisher ~~that~~ ~~who~~ offers electronic instructional materials must provide a report for each electronic component that verifies that the components follow the Web Content Accessibility Guidelines (WCAG) identified in the proclamation ~~2.0 AA standards~~ and technical standards required by the Federal Rehabilitation Act, Section 508. The report must be prepared by an independent third party and be based on an audit testing ~~the accessibility of~~ a random sampling of each different type of electronic component ~~pages~~ as outlined in each proclamation. If applicable, the ~~The~~ number of pages to be audited to meet the requirements in the proclamation shall be determined by the publisher.
 - (3) A publisher ~~that~~ ~~who~~ provides access to materials to students with disabilities through an alternate format shall include a link to that material on the entrance page of the main product.
 - (4) Materials delivered online shall meet minimum web-based standards.
 - ~~(5) A publisher shall file a statement certifying instructional materials submitted for consideration will meet applicable product standards and specifications if adopted. Each statement must be made in a format designated by the commissioner of education, signed by a company official, and filed on or before the deadline specified in the schedule of adoption procedures in each proclamation.~~

- (5) ~~(6)~~ If, during the contract period, the commissioner ~~[of education]~~ determines that any adopted instructional materials have faulty manufacturing characteristics or are made of inferior materials, the materials shall be replaced by the publisher without cost to the state.
- ~~(6)~~ If, during the contract period, the commissioner determines that any publisher's adopted instructional materials do not comply with the WCAG standards identified in the proclamation or the technical standards required by the Federal Rehabilitation Act, Section 508, the publisher's instructional materials contract may be presented to the SBOE for termination.
- (7) A publisher of adopted instructional materials shall make available samples that meet the requirements of this subsection to an SBOE member upon that member's request, beginning on the date the publishers are required to submit their final samples to the Texas Education Agency (TEA).
- ~~(b)~~ Publishers participating in the adoption process are responsible for all expenses incurred by their participation.
- ~~(c)~~ ~~(b)~~ A publisher that [who] intends to offer instructional materials for adoption shall submit a statement of intent to bid on or before the date specified in the schedule of adoption procedures.
- (1) The statement of intent to bid shall be submitted in a format designated by the commissioner ~~[of education]~~ .
- (2) A publisher shall indicate in the statement of intent to bid the percentage of Texas essential knowledge and skills or Texas Prekindergarten Guidelines that the publisher believes are sufficiently covered in each instructional materials submission.
- (3) A publisher shall specify hardware and system requirements needed to review any item included in an instructional materials submission.
- (4) Additions to a publisher's statement of intent to bid shall not be accepted after the deadline for filing statements of intent to bid, except as allowed in the schedule of adoption procedures included in a proclamation.
- (5) A publisher that [who] intends to offer instructional materials for midcycle review shall submit a statement of intent to bid and price information on or before the date specified in the schedule of adoption procedures under midcycle review. The statement of intent to bid must:
- (A) specify the manner in which instructional materials will be provided to school districts as specified in §66.27(k)(2) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials); and
- (B) include payment of the fee for review of instructional materials submitted for midcycle review.
- ~~(d)~~ ~~(c)~~ A publisher that [who] intends to offer instructional materials for review shall comply with the following requirements for providing pre-adoption samples.
- (1) Complete electronic samples of student and teacher components of instructional materials shall be provided to the TEA and the 20 regional education service centers (ESCs) on or before the date specified in the schedule of adoption procedures in a proclamation. Samples submitted for review shall be complete versions of the final product and must include all content intended to be in the final product, not just the content identified in the correlations. Samples of electronic products must be fully functional for review purposes and meet any other specifications identified in the proclamation. The original sample submission must remain unchanged through the entire review and adoption process, though updated samples can be added to the publisher's submission. These samples are copyrighted by the publisher and are not to be downloaded for use in classrooms or for any purpose other than public review.

- (2) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. [Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.]
- (3) Electronic samples must be free of sales or marketing materials.
- (4) ~~(2)~~ [The TEA may request additional samples if they are needed.] These samples shall be made available electronically for public review. Publishers of instructional content accessed electronically [through the internet] shall provide all necessary [appropriate] information, such as locator and login information and passwords, required to ensure public access to their programs throughout the review period.
- (5) ~~(3)~~ If the commissioner [of education] determines that good cause exists, the commissioner may extend the deadline for filing samples with ESCs. At its discretion, the SBOE may remove from consideration any materials proposed for adoption that were not properly supplied to the ESCs, the TEA, or SBOE members.
- (6) ~~(4)~~ A publisher shall provide a complete description of all student and teacher components of an instructional materials submission [along with the required electronic sample] .
- (7) ~~(5)~~ On request of a school district, a publisher shall provide an electronic sample of submitted instructional materials and may also provide print sample copies. [A publisher of prekindergarten materials is not required to submit electronic samples of adopted prekindergarten instructional materials.] Samples of [adopted] prekindergarten materials must match the format of the products to be provided to schools upon ordering.
- ~~(6)~~ A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.]
- (8) ~~(7)~~ One sample copy of each student and teacher component of an instructional materials submission shall be provided for each member of the appropriate state review panel in accordance with instructions provided by the TEA. Samples for review must be as free from factual and editorial error as possible and reflect the quality of the final product intended to go into classrooms. Publishers have the option to provide reviewers with [file with the TEA] print samples, electronic samples in an open file format or closed format, or galley proofs. An electronic sample of print instructional materials must be offered in a format that simulates the print or "view only" version and that does not contain links to external sources. To ensure that the evaluations of state review panel members are limited to student and teacher components submitted for adoption, publishers shall not provide ancillary materials or descriptions of ancillary materials to state review panel members. The state does not guarantee return of sample instructional materials.
- ~~(8)~~ On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for review with essential knowledge and skills required by the proclamation. Correlations shall be provided for materials designed for student use and materials designed for teacher use and must identify evidence of each student expectation addressed in the ways specified in §66.27(h) of this title. Correlations shall be submitted in a format designated by the commissioner of education.]
- (9) The TEA, ESCs, and participating publishing companies shall work together to ensure that hardware or special equipment necessary for review of any item included in a student and/or teacher component of an instructional materials submission is available in each ESC. Participating publishers may be required to lend such hardware or special equipment to any member of a state review panel who does not have access to the necessary hardware or special equipment.
- (10) Electronic samples must allow for multiple, simultaneous user access and be equipped with a word-search feature.
- ~~(10)~~ A publisher shall provide a list of all corrections required to be made to each student and teacher component of an instructional materials submission to bring them into compliance with applicable

~~laws, rules, or the proclamation. The list must be in a format designated by the commissioner of education and filed on or before the deadline specified in the schedule of adoption procedures. If no corrections are necessary, the publisher shall file a statement to that effect in a format designated by the commissioner of education on or before the deadline in the schedule for submitting the list of corrections. On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.]~~

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

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

~~(e) The TEA may request additional samples if they are needed.~~

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

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

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

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

~~(3) [(4)] A publisher may submit supplemental bids with new package options or lower prices for existing packages or components according to the schedule of adoption procedures included in the proclamation if the publisher filed an initial bid for that course or grade level by the deadline in the schedule of adoption procedures. Supplemental bids may not be submitted for prices higher than were provided in the initial bids.~~

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

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

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

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

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

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

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

- (2) Student materials offered for possible adoption may include consumable components in subjects and grade levels in which consumable materials are not specifically called for in the proclamation. In such cases, publishers must meet the following conditions.
- (A) The per student price of the materials must include the cost of replacement copies of consumable student components for the full term of the adoption and contract, including any extensions of the contract terms, but for no more than 12 years. The offer must be set forth in the publisher's official bid.
 - (B) The publisher's official bid shall contain a clear explanation of the terms of the sale, including the publisher's agreement to supply consumable student materials for the duration of the contract and extensions as noted in subparagraph (A) of this paragraph.
 - (C) The publisher and the school district shall determine the manner in which consumable student materials are supplied beyond the initial order year.
- (i) ~~(f)~~ A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of the TEA.
- (j) ~~(g)~~ A publisher or author may not solicit input, directly or indirectly, on new or revised content from a member of the state review panel for a product the panelist reviewed while the product is being considered or even after the product has been adopted or rejected.
- (k) On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for review with essential knowledge and skills required by the proclamation. Correlations shall be provided for materials designed for student use and materials designed for teacher use and must identify evidence of each student expectation addressed in the ways specified in §66.27(h) of this title. Correlations shall be submitted in a format designated by the commissioner.
- (l) A publisher shall provide a list of all corrections required to be made to each student and teacher component of an instructional materials submission to bring them into compliance with applicable laws, rules, or the proclamation. The list must be in a format designated by the commissioner and filed on or before the deadline specified in the schedule of adoption procedures. If no corrections are necessary, the publisher shall file a statement to that effect in a format designated by the commissioner on or before the deadline in the schedule for submitting the list of corrections.
- (m) On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.
- (n) One complete electronic sample copy in an open file format or closed format of each student and teacher component of adopted instructional materials that incorporate all corrections required by the SBOE shall be filed with the commissioner on or before the date specified in the schedule of adoption procedures. The complete sample copies filed with the TEA must be representative of the final program.
- (o) ~~(h)~~ A publisher who intends to offer instructional materials for adoption shall comply with additional requirements included in a proclamation related to submission of instructional materials for adoption.

§66.30. State Review Panels: Eligibility and Appointment.

- (a) The commissioner of education shall determine the number of review panels needed to review instructional materials under consideration for adoption, the number of persons to serve on each panel, and, subject to this section, the process for selecting panel members.
- (b) As determined by this section, panel members shall serve with the advice and consent of the member from whose district the panel member resides.
- (c) The commissioner ~~of education~~ shall solicit nominations for possible appointees to state review panels from the State Board of Education (SBOE), school districts, open-enrollment charter schools, and educational organizations in the state. Nominations may be accepted from any Texas resident. Nominations

shall not be made by or accepted from any publishers; hardware or software providers; authors; depositories; agents for publishers, hardware or software providers, authors, or depositories; or any person who holds any official position with a publisher, hardware or software provider, author, depository, or agent.

- (d) A person nominated to serve on a state review panel shall disclose in any nomination or application, in a manner designated by the commissioner [~~of education~~], his or her residence and whether currently or at any time in the 36 months preceding the appointment the person:
- (1) was employed by or received funds from any individual or entity affiliated with a publishing company involved in or connected to the adoption of instructional materials;
 - (2) owned or controlled any interest valued at more than \$5,000 in a privately owned publishing company or an entity receiving funds from a publishing company involved in or connected to the adoption of instructional materials or had direct ownership of stock of a publicly traded company involved in or connected to the adoption of instructional materials; or
 - (3) was employed by an institution of higher education that has submitted open education resource instructional materials or is a publisher of instructional materials.
- (e) The commissioner [~~of education~~] shall propose appointments to state review panels that, to the extent possible, as determined by the commissioner, include the following:
- (1) individuals nominated by SBOE members;
 - (2) individuals representing a diverse mixture of gender, race, and SBOE districts;
 - (3) a majority of members with content expertise and experience;
 - (4) academic experts in each subject area for which instructional materials are being considered, giving priority to content-relevant educators and professors; and
 - (5) educators, parents, business and industry representatives, and employers.
- (f) For purposes of this section, an "academic expert" is a person who:
- (1) is a public-school [~~public school~~] teacher with at least ten years of classroom teaching experience; or
 - (2) has at least a master's degree in the subject area; or
 - (3) is a professor at an accredited four-year institution of higher education in Texas.
- (g) The commissioner [~~of education~~] shall notify the SBOE of the proposed appointments. The commissioner shall assign each appointee to the SBOE district in which he or she resides.
- (h) An SBOE member may reject the proposed appointment of a panel member representing that member's SBOE district by notifying the commissioner via electronic mail within five business [~~seven~~] days of receiving the proposed appointment list. Failure to reject a proposed appointment within five business [~~seven~~] days constitutes consent for the appointment.
- (i) After close of the five-business-day [~~seven-day~~] period under subsection (h) of this section, the commissioner may propose additional members if necessary. The commissioner shall provide to the SBOE member who represents the district of residence for each additional proposed panel member the opportunity for review of additional members in accordance with the time period and rejection rules under subsection (h) of this section. The SBOE shall be notified of finalized appointments made by the commissioner [~~of education~~] to state review panels. The final list of appointees, their roles, and who nominated them shall be given to each member of the SBOE no later than the first public meeting following the finalization of the panels.
- (j) The commissioner [~~of education~~] shall inform nominees who are not appointed to a state review panel that all members of the public may review instructional materials and give input during the public comment period.

- (k) The role of each appointee shall be designated by the commissioner [of education] and disclosed to all appointees on each panel.
- (l) Members of a state review panel may be removed at the discretion of the commissioner [of education] at any time prior to the completion of the review.

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

- (a) State review panel members shall participate in training that includes at least the following:
 - (1) the responsibilities of a state review panel member;
 - (2) statutes and rules pertaining to the state adoption process;
 - (3) essential knowledge and skills specified for subjects and grades or courses included in the proclamation;
 - (4) clear and consistent guidelines for determining Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) coverage within the instructional materials;
 - (5) identifying factual errors;
 - (6) the schedule of adoption procedures;
 - (7) instruction in the use of technology appropriate to media submitted for adoption; and
 - (8) regulatory requirements, including the Government Code, §572.051 (relating to Standards of Conduct), and the Texas Penal Code, §36.02 (relating to Bribery). Copies of the statutes mentioned in this section shall be supplied to each state review panel member.
- (b) The duties of the members of a state review panel are to:
 - (1) evaluate all instructional materials submitted for review assigned to the panel to determine if essential knowledge and skills are covered in the instructional materials intended for student use and the instructional materials intended for teacher use. All portions of instructional materials must be reviewed by at least two panel members for the purpose of this review. Nothing in this rule shall be construed to contravene the Texas Education Code (TEC), §28.004(e)(5), which makes coverage of contraception and condom use optional in both the student and teacher editions of health instructional materials. Coverage must be identified as described in §66.27(h) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials) to be considered complete. The requirements to be met in evaluating coverage of essential knowledge and skills shall include the following.
 - (A) State review panel members must participate in a team during the review and reach a consensus, or a simple majority if the panel members are unable to reach consensus, to determine whether the TEKS or TPG have been covered sufficiently in the instructional materials.
 - (B) A publisher's citation for coverage of any specific student expectation may be accepted only if it provides one of the following:
 - (i) an opportunity for the teacher to teach the component of the knowledge or skill in the teacher material;
 - (ii) an opportunity for the student to learn the component of the knowledge or skill in the student material or the teacher material; or
 - (iii) an opportunity for the student to demonstrate the component of the knowledge or practice the component of the skill in the student material or the teacher material.
 - (C) Student expectations are not considered covered if only included in side bars, captions, or questions at the end of a section or chapter.

- (D) Each student expectation must be clearly evident in the instructional materials to ensure sufficient coverage.
 - (E) Student expectations that contain the word "including" reference content that must be covered in instructional materials, while those containing the phrase "such as" are intended as possible illustrative examples and are not required to be covered in instructional materials;
- (2) submit a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role, to the commissioner of education indicating which TEKS or TPG are and are not covered in each product assigned to be evaluated by the state review panel;
 - (3) if applicable, submit a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role, to the commissioner ~~[of education]~~ indicating which English language proficiency standards required for any specific product as established by the proclamation are and are not covered in each product assigned to be evaluated by the state review panel;
 - (4) submit to the commissioner ~~[of education]~~ a list of all factual errors in instructional materials discovered during the review conducted by the state review panel through the submission of a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role;
 - (5) as appropriate for a subject area and/or grade level, ascertain that instructional materials submitted for review do not contain content that clearly conflicts with the stated purpose of the TEC, §28.002(h); and
 - (6) at the conclusion of the review process, certify to the State Board of Education (SBOE) ~~[SBOE]~~ compliance with subsection (a) of this section and with this subsection.
- (c) State review panel members shall not accept meals, entertainment, gifts, or gratuities in any form from SBOE members; publishers, authors, or depositories; agents for publishers, authors, or depositories; any person who holds any official position with publishers, authors, depositories, or agents; or any person or organization interested in influencing the selection of instructional materials.
 - (d) Before presenting a final report to the commissioner ~~[of education]~~, state review panel members shall be given an opportunity to request a meeting with a publisher to obtain responses to questions regarding instructional materials being evaluated by the state review panel. Questions shall be provided to publishers in advance of the meeting.
 - (e) State review panel members shall be afforded the opportunity to collaborate with other panel members during the official virtual and face-to-face reviews to discuss coverage of TEKS or TPG, errors, components, or any other aspect of instructional materials being evaluated. A member of a state review panel shall not discuss with other members of the panel the instructional materials being reviewed, except during official virtual and face-to-face reviews.
 - (f) State review panel members shall not discuss instructional materials being evaluated with a member of the ~~SBOE~~ [State Board of Education (SBOE)] or with any party having a financial interest in the adoption of instructional materials prior to the conclusion of the review. The review is considered to have concluded on the date that the list of instructional materials recommended for adoption is posted on the Texas Education Agency (TEA) website.
 - (g) SBOE members may attend review panel meetings but may not discuss materials under review with state review panel members.
 - (h) State review panel members shall observe a no-contact period that shall begin with the initial communication regarding possible appointment to a state review panel and end when the final report showing the findings of the review panels is posted on the TEA website. During this period, state review panel members shall not have direct or indirect communication with any person having an interest in the adoption process regarding content of instructional materials under evaluation by the panel.

- (i) The restrictions in subsections (e)-(h) of this section are not intended to prohibit members of the state review panels from seeking advice from educators, experts, or parents regarding the meaning or intent of the student expectations that the materials must cover.
- (j) The restrictions in subsections (e)-(h) of this section are not intended to prohibit members of the state review panels from providing public testimony to the SBOE either at a public hearing or in any regularly scheduled meeting in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).
- (k) State review panel members shall report immediately to the commissioner ~~[of education]~~ any communication or attempted communication by any person not officially involved in the review process regarding instructional materials being evaluated by the panel.
- (l) State review panel members participating in the face-to-face review shall affix their signatures to all reports to the commissioner ~~[of education]~~ . State review panel members participating in the virtual review shall submit their reports electronically through email accounts owned by the review panel members, which will serve as their electronic signatures.
- (m) Members of each state review panel may be required to be present at the SBOE meeting at which instructional materials are adopted.

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

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

§66.41. Adding Content During the Panel Review.

- (a) A publisher may add or edit content to instructional materials during the ~~panel review~~ ~~[review and adoption process]~~ only to allow the materials to:
 - (1) meet the Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) coverage percentage the publisher had specified on the correlation document submitted for that instructional product;
 - (2) meet 100% of the English language proficiency standards (ELPS) designated for the subject and grade for which the instructional product is intended; and
 - (3) address any factual errors.

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

§66.42. Public Comment on Instructional Materials.

- (a) The instructional materials public comment period begins when the electronic samples of materials under consideration for adoption are posted on the Texas Education Agency (TEA) website and ends 14 days prior to the meeting at which the State Board of Education (SBOE) will vote to adopt instructional materials.
- (b) ~~(a)~~ Any resident of Texas may submit written comments for, against, or about any instructional materials submitted for adoption.
 - (1) Written comments shall be submitted to the commissioner of education in a format designated by the commissioner on or before the deadlines specified in the schedule of adoption procedures.
 - (2) Alleged factual errors shall be submitted to the commissioner ~~[of education]~~ in a format designated by the commissioner on or before the deadlines specified in the schedule of adoption procedures.
 - (3) Copies of written comments and lists of reported alleged factual errors shall be posted on the TEA [Texas Education Agency (TEA)] website and provided to the SBOE [State Board of Education (SBOE)] and participating publishers.
- (c) ~~(b)~~ The SBOE shall hold a hearing on instructional materials submitted for review during a regularly scheduled meeting prior to the meeting at which the SBOE will vote to adopt instructional materials.
 - (1) Testimony at the hearing shall be accepted from Texas residents and non-residents with priority given to Texas residents. Copies of written testimony provided at the hearing shall be distributed to SBOE members and to publishers with materials under consideration. Persons who wish to testify must register in accordance with registration procedures in the SBOE Operating Rules, §2.10 (relating to Oral Public Testimony in Connection with Regular Board and Committee Meetings). The SBOE may limit the time available for each person to testify in an effort to hear from everyone who has registered to testify. Persons will also be allowed to register to testify at the hearing, but priority will be given to those persons who registered prior to the deadline, in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).
 - (2) Oral responses to testimony at the hearing may be made by official representatives of publishing companies.

- (3) An archived recording of the hearing shall be provided on the TEA website.
 - (4) All written publisher responses to comments or public testimony provided at the hearing shall be posted to the TEA website within five working days of their receipt.
- (d) ~~(e)~~ Public comment on instructional materials not adopted by the SBOE on the date specified in the schedule of adoption procedures shall be accepted according to the SBOE Operating Rules, §2.10.

§66.43. Adding Content During the Public Comment Period.

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

§66.63. Report of the Commissioner of Education.

- (a) State review panels appointed by the commissioner of education shall review all instructional materials submitted for consideration for adoption. The commissioner shall prepare a preliminary report on instructional materials under consideration for adoption that includes the following:
 - (1) the findings of the review panels regarding Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) and English language proficiency standards (ELPS) coverage; and
 - (2) alleged factual errors identified by state review panels.
- (b) The preliminary report will be provided to publishers participating in the review process. According to the schedule of adoption procedures, a publisher with a [whose] product that meets one of the criteria in subsection (d) of this section shall be given an opportunity for a show-cause hearing if the publisher elects to protest the commissioner's preliminary report.
- (c) The show-cause hearing is a formal opportunity for a publisher to present evidence that the preliminary report does not accurately reflect the extent to which the content provided to the state review panels addresses the required TEKS or TPG and/or designated ELPS. The show-cause hearing is not a forum to address complaints alleging procedural irregularities or violations of statutes or rules.
- (d) To be eligible for a show-cause hearing, a product must meet the requirements of §66.41(b) of this title (relating to Adding Content During the Panel Review) regarding eligibility to provide new content and, upon completion of the final review, be identified as meeting:
 - (1) at least 95% of the TEKS or TPG coverage percentage indicated by the publisher on the correlation document for that product; or

- (2) less than 50% of the TEKS or TPG for the subject and grade for which the product is intended and/or less than 100% of the ELPS designated for the subject and grade for which the product is intended.
- (e) Upon the conclusion of the period of time designated for show-cause hearings, the commissioner [~~of education~~] shall submit to the State Board of Education (SBOE) a final report regarding TEKS or TPG and ELPS coverage, alleged factual errors identified by either the publisher or the review panel, and information regarding whether a publisher on the list has refused to rebid instructional materials according to §66.72 of this title (relating to Contracts).

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

- (a) The State Board of Education (SBOE) shall either adopt or reject each submitted instructional material in accordance with the Texas Education Code (TEC), §31.024.
- (b) The SBOE shall adopt instructional materials in accordance with the TEC, §31.023. Instructional materials may be adopted only if:
 - (1) they meet at least 50% of the Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) when the SBOE calls for materials as specified in §66.27(c)(1) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials) or meet requirements of the proclamation when the SBOE calls for materials as specified in §66.27(c)(2) or (3) of this title for the subject and grade level or course(s) in materials designed for student use and materials designed for teacher use. In determining the percentage of the TEKS or TPG covered by instructional materials, each student expectation shall count as an independent element of the TEKS or TPG ;
 - (2) the publisher has agreed to ensure that they meet the established physical specifications adopted by the SBOE prior to making materials available for use in districts;
 - (3) the publisher has agreed to ensure that they follow the Web Content Accessibility Guidelines (WCAG) and technical specifications of the Federal Rehabilitation Act, Section 508, as specified in the proclamation;
 - (4) [~~(3)~~] they are free from factual errors, including significant grammatical or punctuation errors that have been determined to impede student learning or that make the product of a quality not acceptable in Texas public schools , or the publisher has agreed to correct any identified factual errors or grammatical or punctuation errors that have been determined to impede student learning, prior to making them available for use in districts and charter schools;
 - (5) [~~(4)~~] they are deemed to be suitable for the subject area and grade level;
 - (6) [~~(5)~~] they have been reviewed by academic experts in the subject and grade level; and
 - (7) [~~(6)~~] they receive approval by majority vote of the SBOE.
- (c) No instructional material may be adopted that contains content that clearly conflicts with the stated purpose of the TEC, §28.002(h).
- (d) Instructional materials submitted for review may be rejected by majority vote of the SBOE in accordance with the TEC, §31.024.
- (e) 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~~] .
- (f) [~~(e)~~] A publisher may withdraw from the adoption process at any time prior to execution of a contract with the SBOE for any reason by providing notification in writing to the commissioner of education. Notification of withdrawal is final and irrevocable.
- (g) [~~(f)~~] The commissioner may remove materials from the adopted list if the publisher fails to meet deadlines established in the schedule of adoption procedures.

§66.67. Adoption of Open Education Resource Instructional Materials.

- (a) "Open education resource instructional material" means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.
- (b) The State Board of Education (SBOE) shall place open education resource instructional materials submitted for a secondary-level course on the adopted list if the instructional materials meet the criteria outlined in subsections (c) and (d) of this section.
- (c) Open education resource instructional materials referenced in this section must be:
 - (1) submitted by an eligible institution, defined as a public institution of higher education that is designated as a research university or emerging research university under the Texas Higher Education Coordinating Board's accountability system, or a private university located in Texas that is a member of the Association of American Universities, or a public technical institute, as defined by the TEC, §61.003;
 - (2) intended for a secondary-level course; and
 - (3) written, compiled, or edited primarily by faculty of an eligible institution that specializes ~~[who specialize]~~ in the subject area of the instructional materials.
- (d) To submit open education resource instructional materials, an eligible institution must:
 - (1) certify by the board of regents, or corresponding governing body, or president of the university, or by an individual authorized by one of these entities, that the instructional materials qualify for placement on the adopted list based on the extent to which the instructional materials cover the essential knowledge and skills identified under the TEC, §28.002;
 - (2) identify each contributing author;
 - (3) provide certification by the appropriate academic department of the submitting institution that the instructional materials are accurate; and
 - (4) certify that:
 - (A) for instructional materials for a senior-level course, a student who successfully completes a course based on the instructional materials will be prepared, without remediation, for entry into the eligible institution's freshman-level course in that subject; or
 - (B) for instructional materials for a junior-level and senior-level course, a student who successfully completes the junior-level course based on the instructional materials will be prepared for entry into the senior-level course.
- (e) All information and certifications required by subsection (d) of this section shall be provided in a format designated by the commissioner of education.
- (f) A publisher that ~~[who]~~ offers open education resource instructional materials must provide a report for each electronic component that verifies that the component substantially follows Web Content Accessibility Guidelines (WCAG) ~~[2.0 AA]~~ [standards] and technical standards required by the Federal Rehabilitation Act, Section 508, as applicable. Specific standards that must be met will be specified in each proclamation.
- (g) Before placing open education resource instructional materials submitted under subsection (b) of this section on the adopted list, the SBOE shall direct the Texas Education Agency (TEA) to post the materials on the TEA website for 60 days to allow for public comment and the SBOE shall hold a public hearing on the instructional materials. Public comment shall be provided to members of the SBOE and posted on the TEA website within five working days of its receipt.
- (h) Not later than the 90th day after the date open education resource instructional materials are submitted as provided by the TEC, §31.0241, the SBOE may review the instructional materials. The SBOE:

- (1) may request an independent review that follows the same process used in §66.36 of this title (relating to State Review Panels: Training, Duties, and Conduct) to confirm the content meets the criteria for placement on the adopted list based on the extent to which the instructional materials cover the essential knowledge and skills. The SBOE shall notify the submitting institution of any discrepancy in alignment with essential knowledge and skills;
- (2) shall post with the list adopted under the TEC, §31.023, comments made by the SBOE regarding the open education resource instructional materials placed on the list; and
- (3) shall distribute SBOE comments to school districts.

§66.72. Contracts.

- (a) The state contract shall not be changed or modified without approval of the Texas Education Agency (TEA) legal counsel.
- (b) Contracts shall be sent to the publishers for signature. Signed contracts returned by the publishers shall be signed by the chair of the State Board of Education (SBOE) and attested to by the commissioner of education. Properly signed and attested contracts shall be filed with the TEA.
- (c) The publisher of instructional materials adopted by the SBOE shall:
 - (1) enter into a contract with the SBOE for a term not to exceed eight years and that ends at the same time as any contract entered into by the SBOE for other instructional materials for the same subject and grade level; and
 - (2) commit to provide the instructional materials in the manner specified by the publisher in the official [statement of intent to] bid specified in §66.28(f) [~~§66.28(b)~~] of this title (relating to Requirements for Publisher Participation).
- (d) A publisher of adopted materials may add post-contractual bids to its contract in response to identified needs of districts.
- (e) The commissioner [~~of education~~] shall annually review contracts for instructional materials and identify those that should be renewed.
- (f) The SBOE shall renew existing contracts upon determining that the renewal would be in the best interest of the state and after considering the following factors:
 - (1) placement of subject areas in the review and adoption cycle;
 - (2) availability and projected cost of new instructional materials;
 - (3) willingness of publishers to renew contracts; and
 - (4) cost of instructional materials under a renewal contract.
- (g) Publishers awarded new contracts shall be prepared to make the adopted instructional materials available for at least one extended contract period of not more than four years at prices that are mutually agreeable to publishers and to the commissioner [~~of education~~]. The SBOE may consider refusing to award future contracts to a publisher that [who], after receiving written notice to do so, refuses to rebid instructional materials at least one time. Failure of a publisher to negotiate an acceptable price for an extended contract shall not be considered failure to rebid instructional materials.
- (h) Contracts with publishers are subject to all provisions of the Texas Education Code (TEC), Chapter 31.
- (i) The SBOE may execute a contract for the printing of open education resource instructional materials on the adopted list that allows a school district or an open-enrollment charter school to requisition printed copies of open education resource instructional materials as provided by the TEC, §31.103.

§66.75. Updates to Adopted Instructional Materials.

- (a) A publisher may submit a request to the commissioner of education for approval to update content in ~~[substitute an updated edition of]~~ state-adopted instructional materials. A publisher requesting approval of a content update ~~[new edition]~~ shall provide a written ~~[the]~~ request ~~[in writing]~~ in a manner designated by the commissioner ~~[of education]~~ that includes an explanation of the reason for the update. ~~[The request must be accompanied by an electronic sample and a correlation document that meets all the requirements of the correlation document provided for the initial review.]~~ This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. The request must be accompanied by an electronic sample of the proposed updates. Proposed changes shall be posted on the Texas Education Agency (TEA) website for a minimum of seven calendar days prior to approval.
- ~~[(b) Requests for approval of the updated edition shall provide that there will be no additional cost to the state.]~~
- ~~[(c) Publishers submitting requests for approval of content updates must certify in writing that the new material meets the applicable essential knowledge and skills and is free from factual errors.]~~
- (b) A publisher that requests to update content in state-adopted instructional materials must comply with the following additional requirements:
- (1) provide that there will be no additional cost to the state;
 - (2) certify in writing that the new material meets the applicable essential knowledge and skills and is free from factual errors; and
 - (3) certify that the updates do not affect the product's coverage of Texas Education Code (TEC), §28.002(h), as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage.
- (c) ~~[(d)]~~ With prior commissioner approval, publishers may, at any time, make changes that do not affect the product's Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) coverage or its coverage of Texas Education Code, §28.002(h) ~~[, as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. Requests for approval of updates to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner of education to confirm the changes do not affect Texas essential knowledge and skills coverage or coverage of TEC, §28.002(h). Responses from the commissioner of education to update requests shall be provided within 30 days after receipt of the request. If no action has been taken by the end of the 30 days, the request is deemed approved. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the TEA website for a minimum of seven calendar days prior to approval]~~.
- (1) Requests for approval of updates to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner prior to their introduction into state-adopted instructional materials to confirm that the changes do not affect TEKS or TPG coverage or coverage of TEC, §28.002(h).
 - (2) Responses from the commissioner to update requests shall be provided within 30 days after receipt of the request. If no action has been taken by the end of the 30 days, the request is deemed approved.
- (d) ~~[(e)]~~ All requests for updates involving content used in determining the product's eligibility for adoption must be approved by the State Board of Education (SBOE) prior to their introduction into state-adopted instructional materials. Requests must be submitted in a format designated by the commissioner and must include correlations to applicable student expectations. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the TEA website for a minimum of seven calendar days prior to approval. The SBOE may assess penalties as allowed by law against publishers that ~~[who]~~ fail to obtain approval for updates to such content in state-adopted instructional materials prior to delivery of the materials to school districts.

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

§66.76. New Editions of Adopted Instructional Materials.

- (a) A publisher may submit a request to the commissioner of education for approval to substitute a new edition of state-adopted instructional materials. A publisher requesting approval of a new edition shall provide a written request in a manner designated by the commissioner that includes an explanation of the reason for the substitution. The request must be accompanied by an electronic sample and a correlation document that meets all the requirements of the correlation document provided for the initial review. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be made available for public review on the Texas Education Agency (TEA) website for a minimum of 60 calendar days prior to approval.
- (b) A publisher that requests to substitute a new edition of state-adopted instructional materials must comply with the following additional requirements:

- (1) provide that there will be no additional cost to the state.
 - (2) certify in writing that the new material meets the applicable Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) and is free from factual errors, and
 - (3) certify that the updates in the new edition do not affect the product's coverage of Texas Education Code (TEC), §28.002(h), as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage.
- (c) With prior commissioner approval, publishers may, at any time, substitute a new edition if the changes made to the new edition do not affect the product's TEKS coverage or its coverage of TEC, §28.002(h).
- (1) Substitution requests to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner to confirm the changes do not affect TEKS coverage or coverage of TEC, §28.002(h).
 - (2) Responses from the commissioner to update requests shall be provided within 60 [30] days after receipt of the request. If no action has been taken by the end of the 60 [30] days, the request is deemed approved.
 - (3) Proposed changes shall be posted on the TEA website for a minimum of 60 [seven calendar] days prior to approval.
- (d) All requests for updates involving content used in determining the product's eligibility for adoption must be approved by the State Board of Education (SBOE) prior to their introduction into state-adopted instructional materials. Requests must be submitted in a format designated by the commissioner and must include correlations to applicable student expectations. The SBOE may assess penalties as allowed by law against publishers that fail to obtain approval for updates to such content in state-adopted instructional materials prior to delivery of the materials to school districts.
- (e) Publishers must agree to supply the previous version of state-adopted instructional materials to school districts that choose to continue using the previous version during the duration of the original contract. This subsection does not apply to electronic instructional materials.

§66.81. Ancillary Materials.

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

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ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.27. Innovative Courses and Programs.

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

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ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 129. Student Attendance

Subchapter B. Student Attendance Accounting

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

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

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

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

Minutes

State Board of Education Committees

November 13-14, 2019

**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.

**Report of the State Board of Education
Committee of the Full Board
November 14, 2019**

The State Board of Education Committee of the Full Board met at 1:05 p.m. on Thursday, November 14, 2019, in the State Board of Education Room #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: 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

Absent: Marty Rowley

Public testimony is not taken on Work Session items.

DISCUSSION ITEM

1. Work Session Regarding Feedback on Texas Resource Review Quality Rubrics
(Board agenda page I-62)

Kristen Dobson, associate commissioner, instructional strategy, and Melissa Lautenschlager, director, instructional materials quality, provided an overview of the Texas Resource Review (TRR) rubric development process and timeline. They facilitated a conversation focused on obtaining feedback for TRR quality rubrics specific to instructional materials for prekindergarten, English language arts and reading K-2 foundational literacy, and mathematics K-8. Feedback from board members was recorded and will be considered prior to finalization of the rubrics.

Dr. Ellis adjourned the meeting at 3:20 p.m.

**Report of the State Board of Education
Committee on Instruction
November 14, 2019**

The State Board of Education Committee on Instruction met at 9:30 a.m. on Thursday, November 14, 2019, in Room #1-100 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Sue Melton-Malone, chair; Pam Little, vice chair; Aicha Davis; Marty Rowley

Absent: Georgina C. Pérez

Public Testimony

The Committee on Instruction received no presentations of public testimony.

ACTION ITEMS

1. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs (Second Reading and Final Adoption)

(Board agenda page II-1)
[Official agenda item #7]

Shelly Ramos, senior director, curriculum standards and student support, explained that the proposed amendment would update the rule on innovative courses. She further explained that no comments were received on this proposal and no changes were recommended since approved for first reading.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs; and*

Make an affirmative finding that immediate adoption of proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

(Ms. Davis was absent for the vote.)

2. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit (First Reading and Filing Authorization)**
(Board agenda page II-5)
[Official agenda item #8]

Monica Martinez, associate commissioner, standards and support services, explained the proposed amendment would allow districts to award credit proportionately for successful completion of half of a course regardless of the time duration of the course.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Rowley, and carried to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit.*

3. **Proposed Amendments to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013 (First Reading and Filing Authorization)**
(Board agenda page II-9)
[Official agenda item #9]

Ms. Ramos explained that the proposed amendment would revise the Texas Essential Knowledge and Skills (TEKS) for music to align with current International Baccalaureate (IB) course offerings. She further explained that these revisions would align IB music with the other IB fine arts courses.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, §117.312, Music, Level III (One Credit), Adopted 2013; §117.313, Music, Level IV (One Credit), Adopted 2013; and §117.314, Music Studies (One Credit), Adopted 2013.*

4. **Approval of Update of Instructional Materials for EDUSPARK, Inc.**
(Board agenda page II-13)
[Official agenda item #10]

Kelly Callaway, senior director, instructional materials, explained that this item was postponed action from the September meeting for the committee and board to approve updated content submitted by EDUSPARK, Inc. for Spanish language arts and reading.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education approve the request from EDUSPARK, Inc., to update Lengua, Ritmo y Cultura Kindergarten; Lengua Ritmo y Cultura 1; Lengua, Ritmo y Cultura 4; and Lengua, Ritmo y Cultura 5, adopted in November 2018 under Proclamation 2019.*

5. Texas Certificate of High School Equivalency
(Board agenda page II-15)
[Official agenda item #11]

Ms. Martinez explained that the committee and board had the opportunity to approve the final one-year extension of the test vendor contracts for the Texas Certificate of High School Equivalency. The original three-year contracts expired August 31, 2019, and allowed for two one-year extensions. The first contract extension expires on August 31, 2020. The final extension would expire on August 31, 2021. Ms. Martinez further stated that the committee could direct staff to begin developing the next request for proposals in anticipation of a Fiscal Year 2022 award.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education instruct staff to proceed with the Fiscal Year 2021 renewal of existing contracts with GED Testing Service and Educational Testing Service and to proceed with the competitive procurement process for a Fiscal Year 2022 award.*

DISCUSSION ITEM

6. Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations
(Board agenda page II-17)

Ms. Callaway explained the statutory requirement for the four-year rule review and provided a brief overview of Chapter 66, State Adoption and Distribution of Instructional Materials. Ms. Callaway also addressed proposed revisions to this chapter that were presented to the Committee of the Full Board as a separate item in the November SBOE agenda.

The meeting of the Committee on Instruction adjourned at 9:53 a.m.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
November 14, 2019**

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:15 a.m. on Thursday, November 14, 2019, in Room #1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Donna Bahorich; Patricia Hardy; Ken Mercer

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony

ACTION ITEM

1. **Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes**
(Second Reading and Final Adoption)
(Board agenda page III-2)
[Official agenda item #12]

David Marx, director of financial compliance, explained that the proposed amendment would update the rule to allow school districts and charter schools flexibility when selecting an official attendance taking time during a campus's instructional day. No changes were recommended since approved for the first reading and no public comments were received.

MOTION AND VOTE: *It was moved by Mr. Allen, seconded by Mrs. Bahorich, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

CONSENT ITEM

2. Approval of Costs to Administer the 2019–2020 State-Developed Assessments to Private School Students

(Board agenda page III-7)

[Consent agenda item #(1)]

Julie Guthrie, director of policy and publications, student assessment, explained that this item would allow the committee and board to determine costs for private schools that use state-developed assessments to evaluate their students. She explained that the cost per assessment was determined by dividing the overall cost by the number of students who participated.

MOTION AND VOTE: *It was moved by Mr. Allen, seconded by Mrs. Bahorich, and carried unanimously to recommend that the State Board of Education approve the per-student costs for administering the state assessments to private school students in 2019–2020 as outlined in Attachment A.*

DISCUSSION ITEM

3. Review of Permanent School Fund Securities Transactions and the Investment Portfolio (Board agenda page III-12)

Catherine Civileto, deputy executive administrator, provided a summary on the status of the Permanent School Fund (PSF) portfolio. Reports presented to the committee were for the reporting period August and September 2019 unless otherwise noted. Ms. Civileto's report included the current fair market value of the Fund; the asset allocation mix as of September 30, 2019; PSF transactions occurring in the reporting period; revenues and expenditures for the fiscal period beginning September 1 through August 31, 2019; revenues and expenditures for September 2019, the first month of fiscal year 2020; the activity in the securities lending program for the fiscal period beginning September 1 through August 31, 2019; the activity in the securities lending program for September 2019, the first month of fiscal year 2020; the status of transfers from the General Land Office as of September 30, 2019, as per approved resolutions; current status of the Bond Guarantee Program and the available capacity in the program; broker commissions on both the internal and external equity portfolios for the period beginning January 1, 2019, through September 30, 2019; fixed income rating changes for the fiscal period September 1, 2018, through August 31, 2019; fixed income ratings for September 2019, the first month of fiscal year 2020; and short-term cash investments.

CONSENT ITEMS

4. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of August and September 2019

(Board agenda page III-13)

[Consent agenda item #(2)]

MOTION AND VOTE: *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee recommended by unanimous consent that the State Board of Education ratify the purchases and sales*

for the months of August and September 2019 in the amounts of \$1,419,631,578 and \$1,401,730,654, respectively (Attachment B).

5. **Adoption of 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 (Adoption of Review)**
(Board agenda page III-14)
[Consent agenda item #(3)]

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education adopt the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules.*

ACTION ITEM

6. **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 (First Reading and Filing Authorization)**
(Board agenda page III-63)
[Official agenda item #13]

Carlos Veintemillas, deputy chief investment officer, stated the proposed amendments would reorganize references to the Permanent School Fund distribution policy, include references to new authority and duties assigned to the State Board of Education by the 86th Texas Legislature, 2019, and address permissible fixed income investments.

MOTION: *It was moved by Mr. Allen, seconded by Mrs. Bahorich, and carried unanimously to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and*

Approve for first reading and filing authorization 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.

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education add the following sentence at the end of new subsection 33.20(i):*

The chairs of the SBOE and the SBOE Committee on School Finance/Permanent School Fund shall be responsible for coordinating the joint annual meeting between the School Land Board and the SBOE.

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education remove the amendments to proposed §33.25(b)(12) and delete proposed §33.25(b)(13) related to prohibited transactions in purchasing publicly traded fixed income securities.*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and*

Approve for first reading and filing authorization 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, as amended.

CONSENT ITEMS

7. Authorization to Issue a Request for Qualifications for Bond Guarantee Program Counsel for the Permanent School Fund

(Board agenda page III-80)

[Consent agenda item #(4)]

Ms. Civiletto presented the key points relevant to the issuance of the Request for Qualifications for Outside Tax Counsel for the Bond Guarantee Program of the Permanent School Fund.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve the issuance of the Request for Qualifications for the State Board of Education and the Texas Permanent School Fund: Tax Counsel.*

(Mr. Allen was absent for the vote.)

8. Review of the Permanent School Fund Liquid Account

(Board agenda page III-81)

[Consent agenda item #(5)]

Mr. Veintemillas provided an update on the Phase 1 implementation plan and the account characteristics. He stated that on September 3, 2019, \$3.9 billion dollars were transferred into the Permanent School Fund Liquid Account.

No action was taken on this item.

ACTION ITEM

9. Review and Determine the List of Nominees for Appointment to the School Land Board

(Board agenda page III-82)

[Official agenda item #14]

Mark Shewmaker, fixed income portfolio manager, provided information on the applicants and the State Board of Education procedures related to the nomination process.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education submit the following lists of six nominees to the governor's office for two positions for appointment to the School Land Board:*

List 1

Rebecca Berger (Lavaca)

John Caley (Fort Bend)

Doug Launius (Travis)

Michael Neill (Henderson)

Lee Partridge (Harris)

Robert Scott (Aransas)

List 2

Brad Curlee (Williamson)

Manasseh Durkin (Dallas)

Darrick Eugene (Travis)

Juana Teixeira (El Paso)

James Watt (Dallas)

Todd Williams (Dallas)

(Mr. Allen was absent for the vote.)

DISCUSSION ITEMS

10. Discussion of Emerging and Diverse Investment Management in Alternative Asset Classes

(Board agenda page III-83)

Keith Stronkowsky, senior consultant, NEPC, provided the committee with a planning outline in consideration of an allocation to an emerging manager program. The committee directed the Permanent School Fund staff and NEPC to work together to provide the committee with a proposal prior to presentation of the July 2020 asset allocation item.

11. Review of the Absolute Return Asset Class for the Permanent School Fund

(Board agenda page III-84)

Mr. Timmins introduced this item and called on Timothy Bruce, partner and research director, NEPC, to give a presentation on the objectives and performance of the absolute return asset class.

Carlos Castro, director, global risk control strategies, provided additional information on portfolio goals and characteristics of the absolute return asset class.

12. Report of the Permanent School Fund Executive Administrator and Chief Executive Officer

(Board agenda page III-85)

Mr. Timmins provided the committee an update on the Charter District Reserve Fund.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 12:07 p.m.

EDUCATIONAL TESTING SERVICE

400 W 15th Street, Suite 700
Austin, TX 78701

PEARSON

400 Center Ridge Dr. Ste E.
Austin, TX 78753

Private School Assessment Costs for 2019–2020

September 18, 2019

Student Assessment Division
Texas Education Agency

Dear Student Assessment Division,

In accordance with the Texas Education Code, Educational Testing Service and Pearson certify that the attached prices per private school student do not exceed the prices for administering the same assessment to a student enrolled in a Texas public school district.

In the 2018-2019 school year there were 4,802 students in 26 private schools that took the State of Texas Assessments of Academic Readiness and Texas English Language Proficiency Assessment System assessments.

Sincerely,

Sarah López Rhame
Texas Program Director
Educational Testing Service

Amanda Pepmiller
Texas Program Manager
Pearson

**Participation of Private Schools
2019 Spring Administrations
State of Texas Assessments of Academic Readiness (STAAR®)**

CDC	Campus Name	STAAR End-of-Course	STAAR Grades 3-8	TELPAS	Grand Total
057602000	Brighter Horizons Academy	234	636	0	870
101604000	Darul Arqam North	78	266	0	344
101605000	Darul Arqam Southwest	0	38	0	38
079150000	Everest Academy	2	296	0	298
043602000	Good Tree Academy	45	232	0	277
220603000	Guidance Academy	0	98	0	98
101614000	Houston Quran Academy	48	220	0	268
057607000	IANT Quranic Academy	66	155	0	221
101607000	Iman Academy SE	33	254	0	287
101299000	Iman Academy SW	65	184	0	249
15203000	Islamic Academy of San Antonio	0	19	15	34
212182000	Islamic Faith Academy	0	12	0	12
057606000	Islamic School of Irving	214	569	0	783
000101000	Madrassat Al Nur	0	40	0	40
057199000	Momentous School	0	154	0	154
079602000	New Millennium Montessori School	0	57	0	57
068300000	Odessa Christian School	7	0	0	7
170601000	Odyssey Learning Academy	0	1	0	1
071603000	Palm Tree Academy	0	16	0	16
057613000	Qalam Collegiate Academy	55	37	0	92
057614000	Radiant STEM Academy	52	212	0	264
043603000	Read Institute of Texas	0	15	0	15
001227000	Renaissance Academy	45	169	0	214
003130000	St. Cyprian's Episcopal School	0	116	0	116
091601000	St. Mary's Catholic School Sherman	12	0	0	12
166601000	St. Paul Lutheran, Thorndale	6	29	0	35
Totals		962	3,825	0	4,802

Recommended Private School Costs for the 2019-2020 School Year
STAAR® and TELPAS

	2018-2019		2019-2020
	# of Students Booklet Count	Cost	Recommended Per Student Charge to Private Schools

STAAR End of Course

Mathematics	Algebra I	351,354	\$1,611,886.99	\$4.36
English Language Arts	English I	389,774	\$7,220,207.58	\$17.41
	English II	364,120	\$7,220,207.58	\$18.83
Science	Biology	325,119	\$1,494,081.02	\$4.36
Social Studies	U.S. History	286,936	\$1,325,230.69	\$4.36
STAAR Grades 3-8				
Grade 3	Reading	361,843	\$1,525,033.44	\$3.85
	Mathematics			
Grade 3 (Spanish)	Reading	31,939	\$425,044.45	\$7.71
	Mathematics			
Grade 4	Reading	380,045	\$1,505,317.07	\$3.85
	Mathematics			
	Writing	358,804	\$5,910,350.08	\$15.43
Grade 4 (Spanish)	Reading	24,725	\$172,023.22	\$3.85
	Mathematics			
	Writing	25,643	\$625,861.18	\$15.43
Grade 5	Reading	530,181	\$1,462,386.63	\$2.75
	Mathematics			
	Science	377,467	\$1,442,917.91	\$3.82
Grade 5 (Spanish)	Reading	19,789	\$103,974.57	\$3.85
	Mathematics			
	Science	7,855	\$98,957.43	\$3.85
Grade 6	Reading	379,562	\$1,427,088.99	\$3.75
	Mathematics			
Grade 7	Reading	372,216	\$1,425,035.64	\$3.82
	Mathematics			
	Writing	357,262	\$5,562,047.75	\$15.43
Grade 8	Reading	528,416	\$1,522,375.16	\$2.88
	Mathematics			
	Science	359,923	\$2,800,391.09	\$7.72
	Social Studies			

TELPAS

TELPAS	Grade K/1	201,336	\$1,012,720	\$5.03
	Grade 2	103,092	\$1,034,013	\$10.03
	Grade 3	103,787	\$1,040,984	\$10.03
	Grade 4/5	192,063	\$1,926,392	\$10.03
	Grade 6/7	148,389	\$1,488,342	\$10.03
	Grade 8/9	121,214	\$1,215,776	\$10.03
	Grade 10-12	99,483	\$997,814	\$10.03

**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For August 1, 2019 through September 30, 2019**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 357,567,809
Public Market Equities	689,819,703
Alternative Investments	<u>372,244,066</u>
TOTAL	<u>\$ 1,419,631,578</u>

Sales/Distributions:

Long Term Fixed Income	\$ 447,370,414
Public Market Equities	686,308,253
Alternative Investments	<u>268,051,987</u>
TOTAL	<u>\$ 1,401,730,654</u>

General Land Office Contributions:

FY 2018 Cumulative August 2018	FY 2019 Cumulative August 2019
\$235,000,000	\$255,000,000
FY 2019 Cumulative September 2018	FY 2020 Cumulative September 2019
\$0	\$0

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$255,000,000 through August 2019 for fiscal year 2019 versus \$235,000,000 through August 2018 for fiscal year 2018, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of August 2019 and September 2019 Permanent School Fund portfolio purchases of \$1,419,631,578 and sales of \$1,401,730,654.

**Report of the State Board of Education
Committee on School Initiatives
November 14, 2019**

The State Board of Education Committee on School Initiatives met at 8:52 a.m. on Thursday, November 14, 2019, in Room #1-111 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Barbara Cargill, chair; Marisa B. Perez-Diaz, vice chair; Ruben Cortez, Jr.; Keven Ellis; Matt Robinson

Non-Committee Members Present: Georgina C. Pérez

Public Testimony

The Committee on School Initiatives heard public testimony on agenda item #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEM

1. Open-Enrollment Charter School Application Update
(Board agenda page IV-1)

Heather Mauzé, director, charter school authorizing and administration division, presented information on procedures and processes pertaining to the commissioner's Generation Twenty-Five Open-Enrollment Charter School Application. The commissioner's Generation Twenty-Five Open-Enrollment Charter School Application timeline was also discussed. Suggestions for future Open-Enrollment Charter School Applications were provided for commissioner consideration.

CONSENT ITEM

2. Recommendation for Appointments to the Fort Sam Houston Independent School District Board of Trustees
(Board agenda page IV-2)
[Consent agenda item #(7)]

Jason Hewitt, director, monitors and conservators, explained that there are three vacancies on the board of trustees of the Fort Sam Houston Independent School District. The commanding officer of Fort Sam Houston has requested that Ms. Deborah Seabron, Mr. Willie White, and Ms. Andrea Nicholas be appointed to fill the vacancies.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education, based on Colonel Samuel E. Fiol's recommendation, approve the re-appointment of Ms. Deborah Seabron and the appointment of Mr. Willie White and Ms. Andrea Nicholas to serve a term of office, from November 15, 2019, through November 15, 2021, on the Fort Sam Houston Independent School District Board of Trustees.*

ACTION ITEMS

3. **Proposed Amendments 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship**

(First Reading and Filing Authorization)

(Board agenda page IV-51)

[Official agenda item #15]

Public testimony was provided by the following individuals:

NAME: Susan Whisenant
AFFILIATION: Texas Association of School Boards

NAME: Phil Gore
AFFILIATION: Texas Association of School Boards

Drew Howard, director, lone star governance, explained the proposed amendments would align the State Board rule with recent legislation and would change the type of provider required for team building training. Dr. Hewitt explained proposed amendments that would simplify the military district board member nomination processes.

MOTION: *It was moved by Dr. Robinson and seconded by Ms. Perez-Diaz to recommend that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship.*

MOTION: *It was moved by Mr. Cortez to recommend that the State Board of Education amend proposed new §61.1(b)(4)(F) (substitute text) to read as follows:*

“The team-building session shall be provided by a registered ~~an authorized~~ provider as described in subsection (d) of this section.”

The motion died for lack of a second.

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, as substituted (Attachment A). The motion carried unanimously, and the committee recommended that the item be moved to the consent agenda.*

4. **Review of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**

(Board agenda page IV-63)

[Official agenda item #16]

Marilyn Cook, director, educator certification, explained that the proposed revisions to 19 TAC Chapter 234 would implement Senate Bill (SB) 1200, 86th Texas Legislature, 2019. The proposed revisions would allow military spouses licensed in other states, and in good standing, to teach in Texas with the credential issued by another state.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education take no action on the proposed revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans.*

5. **Review of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs**
(Board agenda page IV-69)
[Official agenda item #17]

Tam Jones, director, educator preparation, explained that the proposed amendments to 19 TAC Chapter 227 would implement the statutory requirements of SB 1839 and House Bills (HBs) 2039 and 3349, 85th Texas Legislature, Regular Session, 2017. The proposed revisions would add clarification for select definitions, add language for admission requirements for the Early Childhood–Grade 3 (EC–3) and Trade and Industrial Workforce Training: Grades 6–12 certificates, and clarify the implementation date in Subchapter A. The proposed amendments would implement subject-matter-only assessments to be used for the Pre-Admission Content Test (PACT) in lieu of the current examination that tests an applicant's knowledge of both content and pedagogy prior to admission to an educator preparation program (EPP).

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs.*

6. **Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**
(Board agenda page IV-82)
[Official agenda item #18]

Mark Olofson, director, educator data and program accountability, explained that the proposed amendments to 19 TAC Chapter 229 would provide for commendations for high-performing EPPs; adopt the accountability manual into rule; adjust the performance standard for the accountability indicator for the PPR examinations; clarify performance standards; clarify the determination of EPP, certification class, or category accreditation status; allow for the SBEC to require EPP action plans; and allow for a contested case hearing of a certification class or category.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.*

7. **Review of Proposed Repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate**

(Board agenda page IV-100)

[Official agenda item #19]

Ms. Cook explained that the proposed repeal of 19 TAC Chapter 239, Subchapter E, would implement the requirements of HB 3, 86th Texas Legislature, 2019. HB 3 establishes that effective September 1, 2019, the SBEC can no longer issue or renew master teacher certificates. HB 3 also specifies that master teacher certificates will be designated as "legacy" certificates and recognized for assignment purposes until they expire.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education take no action on the proposed repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate.*

The meeting of the Committee on School Initiatives adjourned at 11:45 a.m.

ATTACHMENT
Text of Proposed Amendments to 19 TAC

Chapter 61. School Districts

Subchapter A. Board of Trustees Relationship

§61.1. Continuing Education for School Board Members.

- (a) Under the Texas Education Code (TEC), §11.159, the State Board of Education (SBOE) shall adopt a framework for governance leadership to be used in structuring continuing education for school board members. The framework shall be posted to the Texas Education Agency (TEA) website and shall be distributed annually by the president of each board of trustees to all current board members and the superintendent.
- (b) The continuing education required under the TEC, §11.159, applies to each member of an independent school district board of trustees. ~~[The continuing education requirement consists of orientation sessions, an annual team building session with the local board and the superintendent, and specified hours of continuing education based on identified needs. The superintendent's participation in team building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.]~~
- (1) Each school board member of an independent school district shall **complete [receive]** a local district orientation ~~[and an orientation to the TEC]~~ .
- (A) ~~The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.~~
- (B) ~~A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.~~
- (C) ~~The orientation shall be at least three hours in length.~~
- (D) ~~The orientation shall address local district practices in the following, in addition to topics chosen by the local district:~~
- (i) ~~curriculum and instruction;~~
- (ii) ~~business and finance operations;~~
- (iii) ~~district operations;~~
- (iv) ~~superintendent evaluation; and~~
- (v) ~~board member roles and responsibilities.~~
- (E) **Each board member should be made aware of the continuing education requirements of this section and those of the following:**
- (i) **open meetings act in Texas Government Code, §551.005;**
- (ii) **public information act in Texas Government Code, §552.012; and**
- (iii) **cybersecurity in Texas Government Code, §2054.5191.**
- (F) ~~The orientation shall be open to any board member who chooses to attend.~~
- ~~[(A) Each new board member shall participate in a local district orientation session within one year before or 120 days after the board member's election or appointment. The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities. The local district orientation shall be at least three hours in length for each new board member. Any sitting board member may attend~~

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~~or participate in the local district orientation. The local district orientation shall address local district practices in the following, in addition to topics chosen by the local district:~~

~~[(i) — curriculum and instruction;]~~

~~[(ii) — business and finance operations;]~~

~~[(iii) — district operations;]~~

~~[(iv) — superintendent evaluation; and]~~

~~[(v) — board member roles and responsibilities.]~~

~~[(B) — A sitting board member shall receive a basic orientation to the TEC and relevant legal obligations. The orientation shall have special but not exclusive emphasis on statutory provisions related to governing Texas school districts. The orientation shall be delivered by regional education service centers (ESCs) and shall be no less than three hours in length. Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction). A newly elected or appointed board member of an independent school district shall receive the orientation to the TEC within the first 120 days of service. The orientation to the TEC shall be open to any sitting board member who chooses to attend.]~~

~~[(C) — After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall receive an update from an ESC or any registered provider to the basic orientation to the TEC. The update session shall be of sufficient length to familiarize board members with major changes in the code and other relevant legal developments related to school governance. A board member who has attended an ESC basic orientation session that incorporates the most recent legislative changes is not required to attend an update.]~~

(2) Each school board member of an independent school district shall **complete receive** a basic orientation to the TEC and relevant legal obligations.

(A) The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.

(B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

(C) The orientation shall be at least three hours in length.

(D) Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction).

(E) The orientation shall be **provided delivered** by a regional education service center (ESC).

(F) The orientation shall be open to any board member who chooses to attend.

(3) After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall **complete receive** an update to the basic orientation to the TEC.

(A) The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.

(B) The update shall be **provided delivered** by an ESC or a registered provider, as defined by subsection (c) of this section.

- (C) A board member who has attended an ESC basic orientation session described in paragraph (2) of this subsection that incorporated the most recent legislative changes is not required to attend an update.
- (D) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.**
- (E) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.**
- (4) The entire board, shall participate with their superintendent in a team-building session.
- (A) The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.
- (B) The session shall be held annually.
- (C) The session shall be at least three hours in length.
- (D) The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership described in subsection (a) of this section.
- (E) The assessment of needs shall be based on the framework for governance leadership described in subsection (a) of this section and shall be used to plan continuing education activities for the year for the governance leadership team.
- (F) The team-building session shall be **provided facilitated** by an authorized provider as described in subsection (d) of this section.
- (G) The superintendent's participation in team-building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.
- ~~(2) The entire board, including all board members, shall annually participate with their superintendent in a team-building session facilitated by the ESC or any registered provider. The team-building session shall be at least three hours in length. The purpose of the team building session is to enhance the effectiveness of the board superintendent team and to assess the continuing education needs of the board superintendent team. The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership. The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the year for the governance leadership team.~~
- (5) ~~(3)~~ In addition to the continuing education requirements in paragraphs (1) through (4) ~~and (2)~~ of this subsection, each board member shall **complete [receive]** additional continuing education ~~[on an annual basis in fulfillment of assessed needs and]~~ based on the framework for governance leadership described in subsection (a) of this section . ~~[The continuing education sessions may be provided by ESCs or other registered providers.]~~
- (A) The purpose of continuing education is to address the continuing education needs referenced in paragraph (4) of this subsection.
- (B) The continuing education shall be completed annually.
- (C) ~~(A)~~ In a board member's first year of service, he or she shall **complete [receive]** at least ten hours of continuing education in fulfillment of assessed needs. ~~[Up to five of the required ten hours may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for~~

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~~interaction with the instructor. The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (g) of this section.~~

(D) ~~[(B)]~~ Following a board member's first year of service, he or she shall **complete** **[receive]** at least five hours of continuing education annually in fulfillment of assessed needs. ~~[A board member may fulfill the five hours of continuing education through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (g) of this section.]~~

(E) ~~[(C)]~~ A board president shall **complete** **[receive]** continuing education related to leadership duties of a board president as some portion of the annual requirement.

(F) ~~At least 50% of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.~~

(G) ~~The continuing education shall be **provided delivered** by an ESC or a registered provider, as defined by subsection (c) of this section.~~

(H) ~~The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.~~

(I) ~~The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.~~

(6) ~~[(4)]~~ Each school board member shall complete continuing education ~~[every two years]~~ on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness .

(A) ~~The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in the TEC, §11.1515.~~

(B) ~~The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of TEC, §11.185 and §11.186.~~

(C) ~~[(B)]~~ A candidate for school board may complete the training up to one year before he or she ~~[the candidate]~~ is elected or appointed . A ~~[If a]~~ newly elected or appointed school board member who did not complete this training in the year preceding his or her ~~[the member's]~~ election or appointment ~~[, the member]~~ must complete the training within 120 calendar days after election or appointment. ~~[A returning board member shall complete the training by the second anniversary of the completion of the trustee's previous training.]~~

(D) ~~The continuing education shall be completed every two years.~~

~~[(C)]~~ ~~An authorized provider for training on evaluating student academic performance is a provider who is registered pursuant to subsection (f) of this section and has demonstrated proficiency in the content required by subsection (b)(4)(E) of this section. Proficiency may be demonstrated by completing a TEA approved train the trainer course and evaluation on the topic, by being certified as a Lone Star Governance coach, through a~~

~~review of the provider's qualifications and course design, or through other means as determined by the commissioner of education.~~

(E) ~~(D)~~ The training ~~[on evaluating student academic performance]~~ shall be at least three hours in length.

(F) ~~(E)~~ The continuing education ~~[training]~~ required by this subsection shall include, at a minimum ~~[, the following]~~ :

- (i) instruction in school board behaviors correlated with ~~[to]~~ improved student outcomes with emphasis on : ~~[inputs, outcomes, and collaborative student outcome goal setting;]~~
 - (I) ~~_____ setting specific, quantifiable student outcome goals; and~~
 - (II) ~~_____ adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under TEC, Chapter 39;~~
- (ii) instruction in progress monitoring ~~practices~~ to improve student outcomes ~~[with-emphasis on progress monitoring practices, formative assessments, interim assessments, and summative assessments]~~ ; and
- (iii) instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under the TEC, Chapter 39, and the state accountability ~~[rating]~~ system ~~established under the TEC, Chapter 39 .~~

(G) ~~_____ The continuing education shall be provided by an authorized provider as defined by subsection (d) of this section.~~

(H) ~~(F)~~ If the training is attended by an entire school board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements of subsection (b)(4) ~~[(b)(2)]~~ of this section, the training may serve to meet a school board member's obligation to **complete [receive]** training under subsection (b)(4) and (6) ~~[(b)(2) and (4)]~~ of this section, as long as the training complies with the Texas Open Meetings Act.

~~(7) Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with TEC, §11.159(c)(2).~~

~~(A) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.~~

~~(B) The training shall be completed every two years.~~

~~(C) The training shall be at least one hour in length.~~

~~(D) The training must familiarize board members with the requirements of TEC, §38.004 and §38.0041, and §61.1051 of this title (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).~~

~~(E) The training required by this subsection shall include, at a minimum:~~

- ~~(i) instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;~~
- ~~(ii) instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and~~

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- (iii) instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.
 - (F) The training sessions shall be ~~provided~~ **facilitated** by a registered provider as defined by subsection (c) of this section.
 - (G) This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
 - (H) The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.**
- (c) For the purposes of this section, a registered provider has demonstrated proficiency in the content required for a specific training. **A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(3), (5), and (7) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course that includes evaluation on the topic and following a review of the provider's qualifications and course design, or through other means as determined by the commissioner of education.**
- (1) The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
 - (2) An updated registration shall be required of a provider of continuing education every three years.
 - (3) A school district that provides continuing education exclusively for its own board members is not required to register.
 - (4) An ESC is not required to register under this subsection.
- (d) An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required in subsection (b)(4) and (6) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course that includes evaluation on the topics and following a review of the provider's qualifications and course design, or through other means as determined by the commissioner.
- (1) A private or professional organization, school district, government agency, college/university, or private consultant may be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
 - (2) An ESC shall be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
 - (3) The authorization process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
 - (4) An updated authorization shall be required of a provider of training every three years.
- (e) ~~(e)~~ No continuing education shall take place during a school board meeting unless that meeting is called expressly for the delivery of board member continuing education. However, continuing education may take place prior to or after a legally called board meeting in accordance with the provisions of the Texas Government Code, §551.001(4).
- (f) ~~(f)~~ An ESC board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members.
- (g) ~~(g)~~ A registration fee shall be determined by ESCs to cover the costs of providing continuing education programs offered by ESCs.

- ~~[(f) A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(1)(C) and (2) (4) of this section.]~~
- ~~[(1) The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.]~~
- ~~[(2) An updated registration shall be required of a provider of continuing education every three years.]~~
- ~~[(3) A school district that provides continuing education exclusively for its own board members is not required to register.]~~
- ~~[(4) An ESC is not required to register under this subsection.]~~
- (h) ~~[(g)]~~ For each training described in this section, the ~~[The]~~ provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number.
- ~~[(h) At least 50% of the continuing education required in subsection (b)(3) of this section shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.]~~
- (i) To the extent possible, the entire board shall participate in continuing education programs together.
- (j) At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable . The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable . The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (k) Annually, the SBOE shall commend those local board-superintendent teams that complete [receive] at least eight hours of the continuing education specified in subsection (b)(4) and (5) [(b)(2) and (3)] of this section as an entire board-superintendent team.
- (l) Annually, the SBOE shall commend local board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool developed under the TEC, §11.182, or any other tool approved by the commissioner.

§61.2. Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District.

- (a) In nominating trustee candidates for military reservation school districts, the commanding officer of the military reservation shall do the following:
- (1) submit a list to the commissioner of education with at least one nominee ~~[three nominees]~~ for each vacancy. A majority of the trustees appointed to the school board must be civilian, and all may be civilian. When two or more vacancies occur simultaneously, a list of at least one nominee ~~[three different nominees]~~ for each vacancy shall be submitted. In cases when the commanding officer wishes to reappoint existing board members, a list of at least one nominee ~~[three nominees]~~ for each vacancy must still be submitted. Nominees not selected for existing vacancies may be

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resubmitted as candidates for subsequent vacancies. The commanding officer may rank in the order of preference the nominees submitted for each vacancy;

- (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas and lives or is employed on the military reservation;
 - (3) submit a copy of a current biographical vita (resume) for each nominee [~~of the nominees~~], with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each nominee ~~that~~ [~~of the nominees which~~] expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement ~~that~~ [~~which~~] expresses recognition of the powers of the board of trustees to govern and manage the operations of the military reservation school districts;
 - (6) submit a signed statement regarding the governance and management operations of the district ~~that~~ [~~which~~] expresses recognition that the role of the commanding officer of the military reservation is limited only to the duty defined by statute in the process for appointing members of the board of trustees; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the Texas Education Code (TEC), §11.352.
- (b) In nominating trustee candidates for the Boys Ranch Independent School District (ISD), the president and chief executive officer of the Cal Farley's Boys Ranch shall do the following:
- (1) submit a name to the commissioner for each vacancy. When two or more vacancies occur simultaneously, a name for each vacancy shall be submitted. In cases when the president and chief executive officer wishes to reappoint existing board members, the name of the existing board member for each vacancy must still be submitted;
 - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas;
 - (3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each of the nominees ~~that~~ [~~which~~] expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement ~~that~~ [~~which~~] expresses recognition of the powers of the board of trustees to govern and manage the operations of the Boys Ranch ISD;
 - (6) submit a signed statement regarding the governance and management operations of the district ~~that~~ [~~which~~] expresses recognition that the role of the superintendent is in full compliance with the provisions of the TEC, §11.201; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the TEC, §11.352.
- (c) A member of a board of trustees appointed under the TEC, §11.352, and this section will serve a term of two years. A member of the board of trustees, who during the period of the term of office resigns from office or experiences a change of status that disqualifies such member for appointment under the provisions of the TEC, shall become ineligible to serve at the time of the change of status. A board vacancy resulting from such resignation or disqualification shall be filled in accordance with the procedures established under the TEC, §11.352, and this section.

